



FLORIDA OFFICE OF INSURANCE REGULATION

FINANCIAL SERVICES
COMMISSION

RICK SCOTT
GOVERNOR

JIMMY PATRONIS
CHIEF FINANCIAL OFFICER

PAM BONDI
ATTORNEY GENERAL

ADAM PUTNAM
COMMISSIONER OF
AGRICULTURE

Financial Services Commission Office of Insurance Regulation Regulatory Plan, FY 2018-19

I. Plans for FY 2018-19

This regulatory plan has been prepared by the Office of Insurance Regulation (“Office”) in accordance with section 120.74, Florida Statutes, for the 2018-19 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 2018 Regular Session and has determined that the following revisions will need to be made to the Florida Administrative Code.

Chapter 2018-24, Laws of Florida, repealed section 408.7056, Florida Statutes, relating to the Subscriber Assistance Program. Due to this repeal, the Office will amend Rule 69O-191.078, Florida Administrative Code (“F.A.C.”), to delete references to the Statewide Subscriber Assistance Panel. The Office will publish a Notice of Rule Development by November 1, 2018. The Office anticipates publishing the Notice of Proposed Rule after it receives permission from the Financial Services Commission (“Commission”) during its next meeting, which is currently scheduled for December 4, 2018.

Chapter 2018-91, Laws of Florida, created a new requirement for pharmacy benefit managers to register with the Office. Chapter 69O-238, F.A.C., is being created to implement the rulemaking requirements contained in section 624.490, Florida Statutes. The Office published a Notice of Rule Development for Rules 69O-238.001 and 69O-238.002, F.A.C., in the Volume 44 No. 81, April 25, 2018, issue of the Florida Administrative Register. The Office anticipates publishing the Notice of Proposed Rule after it receives permission from the Commission during its next meeting, which is currently scheduled for December 4, 2018.

Chapter 2018-131, Laws of Florida, made substantial changes to section 628.4615, Florida Statutes. 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. The Office will develop and incorporate forms in Rule 69O-207.003, F.A.C., to implement this

subsection. The Office will publish a Notice of Rule Development by November 1, 2018. The Office anticipates publishing the Notice of Proposed Rule after it receives permission from the Commission during its next meeting, which is currently scheduled for December 4, 2018.

The Office believes that Chapters 2017-12, 2017-19, 2017-94, 2017-99, 2017-132, and 2017-142, 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 2018 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
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,	69O-136.011	Domestic Insurers Filing for a Certificate of Authority	Clarify and simplify

Statute	Rule Number	Title	Reason for Action
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			
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
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

Statute	Rule Number	Title	Reason for Action
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 simplify
624.316(1)(c)	69O-138.001	NAIC Financial Condition Examiners Handbook Adopted	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

Statute	Rule Number	Title	Reason for Action
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
626.9541(1), 627.410(6), 627.410(7), 627.411(1), 627.9175	69O-149.005	Reasonableness of Benefits in Relation to Premiums	Clarify and simplify
627.410(1), 627.410(2), 627.410(6), 627.411(1)(e)	69O-149.006	Actuarial Memorandum	Clarify and simplify
624.307(1), 627.6043, 627.608	69O-154.202	Definitions	Clarify and simplify
627.307(1), 627.410, 627.411, 627.674, 627.6741	69O-156.006	Minimum Benefit Standards for Pre- Standardized Medicare Supplement Benefit Plan, Policies or Certificates Issued for Delivery Prior to January 1, 1992	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	Clarify and simplify

Statute	Rule Number	Title	Reason for Action
		Coverage on or After June 1, 2010.	
624.307(1), 627.674, 627.6741	69O-156.0085	Standard Medicare Supplement Benefit Plans 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), 627.678, 627.682	69O-163.009	Determination of Reasonableness of Benefits in Relation to Premium Charge	Clarify and simplify
624.307(1), 627.678, 627.6785, 627.682	69O-163.011	Credit Disability Insurance Rates	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

Statute	Rule Number	Title	Reason for Action
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
641.27	69O-191.074	Records Retention	Clarify and simplify
641.23(3)	69O-191.076	Corrective Action Plan	Clarify and simplify
641.405, 641.406	69O-194.003	Application	Clarify and simplify
641.412	69O-194.010	Fees	Clarify and simplify

C. Update on Rulemaking Necessitated by Changes to the Florida Statutes from the 2017-18 Regulatory Plan Pursuant to Section 120.74(1)(a), Florida Statutes

Chapter 2017-112, Laws of Florida, made substantial changes to the statutes governing discount medical plan organizations, including changing the name. The Office will develop or repeal rules as needed to conform to these statutory changes.

- On July 12, 2017, the Office published a Notice of Rule Development for Rules 69O-203.021 and 69O-203.202, F.A.C.
- On October 24, 2017, the Office published a Notice of Rule Development for Rules 69O-203.201, 69O-203.202, 69O-203.203, and 69O-203.010, F.A.C.
- On April 18, 2018, the Office published a Notice of Proposed Rule for Rules 69O-203.021, 69O-203.201, 69O-203.202, 69O-203.203, 69O-203.204, 69O-203.205, and 69O-203.010, F.A.C.
- On August 15, 2018, the Office published a Notice of Withdrawal for Rules 69O-203.021, 69O-203.201, 69O-203.202, 69O-203.203, 69O-203.204, 69O-203.205, and 69O-203.010, F.A.C.
- On August 16, 2018, the Office published a Notice of Rule Development for Rules 69O-203.201, 69O-203.202, 69O-203.203, and 69O-203.010, F.A.C.
- The Office anticipates publishing a Notice of Proposed Rule for Rules 69O-203.201, 69O-203.202, 69O-203.203, 69O-203.204, 69O-203.205, and 69O-203.010, F.A.C., after

it receives permission from the Commission during its next meeting, which is currently scheduled for December 4, 2018.


- The Office anticipates publishing a Notice of Intent to Adopt a Rule in 2019.

Chapter 2017-178, Laws of Florida, created new requirements for a health maintenance organization licensed to exclusively market Medicare Advantage plans. Rule 69O-191.029, F.A.C., was amended with an effective date of May 7, 2018, to reflect these new requirements.

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