

By Senator Fasano

11-02957-08

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1                   A bill to be entitled  
2           An act relating to property insurance; amending s.  
3           627.062, F.S.; extending the period during which an  
4           insurer writing property insurance policies in this state  
5           and seeking a rate greater than the rate most recently  
6           approved by the Office of Insurance Regulation must make a  
7           "file and use" filing; providing an effective date.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. Paragraph (a) of subsection (2) of section  
12           627.062, Florida Statutes, is amended to read:

13           627.062 Rate standards.--

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

15           (a) Insurers or rating organizations shall establish and  
16           use rates, rating schedules, or rating manuals to allow the  
17           insurer a reasonable rate of return on such classes of insurance  
18           written in this state. A copy of rates, rating schedules, rating  
19           manuals, premium credits or discount schedules, and surcharge  
20           schedules, and changes thereto, shall be filed with the office  
21           under one of the following procedures except as provided in  
22           subparagraph 3.:

23           1. If the filing is made at least 90 days before the  
24           proposed effective date and the filing is not implemented during  
25           the office's review of the filing and any proceeding and judicial  
26           review, then such filing shall be considered a "file and use"  
27           filing. In such case, the office shall finalize its review by  
28           issuance of a notice of intent to approve or a notice of intent  
29           to disapprove within 90 days after receipt of the filing. The

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30 | notice of intent to approve and the notice of intent to  
31 | disapprove constitute agency action for purposes of the  
32 | Administrative Procedure Act. Requests for supporting  
33 | information, requests for mathematical or mechanical corrections,  
34 | or notification to the insurer by the office of its preliminary  
35 | findings shall not toll the 90-day period during any such  
36 | proceedings and subsequent judicial review. The rate shall be  
37 | deemed approved if the office does not issue a notice of intent  
38 | to approve or a notice of intent to disapprove within 90 days  
39 | after receipt of the filing.

40 |         2. If the filing is not made in accordance with the  
41 | provisions of subparagraph 1., such filing shall be made as soon  
42 | as practicable, but no later than 30 days after the effective  
43 | date, and shall be considered a "use and file" filing. An insurer  
44 | making a "use and file" filing is potentially subject to an order  
45 | by the office to return to policyholders portions of rates found  
46 | to be excessive, as provided in paragraph (h).

47 |         3. For all filings made or submitted after January 25,  
48 | 2007, but before December 31, 2009 ~~2008~~, an insurer seeking a  
49 | rate that is greater than the rate most recently approved by the  
50 | office shall make a "file and use" filing. This subparagraph  
51 | applies to property insurance only. For purposes of this  
52 | subparagraph, motor vehicle collision and comprehensive coverages  
53 | are not considered to be property coverages.

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55 | The provisions of this subsection shall not apply to workers'  
56 | compensation and employer's liability insurance and to motor  
57 | vehicle insurance.

58 |         Section 2. This act shall take effect July 1, 2008.