

By the Committees on Rules; and Commerce and Tourism; and
Senator Simpson

595-04445-14

2014952c2

1 A bill to be entitled
2 An act relating to workers' compensation; amending s.
3 627.072, F.S.; authorizing employers to negotiate the
4 retrospectively rated premium with insurers under
5 certain conditions; providing an exemption; specifying
6 requirements for the filing and approval of such plans
7 and associated forms; providing an exception;
8 providing legislative intent regarding the effect of
9 other legislation; amending s. 627.281, F.S.;
10 conforming a cross-reference; providing an effective
11 date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Present subsections (2) through (4) of section
16 627.072, Florida Statutes, are renumbered as subsections (3)
17 through (5), respectively, and a new subsection (2) is added to
18 that section, to read:

19 627.072 Making and use of rates.—

20 (2) A retrospective rating plan may contain a provision
21 that allows for negotiation of a premium between the employer
22 and the insurer for employers having exposure in more than one
23 state and an estimated annual standard premium in this state of
24 \$100,000 or more for workers' compensation and an estimated
25 annual countrywide standard premium of \$750,000 or more for
26 workers' compensation. Provisions with a retrospective rating
27 plan authorizing negotiated premiums are exempt from subsection
28 (1). Such plans and associated forms must be filed by a rating
29 organization and approved by the office. However, a premium

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30 negotiated between the employer and the insurer pursuant to an
31 approved retrospective plan is not subject to this part. Only
32 insurers having at least \$500 million in surplus as to
33 policyholders may engage in the negotiation of premiums with
34 eligible employers.

35 Section 2. If this act and CS/CS/HB 565, 1st Eng., 2014
36 Regular Session, or similar legislation, are adopted in the same
37 legislative session or an extension thereof and become law and
38 the respective provisions of such acts adding a new subsection
39 (2) to s. 627.072, Florida Statutes, differ, it is the intent of
40 the Legislature that the amendments to s. 627.072, Florida
41 Statutes, in this act shall control over the language in
42 CS/CS/HB 565, 1st Eng., or similar legislation, regardless of
43 the order in which the legislation is enacted.

44 Section 3. Subsection (2) of section 627.281, Florida
45 Statutes, is amended to read:

46 627.281 Appeal from rating organization; workers'
47 compensation and employer's liability insurance filings.-

48 (2) If such appeal is based upon the failure of the rating
49 organization to make a filing on behalf of such member or
50 subscriber which is based on a system of expense provisions
51 which differs, in accordance with the right granted in s.
52 627.072(3) s. ~~627.072(2)~~, from the system of expense provisions
53 included in a filing made by the rating organization, the office
54 shall, if it grants the appeal, order the rating organization to
55 make the requested filing for use by the appellant. In deciding
56 such appeal, the office shall apply the applicable standards set
57 forth in ss. 627.062 and 627.072.

58 Section 4. This act shall take effect July 1, 2014.