

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Jenne offered the following:

**Amendment to Amendment (945239) (with title amendment)**

Remove lines 1650-1663 of the amendment and insert:

Section 15. 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 in effect for such insurance on  
December 31, 2012. In lieu of making the rate filing required in  
this subsection, an insurer may, upon notification to the

050289

Approved For Filing: 3/9/2012 10:22:00 AM

Amendment No.

17 office, implement a 25 percent reduction of its rates, effective  
18 January 1, 2013.

19 (2) An insurer or rating organization that contends in the  
20 January 1, 2013, rate filing or any subsequent rate filing made  
21 on or before December 31, 2018, that the presumed reduced rate  
22 provided for in subsection (1) is excessive, inadequate, or  
23 unfairly discriminatory shall separately state in its filing the  
24 rate it contends is appropriate and shall state with specificity  
25 the factors or data that it contends should be considered in  
26 order to produce such appropriate rate. The insurer or rating  
27 organization shall be permitted to use all of the generally  
28 accepted actuarial techniques, as provided in s. 627.062,  
29 Florida Statutes, in making any filing pursuant to this  
30 subsection. The Office of Insurance Regulation shall review each  
31 exception and approve or disapprove it prior to use. It shall be  
32 the insurer's burden to actuarially justify by clear and  
33 convincing evidence any deviation that results in a rate that is  
34 higher than the presumed reduced rate as provided in subsection  
35 (1).

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

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**T I T L E A M E N D M E N T**

050289

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Amendment No.

45 Remove lines 1809-1812 of the amendment and insert:  
46 reference; requiring personal injury protection motor  
47 vehicle insurers to file rates with the Office of  
48 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 Insurance