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LEGISLATIVE ACTION

Senate

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House

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Floor: 13/AD/2R

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04/27/2009 04:48 PM

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Senators Fasano, Crist, Storms, and Lynn moved the following:

**Senate Amendment (with title amendment)**

Delete lines 1243 - 1280

and insert:

(2) WEBSITE FOR PUBLIC ACCESS TO RATE FILING INFORMATION.-

(a) With respect to any residential property rate filing ~~made on or after July 1, 2008,~~ the office shall provide the following information on a publicly accessible Internet website:

1. (a) The overall rate change requested by the insurer.

2. The rate change approved by the office along with all of the actuary's assumptions and recommendations forming the basis of the office's decision.



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13           (b) For any rate filing, whether or not the filing is  
14 subject to a public hearing, the office shall provide on its  
15 website a means for any policyholder who may be affected by a  
16 proposed rate change to send an e-mail regarding the proposed  
17 rate change. Such e-mail must be accessible to the actuary  
18 assigned to review the rate filing.

19           ~~(b) All assumptions made by the office's actuaries.~~

20           ~~(c) A statement describing any assumptions or methods that~~  
21 ~~deviate from the actuarial standards of practice of the Casualty~~  
22 ~~Actuarial Society or the American Academy of Actuaries,~~  
23 ~~including an explanation of the nature, rationale, and effect of~~  
24 ~~the deviation.~~

25           ~~(d) All recommendations made by any office actuary who~~  
26 ~~reviewed the rate filing.~~

27           ~~(e) Certification by the office's actuary that, based on~~  
28 ~~the actuary's knowledge, his or her recommendations are~~  
29 ~~consistent with accepted actuarial principles.~~

30           ~~(f) The overall rate change approved by the office.~~

31           ~~(3) ATTORNEY-CLIENT PRIVILEGE; WORK PRODUCT. It is the~~  
32 ~~intent of the Legislature that the principles of the public~~  
33 ~~records and open meetings laws apply to the assertion of~~  
34 ~~attorney-client privilege and work product confidentiality by~~  
35 ~~the office in connection with a challenge to its actions on a~~  
36 ~~rate filing. Therefore, in any administrative or judicial~~  
37 ~~proceeding relating to a rate filing, attorney-client privilege~~  
38 ~~and work product exemptions from disclosure do not apply to~~  
39 ~~communications with office attorneys or records prepared by or~~  
40 ~~at the direction of an office attorney, except when the~~  
41 ~~conditions of paragraphs (a) and (b) have been met:~~



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42           ~~(a) The communication or record reflects a mental~~  
43 ~~impression, conclusion, litigation strategy, or legal theory of~~  
44 ~~the attorney or office that was prepared exclusively for civil~~  
45 ~~or criminal litigation or adversarial administrative~~  
46 ~~proceedings.~~

47           ~~(b) The communication occurred or the record was prepared~~  
48 ~~after the initiation of an action in a court of competent~~  
49 ~~jurisdiction, after the issuance of a notice of intent to deny a~~  
50 ~~rate filing, or after the filing of a request for a proceeding~~  
51 ~~under ss. 120.569 and 120.57.~~

52           Section 5. Section 627.0612, Florida Statutes, is repealed.

53  
54 ===== T I T L E   A M E N D M E N T =====

55 And the title is amended as follows:

56           Delete lines 51 - 54

57 and insert:

58           requiring that the Office of Insurance Regulation  
59           provide certain information regarding any residential  
60           property rate filing on a publicly accessible Internet  
61           website; requiring that the office provide a means on  
62           its website for certain persons to submit e-mail  
63           regarding any rate filing; requiring that such e-mail  
64           be accessible by the actuary assigned to review the  
65           subject rate filing; deleting a limitation on the  
66           application of the attorney-client privilege and work  
67           product doctrine in challenges to actions by the  
68           Office of Insurance Regulation relating to rate  
69           filings; repealing s. 627.0612, F.S., relating to  
70           administrative proceedings in rating determinations;



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amending s.