



# FLORIDA OFFICE OF INSURANCE REGULATION

FINANCIAL SERVICES  
COMMISSION

RICK SCOTT  
GOVERNOR

JEFF ATWATER  
CHIEF FINANCIAL OFFICER

PAM BONDI  
ATTORNEY GENERAL

ADAM PUTNAM  
COMMISSIONER OF  
AGRICULTURE

## Financial Services Commission **Office of Insurance Regulation** Regulatory Plan, FY 2016-2017

### **I. Rules Review Project to Date**

To promote a more efficient and business-friendly regulatory environment, the Insurance Commissioner has instituted a continuous rule review process. Rules review within the Office of Insurance Regulation (Office) is coordinated between the legal and business units.

In 2016 the Office has again reviewed all existing rules and determined those which are obsolete or need to be updated and amended. The continuous review process also identified rules for repeal that are listed in this plan.

Pursuant to the 2015-16 Regulatory Plan 17 rules were repealed. Last year the Office also adopted major revisions to Rules 690-143.046, 690-143.047 and 690-143.056, F.A.C which implemented mandatory rulemaking required by Chapter 2014-101, Laws of Florida, concerning the regulation of Insurance Holding Companies.

This year's Regulatory Plan identifies additional rules for repeal and revision.

### **II. Plans for FY 2016-17**

#### **A. Laws that Create or Modify the Agency's Duties or Authority**

Chapters 2016-222 and 2016-224, Laws of Florida created section 627.42392, Florida Statutes requiring the Financial Services Commission in

consultation with the Agency for Health Care Administration to adopt by rule a standardized prior authorization form for those insurers who do not use an electronic prior utilization form and also guidelines for all prior authorization forms used by health insurers. The Office has held a Rule Development Workshop and the rule and related form has been approved by the Financial Services Commission for publication.

No other legislation from the 2016 Session either mandates or necessitates additional rulemaking by the Commission.

**B. Rules for Adoption, Amendment or Repeal in FY 2016-2017**

1. Revisions to Reflect Statutory Changes or Updating Rules

Rule Number	Rule Title	Statute	Rulemaking Purpose
69N-121.066	Informal Conferences	624.319,624.324,F.S	Amend to clarify right to a hearing and streamline procedures
69O-136.018	Determination of Eligibility of Alien Insurer	624.402, F.S.	Amend to update forms to incorporate change in governing statute
69O-137.001	Annual and Quarterly Reporting Requirements	624.424(1), F.S.	Amend to adopt 2017 reports
69O-138.001	NAIC Financial Condition Examiners Handbook Adopted	624.316(1), F.S.	Amend to adopt 2017 versions of Handbooks
69O-138.005	Exams by Non-Employees	624.316, 624.3161, 624.320, 624.321, 624.424, F.S.	Amend rule to not specifically adopt contract to be used by rule to allow flexibility to adjust to unique circumstances
69O-125.002	Unfair Discrimination in Insurance Rates	626.9611,626.9541, 627.062,627.0651, 627.072, 627.151, F.S.	Amend to include changes to s. 627.0655,F.S.
69O-128.025	Confidentiality of Personal Financial and Health Information	624.23,F.S.	Repeal due to conflict with Statutory Definition



690-162.008	Contract, Provision, Expense, Mortality and Investment Increment Factor	627.803, 627.804, 627.805, 627.413 F.S.	Amend to update and cross reference Valuation Manual
690-162.012	Valuation of Account Assets; Reserve Liability	625.121, 627.802, 627.804, 627.805, F.S.	Amend to update and cross reference Valuation Manual
690-167.011	Homeowner Policies	624.7011, F.S.	Amend to update form and manner of submission
690-170.0142	Ratemaking and Rate Filing Procedures	627.062, 627.604, 627.605, F.S.	Amend to update definition to be consistent with FHCF
690-175.032	Review Procedures	627.728, F.S.	Amend to update and correct references
69P-5.002-69P-5.012	Surplus Lines Rules (7 Rules)	626.913, 626.914(4), 626.916, 626.918, 626.924, 626.929, 626.930, 626.931, 626.938, 627.944, 627.949, 626.621, F.S.	Repeal these rules due to changes in the governing statutes that revised processes now under the supervision of the Florida Surplus Lines Service Office

## 2. Removal of Obsolete Provisions

The Office intends to amend the following rules to delete obsolete provisions related to the filing of information with the Office to allow only electronic filing of documents. This will improve the efficiency of the Office and bring the listed rules in compliance with existing practice and statutory requirements.

The following rules will be amended to provide for the electronic filing of information required in these rules. The authority to require electronic filing is contained in Section 624.424(1) (c), Florida Statutes:

- 690-137.008 Filing of Statistical and Quarterly Reports for Individually Rated Risks and Excess Rates
- 690-137.010 Holocaust Victims Insurance Report and Standards of Proof
- 690-137.011 Reinsurance Summary Statement

- 690-141.020 Procedures for Withdrawal, Surrender of Certificate of Authority or Discontinuance of Writing Insurance in the State Pursuant to Section 624.430
- 690-149.043 Small Employer Health Reinsurance Program
- 690-154.114 Withdrawal From the Individual Market
- 690-154.410 Withdrawal From the Group Market
- 690-154.512 Withdrawal from the Small Group Market
- 690-158.004 Insurer to Provide AHCA with Certain Information; Reimbursement, Failure to Comply
- 690-170.021 Rating Organizations
- 690-170.022 Advisory Organizations
- 690-171.003 Reports by Insurers of Professional Liability Claims and Actions Required
- 690-171.005 Annual Claims Report by Liability Insurers
- 690-171.006 Claims Report by Directors and Officers Liability Insurers
- 690-175.021 Insurer Experience Reporting-Excessive Profits, Automobile Insurance
- 690-187.007 Continuing Requirements Including Filing of Reports and Rates
- 690-191.003 Applications- Continuing Care Contracts
- 690-191.051 Filing Approval of Subscriber and Related Forms
- 690-191.054 Rates (HMOs)
- 690-191.075 Annual and Quarterly Reports
- 690-203.042 Filing Approval of Subscriber Contracts and Related Forms
- 690-203.045 Rates- Prepaid Limited Health Service Organizations
- 690-207.001 Late Filed Reports-Fine Schedule

Financial Services Commission  
**Office of Insurance Regulation**

**Regulatory Plan Certification**

By execution of this Certification, the undersigned hereby certifies that this Regulatory Plan has been reviewed. Further, the undersigned verifies that the Office of Insurance Regulation regularly reviews all of its rules to determine if they are consistent with the Office's rulemaking authority and the laws implemented. The most recent review of all rules took place June 30, 2016.

  
\_\_\_\_\_

ANOUSH BRANGACCIO  
General Counsel  
Office of Insurance Regulation

  
\_\_\_\_\_

DAVID ALTMAIER, Commissioner  
Office of Insurance Regulation