



749848

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/22/2011	.	
	.	
	.	
	.	

The Committee on Budget (Fasano) recommended the following:

Senate Amendment (with title amendment)

Delete lines 713 - 753

and insert:

(2) As to all such classes of insurance:

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



749848

14 1. If the filing is made at least 90 days before the
15 proposed effective date and ~~the filing~~ is not implemented during
16 the office's review of the filing and any proceeding and
17 judicial review, ~~then~~ such filing is ~~shall be~~ considered a "file
18 and use" filing. In such case, the office shall finalize its
19 review by issuance of an approval ~~a notice of intent to approve~~
20 or a notice of intent to disapprove within 90 days after receipt
21 of the filing. The approval ~~notice of intent to approve~~ and the
22 notice of intent to disapprove constitute agency action for
23 purposes of the Administrative Procedure Act. Requests for
24 supporting information, requests for mathematical or mechanical
25 corrections, or notification to the insurer by the office of its
26 preliminary findings does ~~shall~~ not toll the 90-day period
27 during any such proceedings and subsequent judicial review. The
28 rate shall be deemed approved if the office does not issue an
29 approval ~~a notice of intent to approve~~ or a notice of intent to
30 disapprove within 90 days after receipt of the filing.

31 2. If the filing is not made in accordance with ~~the~~
32 ~~provisions of~~ subparagraph 1., such filing must ~~shall~~ be made as
33 soon as practicable, but within ~~no later than~~ 30 days after the
34 effective date, and is ~~shall be~~ considered a "use and file"
35 filing. An insurer making a "use and file" filing is potentially
36 subject to an order by the office to return to policyholders
37 those portions of rates found to be excessive, as provided in
38 paragraph (h).

39 3. For all property insurance filings ~~made or submitted~~
40 ~~after January 25, 2007, but before December 31, 2010~~, an insurer
41 seeking a rate that is greater than the rate most recently
42 approved by the office shall make a "file and use" filing. For



749848

43 purposes of this subparagraph, motor vehicle collision and
44 comprehensive coverages are not considered to be property
45 coverages.

46
47

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

49 And the title is amended as follows:

50 Delete lines 77 - 78

51 and insert:

52 discriminatory factors; requiring all insurers seeking
53 a certain rate to make a "file and use" filing;
54 prohibiting the Office of Insurance