

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Planas offered the following:

2
3 **Amendment to Amendment (074037) (with directory and title**
4 **amendments)**

5 Between lines 4305 and 4306 and insert:

6 Section 29. Paragraph (a) of subsection (1) and subsection
7 (6) of section 624.424, Florida Statutes, are amended to read:

8 624.424 Annual statement and other information.--

9 (1)(a) Each authorized insurer shall file with the office
10 full and true statements of its financial condition,
11 transactions, and affairs. An annual statement covering the
12 preceding calendar year shall be filed on or before March 1, and
13 quarterly statements covering the periods ending on March 31,
14 June 30, and September 30 shall be filed within 45 days after
15 each such date. The office may, for good cause, grant an
16 extension of time for filing of an annual or quarterly
17 statement. The statements shall contain information generally

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18 included in insurers' financial statements prepared in
19 accordance with generally accepted insurance accounting
20 principles and practices and in a form generally utilized by
21 insurers for financial statements, sworn to by at least two
22 executive officers of the insurer or, as to property insurers,
23 the chief executive officer and chief financial officer of each
24 insurer, or its certified public accountant on its behalf, or,
25 if a reciprocal insurer, by the oath of the attorney in fact or
26 its like officer if a corporation. To facilitate uniformity in
27 financial statements and to facilitate office analysis, the
28 commission may by rule adopt the form for financial statements
29 approved by the National Association of Insurance Commissioners
30 in 2002, and may adopt subsequent amendments thereto if the
31 methodology remains substantially consistent, and may by rule
32 require each insurer to submit to the office or such
33 organization as the office may designate all or part of the
34 information contained in the financial statement in a computer-
35 readable form compatible with the electronic data processing
36 system specified by the office.

37 (6) In addition to information called for and furnished in
38 connection with its annual or quarterly statements, an insurer
39 shall furnish to the office as soon as reasonably possible such
40 information as to its transactions or affairs as the office may
41 from time to time request in writing. All such information
42 furnished pursuant to the office's request shall be verified by
43 the oath of two executive officers of the insurer or, as to
44 property insurers, the chief executive officer and chief
45 financial officer of each insurer, or its certified public
46 accountant on its behalf, or, if a reciprocal insurer, by the

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47 oath of the attorney in fact or its like officers if a
48 corporation.

49 Section 30. Subsection (2) of section 624.448, Florida
50 Statutes, is amended to read:

51 624.448 Assets of insurers; reporting requirements.--

52 (2) Each domestic insurer shall file a report with the
53 office disclosing a material acquisition of assets, a material
54 disposition of assets, or a material nonrenewal, cancellation,
55 or revision of a ceded reinsurance agreement, unless the
56 material acquisition or disposition of assets or the material
57 nonrenewal, cancellation, or revision of a ceded reinsurance
58 agreement has been submitted to the office for review, approval,
59 or informational purposes under another section of the Florida
60 Insurance Code or a rule adopted thereunder. As to property
61 insurers, the chief executive officer and chief financial
62 officer of each insurer, or its certified public accountant on
63 its behalf, shall sign a sworn Statement of Certification to
64 accompany the report. The Statement of Certification shall
65 certify the appropriateness of the information provided in and
66 with the report and that the information fairly presents, in all
67 material respects, the material acquisition of assets, the
68 material disposition of assets, or the material nonrenewal,
69 cancellation, or revision of a ceded reinsurance agreement. The
70 Office of Insurance Regulation shall promulgate by rule the
71 Statement of Certification. A copy of the report and each
72 exhibit or other attachment must be filed by the insurer with
73 the National Association of Insurance Commissioners. The report
74 required in this section is due within 15 days after the end of
75 the calendar month in which the transaction occurs.

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76 Section 31. Paragraph (a) of subsection (2) of section
77 627.062, Florida Statutes, is amended to read:

78 627.062 Rate standards.--

79 (2) As to all such classes of insurance:

80 (a) Insurers or rating organizations shall establish and
81 use rates, rating schedules, or rating manuals to allow the
82 insurer a reasonable rate of return on such classes of insurance
83 written in this state. A copy of rates, rating schedules, rating
84 manuals, premium credits or discount schedules, and surcharge
85 schedules, and changes thereto, shall be filed with the office
86 under one of the following procedures:

87 1. If the filing is made at least 90 days before the
88 proposed effective date and the filing is not implemented during
89 the office's review of the filing and any proceeding and
90 judicial review, then such filing shall be considered a "file
91 and use" filing. In such case, the office shall finalize its
92 review by issuance of a notice of intent to approve or a notice
93 of intent to disapprove within 90 days after receipt of the
94 filing. The notice of intent to approve and the notice of intent
95 to disapprove constitute agency action for purposes of the
96 Administrative Procedure Act. Requests for supporting
97 information, requests for mathematical or mechanical
98 corrections, or notification to the insurer by the office of its
99 preliminary findings shall not toll the 90-day period during any
100 such proceedings and subsequent judicial review. The rate shall
101 be deemed approved if the office does not issue a notice of
102 intent to approve or a notice of intent to disapprove within 90
103 days after receipt of the filing.

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104 2. If the filing is not made in accordance with the
105 provisions of subparagraph 1., such filing shall be made as soon
106 as practicable, but no later than 30 days after the effective
107 date, and shall be considered a "use and file" filing. An
108 insurer making a "use and file" filing is potentially subject to
109 an order by the office to return to policyholders portions of
110 rates found to be excessive, as provided in paragraph (h).

111 3. The chief executive officer and chief financial officer
112 of each property insurer, or its certified public accountant on
113 its behalf, shall sign a sworn Statement of Certification to
114 accompany the rate filing. The statement shall certify the
115 appropriateness of the information provided in and with the
116 rate-filing and that the information fairly presents, in all
117 material respects, the basis of the rate-filing submitted by the
118 property and casualty insurer. The insurer shall certify all of
119 the information and factors described in paragraph (b),
120 including, but not limited to, investment income. The Office of
121 Insurance Regulation shall promulgate by rule the Statement of
122 Certification. Failure to provide such Statement of
123 Certification shall result in the rate-filing being disapproved
124 without prejudice to be refiled.

125
126 The provisions of this subsection shall not apply to workers'
127 compensation and employer's liability insurance and to motor
128 vehicle insurance.

129
130 ===== T I T L E A M E N D M E N T =====
131 Remove line 4786 and insert:

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132 fraud; amending s. 624.424, F.S.; revising provisions relating
133 to persons who may swear to an annual statement filed by an
134 authorized insurer; revising provisions relating to persons who
135 may verify by oath certain additional information; amending s.
136 624.448, F.S.; revising reporting requirements for property
137 insurers ; requiring a signed Statement of Certification;
138 requiring the Office of Insurance Regulation to promulgate a
139 Statement of Certification; amending s. 627.062, F.S.; requiring
140 certain officers of property insurers to sign a Statement of
141 Certification to accompany a rate filing; providing conditions
142 for disapproval of a rate filing; creating the Task Force on
143 Hurricane Mitigation and
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