

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 (with title amendment)**

4 Between line(s) 3947 and 3948 and insert:

5 Section 30. Paragraph (a) of subsection (1) and subsection  
6 (6) of section 624.424, Florida Statutes, are amended to read:

7 624.424 Annual statement and other information.--

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

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

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

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

48 | Section 31. Subsection (2) of section 624.448, Florida  
49 | Statutes, is amended to read:

50 | 624.448 Assets of insurers; reporting requirements.--

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

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75 Section 32. Paragraph (a) of subsection (2) of section  
76 627.062, Florida Statutes, is amended to read:

77 627.062 Rate standards.--

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

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

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

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

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

124  
125 The provisions of this subsection shall not apply to workers'  
126 compensation and employer's liability insurance and to motor  
127 vehicle insurance.

128  
129 ===== T I T L E   A M E N D M E N T =====

130           Remove line(s) 242 and insert:

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131 specifying uses and purposes of appropriations; amending s.  
132 624.424, F.S.; revising provisions relating to persons who may  
133 swear to an annual statement filed by an authorized insurer;  
134 revising provisions relating to persons who may verify by oath  
135 certain additional information; amending s. 624.448, F.S.;  
136 revising reporting requirements for property insurers ;  
137 requiring a signed Statement of Certification; requiring the  
138 Office of Insurance Regulation to promulgate a Statement of  
139 Certification; amending s. 627.062, F.S.; requiring certain  
140 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; providing  
143