



FLORIDA OFFICE OF INSURANCE REGULATION

FINANCIAL SERVICES
COMMISSION

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Financial Services Commission Office of Insurance Regulation Regulatory Plan, FY 2019-20

Plans for FY 2019-20

This regulatory plan has been prepared by the Office of Insurance Regulation ("Office") in accordance with section 120.74, Florida Statutes, for the 2019-20 Fiscal Year.

A. Rulemaking Necessitated by Changes to the Florida Statutes Pursuant to Section 120.74(1)(a), Florida Statutes

Pursuant to section 120.74, Florida Statutes ("F.S."), the Office has reviewed the legislation passed in the 2019 Regular Session and has determined that the following revisions will need to be made to the Florida Administrative Code.

Chapter 2019-57, Laws of Florida, creates section 627.7152, F.S., which requires the Financial Services Commission ("Commission") to create a rule listing required data to be reported to the Office regarding residential and commercial property insurance claims paid in the prior calendar year under an assignment agreement. The Office will create rules to implement this statute. A Notice of Rule Development has not been published. The Office anticipates publishing a Notice of Proposed Rule in 2020.

Chapter 2019-100, Laws of Florida, creates sections 627.6387, 627.6648, and 641.31076, F.S., which require the Commission to file a description of the program on a form and requires insurers to submit certain information to the Office, so it may determine the baseline for the savings calculation. The Office is creating Rules 69O-240.001 and 69O-240.002, F.A.C., to implement these statutes. A Notice of Rule Development has not been published. The Office anticipates publishing a Notice of Proposed Rule by the end of 2019.

Chapter 2019-108, Laws of Florida, amends section 440.381(2), F.S., to state the sworn statements by the employer and the agent are not required to be notarized. Rule 69O-189.003, F.A.C., will be amended to remove the notarization requirement contained in the rule. On February 2, 2019, the Office published a Notice of Rule Development. On August 6, 2019, the Office published a Notice of Proposed Rule. The Office anticipates filing the rule for final adoption by the end of 2019.

Chapter 2019-129, Laws of Florida, amends and creates new sections in Chapters 624, 627, and 641, F.S., and creates a definition for “short-term health insurance.” The creation of this definition requires the deletion of subsection 69O-154(16), F.A.C., which defines “short-term limited duration insurance.” On July 24, 2019, the Office published a Notice of Rule Development. The Office anticipates publishing a Notice of Proposed Rule by the end of 2019.

Chapter 2019-160, Laws of Florida, amends and creates new sections in Chapter 651, F.S. The Commission will amend and create new rules in Chapter 193, F.A.C., to implement the new requirements of Chapter 651, F.S. A Notice of Rule Development has not been published. The Office anticipates publishing a Notice of Proposed Rule by the end of 2019.

The Office believes that Chapters 2019-18 (bill 925), 2019-82 (bill 617), 2019-83 (bill 673), 2019-35 (bill 7091), and 2019-137 (bill 23), Laws of Florida, can be implemented without additional rulemaking. The text of the chapters provides sufficient clarity to allow for implementation.

No other legislation from the 2019 Regular Session either mandates or necessitates additional rulemaking by the Commission.

B. Additional Rulemaking Pursuant to Section 120.74(1)(b), Florida Statutes

Statute	Rule Number	Title	Reason for Action
624.307(1), 624.34, 624.401, 624.404, 624.407, 624.413, 624.422, 624.501, 626.7451(11), 628.161, 628.907	69O-136.002	Foreign and Alien Insurers Filing for a Certificate of Authority	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 624.34, 624.422, 624.501, 626.913, 626.918	69O-136.004	Surplus Lines	Clarify and simplify
624.307(1), 624.34, 624.401, 624.404, 624.407, 624.413, 624.422, 624.501, 626.7451(11), 628.051	69O-136.006	Domestic Insurers Filing for an Application for Permit	Delete obsolete, unnecessary, or redundant rule provisions

Statute	Rule Number	Title	Reason for Action
624.307(1), 624.34, 624.401, 624.404, 624.407, 624.411, 624.413, 624.414(1), 624.422, 624.466, 624.501, 625.306, 628.041, 628.6011, 628.051, 628.061, 628.071, 628.081, 628.091, 628.121, 628.151, 628.161, 628.171, 628.221, 628.231, 628.251, 628.261, 628.451, 628.461, 628.4615, 628.471, 629.071, 629.081, 629.091, 629.101, 629.121, 629.131, 629.181	69O-136.011	Domestic Insurers Filing for a Certificate of Authority	Clarify and simplify
624.307(1), 624.34, 624.401, 624.404, 624.413, 624.422, 624.462, 624.466, 624.501, 626.913, 628.6011, 628.051, 628.061	69O-136.012	Forms Adopted	Clarify and simplify
624.09, 624.307(1), 624.404, 624.408, 624.413, 624.414, 624.416(4), 624.501(20), 624.610(11), 627.6488(1)	69O-136.015	Procedure to Amend an Existing Certificate of Authority to Add a New Line of Business	Clarify and simplify

Statute	Rule Number	Title	Reason for Action
624.402(8)	69O-136.018	Determination of Eligibility to Operate as an Alien Insurer in Florida Pursuant to Section 624.402(8), F.S.	Clarify and simplify
624.307(1), (3), 624.318, 624.321, 626.611(14), 627.948	69O-136.031	Registration as a Purchasing Group	Clarify and simplify
624.307(1), (3), 624.318, 624.321, 624.404(3)(a), 624.413, 627.943, 627.944, 628.051, 628.061	69O-136.032	Registration as a Risk Retention Group	Clarify and simplify
624.307(1), 624.316(2)(b), 624.321(1)(a), 624.34, 624.401, 624.404, 624.407, 624.413, 624.422, 624.501, 626.9891, 628.161, 628.907	69O-136.034	Uniform Certificate of Authority Expansion Application	Clarify and simplify
624.424(1)	69O-137.001	Annual and Quarterly Reporting Requirements	Clarify and simplify
624.424(8)(a)	69O-137.002	Annual Audited Financial Reports	Clarify and simply

Statute	Rule Number	Title	Reason for Action
624.307(1), 624.418, 624.4211, 624.424(6), 627.062, 627.171, 627.331	69O-137.008	Filing of Statistical and Quarterly Reports for Individually Rated Risks and Excess Rates	Clarify and simplify
624.316(1)(c)	69O-138.001	NAIC Financial Condition Examiners Handbook Adopted	Clarify and simplify
624.307(1), 624.319, 624.424, 627.7019	69O-142.015	Standardized Requirements Applicable to Insurers After Hurricanes or Natural Disasters	Clarify and simplify
624.307(1), 624.317, 624.424, 628.251, 628.461, 628.801	69O-143.046	Registration of Insurers	Clarify and simplify
624.307(1), 624.307(3), 624.317, 624.321, 624.34, 624.404, 624.413, 624.424(6), 624.501, 624.5091, 628.051, 628.061, 628.461	69O-143.056	Acquisition of Controlling Stock	Clarify and simplify
624.307(1), 624.424, 624.610	69O-144.007	Credit for Reinsurance from Certified Reinsurers	Clarify and simplify

Statute	Rule Number	Title	Reason for Action
627.307(1), 627.674(2), 627.6741(5)	69O-156.003	Definitions	Clarify and simplify
624.307(1), 627.410, 627.674, 627.6741	69O-156.0075	Benefit Standards for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery with an Effective Date for Coverage on or After June 1, 2010	Clarify and simplify
624.307(1), 627.410, 627.674, 627.6741	69O-156.0086	Standard Medicare Supplement Benefit Plans for 2020 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery to Newly Eligible Medicare Beneficiaries with an Effective Date for Coverage on or After January 1, 2020	Clarify and simplify
624.307(1), 626.9641(1)(b)	69O-167.007	Supplementary Payment of Defense Costs	Delete obsolete, unnecessary, or redundant rule provisions
	69O-170.001	Purpose	Delete obsolete, unnecessary, or

Statute	Rule Number	Title	Reason for Action
			redundant rule provisions
	69O-170.002	Scope	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 627.221, 627.301	69O-170.020	Purpose	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 624.501(18), 627.221	69O-170.021	Rating Organizations	Clarify and simplify
624.307(1), 627.301	69O-170.022	Advisory Organizations	Clarify and simplify
624.307(1), 627.782	69O-186.013	Title Insurance Statistical Gathering: Licensed Title Insurance Agencies and Florida Retail Offices of Direct-Writing Title Insurance Underwriters	Clarify and simplify
624.307(1), 624.424, 627.782	69O-186.014	Title Insurance Statistical Gathering- Title Insurance Underwriters	Clarify and simplify
440.105(4)(b)5., 440.381, 624.307, 624.424(1)(c)	69O-189.003	Workers' Compensation: Application and Audit Procedures	Clarify and simplify

Statute	Rule Number	Title	Reason for Action
641.36	69O-191.021	Scope	Delete obsolete, unnecessary, or redundant rule provisions
120.60(2), 641.21, 641.22, 641.29(1)	69O-191.027	Application for Certificate of Authority	Clarify and simplify
641.21(1)(d)	69O-191.028	Standards for Fingerprint Cards for New Applicants and Acquisition Applications	Delete obsolete, unnecessary, or redundant rule provisions
641.29	69O-191.085	Fees	Clarify and simplify
628.4615	69O-191.097	Change of Ownership	Delete obsolete, unnecessary, or redundant rule provisions
624.424, 627.410(6), (7), 627.413(4), 627.4145, 627.6699(12), 627.6735, 627.682, 627.9407(2), 628.4615, 641.19(13)(d), 641.21(1), 641.26(1), (2), 641.29	69O-191.107	Prescribed Forms	Clarify and simplify
624.436	69O-192.001	Purpose and Scope	Delete obsolete, unnecessary, or redundant rule provisions

Statute	Rule Number	Title	Reason for Action
624.438(1)(a), (b), 624.439(7)(a)	69O-192.008	General Eligibility	Clarify and simplify
624.424, 624.439, 624.442, 628.4615	69O-192.058	Forms Incorporated by Reference	Clarify and simplify
651	69O-193.001	Purpose and Scope	Clarify and simplify
651.022(2)(c), 651.023, 651.0235, 651.026	69O-193.060	Background Information	Clarify and simplify
624.307(1), 651.021, 651.022, 651.023, 651.024, 651.026, 651.033, 651.035	69O-193.065	Forms Incorporated by Reference	Clarify and simplify
641.403	69O-194.001	Scope	Delete obsolete, unnecessary, or redundant rule provisions
641.405, 641.406	69O-194.003	Application	Clarify and simplify
641.412	69O-194.010	Fees	Clarify and simplify
624.424, 624.501(26), 641.402, 641.405, 641.41, 641.416	69O-194.030	Forms Incorporated by Reference	Delete obsolete, unnecessary, or redundant rule provisions
624.424, 627.836	69O-196.007	Annual Reports	Clarify and simplify
624.307(1), 624.424, 624.80, 624.81, 627.828, 627.829, 627.832, 627.834,	69O-196.009	Other Reports and Corrective Action Plans	Clarify and simplify

Statute	Rule Number	Title	Reason for Action
627.836, 627.849, 628.4615			
624.321(1)(a), 624.424, 627.828, 627.829, 627.836, 627.845, 628.4615	69O-196.015	Forms Incorporated by Reference	Clarify and simplify
624.424, 626.9541(1)(a), 627.734, 627.8405	69O-196.021	Disclosure Requirements for Insurance Coverages Financed with Personal Injury Protection	Clarify and simplify
624.307(1), 626.621(12), Ch. 627 Part XV	69O-196.023	Insurance Agent Penalties	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 624.424, 627.845, 626.9541(1)(a)	69O-196.025	Statement of Account; Receipts	Delete obsolete, unnecessary, or redundant rule provisions
634, Part III	69O-198.001	Purpose	Delete obsolete, unnecessary, or redundant rule provisions
634.409, 634.413	69O-198.002	Scope	Delete obsolete, unnecessary, or redundant rule provisions
634.406(1), (3), (4), 634.4165	69O-198.005	Financial Requirements	Clarify and simplify
624.424, 634.408	69O-198.010	License Continuance	Clarify and simplify

Statute	Rule Number	Title	Reason for Action
634.407	69O-198.011	Application for and Issuance of License	Clarify and simplify
624.424, 634.415	69O-198.012	Annual Statement	Clarify and simplify
634.405, 634.407, 634.408, 634.4085, 634.415	69O-198.015	Forms Incorporated by Reference	Clarify and simplify
634, Part II	69O-199.001	Purpose and Scope	Delete obsolete, unnecessary, or redundant rule provisions
634.3077	69O-199.005	Financial Requirements Regarding the Funded, Unearned Premium Reserve Account	Clarify and simplify
624.424, 634.304, 634.306, 634.3073	69O-199.008	General Eligibility Requirements	Clarify and simplify
624.424, 634.307	69O-199.010	License Renewal	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 624.424, 634.313	69O-199.012	Annual Statement	Clarify and simplify
624.424, 634.306, 634.3073, 634.3077, 634.313, 634.315	69O-199.015	Forms Incorporated by Reference	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 634, Part I	69O-200.001	Purpose and Scope	Delete obsolete, unnecessary, or

Statute	Rule Number	Title	Reason for Action
			redundant rule provisions
634.041	69O-200.004	Qualification to Obtain and Hold a License	Clarify and simplify
634.041	69O-200.006	Contractual Liability Insurers	Clarify and simplify
634.1213	69O-200.011	Disapproval of Forms	Clarify and simplify
634.041, 634.061, 634.071, 624.501, 634.161, 634.252	69O-200.015	Forms Incorporated by Reference	Clarify and simplify
624.307(1), 642	69O-201.001	Purpose and Scope	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 625.051, 642.023, 642.032	69O-201.005	Financial Requirements Regarding the Unearned Premium Reserve Liability Account and the Deposit or Bond	Clarify and simplify
624.307(1), 624.404, 628.4615, 642.019, 642.032	69O-201.008	General Eligibility Requirements	Clarify and simplify
624.307(1), 624.416, 624.424, 642.0301, 642.032	69O-201.010	License Continuance	Clarify and simplify

Statute	Rule Number	Title	Reason for Action
624.307(1), 624.416, 624.424, 642.0301, 642.032	69O-201.012	Annual Statement and Quarterly Reports	Clarify and simplify
624.307(1), 642.021, 642.023, 642.032	69O-201.015	Forms Incorporated by Reference	Clarify and simplify
624.307(1), 627.481	69O-202.001	Purpose and Scope	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 624.321(1), 627.481	69O-202.005	Notification of Acquisition, Merger and Name Change	Clarify and simplify
624.307(1), 627.481	69O-202.008	General Eligibility Requirements	Clarify and simplify
624.307, 624.307(1), 627.481	69O-202.012	Annual Statement	Clarify and simplify
624.307(1), 624.424, 627.481	69O-202.015	Forms Incorporated by Reference	Clarify and simplify
636	69O-203.010	Scope	Delete obsolete, unnecessary, or redundant rule provisions
636.003, 636.008, 636.009, 636.015, 636.016	69O-203.013	Definitions for the Purpose of These Rules	Clarify and simplify
636.007, 636.008, 636.009	69O-203.020	Application for Certificate of Authority	Clarify and simplify
636.007, 636.008	69O-203.021	Standards for Fingerprint Cards for New Applicants and	Delete obsolete, unnecessary, or

Statute	Rule Number	Title	Reason for Action
		Acquisition Applications	redundant rule provisions
636.005, 636.008	69O-203.023	Governing Body	Clarify and simplify
636.003, 636.009	69O-203.060	Insurance – General Liability and Medical Malpractice	Clarify and simplify
636.009	69O-203.065	Reinsurance (Excess Loss Insurance)	Clarify and simplify
636.057	69O-203.078	Fees	Clarify and simplify
636.008, 636.018, 636.033, 636.057	69O-203.090	Change of Name.	Clarify and simplify
636.065, 628.4615	69O-203.093	Change of Ownership	Delete obsolete, unnecessary, or redundant rule provisions
624.321(1)(a), 624.424, 636.005, 636.008, 636.009, 636.012, 636.043	69O-203.100	Prescribed Forms	Clarify and simplify
624.424, 636.204, 636.218, 636.220, 636.226, 636.228, 636.234, 636.236	69O-203.210	Forms Incorporated by Reference	Clarify and simplify
626.991	69O-204.010	Purpose and Scope	Delete obsolete, unnecessary, or redundant rule provisions

Statute	Rule Number	Title	Reason for Action
624.307(1), 626.99175	69O-204.201	Life Expectancy Providers	Clarify and simplify
624.307(1), 626.752, 626.793, 626.837	69O-215.050	Receipt of 24 Risks	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.342, 626.752, 627.4085	69O-215.060	Required Disclosure on Forms	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.561(1), 626.611, 626.621, 626.752, 626.9541, 627.4085, 627.420	69O-215.070	Exchange of Business: Property and Casualty Insurance	Delete obsolete, unnecessary, or redundant rule provisions
624.10, 624.11(1), 624.307(1), 626.0428, 626.112	69O-222.010	Purpose and Scope	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.0428, 626.112	69O-222.020	Definitions	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.0428, 626.112	69O-222.030	Remuneration for Unlicensed Insurance Agency Personnel	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.0428, 626.112	69O-222.040	Lawful Activity by Unlicensed Insurance Agency Personnel	Delete obsolete, unnecessary, or redundant rule provisions

Statute	Rule Number	Title	Reason for Action
624.307(1), 626.0428, 626.112	69O-222.050	Lawful Activities by Unlicensed Insurance Agency Personnel Done on an Incidental Basis Under Rule 69O- 222.020(1)	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.0428, 626.112	69O-222.060	Unlawful Activities by Unlicensed Insurance Agency Personnel	Delete obsolete, unnecessary, or redundant rule provisions
624.09, 624.44, 624.307, 624.317, 624.437, 624.442, 624.446, 626.901, 626.910, 626.9571, 626.9581, 626.9591, 626.9601	69O-230.033	Reporting Requirements for Licensees Concerning Unlicensed Insurance Activity by Multiple Employer Welfare Arrangements, Labor Leasing Organizations, and Purportedly Collectively Bargained Plans	Clarify and simplify
624.307(1), 626.611, 626.621, 626.631, 626.641, 626.681, 626.691	69O-231.010	Purpose	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.611, 626.621, 626.681, 626.691	69O-231.020	Scope	Delete obsolete, unnecessary, or redundant rule provisions

Statute	Rule Number	Title	Reason for Action
624.307(1), 626.611, 626.621, 626.681, 626.691	69O-231.030	Definitions	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.611, 626.621, 626.681, 626.691	69O-231.040	Calculating Penalty	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.611, 626.621, 626.681, 626.691, 626.9521, 626.9561, 626.9571, 626.9581	69O-231.070	Prosecutorial Discretion	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.611, 626.621, 626.681, 626.691	69O-231.080	Penalties for Violation of Section 626.611	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.611, 626.621, 626.681, 626.691	69O-231.090	Penalties for Violation of Section 626.621	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.611, 626.621, 626.681, 626.691, 626.9541(1)	69O-231.100	Violation of Subsection 626.9541(1)	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.611, 626.621, 626.681, 626.691	69O-231.110	Penalties for Violation of Other Specific Provisions of the Florida Insurance Code	Delete obsolete, unnecessary, or redundant rule provisions

Statute	Rule Number	Title	Reason for Action
624.307(1), 626.611, 626.621, 626.681, 626.691	69O-231.120	Penalties for Violation of Other Insurance Code Provisions	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.611, 626.621, 626.681, 626.691	69O-231.130	Penalties for Violation of Department Rules	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.611, 626.621, 626.681, 626.691	69O-231.140	Penalties for Violation of Department Orders	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.601, 626.611, 626.621, 626.631, 626.631(1), 626.681, 626.691	69O-231.150	Criminal Proceedings	Delete obsolete, unnecessary, or redundant rule provisions
624.307(1), 626.611, 626.621, 626.631, 626.681, 626.9541	69O-231.160	Aggravating/Mitigati ng Factors	Delete obsolete, unnecessary, or redundant rule provisions
517.12, 624.307(1), 626.611, 626.621	69O-235.003	Sale of Certificates of Deposit	Delete obsolete, unnecessary, or redundant rule provisions

C. Update on Rulemaking Necessitated by Changes to the Florida Statutes from the 2018-19 Regulatory Plan Pursuant to Section 120.74(1)(c), Florida Statutes

Chapter 2018-131, Laws of Florida, made substantial changes to section 628.4615, F.S. Section 628.4615(11), F.S., was amended to allow a person to rebut a presumption of control by filing a disclaimer of control with the Office on a form prescribed by the Commission. Initially, the Office planned to develop and incorporate forms in Rule 69O-207.004, F.A.C., to implement this subsection. The Office published a Notice of Rule Development on November 1, 2018, in Volume 44, No. 214, of the Florida Administrative Register. Subsequently, the Office


determined the disclaimer of control should be part of an application to acquire a specialty insurer that will comprise Rule 69O-136.090, F.A.C. The Office anticipates publishing a Notice of Proposed Rule by the beginning of 2020.

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 period during which all rules have most recently been reviewed to determine if the rules remain consistent with the agency's rulemaking authority and the laws implemented: on an ongoing basis.


ANOUSH BRANGACCIO
General Counsel
Office of Insurance Regulation


DAVID ALTMAIER, Commissioner
Office of Insurance Regulation