

**AGENDA  
FINANCIAL SERVICES COMMISSION  
Office of Insurance Regulation**

**June 16, 2005**

**MEMBERS**

Governor Jeb Bush  
Attorney General Charlie Crist  
Chief Financial Officer Tom Gallagher  
Commissioner Charles Bronson

**Contact: Audrey Sumrall  
(850-413-2552)**

9:00 A. M.  
LL-03, The Capitol  
Tallahassee, Florida

<b>ITEM</b>	<b>SUBJECT</b>	<b>RECOMMENDATION</b>
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1. Minutes of the Financial Services Commission, February 16, 2005.

**(ATTACHMENT 1)**

**FOR ACTION**

2. Adoption of new Rule 69O-189.015, Workers' Compensation Insurer Reporting of Significant Underwriting Changes, F.A.C.

The purpose of the proposed rule is to administer the requirements of Section 624.4315, F.S., which requires insurers to notify the Office of significant underwriting changes.

**(ATTACHMENT 2)**

**FOR ACTION**

3. Approve for publication in the Florida Administrative Code Notices of Proposed Rulemaking for proposed new rule 69O-125.005, proposed revisions to Rule Chapter 69O-170 and proposed revisions to rule 69O-175.003.

The Office of Insurance Regulation (Office) recently received an adverse decision from the Division of Administrative Hearings (DOAH) that found the rule making procedures delegated to the Office by the FSC were not in accord with the Administrative Procedures Act. Specifically, DOAH found that the FSC's delegation to the Office of the authority to publish a proposed rule without the specific prior approval for publication of the rule by the FSC rendered the challenged rule invalid, even though the rule could not be adopted without the final approval of the FSC. The Office believes that this ruling is incorrect and that the ruling will be overturned on appeal. However, that decision may take as long as a year.

This same issue has been raised in rule challenges involving three other proposed rules. Because of the importance of those rules and a desire to avoid a procedural challenge that will delay the finalization of those rules, the Office requests that the FSC approve for publication in the Florida Administrative Code Notices of Proposed Rulemaking for proposed new rule 69O-125.005, proposed revisions to Rule Chapter 69O-170 and proposed revisions to rule 69O-175.003. These rules are critical rules to the proper implementation of

the duties and responsibilities of the Office. Proposed rule 69O-125.005 implements the provisions of the credit scoring law, s. 626.9741, F.S. Rule Chapter 69O-170 and Rule 69O-175.003 propose substantial revisions to the property and casualty rate filing procedures necessary to properly and efficiently process rate filings. This request is not intended to modify the currently approved procedures authorized by the FSC in the previous delegation of authority approved on February 25, 2003, and would apply only to these three rules.

**(ATTACHMENT 3)**

**FOR ACTION**