

By Senator Lee

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1                   A bill to be entitled  
2           An act relating to the regulation of workers'  
3           compensation insurance; amending s. 627.0613, F.S.;  
4           authorizing the consumer advocate appointed by the  
5           Chief Financial Officer to intervene as a party in  
6           certain proceedings relating to the regulation of  
7           workers' compensation insurance or to seek review of  
8           certain agency actions relating to workers'  
9           compensation insurance before the Division of  
10          Administrative Hearings; specifying requirements and  
11          procedures for the consumer advocate in the  
12          examination of workers' compensation rates or form  
13          filings; requiring the consumer advocate to present  
14          any recommendation regarding the filing to the Office  
15          of Insurance Regulation within specified timeframes;  
16          requiring a certain certification from the actuary who  
17          examines the filing and prepares recommendations for  
18          the consumer advocate; specifying requirements for the  
19          office in responding to the consumer advocate's  
20          recommendations; prohibiting the office from approving  
21          or disapproving a filing or issuing a certain notice  
22          before the office responds to such recommendations;  
23          amending s. 627.0621, F.S.; requiring the office to  
24          publish on a publicly accessible website certain  
25          recommendations of the consumer advocate with respect  
26          to a workers' compensation rate filing and the  
27          office's response to such recommendations; providing  
28          an effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Present subsection (4) of section 627.0613,  
33 Florida Statutes, is redesignated as subsection (5), a new  
34 subsection (4) is added to that section, and subsection (3) of  
35 that section is republished, to read:

36 627.0613 Consumer advocate.—The Chief Financial Officer  
37 must appoint a consumer advocate who must represent the general  
38 public of the state before the department and the office. The  
39 consumer advocate must report directly to the Chief Financial  
40 Officer, but is not otherwise under the authority of the  
41 department or of any employee of the department. The consumer  
42 advocate has such powers as are necessary to carry out the  
43 duties of the office of consumer advocate, including, but not  
44 limited to, the powers to:

45 (3) Examine rate and form filings submitted to the office,  
46 hire consultants as necessary to aid in the review process, and  
47 recommend to the department or office any position deemed by the  
48 consumer advocate to be in the public interest.

49 (4) Intervene as a party in any proceeding or action before  
50 the department or office relating to the regulation of workers'  
51 compensation insurance; seek review before the Division of  
52 Administrative Hearings of any agency action relating to  
53 workers' compensation insurance arising out of any proceeding or  
54 action before the department or office in which the consumer  
55 advocate appeared as a party; or intervene as a party in any  
56 proceeding before the Division of Administrative Hearings  
57 relating to the regulation of workers' compensation insurance  
58 under the jurisdiction of the department or office.

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59 (a) If the consumer advocate intends to examine a workers'  
60 compensation rate or form filing, the consumer advocate must  
61 notify the office within 14 days after the date the filing is  
62 made.

63 (b) If the consumer advocate determines that additional  
64 information relating to the filing is needed in order to  
65 complete an examination, the consumer advocate may submit a  
66 demand for the additional information to the insurer within 21  
67 days after the date the filing was made. The consumer advocate  
68 shall provide a copy of the demand to the office at the same  
69 time that the demand is sent to the insurer. The insurer shall  
70 provide the additional information relating to the filing to the  
71 consumer advocate and the office within 15 days after receipt of  
72 a demand from the consumer advocate.

73 (c) The consumer advocate shall present any recommendation  
74 regarding the filing to the office:

75 1. Within 21 days after the date a filing was made, if no  
76 additional information is requested from the insurer.

77 2. Within 15 days after the receipt of additional  
78 information requested.

79 (d) The actuary who examines the filing and prepares the  
80 recommendations for the consumer advocate must certify that,  
81 based on the actuary's knowledge, his or her recommendations are  
82 consistent with accepted actuarial principles.

83 (e) The office shall respond in writing to the consumer  
84 advocate by accepting or rejecting each recommendation. If the  
85 consumer advocate submits recommendations on a filing that is  
86 the subject of a public hearing by the office, the office must  
87 specifically respond in writing to each recommendation and

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88 specifically state its reasons for accepting or rejecting each  
89 recommendation. If the office issues an order approving or  
90 disapproving a filing, the response of the office to the  
91 consumer advocate's recommendations must be included in the  
92 order.

93 (f) The office may not approve or disapprove a filing, or  
94 issue a notice of intent to approve or notice of intent to  
95 disapprove the filing, before the office responds to the  
96 recommendations of the consumer advocate.

97 Section 2. Paragraph (c) is added to subsection (2) of  
98 section 627.0621, Florida Statutes, and subsection (1) of that  
99 section is republished, to read:

100 627.0621 Transparency in rate regulation.—

101 (1) DEFINITIONS.—As used in this section, the term:

102 (a) "Rate filing" means any original or amended rate  
103 residential property insurance filing.

104 (b) "Recommendation" means any proposed, preliminary, or  
105 final recommendation from an office actuary reviewing a rate  
106 filing with respect to the issue of approval or disapproval of  
107 the rate filing or with respect to rate indications that the  
108 office would consider acceptable.

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

110 (c) With respect to any workers' compensation rate filing,  
111 the office shall publish on a publicly accessible website the  
112 recommendations of the consumer advocate with regard to changes  
113 requested by the insurer in rates, rating schedules, rating  
114 manuals, premium credits, discount schedules, or surcharge  
115 schedules, and the response of the office to the  
116 recommendations.

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Section 3. This act shall take effect October 1, 2018.