



407476

LEGISLATIVE ACTION

Senate

House

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Floor: 8/AD/2R

03/06/2012 05:34 PM

Senator Flores moved the following:

Senate Amendment (with title amendment)

Between lines 1468 and 1469

insert:

Section 11. Motor vehicle insurance rate rollback.-

(1) The Office of Insurance Regulation shall order insurers writing personal injury protection insurance in this state to make a rate filing before October 1, 2012, and effective January 1, 2013, which reduces rates for such insurance by a factor that reflects the expected effect of the changes contained in this act. In the absence of clear and convincing evidence to the contrary, it shall be presumed that the expected impact of the act will result in at least a 25 percent reduction in the rates



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14 in effect for such insurance on December 31, 2012. In lieu of
15 making the rate filing required in this subsection, an insurer
16 may, upon notification to the office, implement a 25 percent
17 reduction of its rates, effective January 1, 2013.

18 (2) An insurer or rating organization that contends in the
19 January 1, 2013, rate filing or any subsequent rate filing made
20 on or before December 31, 2018, that the presumed reduced rate
21 provided for in subsection (1) is excessive, inadequate, or
22 unfairly discriminatory shall separately state in its filing the
23 rate it contends is appropriate and shall state with specificity
24 the factors or data that it contends should be considered in
25 order to produce such appropriate rate. The insurer or rating
26 organization shall be permitted to use all of the generally
27 accepted actuarial techniques, as provided in s. 627.062,
28 Florida Statutes, in making any filing pursuant to this
29 subsection. The Office of Insurance Regulation shall review each
30 exception and approve or disapprove it prior to use. It shall be
31 the insurer's burden to actuarially justify by clear and
32 convincing evidence any deviation that results in a rate that is
33 higher than the presumed reduced rate as provided in subsection
34 (1).

35 (3) If any provision of this act is held invalid by a court
36 of competent jurisdiction, the Office of Insurance Regulation
37 shall permit an adjustment of all rates filed under this section
38 to reflect the impact of such holding on such rates so as to
39 ensure that the rates are not excessive, inadequate, or unfairly
40 discriminatory.

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



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43 And the title is amended as follows:
44 Delete line 92
45 and insert:
46 cross-reference; requiring personal injury protection
47 motor vehicle insurers to file rates with the Office
48 of Insurance Regulation for review under certain
49 circumstances; specifying a presumption with regard to
50 rates for personal injury protection motor vehicle
51 insurance; requiring that the Office of