

Bill No. CS for CS for SB 1980

Barcode 642576

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senators Geller, Klein, Campbell, and Smith moved the following **amendment to amendment** (021596):

**Senate Amendment (with directory and title amendments)**

On page 30, between lines 22 and 23,

insert:

~~(6)(a) After any action with respect to a rate filing that constitutes agency action for purposes of the Administrative Procedure Act, except for a rate filing for medical malpractice, an insurer may, in lieu of demanding a hearing under s. 120.57, require arbitration of the rate filing. Arbitration shall be conducted by a board of arbitrators consisting of an arbitrator selected by the office, an arbitrator selected by the insurer, and an arbitrator selected jointly by the other two arbitrators. Each arbitrator must be certified by the American Arbitration Association. A decision is valid only upon the affirmative vote of at least two of the arbitrators. No arbitrator may be an employee of any insurance regulator or regulatory body or of any insurer, regardless of whether or not the employing~~

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1 ~~insurer does business in this state. The office and the~~  
 2 ~~insurer must treat the decision of the arbitrators as the~~  
 3 ~~final approval of a rate filing. Costs of arbitration shall be~~  
 4 ~~paid by the insurer.~~

5 ~~(b) Arbitration under this subsection shall be~~  
 6 ~~conducted pursuant to the procedures specified in ss.~~  
 7 ~~682.06-682.10. Either party may apply to the circuit court to~~  
 8 ~~vacate or modify the decision pursuant to s. 682.13 or s.~~  
 9 ~~682.14. The commission shall adopt rules for arbitration under~~  
 10 ~~this subsection, which rules may not be inconsistent with the~~  
 11 ~~arbitration rules of the American Arbitration Association as~~  
 12 ~~of January 1, 1996.~~

13 ~~(c) Upon initiation of the arbitration process, the~~  
 14 ~~insurer waives all rights to challenge the action of the~~  
 15 ~~office under the Administrative Procedure Act or any other~~  
 16 ~~provision of law; however, such rights are restored to the~~  
 17 ~~insurer if the arbitrators fail to render a decision within 90~~  
 18 ~~days after initiation of the arbitration process.~~

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21 ===== DIRECTORY CLAUSE AMENDMENT =====

22 And the directory clause is amended as follows:

23 On page 28, lines 29-31, delete those lines

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25 and insert:

26 Section 7. Effective July 1, 2006, paragraph (b) of  
 27 subsection (2) of section 627.062, Florida Statutes, is  
 28 amended, subsection (9) is added to that section, and  
 29 subsection (6) is amended, to read:

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1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3            On page 131, line 5, after the semicolon

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5 insert:

6            repealing the provision that allows an insurer

7            to require arbitration, in lieu of a hearing,

8            relating to a rate filing that constitutes

9            agency action;

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