

FINANCIAL SERVICES COMMISSION
Office of Insurance Regulation
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September 18, 2023

MEMBERS
Governor Ron DeSantis
Attorney General Ashley Moody
Chief Financial Officer Jimmy Patronis
Commissioner Wilton Simpson

Contact: Kevin Jacobs
(850-413-5011)

8:45 A.M.
LL-03, The Capitol
Tallahassee, Florida

ITEM	SUBJECT	RECOMMENDATION
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| 1. | <p>Request for Approval for Publication of Rules 69O-197.001, .004, .005, .006; Application for Certificate of Authority as an Insurance Administrator and Pharmacy Benefit Manager Renewal, Remittance Requirements, Independent Professional Examiners, Insurance Administrator Annual Report</p> <p>Rules 69O-138.003, .004; Market Conduct Examination Methodology, Risk-Based Selection Methodology for Scheduling Financial Examinations; Rule 69O-171.012; Claims-Handling Manuals; Rule 69O-137.014; Notice of Temporary Discontinuance of Writing New Residential Property Insurance Policies</p> <p>Rule 69O-149.005; Reasonableness of Benefits in Relation to Premiums</p> <p>Rule 69O-166.031; Mediation of Property Insurance Claims</p> <p>Rule 69O-197.001 is created to incorporate the application for a certificate authority as an insurance administrator. Rules 69O-197.004 and 69O-197.005 are created to implement Chapter 2023-29, Laws of Florida. Rule 69O-197.006, F.A.C., is amended to update parts of the annual statement filed an insurance administrator.</p> <p>Rules 69O-138.003 and 69O-138.004 are created to enact the provisions of Sections 624.316(3) and 624.3161(7), F.S., as created by Sections 4 and 5 of Chapter 2023-172, Laws of Florida. The subsection requires that the Office create by rule a selection methodology for scheduling examinations. These rules outline the selection method for market conduct examinations and financial examinations.</p> <p>Rule 69O-171.012 implements the provisions of Section 627.4108, F.S., by incorporating the two forms required by the statute. These are OIR B3-495, the "Annual Certification of Claim-Handling Manuals" and OIR B3-496, the "Submission of Requested Claims-Handling Manuals."</p> <p>Rule 69O-137.014 is created to enact the provisions of Section 624.4301, F.S., as created by Section 7 of Chapter 2023-172, L.O.F. The subsection requires that insurers temporarily suspending the writing of new residential property insurance policies notify the office on such action on a form approved by the office and adopted by rule.</p> | |
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Added a sentence in Rule 69O-149.005 to clarify that certain tables are also applicable to paid family leave policies.

The proposed amendments will implement the changes made to Section 627.7015, F.S., by Section 35 of Chapter 2023-144, L.O.F., which revised the statutes governing alternative dispute resolution procedures, including mediation, for disputed property insurance claims. The amendments remove language from Rule 69O-166.031, F.A.C., that is now obsolete and replaces language regarding fine amounts with a reference to the controlling statute.

(ATTACHMENT 1) APPROVAL FOR PUBLICATION OF PROPOSED RULE AND FOR FINAL ADOPTION IF NO MEMBER OF THE PUBLIC TIMELY REQUESTS A RULE HEARING OR IF A HEARING IS REQUESTED AND NO NOTICE OF CHANGE IS NEEDED.

2. Request for Approval for Publication of Rules 69O-137.001, .004, Annual and Quarterly Reporting Requirements, Reports of Information by Health Insurers Required; Rule 69O-138.001; NAIC Financial Examiners Handbook Adopted; Rule 69O-186.014; Title Insurance Statistical Gathering-Title Insurance Underwriters

Rule 69O-137.001 is amended to adopt the 2023 National Association of Insurance Commissioners electronic transmission filing instructions, 2022 NAIC's Annual Statement Instructions, the 2023 NAIC's Quarterly Statement Instructions, and the NAIC's Accounting Practices and Procedures Manual as of March 2022 and 2023.

The proposed amendment to Rule 69O-137.004, F.A.C., promulgates the current version of Form OIR-B2-1094, "Report of Gross Annual Premiums and Enrollment Data for Health Benefit Plans Issued to Florida Residents" and creates Form OIR-B2-575, "Implemented Health Insurance Measures", to collect information required by Section 637.9175, F.S.

Rule 69O-138.001 is amended to adopt the 2022 and 2023 National Association of Insurance Commissioners Financial Condition Examiners Handbooks.

Rule 69O-186.014 is amended to promulgate a revised version of Form 69O-186.014 "Title Insurance Statistical Gathering-Title Insurance Underwriters." The version being adopted revises schedule P, includes fewer additional worksheets, and is streamlined to be easier to understand and make reporting easier for the insurers. In addition, the amendment removes language specific to how the form was filled out for 2014 and submitted in 2015, which is now obsolete.

(ATTACHMENT 2) APPROVAL FOR PUBLICATION OF PROPOSED RULE AND FOR FINAL ADOPTION IF NO MEMBER OF THE PUBLIC TIMELY REQUESTS A RULE HEARING OR IF A HEARING IS REQUESTED AND NO NOTICE OF CHANGE IS NEEDED.

3. Request for Approval for Publication of Rules 69O-136.002, .004, .006, .007, .011, .012, .013, .014, .015, .018, .031, .032, .034, .080, .090, .100; Foreign and Alien Insurers Filing for a Certificate of Authority, Surplus Lines, Domestic Insurers Filing for an Application for Permit, Redomestication Procedure, Domestic Insurers Filing for a Certificate of Authority, Forms Adopted, Rating Organizations, Advisory Organizations, Procedure to Amend an

Existing Certificate of Authority to Add a New Line of Business, Authorization to Transact Insurance; When Required, Determination of Eligibility to Operate as an Alien Insurer in Florida pursuant to Section 624.402(8), Registration as a Purchasing Group, Registration as a Risk Retention Group, Uniform Certificate of Authority Expansion Application, Mergers and Acquisition of Controlling Stock of a Florida Domestic Insurer, Merger, Consolidation, or Acquisition of Controlling Stock, Ownership Interests, Assets, or Control of a Specialty Insurer, Forms Incorporated by Reference

Rule 69O-144.002; Reinsurance Application Procedures

Rules 69O-151.001, .002, .003, .004, .005, .006, .007, .008, .009, .010, .011, .012, .101, .102, .103, .106, .107, .201, .202, .203; Purpose, Definition of Replacement, Other Definitions, Exemptions, Duties of Agent, Duties of Replacing Agent, Duties of Replacing Insurers, Duties of the Existing Insurer, Penalties, Approved Forms, Separability, Purpose, Scope, Definitions, Insurance Application, Notice Furnished by Forms, Violation, Effective Date, Purpose and Scope; Requirements, Adoption of Form OIR-D0-1180

Rules 69O-157.023, .111; Reporting; Reporting Requirements

Rules 69O-191.027; Application for Certificate of Authority; 69O-192.008; Multiple-Employer Welfare Arrangement Application; 69O-193.003; Applications and Management Change; 69O-194.003, Prepaid Health Clinic Application; 69O-196.007, 015; Annual Reports, Application for and Issuance of License and License Continuance; 69O-198.011, .012; Application for and Issuance of License and License Continuance, Annual Statement; 69O-199.008; Application for License; 69O-200.004; Application for License; 201.008, 69O-201.012; Application for Certificate Authority and Annual Renewal, Annual Statement and Quarterly Statements; 69O-203.020, .210, .215; Prepaid Limited Health Service Organization Application, Discount Plan Organization Application, Annual Reports; 69O-238.001; Application and Renewal

Rule 69O-143.0465; Groupwide Supervision of Internationally Active Insurance Groups

The applications contained in Chapter 69O-136 for insurers, surplus lines, rating organizations, advisory organizations, purchasing groups, risk retention groups, and mergers and acquisitions are updated.

Amending Form OIR-C1-9823, incorporated by reference in Rule 69O-144.002, to correct an instruction on where the documents should be uploaded, removes unneeded language, and corrects a typo.

Rules 69O-151.002, 69O-151.003, 69O-151.004, 69O-151.007, 69O-151.008, 69O-151.010, 69O-151.102, 69O-151.201, and 69O-151.202 are amended to update form references, remove duplicative language, update citations to the laws implemented, and make grammatical and stylistic changes to improve readability. Rules 69O-151.001, 69O-151.005, 69O-151.006, 69O-151.009, 69O-151.012, 69O-151.101, 69O-151.106, 69O-151.107, and 69O-151.203, are being repealed in their entirety.

The titles and revisions dates of three forms, OIR-B2-1552, OIR-B2-1553, and OIR-B2-1555, will change to make the references to and incorporation of those forms in Rules 69O-157.023 and 69O-157.111, consistent. The amendments also eliminate an inconsistency in referring to both "long term care" and "long-term care" in those forms by using the term "long-term care" throughout.

Amending forms in several rule chapters to remove invoice due to new internal review procedure.

Rule 69O-143.0465, F.A.C., reinstates the definition of “insurance holding company system” that was repealed in 2013. At the time, it was believed the definition was unnecessary, however questions and confusion have arisen since then due to the lack of a written definition. This term is used in existing rules including rules 69O-143.046, 69O-143.0465, 69O-143.047, and 69O-143.061, F.A.C. The term is also used in sections 628.081 and 628.804, F.S.

(ATTACHMENT 3) APPROVAL FOR PUBLICATION OF PROPOSED RULE AND FOR FINAL ADOPTION IF NO MEMBER OF THE PUBLIC TIMELY REQUESTS A RULE HEARING OR IF A HEARING IS REQUESTED AND NO NOTICE OF CHANGE IS NEEDED.