

**FINANCIAL SERVICES COMMISSION**  
**Office of Insurance Regulation**  
**Materials Available on the Web at:**  
<http://www.floir.com/Sections/GovAffairs/FSC.aspx>

**December 19, 2023**

**MEMBERS**  
**Governor Ron DeSantis**  
**Attorney General Ashley Moody**  
**Chief Financial Officer Jimmy Patronis**  
**Commissioner Wilton Simpson**

**Contact: Kevin Jacobs**  
**(850-413-5011)**

9:00 A.M.  
LL-03, The Capitol  
Tallahassee, Florida

<b>ITEM</b>	<b>SUBJECT</b>	<b>RECOMMENDATION</b>
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1. Request for Approval for Publication of Rule 69O-142.012; NAIC Market Regulation Handbook Adopted

The rule is created to adopt the National Association of Insurance Commissioners Market Regulation.

**(ATTACHMENT 1) APPROVAL FOR PUBLICATION OF PROPOSED RULE AND FOR FINAL ADOPTION IF NO MEMBER OF THE PUBLIC TIMELY REQUESTS A RULE HEARING OR IF A HEARING IS REQUESTED AND NO NOTICE OF CHANGE IS NEEDED.**

2. Request for Approval for Adoption of Rule 69O-137.001; Annual and Quarterly Reporting Requirements; Rules 69O-138.001; NAIC Financial Condition Examiners Handbook Adopted; 69O-138.004; Risk-Based Selection Methodology for Scheduling Financial Examinations; Rule 69O-149.005; Reasonableness of Benefits in Relation to Premiums;

Rule 69O-171.012; Claims-Handling Manuals; Rule 69O-191.027; Application for Certificate of Authority; Rule 69O-193.003; Applications and Management Change; Rule 69O-198.011; Application for and Issuance of License and License Continuance

Rule 69O-137.001 is amended to adopt the current versions of NAIC instructions and manuals. The incorporation language has been updated to indicate these materials are protected by federal copyright.

A notice of change was published on November 20, 2023.

Rule 69O-138.001 is amended to adopt the 2022 and 2023 National Association of Insurance Commissioners Financial Condition Examiners Handbooks. Rule 69O-138.004 is being created to enact the provisions of Section 5 of Chapter 2023-172, L.O.F., which requires that the Office create by rule "a selection methodology for scheduling and conducting examinations of insurers and other entities regulated by the office" and incorporates the National Association of Insurance Commissioners Financial Analysis

Handbook, 2023, by reference. The incorporation language in this rule has been updated to indicate these materials are protected by federal copyright.

Notices of change were published on November 20 and 21, 2023.

Rule 69O-149.005 is amended to add a sentence to clarify that certain tables are also applicable to paid family leave policies. A notice of change was published to remove an exclusion for disability income policies and add in references to disability income. The rule implements Section 627.4108, F.S., which requires that authorized residential insurers annually certify that their claims-handling manuals comply with the requirements of law and that the insurers provide copies of those manuals to the Office upon request accompanied by a certification. The language has been amended to remove language that is duplicative of the statute.

A notice of change was published on November 22, 2023.

Rule 69O-171.012, implements Section 627.4108, F.S., which requires that authorized residential insurers annually certify that their claims-handling manuals comply with the requirements of law and that the insurers provide copies of those manuals to the Office upon request accompanied by a certification. The language has been amended to remove language that is duplicative of the statute.

A notice of change was published on November 20, 2023.

Rule 69O-191.027, F.A.C., is being amended to update forms OIR-C1-942 and OIR-B2-1093. These changes remove unneeded invoices, improve formatting, update instructions, correct typographical errors, and update addresses. Form OIR-C1-1263 is being repealed since that form is obsolete. The language has been amended to correct the hyperlink for submitting these forms.

A notice of change was published on November 20, 2023.

Rule 69O-193.003, F.A.C., is being amended to update forms OIR-C1-471, OIR-C1-473, OIR-C1-2218, OIR C1-2219 and OIR-C1-2220. These changes remove obsolete invoices, improve formatting, update instructions, correct typographical errors, and update addresses. The language has been amended to incorporate cross references to Rule 69O-136.100, where many forms have been relocated.

A notice of change was published on November 20, 2023.

Rule 69O-198.011, F.A.C., is being amended to update forms OIR-C1-997, OIR-A3-110, OIR-C1-989, OIR-A3-955, and OIR-A3-458. These changes remove obsolete invoices, improve formatting, update instructions, correct typographical errors, and update addresses. The language has been amended to incorporate cross references to Rule 69O-136.100, where the forms have been relocated.

A notice of change was published on November 20, 2023.

**(ATTACHMENT 2)**

**APPROVAL FOR FINAL ADOPTION**

69O-142.012 NAIC Market Regulation Handbook Adopted

The National Association of Insurance Commissioners Market Regulation Handbook 2023 is hereby adopted and incorporated by reference. The agency has determined that posting the incorporated material would be a violation of federal copyright law. The Market Regulation Handbook is available for public inspection during regular business hours at the Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300, or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. A copy of the Market Regulation Handbook may also be obtained from the National Association of Insurance Commissioners 1100 Walnut Street, Suite 1500, Kansas City, MO 64106-2197, Telephone (816) 783-8500, website: <http://www.naic.org>.

Rulemaking Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316 FS. History—New \_\_\_\_\_.

69O-149.005 Reasonableness of Benefits in Relation to Premiums.

(1) Benefits will be determined to be reasonable in relation to the premium rates charged if the premium schedule is not excessive, not inadequate and not unfairly discriminatory. In determining whether a premium schedule satisfies these requirements, the Office will consider all items presented in the filing with special emphasis placed on the information included in the actuarial memorandum.

(2) A premium schedule is not excessive if the following are true:

(a) For a new policy form, group or individual, the anticipated loss ratio is not less than the indicated adjusted entry in the loss ratio tables, in subsection (4), below.

(b)1. For individual forms, and group policy forms other than annually rated group policy forms, approved on or after 2/1/94 or issued on or after 6/1/94, the Premium Schedule satisfies the following:

a. An Anticipated Loss Ratio test such that the present value of projected claims is not less than the present value of expected claims over the entire future lifetime of the form. This is equivalent to the present value of the future A/E ratio not being less than 1.0; and,

b. The current lifetime loss ratio, as defined in subparagraph 69O-149.006(3)(b)24., F.A.C., is not less than the initial filed target loss ratio for the form as may be subsequently amended and approved pursuant to this rule chapter.

2. For annually rated group policy forms, the target loss ratio is not less than the loss ratio anticipated in the current premium schedule, as may be subsequently amended and approved pursuant to this rule chapter.

(c) For an existing Individual Policy Form issued up to 6/1/94 for forms approved prior to 2/1/94, the Premium Schedule satisfies subparagraphs 1. and 2., below:

1. The anticipated Loss Ratio is not less than the initial filed loss ratio; and,

2. The current lifetime Loss Ratio is not less than the initial filed loss ratio.

(d) For an existing group policy form issued up to 6/1/94 for forms approved prior to 2/1/94, the anticipated loss ratio is not less than the appropriate adjusted entry in the loss ratio tables in subsection (3), below.

(3) Loss Ratios for Individual Policies and Group Certificates issued up to 6/1/94 for forms approved prior to 2/1/94. The loss ratios in the table in paragraph (d), below, are adjusted pursuant to paragraph (a), (b), or (c), below, where:

$I = (\text{CPI-U, year } N-1) / 103.9$

N-1 is the calendar year immediately preceding the calendar year (N) in which the rate filing is submitted in Florida, and

CPI-U is the consumer price index for all urban consumers, for all items and for all regions of the U.S. combined, as determined by the U.S. Department of Labor, Bureau of Labor Statistics; and the CPI-U for any year is the value as of September.

(a) If the average annual premium per individual policy or group certificate, (X), is less than \$ 300xI, then the minimum loss ratio is adjusted to R' by the following formula:  $R' = R \times ((800xI + X) / (1100xI))$ , where the reduction cannot exceed 10 percentage points.

(b) If the average annual premium per individual policy or group certificate, (X) exceeds \$ (I\*2000), then the minimum loss ratio is adjusted to R' by the following formula:  $R' = R * ((I*9000) + X) / (I*11000)$ . R' cannot exceed R by more than 10 percentage points.

(c) For group insurance certificates, there is an additional adjustment R".

1. For E greater than 0 and less than or equal to 100

$R'' = R' \times ((550 + E) / 550)$

2. For E greater than 100

$R'' = R' \times ((6400 + E) / 5500)$

3. E is normally the average number of certificateholders in a group rating class.

4. However, where a group is composed of subgroups, e.g., multiple employer trusts, E is the average number of certificateholders per subgroup. Where a group is composed of certificateholders issued as a result of solicitations of individuals through the mail or by mass media advertising, including both print and broadcast advertising, E shall be 50. In no event will R'' be greater than 80%. The average annual premium (X) shall be per certificate under a

group policy and shall be estimated by the insurer based on an anticipated distribution of business considering all significant criteria having a rate difference. Such estimate shall assume an annual mode for all certificates, i.e., the fractional premium loading shall not affect the average annual premium or anticipated loss ratio calculation. The value of X shall be determined on the basis of the rates being filed.

(d) Loss Ratio Table:

Renewal Clauses	Loss Ratio in %
Optionally Renewable	60
Conditionally Renewable	55
Guaranteed Renewable	55
Non-cancellable	50
Non-renewable	50

(4) Loss Ratios for Individual Policies and Group Certificates approved on or after 2/1/94 or issued on or after 6/1/94. These tables are also applicable to paid family leave policies. These tables are not applicable to Medicare Supplement or Long-Term Care Policy Forms. The minimum loss ratios for those policy forms are found in rule Chapters 69O-156 and 69O-157, F.A.C., respectively.

(a) The loss ratios in the tables below are adjusted in accordance with the following formula, where:

R = the loss ratio from the table,

A = the average annual premium per individual policy or per group certificate,

R' = the adjusted loss ratio, and

I is as defined in subsection 69O-149.005(3), F.A.C.

Then  $R' = (A - 25I)R/A$  and R' cannot be more than 10 percentage points less than R, for coverage with at least 12 months and pro rata for coverage with less than 12 months, nor less than 50 percent; except R' cannot be less than 45 percent as to accident only non-cancellable policies.

(b) Loss Ratio Table – Group Policy Forms

		Medical Indemnity or any policy with an average annual premium per certificate less
	Medical Expense	than \$1,000
Group Size	Loss Ratio	Loss Ratio
Fewer than 51 certificates	65%	57.5%
51 through 500 certificates	70%	62.5%
All others	75%	67.5%

(c)1. Loss Ratio Table – Individual and Stop-loss Policy Forms.

	Medical Expense	Medical Indemnity, Loss of Income	
Renewal Clause	Loss Ratio %	Loss Ratio	
Non-Cancellable	55%	50%	
Non-Renewable	60%	55%	
Guaranteed Renewable	65%	60%	
All Other	70%	65	
Minimum Acceptable		55%	50%

2. For purposes of determining the minimum required loss ratio for stop-loss policies, the average annual premium for purposes of determining the R' above, shall be the average premium per employee covered by the employer's stop-loss policy.

(5)(a) Group conversion insurance, other than long-term care and medicare supplement insurance, issued on either a group or an individual basis, is exempt from the loss ratios required above.

(b) The loss ratio for group conversion insurance shall not be less than 120 percent.

(c) The insurer may charge the excess of the group conversion loss ratio over that required for group insurance

on active lives to the experience for insurance on active lives.

(d) The premium to be charged for group conversion insurance subject to Section 627.6675, F.S., shall not exceed the limits of Section 627.6675(3), F.S., based on the standard risk rates as established in part X of this rule chapter.

(6) Blanket Insurance is exempt from the loss ratios required above. The minimum loss ratio for blanket insurance is 65%.

(7) As provided by Section 627.411(3)(a), F.S., the minimum loss ratio in the above tables for health insurance coverage as described in Section 627.6562(3)(a)2., F.S., shall be at least 65 percent.

(8) Anticipated loss ratios lower than those otherwise required by this part shall not be permitted unless the insurer demonstrates that the proposed loss ratios are in accordance with sound actuarial principles; do not result in unfair discrimination in sales practices; and are otherwise in substantial compliance with the requirements of this part.

(9) A premium schedule shall not be disapproved on the grounds of inadequacy if:

(a) The expected profit margin on the policy form is non-negative. This margin equals the sum of premium income and investment income, minus the sum of benefit payments, expenses, taxes and contingency margins;

(b) The premium schedule incorporates for the entire future lifetime of the policy, the projected entire effects of insurance trend; and,

(c) The premium schedule is determined such that if all assumptions are satisfied, the annual rate increases needed will not be greater than medical trend, as defined in subparagraph 69O-149.006(3)(b)18., F.A.C.

(10) A premium schedule is unfairly discriminatory if it incorporates any of the following:

(a) For all long term care policy forms and other policy forms under which more than 50 percent of the policies/certificates are issued to persons age 65 or older, attained age premium structures, are prohibited. Only premium structures which prefund the aging component of future claim costs are allowed.

(b) Select and Ultimate Premium Schedules are prohibited.

(c) Attained age premium schedules where the slope by age is substantially different from the slope of the ultimate claim cost curve are prohibited.

(11) Attained age rated individual medical expense health insurance coverage may incorporate into the rate schedule a rating factor that provides for a reapplication of the factor subsequent to the original issuance of the coverage, subject to the following:

(a) The factor shall be limited to those categories where an insured is able to qualify for the factor based solely on the insured's right to apply for the option at the time, such as continued discount for non-tobacco use;

(b) The determination for qualification of the factor shall be based on well-defined objective criteria;

(c) Health or claim status of the insured does not limit the ability of an individual to qualify for the factor;

(d) The factor shall be applied uniformly to all insureds;

(e) The timing of the redetermination of the factor shall be predetermined and disclosed in the policy. The application of the factor shall be in a nondiscriminatory manner; i.e., at every anniversary, at each third year anniversary, etc.;

(f) The availability, initial determination, redetermination, or value of the factor is not based on any health-status-related factors, as described in Section 627.65625(1), F.S., in relation to the individual or a covered dependant of the individual.

(12) Upon request of the Office, the company shall provide an actuarial demonstration that benefit and premium relativities provided on a form currently available for sale are reasonable in relation to benefit and premium relativities provided in other forms currently available for sale in the same rating pool, given actuarial considerations generally used in pricing a product.

(13)(a) Whenever a company makes a non-contractual offering to existing insureds, without underwriting, to replace or exchange their policy with alternate coverage where the original policy is priced on an issue age rate schedule, the rate charged to the insured for the new policy shall recognize the policy reserve buildup, due to the prefunding inherent in the use of an issue at rate basis, to the benefit of the insured. The method proposed by the company must be filed for approval. The rate for the conversion shall be at the most similar rating class as was the

original coverage. A statutorily required conversion provision would be considered contractual.

(b) Notwithstanding the above, a company may always convert at the original issue age and duration of the insured without providing justification to the Office.

(14) An insurer may issue multiple year rate guarantee or rating cap provisions subject to the following:

(a) The coverage is for annually rated group health insurance policies for which filing of rates is exempted by Section 627.410(6), F.S., ~~and excluding disability income policies~~ ;

(b) The provision may not apply for greater than 24 months unless otherwise exempted by the Office;

(c) The rate for the entire rating period reflects the increased risk of a rate guarantee with an increased premium or other consideration is actuarially sound, includes claim costs projected at trend levels at least as high as those applicable to other groups with similar benefit structures in the rating area covered under the form(s) and is reasonably anticipated to meet the target loss ratio for the group;

(d) The provision is available to groups on a nondiscriminatory basis as determined by the insurer's underwriting standards; and,

(e) The insurer uses experience rating in determining the group's rate consistently based on its rating and underwriting practices without regard to whether the rate is issued with or without a rate guarantee.

(15) Accident only, accidental death and dismemberment, dental, disability income, hearing, hospital indemnity, hospital/surgical medical expense, intensive care, and vision ~~policies plans~~ issued by an insurer are exempt from the requirement of paragraph (14)(b). This provision may not apply for greater than 60 months for accident only, accidental death and dismemberment, dental, disability income, hearing, hospital indemnity, hospital/surgical medical expense, intensive care, and vision ~~policies plans~~ issued by an insurer.

*Rulemaking Authority 624.308(1), 627.410(6)(b), (d), (e) FS. Law Implemented 626.9541(1), 627.410(6)(d), (e), 627.410(7), 627.411(1)(a), (e), 627.9175 FS. History—New 7-1-85, Formerly 4-58.05, 4-58.005, Amended 4-18-94, 11-20-02, Formerly 4-149.005, Amended 5-18-04, 11-2-06, 6-18-07, 10-1-08, 8-15-19,\_\_\_\_\_.*

## Notice of Change/Withdrawal

### DEPARTMENT OF FINANCIAL SERVICES

#### OIR – Insurance Regulation

RULE NO.:        RULE TITLE:

69O-149.005      Reasonableness of Benefits in Relation to Premiums

### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 190, September 29, 2023, issue of the Florida Administrative Register.

The changes were made after reviewing any written comment submitted to the agency and an internal reevaluation of the rule.

69O-149.005 Reasonableness of Benefits in Relation to Premiums.

(1) through (13) No change.

(14) An insurer may issue multiple year rate guarantee or rating cap provisions subject to the following:

(a) The coverage is for annually rated group health insurance policies for which filing of rates is exempted by Section 627.410(6), F.S., ~~and excluding disability income policies;~~

(b) through (e) No change.

(15) Accident only, accidental death and dismemberment, dental, disability income, hearing, hospital indemnity, hospital/surgical medical expense, intensive care, and vision policies plans issued by an insurer are exempt from the requirement of paragraph (14)(b). This provision may not apply for greater than 60 months for accident only, accidental death and dismemberment, dental, disability income, hearing, hospital indemnity, hospital/surgical medical expense, intensive care, and vision policies plans issued by an insurer.

*Rulemaking Authority 624.308(1), 627.410(6)(b), (d), (e) FS. Law Implemented 626.9541(1), 627.410(6)(d), (e), 627.410(7), 627.411(1)(a), (e), 627.9175 FS. History—New 7-1-85, Formerly 4-58.05, 4-58.005, Amended 4-18-94, 11-20-02, Formerly 4-149.005, Amended 5-18-04, 11-2-06, 6-18-07, 10-1-08, 8-15-19,\_\_\_\_\_.*



### **690-137.001 Annual and Quarterly Reporting Requirements.**

(1) The purpose of this rule is to establish uniform requirements reporting of annual and quarterly statement information for all authorized insurers as defined in Section 624.09, F.S.

(2) Each authorized insurer shall file with the Office a full and true statement of its financial condition, transactions, and affairs.

(a) An annual statement covering the preceding calendar year shall be filed on or before March 1, and quarterly statements covering the periods ending on March 31, June 30, and September 30 shall be filed within 45 calendar days after each such date.

(b) The Office shall grant an extension of time for filing an annual or quarterly statement if there exist conditions beyond the control of the authorized insurer, such as rehabilitation pursuant to Chapter 631, F.S., or the laws of the state of domicile; severe damage to the insurer's physical premises by a natural or man-made disaster; or some other reason of similar gravity and severity. The extension shall be for the amount of time reasonable to file under the conditions which justified the extension.

(c) For purposes of this rule, the requirement that statements be filed with the Office means that the statement has been transmitted electronically to the National Association of Insurance Commissioners and that the executed Jurat page of said statement has been transmitted electronically to the Office via the Regulatory Electronic Filing System, "REFS." The date affixed by the Office's electronic data processing system shall serve as evidence of the timeliness of the statement. Annual and quarterly statements in any other format shall not be submitted to the Office.

#### **(3) Annual and Quarterly Statement Reporting.**

(a) Each insurer shall submit its annual and quarterly statement information electronically to the National Association of Insurance Commissioners in accordance with the electronic filing instructions specified in paragraph (3)(b), below.

(b)1. The National Association of Insurance Commissioners electronic transmission filing instructions (Financial Internet Filing Online User's Guide 2023 ~~2020~~) are hereby adopted and incorporated by reference, [www.flrules.org/XXXXX](http://www.flrules.org/XXXXX) ~~<https://www.flrules.org/Gateway/reference.asp?No=Ref-14524>~~.

2. A copy of these specifications may be obtained from the National Association of Insurance Commissioners at [http://www.naic.org/industry\\_financial\\_filing.htm](http://www.naic.org/industry_financial_filing.htm).

#### **(4) Manuals Adopted.**

(a) Annual statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Annual Statement Instructions, Property and Casualty, 2022 ~~2019~~;
2. The NAIC's Annual Statement Instructions, Life, Accident and Health\Fraternal, 2022 ~~2019~~;
3. The NAIC's Annual Statement Instructions, Health, 2022 ~~2019~~;
4. The NAIC's Annual Statement Instructions, Title, 2022 ~~2019~~; and,
5. The NAIC's Accounting Practices and Procedures Manual, as of March 2022 ~~2019~~.

(b) Quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Quarterly Statement Instructions, Property and Casualty, 2023 ~~2020~~;
2. The NAIC's Quarterly Statement Instructions, Life, Accident and Health\Fraternal, 2023 ~~2020~~;
3. The NAIC's Quarterly Statement Instructions, Health, 2023 ~~2020~~;
4. The NAIC's Quarterly Statement Instructions, Title, 2023 ~~2020~~; and,
5. The NAIC's Accounting Practices and Procedures Manual, as of March 2023 ~~2020~~.

(c) The agency has determined that posting these incorporated materials would be a violation of federal copyright law. The materials are available for public inspection at the Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300, or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. A copy of the manuals may also be obtained from the National Association of Insurance Commissioners 1100 Walnut Street, Suite 1500, Kansas City, MO 64106-2197, Telephone (816) 783-8500, website: <http://www.naic.org>. Copies of the manuals are available:

1. ~~From the National Association of Insurance Commissioners at <http://www.naic.org>; and,~~
2. ~~For inspection during regular business hours at the Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300.~~

99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, 9-28-11, 1-28-13, 9-15-13, 7-28-15, 10-25-16, 7-30-17, 4-11-19, 7-3-22,\_\_\_\_\_.

KATHLEEN PASSIDOMO  
President



Senator Blaise Ingoglia, Chair  
Representative Tobin Rogers "Toby" Overdorf, Vice Chair  
Senator Colleen Burton  
Senator Erin Grall  
Senator Rosalind Osgood  
Senator Darryl Ervin Rouson  
Representative Shane G. Abbott  
Representative Jervonte "Tae" Edmonds  
Representative Alina Garcia  
Representative Yvonne Hayes Hinson  
Representative Joel Rudman, M.D.

PAUL RENNER  
Speaker



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THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

October 11, 2023

Ms. Kama Monroe  
Senior Attorney  
Department of Financial Services  
OIR - Insurance Regulation  
200 E. Gaines Street  
Larson Building, Suite 645  
Tallahassee, Florida 32399-4206

**RE: Department of Financial Services, OIR - Insurance Regulation  
Proposed Rule Number 69O-137.001, .004**

Dear Ms. Monroe:

I have reviewed the above-referenced proposed rules, which were advertised in the Florida Administrative Register on September 19, 2023 and provided to the committee on September 29, 2023. I have the following comments.

**Purpose and Effect**

This section refers to Form OIR-B3-494 incorporated in rule 69O-137.004, however the form number in rule 69O-137.004 and listed on the material provided to committee is OIR-B2-575. Please ensure the correct form number is cited in this section, the rule and the material incorporated.

**Summary**

See comment for Purpose and Effect.

**Summary of Statement  
of Estimated Regulatory Costs**

This summary, as published in the Florida Administrative Register, does not include the information required by s. 120.54(3)(a)1., F.S., specifically, "a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of

Ms. Kama Monroe  
October 11, 2023  
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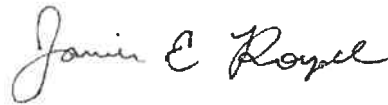
regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3)." Please publish a notice of correction specifically stating whether legislative ratification is expected to be required and describing the information the agency relied upon in making that determination.

**69O-137.001(4)**

The manuals incorporated by reference appear to be copyrighted materials. The rule does not include the statement for incorporated copyrighted materials required by s. 120.54(1)(i)3.b., F.S.

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Jamie E. Royal".

Jamie E. Royal  
Senior Attorney

JER:tf #191833 #191834



## OFFICE OF INSURANCE REGULATION

**MICHAEL YAWORSKY**  
COMMISSIONER

**FINANCIAL SERVICES  
COMMISSION**

**RON DESANTIS**  
GOVERNOR

**JIMMY PATRONIS**  
CHIEF FINANCIAL OFFICER

**ASHLEY MOODY**  
ATTORNEY GENERAL

**WILTON SIMPSON**  
COMMISSIONER OF  
AGRICULTURE

November 17, 2023

Mr. Kenneth J. Plante  
Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, Florida 32399-1400

RE: Rules 69O-137.001, Florida Administrative Code ("F.A.C.")

Dear Mr. Plante:

Below are the Office of Insurance Regulation ("Office") responses to written material submitted to the Office from Jamie E. Royal, Senior Attorney, Joint Administrative Procedures Committee.

**Purpose and Effect, Summary**

This section refers to Form OIR-B3-494 incorporated in rule 69O-137.004, however the form number in rule 69O-137.004 and listed on the material provided to committee is OIR-B2-575. Please ensure the correct form number is cited in this section, the rule and the material incorporated.

**Response:**

The incorrect form number was used in error. The form number in the rule and on the draft form are correct and a Notice of Change will be published to fix this error in the Notice of Proposed Rule

**Summary of Statement  
of Estimated Regulatory Costs**

This summary, as published in the Florida Administrative Register, does not include the information required by s. 120.54(3)(a)1., F.S., specifically, "a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3)." Please publish a notice of correction specifically stating whether legislative ratification

...

KAMA MONROE, ASSISTANT GENERAL COUNSEL • LEGAL SERVICES OFFICE  
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is expected to be required and describing the information the agency relied upon in making that determination.

**Response:**

An error was made when using the online interface for publishing in the Florida Administrative Register. A checkbox went unmarked which resulted in the required language not appearing in the notice. This will be remedied in the Notice of Change.

**690-137.001(4):**

The manuals incorporated by reference appear to be copyrighted materials. The rule does not include the statement for incorporated copyrighted materials required by s. 120.54(1)(i)3.b., F.S.

**Response:**

The required language will be added to the draft and published in the Notice of Change.

Sincerely,

***Kama Monroe***

Kama Monroe  
Assistant General Counsel

## Notice of Change/Withdrawal

### DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-137.001 Annual and Quarterly Reporting Requirements

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 182, September 19, 2023 issue of the Florida Administrative Register.

The summary of statement of estimated regulatory costs and legislative ratification should have included the following language:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

The following subsection of the proposed rule will be changed to read:

69O-137.001 Annual and Quarterly Reporting Requirements.

(1)-(3) No Change.

(4)(a)-(b) No Change.

(c) The agency has determined that posting these incorporated materials would be a violation of federal copyright law. The materials are available for public inspection. Copies of the manuals are available:

1. From the National Association of Insurance Commissioners at <http://www.naic.org>; and,  
2. For inspection during regular business hours at the Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300. A copy of the manuals may also be obtained from the National Association of Insurance Commissioners 1100 Walnut Street, Suite 1500, Kansas City, MO 64106-2197, Telephone (816) 783-8500, website: <http://www.naic.org>.

*Rulemaking Authority 624.308(1), 624.424(1) FS. Law Implemented 624.424(1) FS. History—New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, 9-28-11, 1-28-13, 9-15-13, 7-28-15, 10-25-16, 7-30-17, 4-11-19, 7-3-22, \_\_\_\_\_.*

KATHLEEN PASSIDOMO  
President



Senator Blaise Ingolia, Chair  
Representative Tobin Rogers "Toby" Overdorf, Vice Chair  
Senator Colleen Burton  
Senator Erin Grall  
Senator Rosalind Osgood  
Senator Darryl Ervin Rouson  
Representative Shane G. Abbott  
Representative Jervonte "Tae" Edmonds  
Representative Alina Garcia  
Representative Yvonne Hayes Hinson  
Representative Joel Rudman, M.D.

PAUL RENNER  
Speaker



KENNETH J. PLANTE  
COORDINATOR  
Room 680, Pepper Building  
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THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

November 21, 2023

Ms. Kama Monroe  
Assistant General Counsel  
Department of Financial Services  
OIR - Insurance Regulation  
200 E. Gaines Street  
Tallahassee, Florida 32399-4206

**RE: Department of Financial Services, OIR - Insurance Regulation  
Proposed Rule Number 69O-137.001 and .004**

Dear Ms. Monroe:

I have reviewed the above-referenced proposed rules, which were advertised in the Florida Administrative Register on September 19, 2023. The committee provided comments in a letter dated October 11, 2023. The department responded in a letter dated October 17, 2023. The department published a notice of change for proposed rule 79O-137.001 in the Florida Administrative Registrar on November 20, 2023. I have the following comments.

**Purpose and Effect, Summary**

In the department's response dated October 17, 2023, the department stated the language would be corrected in a notice of change. The corrected language was not included in the notice of change published on November 20, 2023. A notice of correction for both proposed rules 69O-137.001 and .004 should be filed to correct the language.

**Summary Statement of Estimated  
Regulatory Costs**

The department corrected the language in the notice of change for proposed rule 69O-137.001, however, the notice of change did not include proposed rule 69O-137.004. Therefore, a notice of correction should be filed for proposed rule 69O-137.004 to correct the language.



Ms. Kama Monroe  
November 21, 2023  
Page 2

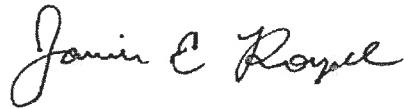
**69O-137.001(4)(c)**

The language is coded incorrectly. The entirety of subparagraph 2. should have been stricken through and the language should have been added to paragraph (c) and coded as new text. See Rule 1-1.011, F.A.C. and ss. 120.545(1)(d) and (i), F.S.

Additionally the Department of State's address is missing from the locations where the copyright material may be accessed as required by s. 120.54(1)(i)3.b., F.S.

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Jamie E. Royal". The signature is written in a cursive, flowing style.

Jamie E. Royal  
Senior Attorney

JR:tf #191833 191834



## OFFICE OF INSURANCE REGULATION

**MICHAEL YAWORSKY**  
COMMISSIONER

FINANCIAL SERVICES  
COMMISSION

RON DESANTIS  
GOVERNOR

JIMMY PATRONIS  
CHIEF FINANCIAL OFFICER

ASHLEY MOODY  
ATTORNEY GENERAL

WILTON SIMPSON  
COMMISSIONER OF  
AGRICULTURE

November 29, 2023

Mr. Kenneth J. Plante  
Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, Florida 32399-1400

RE: Rules 69O-137.001, .004, Florida Administrative Code ("F.A.C.")

Dear Mr. Plante:

Below are the Office of Insurance Regulation ("Office") responses to written material submitted to the Office from Jamie E. Royal, Senior Attorney, Joint Administrative Procedures Committee.

**Purpose and Effect, Summary**

In the department's response dated October 17, 2023, the department stated the language would be corrected in a notice of change. The corrected language was not included in the notice of change published on November 20, 2023. A notice of correction for both proposed rules 69O-137.001 and .004 should be filed to correct the language.

**Response:**

A Notice of Correction to Rule 69O-137.004 was published on November 7, 2023, to correct this error.

A Notice of Change will be published for Rule 69O-137.001 to correct this error.

**Summary of Statement  
of Estimated Regulatory Costs**

The department corrected the language in the notice of change for proposed rule 69O-137.001, however, the notice of change did not include proposed rule 69O-137.004. Therefore, a notice of correction should be filed for proposed rule 69O-137.004 to correct the language.

...

KAMA MONROE, ASSISTANT GENERAL COUNSEL • LEGAL SERVICES OFFICE  
200 EAST GAINES STREET • TALLAHASSEE, FLORIDA 32399-4206 • (850) 413-4121 • FAX (850) 922-2543  
WEBSITE: WWW.FLOIR.COM • EMAIL: KAMA.MONROE@FLOIR.COM

Affirmative Action / Equal Opportunity Employer

**Response:**

A Notice of Correction to Rule 69O-137.004 was published on November 7, 2023, to correct this error.

**69O-137.001(4)(c):**

The language is coded incorrectly. The entirety of subparagraph 2. should have been stricken through and the language should have been added to paragraph (c) and coded as new text. See Rule 1-1.011, F.A.C. and ss. 120.545(1)(d) and (i), F.S.

Additionally the Department of State's address is missing from the locations where the copyright material may be accessed as required by s. 120.54(1)(i)3.b., F.S.

**Response:**

The required language will be added to the draft and the coding correct in a Notice of Change.

Sincerely,

***Kama Monroe***

Kama Monroe  
Assistant General Counsel

## Notice of Change/Withdrawal

### DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-137.001 Annual and Quarterly Reporting Requirements

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 182, September 19, 2023 issue of the Florida Administrative Register.

The “Purpose and Effect” and “Summary” sections of the Notice of Proposed Rule contained incorrect language. Those sections should have stated:

Section 624.424, Florida Statutes, requires insurers to file quarterly and annual financial reports with the Office of Insurance Regulation and allows the Office to enact rules setting the standards for those reports. By amending 69O-137.001 to adopt the current versions of these NAIC instructions and manuals, the Office is establishing up-to-date, uniform standards for annual and quarterly reports which will provide the information necessary for the Office to evaluate insurers’ financial conditions.

The summary of statement of estimated regulatory costs and legislative ratification should have included the following language:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

The following subsection of the proposed rule will be changed to read:

69O-137.001 Annual and Quarterly Reporting Requirements.

(1)-(3) No Change.

(4)(a)-(b) No Change.

(c) The agency has determined that posting these incorporated materials would be a violation of federal copyright law. The materials are available for public inspection at the Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300, or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. A copy of the manuals may also be obtained from the National Association of Insurance Commissioners 1100 Walnut Street, Suite 1500, Kansas City, MO 64106-2197, Telephone (816) 783-8500, website: <http://www.naic.org>. ~~Copies of the manuals are available:~~

~~1. From the National Association of Insurance Commissioners at <http://www.naic.org>; and,  
2. For inspection during regular business hours at the Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300.~~

~~Rulemaking Authority 624.308(1), 624.424(1) FS. Law Implemented 624.424(1) FS. History—New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, 9-28-11, 1-28-13, 9-15-13, 7-28-15, 10-25-16, 7-30-17, 4-11-19, 7-3-22, \_\_\_\_\_.~~

#### **690-138.001 NAIC Financial Condition Examiners Handbook Adopted.**

(1)(a) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2023 ~~2020~~, is hereby adopted and incorporated by reference.

(b) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2022 ~~2019~~, is hereby adopted and incorporated by reference.

(c) The agency has determined that posting these incorporated materials would be a violation of federal copyright law. The materials are available for public inspection at the Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300, or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. A copy of the handbooks may also be obtained from the National Association of Insurance Commissioners 1100 Walnut Street, Suite 1500, Kansas City, MO 64106-2197, Telephone (816) 783-8500, website: <http://www.naic.org>.

(2) Financial examinations by the Office shall be performed in substantial conformity with the methodology outlined in the Handbook, so long as that methodology is consistent with statutory accounting principles and the Florida Insurance Code.

(3) ~~A copy of the Examiners Handbook may be:~~

~~(a) Obtained from the National Association of Insurance Commissioners, at <http://www.naic.org>; or~~

~~(b) Inspected during regular business hours at the Office of Insurance Regulation, Larson Building, 200 E. Gaines St., Tallahassee, Florida 32399-0300.~~

*Rulemaking Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, 11-2-11, 1-28-13, 9-15-13, 7-28-15, 10-25-16, 7-30-17, 4-11-19, 7-3-22,\_\_\_\_\_.*

#### **690-138.004 Risk-Based Selection Methodology for Scheduling Financial Examinations**

(1) This rule established a risk-based selection methodology for scheduling examinations of insurers subject to the provisions of Section 624.316, F.S.

(2) Section 624.316, F.S. permits the Office to examine each insurer holding a certificate of authority for three years or longer as often as may be warranted for the protection of the policyholders and in the public interest, but must, at a minimum, examine:

(a) High-risk insurers at least once every 3 years.

(b) Average- and low-risk insurers at least once every 5 years.

(3) The assessment of whether an insurer is deemed a High-risk insurer will include:

(a) A risk-focused analysis that indicates a decline in the insurer's financial condition;

(b) Prioritization of property insurers for which the office identifies significant concerns about an insurer's solvency pursuant to

Section 627.7154, F.S.; and

(c) Consideration of the following:

1. The level of capitalization.

2. Unfavorable trends related to profitability or cashflow from operations.

3. National Association of Insurance Commissioners Insurance Regulatory Information System ratio results.

4. Risk-based capital and risk-based capital trend test results.

5. The structure and complexity of the insurer.

6. Changes in the insurer's officers or board of directors.

7. Changes in the insurer's business strategy or operations.

8. Findings and recommendations from an examination made pursuant to this section or Section 624.3161, F.S.

9. Current or pending regulatory actions by the office or the department.

10. Other regulatory agency or rating agency information or reports.

11. The impact of an insurer's insolvency on policyholders of the insurer and the public generally.

12. Any other matters the Office deems necessary for the protection of policyholders.

(4) The National Association of Insurance Commissioners Financial Analysis Handbook, 2023 is hereby adopted and incorporated by reference. The agency has determined that posting these incorporated materials would be a violation of federal copyright law. The materials are available for public inspection at the Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300, or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. A copy of the handbooks may also be obtained from the National Association of Insurance Commissioners 1100 Walnut Street, Suite 1500, Kansas City, MO 64106-2197, Telephone (816) 783-8500, website: <http://www.naic.org>.

(5) Risk-focused analysis by the Office shall be performed in substantial conformity with the methodology outlined in the Handbook, so long as that methodology is consistent with statutory accounting principles and the Florida Insurance Code.

(6) Scheduling of insurers deemed High-risk will begin with the year-end 2023 financial exam schedule.

*Rulemaking Authority 624.308(1), 624.316 FS. Law Implemented 624.316 FS. History—New xx-xx-23*

KATHLEEN PASSIDOMO  
President



Senator Blaise Ingoglia, Chair  
Representative Tobin Rogers "Toby" Overdorf, Vice Chair  
Senator Colleen Burton  
Senator Erin Grall  
Senator Rosalind Osgood  
Senator Darryl Ervin Rouson  
Representative Shane G. Abbott  
Representative Jervonte "Tae" Edmonds  
Representative Alina Garcia  
Representative Yvonne Hayes Hinson  
Representative Joel Rudman, M.D.

THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

PAUL RENNER  
Speaker



KENNETH J. PLANTE  
COORDINATOR  
Room 680, Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1400  
Telephone (850) 488-9110  
Fax (850) 922-6934  
[www.japc.state.fl.us](http://www.japc.state.fl.us)  
[japc@leg.state.fl.us](mailto:japc@leg.state.fl.us)

October 24, 2023

Mr. Michael G Lawrence, Jr.  
Chief Legal Counsel  
Department of Financial Services  
OIR - Insurance Regulation  
200 E. Gaines Street  
Tallahassee, Florida 32399-4206

**RE: Department of Financial Services, OIR - Insurance Regulation  
Proposed Rule Numbers 69O-138.001, .003, .004**

Dear Mr. Lawrence:

I have reviewed the above-referenced proposed rules, which were advertised in the Florida Administrative Register on September 19, 2023. I have the following comments.

**Summary of Statement of  
Estimated Regulatory Costs  
and Legislative Ratification:**

This summary, as published in the Florida Administrative Register, does not include the information required by section 120.54(3)(a)1., specifically, "a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3)." Please publish a notice of correction specifically stating whether legislative ratification is expected to be required and describing the information the agency relied upon in making that determination.

Mr. Michael G Lawrence, Jr.  
October 24, 2023  
Page 2

69O-138.001(1)

The rule incorporates material that appears to be copyrighted material, however, the rule does not include the statement for incorporated copyrighted materials or the Department of State's address as required by s. 120.54(1)(i)3.b., F.S.

69O-138.004(4)

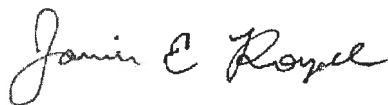
The committee was not provided the material incorporated by reference. Please provide the material to the committee. See s. 120.54(3)(a)4., F.S.

69O-138.004(6)

See comment for 69O-138.001(1).

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Jamie E. Royal". The signature is written in a cursive, flowing style.

Jamie E. Royal  
Senior Attorney

JER:tf #191836 #191838





## OFFICE OF INSURANCE REGULATION

**MICHAEL YAWORSKY**  
COMMISSIONER

FINANCIAL SERVICES  
COMMISSION

RON DESANTIS  
GOVERNOR

JIMMY PATRONIS  
CHIEF FINANCIAL OFFICER

ASHLEY MOODY  
ATTORNEY GENERAL

WILTON SIMPSON  
COMMISSIONER OF  
AGRICULTURE

November 17, 2023

Mr. Kenneth J. Plante  
Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, Florida 32399-1400

RE: Rule 69O-138.001, Florida Administrative Code ("F.A.C.")

Dear Mr. Plante:

Below are the Office of Insurance Regulation ("Office") responses to written material submitted to the Office from Jamie E. Royal, Senior Attorney, Joint Administrative Procedures Committee.

**Summary of Statement  
of Estimated Regulatory Costs**

This summary, as published in the Florida Administrative Register, does not include the information required by s. 120.54(3)(a)1., F.S., specifically, "a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3)." Please publish a notice of correction specifically stating whether legislative ratification is expected to be required and describing the information the agency relied upon in making that determination.

**Response:**

An error was made when using the online interface for publishing in the Florida Administrative Register. A checkbox went unmarked which resulted in the required language not appearing in the notice. This will be remedied with a Notice of Change.

**69O-138.001(1)**

The rule incorporates material that appears to be copyrighted material, however, the rule does not include the statement

for incorporated copyrighted materials or the Department of State's address as required by s. 120.54(1)(i)3.b., F.S.

**Response:**

We will publish a Notice of Change to incorporate the required language for incorporating copyrighted materials.

Sincerely,

***Kama Monroe***

Kama Monroe  
Assistant General Counsel

## Notice of Change/Withdrawal

### DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

690-138.001 NAIC Financial Condition Examiners Handbook Adopted

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 182, September 19, 2023 issue of the Florida Administrative Register.

The summary of statement of estimated regulatory costs and legislative ratification should have included the following language:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

The following proposed rule will be changed to read:

#### **690-138.001 NAIC Financial Condition Examiners Handbook Adopted.**

(1)(a) – (b) No Change.

(c) The agency has determined that posting these incorporated materials would be a violation of federal copyright law. The materials are available for public inspection at the Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300. A copy of the handbooks may also be obtained from the National Association of Insurance Commissioners 1100 Walnut Street, Suite 1500, Kansas City, MO 64106-2197, Telephone (816) 783-8500, website: <http://www.naic.org>.

(2) No Change.

~~(3) A copy of the Examiners Handbook may be:~~

~~(a) Obtained from the National Association of Insurance Commissioners, at <http://www.naic.org>; or~~

~~(b) Inspected during regular business hours at the Office of Insurance Regulation, Larson Building, 200 E. Gaines St., Tallahassee, Florida 32399-0300.~~

*Rulemaking Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, 11-2-11, 1-28-13, 9-15-13, 7-28-15, 10-25-16, 7-30-17, 4-11-19, 7-3-22.*

KATHLEEN PASSIDOMO  
President



Senator Blaise Ingoglia, Chair  
Representative Tobin Rogers "Toby" Overdorf, Vice Chair  
Senator Colleen Burton  
Senator Erin Grall  
Senator Rosalind Osgood  
Senator Darryl Ervin Rouson  
Representative Shane G. Abbott  
Representative Jervonte "Tae" Edmonds  
Representative Alina Garcia  
Representative Yvonne Hayes Hinson  
Representative Joel Rudman, M.D.

PAUL RENNER  
Speaker



KENNETH J. PLANTE  
COORDINATOR  
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www.japc.state.fl.us  
japc@leg.state.fl.us

THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

November 21, 2023

Ms. Kama Monroe  
Chief Legal Counsel  
Department of Financial Services  
OIR - Insurance Regulation  
200 E. Gaines Street  
Tallahassee, Florida 32399-4206

**RE: Department of Financial Services, OIR - Insurance Regulation  
Proposed Rule Numbers 69O-138.001, .004**

Dear Ms. Monroe:

I have reviewed the above-referenced proposed rules, which were advertised in the Florida Administrative Register on September 19, 2023. The committee provided comments in a letter dated October 24, 2023. The department provided a response in letters dated November 17, 2023. The department published a notice of change for proposed rule 69O-138.001 in the Florida Administrative Register on November 20, 2023 and a notice of correction for proposed rule 69O-138.003 on November 17, 2023. I have the following comments.

**Summary of Statement of  
Estimated Regulatory Costs**

The notice of change for proposed rule 69O-138.001 and the notice of correction for proposed rule 69O-138.003 corrected the language regarding the summary of statement of estimated regulatory costs (SERC). Neither notice included proposed rule 69O-138.004. Therefore a notice of correction should be filed for proposed rule 69O-138.004 to correct the SERC language.

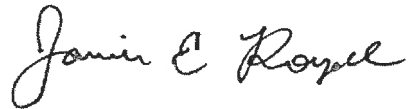
**69O-138.001(1)(c)**

The language does not include the Department of State's address as a location where the material may be accessed as required by s.120.54(1)(i)3.b., F.S.

Ms. Kama Monroe  
November 21, 2023  
Page 2

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Jamie E. Royal". The signature is written in a cursive, flowing style.

Jamie E. Royal  
Senior Attorney

JR:tf #191836 #191838



## OFFICE OF INSURANCE REGULATION

**MICHAEL YAWORSKY**  
COMMISSIONER

FINANCIAL SERVICES  
COMMISSION

RON DESANTIS  
GOVERNOR

JIMMY PATRONIS  
CHIEF FINANCIAL OFFICER

ASHLEY MOODY  
ATTORNEY GENERAL

WILTON SIMPSON  
COMMISSIONER OF  
AGRICULTURE

November 29, 2023

Mr. Kenneth J. Plante  
Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, Florida 32399-1400

RE: Rules 69O-138.001, 138.004, Florida Administrative Code ("F.A.C.")

Dear Mr. Plante:

Below are the Office of Insurance Regulation ("Office") responses to written material submitted to the Office from Jamie E. Royal, Senior Attorney, Joint Administrative Procedures Committee.

**Summary of Statement  
of Estimated Regulatory Costs**

The notice of change for proposed rule 69O-138.001 and the notice of correction for proposed rule 69O-138.003 corrected the language regarding the summary of statement of estimated regulatory costs (SERC). Neither notice included proposed rule 69O-138.004. Therefore a notice of correction should be filed for proposed rule 69O-138.004 to correct the SERC language.

**Response:**

The Notice of Change for 69O-138.004 to fix the SERC language will be published.

**69O-138.001(1)**

The language does not include the Department of State's address as a location where the material may be accessed as required by s.120.54(1)(i)3.b., F.S..

**Response:**

We will publish a Notice of Change to incorporate the required language for incorporating copyrighted materials.

Sincerely,

***Kama Monroe***

Kama Monroe

Assistant General Counsel

## Notice of Change/Withdrawal

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-138.001 NAIC Financial Condition Examiners Handbook Adopted

### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 182, September 19, 2023 issue of the Florida Administrative Register.

The following proposed rule will be changed to read:

#### **69O-138.001 NAIC Financial Condition Examiners Handbook Adopted.**

(1)(a) – (b) No Change.

(c) The agency has determined that posting these incorporated materials would be a violation of federal copyright law. The materials are available for public inspection at the Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300, or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. A copy of the handbooks may also be obtained from the National Association of Insurance Commissioners 1100 Walnut Street, Suite 1500, Kansas City, MO 64106-2197, Telephone (816) 783-8500, website: <http://www.naic.org>.

(2) No Change.

*Rulemaking Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, 11-2-11, 1-28-13, 9-15-13, 7-28-15, 10-25-16, 7-30-17, 4-11-19, 7-3-22, \_\_\_\_\_.*



## NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 182, September 19, 2023 issue of the Florida Administrative Register.

The summary of statement of estimated regulatory costs and legislative ratification should have included the following language:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

The following proposed rule will be changed to read:

### 69O-138.004 Risk-Based Selection Methodology for Scheduling Financial Examinations

(1)-(3) No Change.

(4) The National Association of Insurance Commissioners Financial Analysis Handbook, 2023 is hereby adopted and incorporated by reference. The agency has determined that posting these incorporated materials would be a violation of federal copyright law. The materials are available for public inspection at the Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300, or at the Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. A copy of the handbooks may also be obtained from the National Association of Insurance Commissioners 1100 Walnut Street, Suite 1500, Kansas City, MO 64106-2197, Telephone (816) 783-8500, website: <http://www.naic.org>.

(5)-(6) No Change.

*Rulemaking Authority 624.308(1), 624.316 FS. Law Implemented 624.316 FS. History—New xx-xx-23*

**69O-171.012 Claims-Handling Manuals**

(1) Each authorized residential property insurer conducting business in this state must certify and attest that the insurer's current claims-handling manuals for residential property insurance comply with the requirements of the Florida Insurance Code, including the provisions of Section 627.4108(1), F.S.

(2) This attestation and certification shall be submitted to the Office no later than May 1 of each year, on Form OIR-B3-495, effective 7/23, "Annual Certification of Claims-Handling Manuals," incorporated herein by reference and available at [www.flrules.org/XXXXX](http://www.flrules.org/XXXXX). The form may be obtained from <https://www.floir.com>.

(3) Upon request by the Office, insurer will provide the Office with a true and correct copy of any claims-handling manual requested within 5 business days as specified on Form OIR-B3-496, 7/23, "Submission of Requested Claims-Handling Manuals," incorporated herein by reference and available at [www.flrules.org/XXXXX](http://www.flrules.org/XXXXX). The form may be obtained from <https://www.floir.com>. Such submission will be accompanied by a completed and signed copy of Form OIR-B3-496.

*Rulemaking Authority 624.308, 627.4108, F.S. Law Implemented 627.4108, F.S. History – New 7-1-2023*

KATHLEEN PASSIDOMO  
President



Senator Blaise Ingoglia, Chair  
Representative Tobin Rogers "Toby" Overdorf, Vice Chair  
Senator Colleen Burton  
Senator Erin Grall  
Senator Rosalind Osgood  
Senator Darryl Ervin Rouson  
Representative Shane G. Abbott  
Representative Jervonte "Tae" Edmonds  
Representative Alina Garcia  
Representative Yvonne Hayes Hinson  
Representative Joel Rudman, M.D.

PAUL RENNER  
Speaker



KENNETH J. PLANTE  
COORDINATOR  
Room 680, Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1400  
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[www.japc.state.fl.us](http://www.japc.state.fl.us)  
[japc@leg.state.fl.us](mailto:japc@leg.state.fl.us)

THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

October 25, 2023

Mr. Michael G Lawrence, Jr.  
Chief Legal Counsel  
Department of Financial Services  
OIR - Insurance Regulation  
200 E. Gaines Street  
Tallahassee, Florida 32399-4206

**RE: Department of Financial Services, OIR - Insurance Regulation  
Proposed Rule Number 69O-171.012**

Dear Mr. Lawrence:

I have reviewed the above-referenced proposed rule, which was advertised in the Florida Administrative Register on September 19, 2023 and provided to the committee on September 27, 2023. I have the following comments.

**Summary of Statement of Estimated Regulatory Costs and Legislative Ratification:**

This summary, as published in the Florida Administrative Register, does not include the information required by section 120.54(3)(a)1., specifically, "a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3)." Please publish a notice of correction specifically stating whether legislative ratification is expected to be required and describing the information the agency relied upon in making that determination.

**69O-171.012(1)(a)**

The rule reiterates or paraphrases the statutory language in s. 627.4108 F.S. *See* s. 120.545(1)(c), F.S.

**69O-171.012(1)(b)**

See comment for 69O-171.012(1).

**69O-171.012(1)(c)**

See comment for 69O-171.012(1).

Mr. Michael G Lawrence, Jr.  
October 25, 2023  
Page 2

**69O-171.012(2)**

The material incorporated by reference was not provided to the committee. Please provide the material to the committee. See s. 120.54(3)(a)4., F.S.

**69O-171.012(3)**

See comment for 69O-171.012(2).

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Jamie E. Royal". The signature is written in a cursive, flowing style.

Jamie E. Royal  
Senior Attorney

JER:tf #191839



FINANCIAL SERVICES  
COMMISSION

RON DESANTIS  
GOVERNOR

JIMMY PATRONIS  
CHIEF FINANCIAL OFFICER

ASHLEY MOODY  
ATTORNEY GENERAL

WILTON SIMPSON  
COMMISSIONER OF  
AGRICULTURE

## OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY  
COMMISSIONER

November 17, 2023

Mr. Kenneth J. Plante  
Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, Florida 32399-1400

RE: Rule 69O-171.012, Florida Administrative Code ("F.A.C.")

Dear Mr. Plante:

Below are the Office of Insurance Regulation ("Office") responses to written material submitted to the Office from Jamie E. Royal, Senior Attorney, Joint Administrative Procedures Committee.

### Summary of Statement of Estimated Regulatory Costs

This summary, as published in the Florida Administrative Register, does not include the information required by s. 120.54(3)(a)1., F.S., specifically, "a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3)." Please publish a notice of correction specifically stating whether legislative ratification is expected to be required and describing the information the agency relied upon in making that determination.

### Response:

An error was made when using the online interface for publishing in the Florida Administrative Register. A checkbox went unmarked which resulted in the required language not appearing in the notice. This will be remedied with a Notice of Correction.

### 69O-171.012(1)(a)

The rule reiterates or paraphrases the statutory language in s. 627.4108 F.S. See s. 120.545(1)(c), F.S.

• • •

KAMA MONROE., ASSISTANT GENERAL COUNSEL • LEGAL SERVICES OFFICE  
200 EAST GAINES STREET • TALLAHASSEE, FLORIDA 32399-4206 • (850) 413-4121 • FAX (850) 922-2543  
WEBSITE: WWW.FLOIR.COM • EMAIL: KAMA.MONROE@FLOIR.COM

Affirmative Action / Equal Opportunity Employer

**Response:** A Notice of Change will be published to remove the language in paragraphs (1)(a)1-7.

**69O-171.012(1)(b)** See comment for 69O-171.012(1).

**Response:** A Notice of Change will be published to remove this language.

**69O-171.012(1)(c)** See comment for 69O-171.012(1).

**Response:** A Notice of Change will be published to remove this language.

**69O-171.012(2)** The material incorporated by reference was not provided to the committee. Please provide the material to the committee. See s. 120.54(3)(a)4., F.S.

**Response:** The materials are attached.

**69O-171.012(3)** See comment for 69O-171.012(2).

**Response:** The materials are attached.

Sincerely,

***Kama Monroe***

Kama Monroe  
Assistant General Counsel

## Notice of Change/Withdrawal

### DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-171.012 Claims-Handling Manuals

### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 182, September 19, 2023 issue of the Florida Administrative Register.

The summary of statement of estimated regulatory costs and legislative ratification should have included the following language:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

The proposed rule will be changed to read:

#### **69O-171.012 Claims-Handling Manuals**

(1) Each authorized residential property insurer conducting business in this state must certify and attest that the insurer's current claims-handling manuals for residential property insurance comply with the requirements of the Florida Insurance Code, including the provisions of Section 627.4108(1), F.S., ~~which requires that the claims-handling manual includes guidelines and procedures for:~~

- ~~1. Initially receiving and acknowledging initial receipt of the claim and reviewing and evaluating the claim;~~
- ~~2. Communicating with policyholders, beginning with the receipt of the claim and continuing until closure of the claim;~~
- ~~3. Setting the claim reserve;~~
- ~~4. Investigating the claim, including conducting inspections of the property that is the subject of the claim;~~
- ~~5. Making preliminary estimates and estimates of the covered damages to the insured property and communicating such estimates to the policyholder;~~
- ~~6. The payment, partial payment, or denial of the claim and communicating such claim decision to the policyholder; and~~
- ~~7. Closing claims.~~

~~(b) The current claims handling manual is comprehensive, substantial, and comports with the usual and customary claims handling practices of the insurance industry;~~

~~(c) The insurer maintains adequate resources available to implement the requirements of each of its claims-handling manuals at all times, including during natural disasters and catastrophic events.~~

(2)- (3) No Change.

Rulemaking Authority 624.308, 627.4108, F.S. Law Implemented 627.4108, F.S. History – New xx-xx-2023

**690-191.027 Application for Certificate of Authority.**

(1) An application for a person applying for a certificate of authority as a health maintenance organization consists of the following:

(a) Form OIR-C1-942, "Application for Certificate of Authority Health Maintenance Organization," effective ~~07/23~~ ~~5/22~~, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref 14710;~~

~~(b) Form OIR-C1-1263, "Application for Certificate of Authority Health Maintenance Organization Rehabilitation Administrative Expense Fund (Pursuant to Section 641.227, F.S.)," effective 6/96, hereby incorporated by reference and available at http://www.flrules.org/Gateway/reference.asp?No=Ref 14711;~~

~~(b)(e) Form OIR-B2-1093, incorporated by reference in Rule 690-136.100, F.A.C.: "Small Employer Carrier's Application to Become a Risk Assuming Carrier or a Reinsuring Carrier, as Required by Section 627.6699(9), F.S.," effective 12/19, hereby incorporated by reference and available at http://www.flrules.org/Gateway/reference.asp?No=Ref 14712;~~

~~(c)(d) Form OIR-C1-905, incorporated by reference in Rule 690-136.100, F.A.C.: "Instructions for Furnishing Background Investigative Reports," effective 6/20, hereby incorporated by reference and available at http://www.flrules.org/Gateway/reference.asp?No=Ref 14713;~~

~~(d)(e) Form OIR-C1-938, incorporated by reference in Rule 690-136.100, F.A.C.: "Fingerprint Payment and Submission Procedure," effective 6/20, hereby incorporated by reference and available at http://www.flrules.org/Gateway/reference.asp?No=Ref 14716;~~

~~(e)(f) Form OIR-C1-1423, incorporated by reference in Rule 690-136.100, F.A.C.: "Biographical Affidavit," effective 12/20, hereby incorporated by reference and available at http://www.flrules.org/Gateway/reference.asp?No=Ref 14714; and~~

~~(f) Form OIR-C1-0500, incorporated by reference in Rule 690-136.100, F.A.C.;~~

~~(g) Form OIR-C1-0501, incorporated by reference in Rule 690-136.100, F.A.C.;~~

~~(h) Form OIR-C1-0502, incorporated by reference in Rule 690-136.100, F.A.C.;~~

~~(i) Form OIR-C1-0503, incorporated by reference in Rule 690-136.100, F.A.C.;~~

~~(j) Form OIR-C1-0504, incorporated by reference in Rule 690-136.100, F.A.C.;~~

~~(k) Form OIR-C1-0505, incorporated by reference in Rule 690-136.100, F.A.C.;~~

~~(l) Form OIR-C1-0506, incorporated by reference in Rule 690-136.100, F.A.C.;~~

~~(m) Form OIR-C1-0507, incorporated by reference in Rule 690-136.100, F.A.C.;~~

~~(n) Form OIR-C1-0509, incorporated by reference in Rule 690-136.100, F.A.C.; and~~

~~(o)(g) Form OIR-C1-2221, incorporated by reference in Rule 690-136.100, F.A.C.: "Management Information Form," effective 6/20, hereby incorporated by reference and available at http://www.flrules.org/Gateway/reference.asp?No=Ref 14715.~~

(2) All the forms listed in subsection (1) may be obtained from the Office's website at <http://www.flair.com> and shall be submitted electronically via the Office's iApply system at <https://www.flair.com/iportal>. A person applying for a certificate of authority as a health maintenance organization shall submit forms in subsection (1) as directed by the Office electronically at <http://www.flrules.org/Gateway/reference.asp?No=Ref 14715>. The forms may be obtained from <https://www.flair.com/iportal>.

*Rulemaking Authority 627.6699, 641.36 FS. Law Implemented 627.6699, 641.21, 641.22, 641.227, 641.29(1) FS. History—New 2-22-88, Amended 10-25-89, Formerly 4-31.027, Amended 5-28-92, Formerly 4-191.027, Amended 9-28-22, \_\_\_\_\_.*



KATHLEEN PASSIDOMO  
President



Senator Blaise Ingoglia, Chair  
Representative Tobin Rogers "Toby" Overdorf, Vice Chair  
Senator Colleen Burton  
Senator Erin Grall  
Senator Rosalind Osgood  
Senator Darryl Ervin Rouson  
Representative Shane G. Abbott  
Representative Jervonte "Tae" Edmonds  
Representative Alina Garcia  
Representative Yvonne Hayes Hinson  
Representative Joel Rudman, M.D.

PAUL RENNER  
Speaker



KENNETH J. PLANTE  
COORDINATOR  
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[japc@leg.state.fl.us](mailto:japc@leg.state.fl.us)

THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

November 1, 2023

Mr. Michael G Lawrence, Jr.  
Chief Legal Counsel  
Department of Financial Services  
OIR - Insurance Regulation  
200 E. Gaines Street  
Tallahassee, Florida 32399-4206

**RE: Department of Financial Services, OIR - Insurance Regulation  
Proposed Rule Number 69O-191.027**

Dear Mr. Lawrence:

I have reviewed the above-referenced proposed rule, which was advertised in the Florida Administrative Register on October 6, 2023 and provided to the committee on October 19, 2023. I have the following comments.

**Summary of Statement of Estimated Regulatory Costs and Legislative Ratification:**

This summary, as published in the Florida Administrative Register, does not include the information required by section 120.54(3)(a)1., specifically, "a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3)." Please publish a notice of correction specifically stating whether legislative ratification is expected to be required and describing the information the agency relied upon in making that determination.

**69O-191.027(1)(b)**

The rule text is incorrectly coded. Paragraph (b) should have been stricken through and paragraph (c) should have been renumbered with an underlined paragraph (b). See Rule 1-1.011, F.A.C.

The rule incorporates by reference Form OIR-B2-1093, however, the form is also incorporated by reference in proposed rule 69O-136.100. Please ensure the form is incorporated in the appropriate rule and that the rules and form both cite the correct

Mr. Michael G Lawrence, Jr.  
November 1, 2023  
Page 2

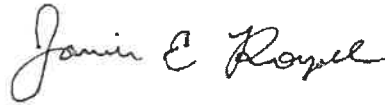
rule where the form is incorporated. Additionally, the form incorporated in proposed rule 69O-136.100 is formatted differently from the form incorporated in this rule. *See* ss. 120.55(1)(a)4., 120.545(1)(d), F.S. and Rule 1-1.013, F.A.C.

**69O-191.027(2)**

The hyperlink provided for submission of forms is the hyperlink to form OIR-C1-2221. This appears to be the incorrect hyperlink. *See* ss. 120.545(1)(d), (i), F.S.

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Jamie E. Royal". The signature is written in a cursive, flowing style.

Jamie E. Royal  
Senior Attorney

JER:tf #191979



## OFFICE OF INSURANCE REGULATION

**MICHAEL YAWORSKY**  
COMMISSIONER

FINANCIAL SERVICES  
COMMISSION

RON DESANTIS  
GOVERNOR

JIMMY PATRONIS  
CHIEF FINANCIAL OFFICER

ASHLEY MOODY  
ATTORNEY GENERAL

WILTON SIMPSON  
COMMISSIONER OF  
AGRICULTURE

November 17, 2023

Mr. Kenneth J. Plante  
Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, Florida 32399-1400

RE: Rule 69O-191.027, Florida Administrative Code ("F.A.C.")

Dear Mr. Plante:

Below are the Office of Insurance Regulation ("Office") responses to written material submitted to the Office from Jamie E. Royal, Senior Attorney, Joint Administrative Procedures Committee.

**Summary of Statement  
of Estimated Regulatory Costs**

This summary, as published in the Florida Administrative Register, does not include the information required by s. 120.54(3)(a)1., F.S., specifically, "a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3)." Please publish a notice of correction specifically stating whether legislative ratification is expected to be required and describing the information the agency relied upon in making that determination.

**Response:**

An error was made when using the online interface for publishing in the Florida Administrative Register. A checkbox went unmarked which resulted in the required language not appearing in the notice. This will be remedied with a Notice of Change.

**69O-191.027(1)(b)**

The rule text is incorrectly coded. Paragraph (b) should have been stricken through and paragraph (c) should have been

renumbered with an underlined paragraph (b). See Rule 1-1.011, F.A.C.

The rule incorporates by reference Form OIR-B2-1093, however, the form is also incorporated by reference in proposed rule 69O-136.100. Please ensure the form is incorporated in the appropriate rule and that the rules and form both cite the correct rule where the form is incorporated. Additionally, the form incorporated in proposed rule 69O-136.100 is formatted differently from the form incorporated in this rule. See ss. 120.55(1)(a)4., 120.545(1)(d), F.S. and Rule 1-1.013, F.A.C.

**Response:**

While both methods of coding the removal of an item from a list are technically correct, we understand the method you describe is preferred and will use that format going forward.

The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100. As the form will only be incorporated one time, the issue with formatting difference will be eliminated.

**69O-191.027(2)**

The hyperlink provided for submission of forms is the hyperlink to form OIR-C1-2221. This appears to be the incorrect hyperlink. See ss. 120.545(1)(d), (i), F.S.

**Response:**

The error in the hyperlink was adopted during a previous revision of this Rule. We will publish a Notice of Change to incorporate a corrected hyperlink.

Sincerely,

***Kama Monroe***

Kama Monroe  
Assistant General Counsel

## Notice of Change/Withdrawal

### DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-191.027 Application for Certificate of Authority

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 195, October 6, 2023 issue of the Florida Administrative Register.

The summary of statement of estimated regulatory costs and legislative ratification should have included the following language:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

The following proposed rule will be changed to read:

#### **69O-191.027 Application for Certificate of Authority.**

(1) (a) – No Change

(b)

~~(b)(e)~~ Form OIR-B2-1093, incorporated by reference in Rule 69O-136.100, F.A.C.;

(2) ~~All the forms listed in subsection (1) may be obtained from the Office's website at <http://www.floir.com> and shall be submitted electronically via the Office's iApply system at <https://www.floir.com/iportal>. A person applying for a certificate of authority as a health maintenance organization shall submit forms in subsection (1) as directed by the Office electronically at <http://www.flrules.org/Gateway/reference.asp?No=Ref 14715>. The forms may be obtained from <https://www.floir.com/iportal>.~~

*Rulemaking Authority 627.6699, 641.36 FS. Law Implemented 627.6699, 641.21, 641.22, 641.227, 641.29(1) FS. History—New 2-22-88, Amended 10-25-89, Formerly 4-31.027, Amended 5-28-92, Formerly 4-191.027, Amended 9-28-22,\_\_\_\_\_.*

KATHLEEN PASSIDOMO  
President



Senator Blaise Ingoglia, Chair  
Representative Tobin Rogers "Toby" Overdorf, Vice Chair  
Senator Colleen Burton  
Senator Erin Grall  
Senator Rosalind Osgood  
Senator Darryl Ervin Rouson  
Representative Shane G. Abbott  
Representative Jervonte "Tae" Edmonds  
Representative Alina Garcia  
Representative Yvonne Hayes Hinson  
Representative Joel Rudman, M.D.

PAUL RENNER  
Speaker



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[www.japc.state.fl.us](http://www.japc.state.fl.us)  
[japc@leg.state.fl.us](mailto:japc@leg.state.fl.us)

THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

November 21, 2023

Ms. Kama Monroe  
Assistant General Counsel  
Department of Financial Services  
OIR - Insurance Regulation  
200 E. Gaines Street  
Tallahassee, Florida 32399-4206

**RE: Department of Financial Services, OIR - Insurance Regulation  
Proposed Rule Number 69O-191.027**

Dear Ms. Monroe:

I have reviewed the above-referenced proposed rule, which was advertised in the Florida Administrative Register on October 6, 2023. The committee provided comments in a letter dated November 1, 2023. The department responded in a letter dated November 17, 2023. The department published a notice of change in the Florida Administrative Register on November 20, 2023. I have the following comments.

69O-191.027(1)(b)

Changes to the rule language were not coded in accordance with Rule 1-1.011, F.A.C.

69O-191.027(1)(c)-(o)

The paragraphs were not included in the notice of change. The paragraphs should have been included and noted as "No change." *See* Rule 1-1.011, F.A.C.

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Jamie E. Royal".

Jamie E. Royal  
Senior Attorney



FINANCIAL SERVICES  
COMMISSION

RON DESANTIS  
GOVERNOR

JIMMY PATRONIS  
CHIEF FINANCIAL OFFICER

ASHLEY MOODY  
ATTORNEY GENERAL

WILTON SIMPSON  
COMMISSIONER OF  
AGRICULTURE

## OFFICE OF INSURANCE REGULATION

**MICHAEL YAWORSKY**  
COMMISSIONER

November 29, 2023

Mr. Kenneth J. Plante  
Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, Florida 32399-1400

RE: Rule 69O-191.027, Florida Administrative Code ("F.A.C.")

Dear Mr. Plante:

Below are the Office of Insurance Regulation ("Office") responses to written material submitted to the Office from Jamie E. Royal, Senior Attorney, Joint Administrative Procedures Committee.

69O-191.027(1)(b) Changes to the rule language were not coded in accordance with Rule 1-1.011, F.A.C.

Response: The coding will be correct in a Notice of Change.

69O-191.027(1)(c)-(o) The paragraphs were not included in the notice of change. The paragraphs should have been included and noted as "No change." See Rule 1-1.011, F.A.C.

Response: The coding will be corrected in a Notice of Change.

Sincerely,

***Kama Monroe***

Kama Monroe  
Assistant General Counsel

## Notice of Change/Withdrawal

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-191.027 Application for Certificate of Authority

### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 195, October 6, 2023 issue of the Florida Administrative Register.

The following proposed rule will be changed to read:

#### **69O-191.027 Application for Certificate of Authority.**

(1) (a) – No Change

(b) Form OIR-B2-1093, ~~incorporated by reference in Rule 69O-136.100, F.A.C.: “Small Employer Carrier’s Application to Become a Risk Assuming Carrier or a Reinsuring Carrier, as Required by Section 627.6699(9), F.S.,”~~ effective 12/19, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-14712;>

(c) through (o) No Change

(2) No Change

*Rulemaking Authority 627.6699, 641.36 FS. Law Implemented 627.6699, 641.21, 641.22, 641.227, 641.29(1) FS. History—New 2-22-88, Amended 10-25-89, Formerly 4-31.027, Amended 5-28-92, Formerly 4-191.027, Amended 9-28-22, \_\_\_\_\_.*



### **69O-193.003 Applications and Management Change.**

#### **(1) Application for Certificate of Authority.**

(a) An application for a person applying for a certificate of authority for a continuing care provider consists of the following:

1. Form OIR-C1-473, "Application for Certificate of Authority for a Continuing Care Provider," effective 07/23 9/19, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/>; <http://www.flrules.org/Gateway/reference.asp?No=Ref-11565;>

2. Form OIR-C1-144, ~~incorporated by reference in Rule 69O-136.100, F.A.C.; "Service of Process Consent & Agreement," effective 6/04, hereby incorporated by reference and available at~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-11566;>

3. Form OIR-C1-905, ~~incorporated by reference in Rule 69O-136.100, F.A.C.; "Instructions for Furnishing Background Investigative Reports," effective 6/20, hereby incorporated by reference and available at~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-14451;>

4. Form OIR-C1-938, ~~incorporated by reference in Rule 69O-136.100, F.A.C.; "Fingerprint Payment and Submission Procedure," effective 6/20, hereby incorporated by reference and available at~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-14452;>

5. Form OIR-C1-1423, ~~incorporated by reference in Rule 69O-136.100, F.A.C.; "Uniform Certificate of Authority Application (UCAA) Biographical Affidavit," effective 12/20, hereby incorporated by reference and available at~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-14453;> and

6. Form OIR-C1-0500, incorporated by reference in Rule 69O-136.100, F.A.C.;

7. Form OIR-C1-0501, incorporated by reference in Rule 69O-136.100, F.A.C.;

8. Form OIR-C1-0502, incorporated by reference in Rule 69O-136.100, F.A.C.;

9. Form OIR-C1-0503, incorporated by reference in Rule 69O-136.100, F.A.C.;

10. Form OIR-C1-0504, incorporated by reference in Rule 69O-136.100, F.A.C.;

11. Form OIR-C1-0505, incorporated by reference in Rule 69O-136.100, F.A.C.;

12. Form OIR-C1-0506, incorporated by reference in Rule 69O-136.100, F.A.C.;

13. Form OIR-C1-0507, incorporated by reference in Rule 69O-136.100, F.A.C.;

14. Form OIR-C1-0509, incorporated by reference in Rule 69O-136.100, F.A.C.; and

15. ~~6. Form OIR-C1-2221, incorporated by reference in Rule 69O-136.100, F.A.C. "Management Information Form," effective 6/20, hereby incorporated by reference and available at~~ [www.flrules.org/Gateway/reference.asp?No=Ref-14454.](http://www.flrules.org/Gateway/reference.asp?No=Ref-14454;)

(b) A person applying for a certificate of authority as a continuing care provider shall submit forms in paragraph (1)(a) as directed by the Office electronically at <https://www.flair.com/iportal>. The forms may be obtained from <https://www.flair.com/iportal>.

#### **(2) Application for Provisional Certificate of Authority.**

(a) An application for a person applying for a provisional certificate of authority for a continuing care provider consists of the following:

1. Form OIR-C1-471, "Application for Provisional Certificate of Authority for a Continuing Care Provider," effective 07/23 9/19, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/>; <http://www.flrules.org/Gateway/reference.asp?No=Ref-11571;>

2. Form OIR-C1-144, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a);~~

3. Form OIR-C1-905, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a);~~ paragraph (1)(a);

4. Form OIR-C1-938, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a);~~ paragraph (1)(a);

5. Form OIR-C1-1423, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a);~~ and

6. Form OIR-C1-2221, incorporated by reference in Rule 69O-136.100. ~~paragraph (1)(a).~~

(b) A person applying for a provisional certificate of authority as a continuing care provider shall submit forms in paragraph (2)(a) as directed by the Office electronically at <https://www.flair.com/iportal>. The forms may be obtained from <https://www.flair.com/iportal>.

#### **(3) Consolidated Application for Provisional Certificate of Authority and Certificate of Authority.**

(a) A consolidated application for a provisional certificate of authority and certificate of authority for a continuing care provider consists of the following:

1. Form OIR-C1-2220, "Consolidated Application for Provisional Certificate of Authority and Certificate of Authority for a Continuing Care Provider," effective 07/23 ~~9/19~~, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/> ; <http://www.flrules.org/Gateway/reference.asp?No=Ref-11572>;

2. Form OIR-C1-144, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a)~~;

3. Form OIR-C1-905, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a)~~;

4. Form OIR-C1-938, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a)~~;

5. Form OIR-C1-1423, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a)~~; and

6. Form OIR-C1-2221, incorporated by reference in Rule 69O-136.100. ~~paragraph (1)(a)~~.

(b) A person filing a consolidated application for provisional certificate of authority and certificate of authority for a continuing care provider shall submit forms in paragraph (3)(a) as directed by the Office electronically at <https://www.flair.com/iportal>. The forms may be obtained from <https://www.flair.com/iportal>.

(4) Application for the Simultaneous Acquisition of a Continuing Care Facility and Issuance of a Certificate of Authority to a Provider.

(a) An application for the simultaneous acquisition of a continuing care facility and issuance of a certificate of authority consists of the following:

1. Form OIR-C1-2219, "Application for the Simultaneous Acquisition of a Continuing Care Facility and Issuance of a Certificate of Authority to a Provider," effective 07/23 ~~9/19~~, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/> ; <http://www.flrules.org/Gateway/reference.asp?No=Ref-11573>;

2. Form OIR-C1-144, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a)~~;

3. Form OIR-C1-905, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a)~~;

4. Form OIR-C1-938, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a)~~;

5. Form OIR-C1-2221, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a)~~; and

6. Form OIR-C1-1423, incorporated by reference in Rule 69O-136.100. ~~paragraph (1)(a)~~.

(b) A person applying for simultaneous acquisition of a continuing care facility and issuance of a certificate of authority shall submit forms in paragraph (4)(a) as directed by the Office electronically at <https://www.flair.com/iportal>.

(c) Disclaimer of Control

1. A person may attempt to rebut a presumption of control pursuant to Section 651.0245, F.S., by electronically filing at <https://www.flair.com/iportal> one of the following forms, which may be obtained from <https://www.flair.com/iportal>, with the Office:

a. Form OIR-C1-1467, ~~incorporated by reference in Rule 69O-136.100; "Disclaimer of Control Affidavit—Individual", effective 7/21, hereby incorporated by reference and available at~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-14455>;

b. Form OIR-C1-1468, ~~incorporated by reference in Rule 69O-136.100; "Disclaimer of Control Affidavit—Entity", effective 7/21, hereby incorporated by reference and available at~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-14456>;

c. Form OIR-C1-2211, ~~incorporated by reference in Rule 69O-136.100; "Disclaimer of Control Affidavit—Investment Companies," effective 7/21, hereby incorporated by reference and available at~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-14457>.

2. A person may attempt to rebut a presumption of control pursuant to section 651.0245, F.S., by filing a copy of a Schedule 13G filed with the Securities and Exchange Commission pursuant to Rule 13d-1(b) or (c), 17 C.F.R. s. 240.13d-1, under the Securities Exchange Act of 1934, as amended, to the Office electronically at <https://www.flair.com/iportal>.

3. Pursuant to Section 651.0245(6), F.S., the Office is authorized to disallow a disclaimer of control filed pursuant to subparagraphs (4)(c)1. and (4)(c)2.

(5) Application for Expansion.

(a) An application for a person applying for expansion of a certificated continuing care facility consists of the following:

1. Form OIR-C1-2218, "Application for Expansion of a Certificated Continuing Care Facility," effective 07/23 9/19, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/>; <http://www.flrules.org/Gateway/reference.asp?No=Ref-11577>;

2. Form OIR-C1-905, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a);~~

3. Form OIR-C1-938, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a);~~

4. Form OIR-C1-1423, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a);~~ and

5. Form OIR-C1-2221, incorporated by reference in Rule 69O-136.100. ~~paragraph (1)(a).~~

(b) A person applying for expansion of a certificated continuing care facility shall submit forms in paragraph (5)(a) as directed by the Office electronically at <https://www.floir.com/iportal>. The forms may be obtained from <https://www.floir.com/iportal>.

(6) Manager or Management Company.

(a) To comply with the filing requirements of Section 651.043(2), F.S., for each new management company or manager not employed by a management company within 10 business days of a change in management, the provider shall submit the following:

1. Form OIR-C1-905, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a);~~

2. Form OIR-C1-938, incorporated by reference in Rule 69O-136.100; ~~paragraph (1)(a);~~ and

3. Form OIR-C1-1423, incorporated by reference in Rule 69O-136.100. ~~paragraph (1)(a).~~

4. A copy of the written management contract, if applicable.

(b) The documents in paragraph (6)(a) shall be submitted to the Office electronically at <https://www.floir.com/iportal>. The forms may be obtained from <https://www.floir.com/iportal>.

*Rulemaking Authority 651.015(3), 651.021(2), 651.022(2), 651.0245(3), (5), (6), 651.0246(1), 651.043 FS. Law Implemented 651.0215, 651.022, 651.023, 651.024, 651.0245, 651.0246 FS. History—New 7-16-92, Formerly 4-193.003, Amended 3-12-20, 7-21-22, \_\_\_\_\_.*

KATHLEEN PASSIDOMO  
President



Senator Blaise Ingoglia, Chair  
Representative Tobin Rogers "Toby" Overdorf, Vice Chair  
Senator Colleen Burton  
Senator Erin Grall  
Senator Rosalind Osgood  
Senator Darryl Ervin Rouson  
Representative Shane G. Abbott  
Representative Jervonte "Tae" Edmonds  
Representative Alina Garcia  
Representative Yvonne Hayes Hinson  
Representative Joel Rudman, M.D.

PAUL RENNER  
Speaker



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[japc@leg.state.fl.us](mailto:japc@leg.state.fl.us)

THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

November 6, 2023

Mr. Michael G Lawrence, Jr.  
Chief Legal Counsel  
Department of Financial Services  
OIR - Insurance Regulation  
200 E. Gaines Street  
Tallahassee, Florida 32399-4206

**RE: Department of Financial Services, OIR - Insurance Regulation  
Proposed Rule Number 69O-193.003**

Dear Mr. Lawrence:

I have reviewed the above-referenced proposed rule, which was advertised in the Florida Administrative Register on October 6, 2023 and provided to the committee on October 19, 2023. I have the following comments.

**Summary of Statement of Estimated Regulatory Costs and Legislative Ratification:**

This summary, as published in the Florida Administrative Register, does not include the information required by section 120.54(3)(a)1., specifically, "a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3)." Please publish a notice of correction specifically stating whether legislative ratification is expected to be required and describing the information the agency relied upon in making that determination.

**Rulemaking authority**

Section 651.021(2), F.S. is cited as rulemaking authority, however, the subsection (2) does not exist.

**69O-193.003(1)(a)1.**  
Form OIR-C1-473

Pages 11-20 of the form contains the incorrect effective date. Please ensure the correct effective appears on the form at adoption.

**69O-193.003(2)(a)1.**  
Form OIR-C1-471

Section III-8 of the form contains citations to ss. 651.011(15) and (25), F.S. These do not appear to be the correct citations. Please ensure the citations are corrected at adoption.

**69O-193.003(2)(a)2.**

The rule states that the form is incorporated by reference in paragraph (1)(a), however, the form is also incorporated by reference in proposed rule 69O-136.100. Please ensure the form is incorporated into the appropriate rule and that the form and references to the form include the correct rule where the form is incorporated. See rule 1-1.013, F.A.C. and ss. 120.55(1)(a)4., 120.545(1)(d) and (i), F.S.

**69O-193.003(2)(a)3.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(2)(a)4.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(2)(a)5.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(2)(a)6.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(3)(a)1.**  
Form OIR-C1-2220

See comment for Form OIR-C1-471.

**69O-193.003(3)(a)2.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(3)(a)3.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(3)(a)4.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(3)(a)5.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(3)(a)6.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(4)(a)1.**  
Form OIR-C1-2219

See comment for Form OIR-C1-471.

**69O-193.003(4)(a)2.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(4)(a)3.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(4)(a)4.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(4)(a)5.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(4)(a)6.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(4)(c)1.a.**

The rule incorporates the form by reference, however, the form is also incorporated by reference in proposed rule 69O-136.100. Please ensure the form is incorporated into the appropriate rule and that the form and references to the form include the correct rule where the form is incorporated. See rule 1-1.013, F.A.C. and ss. 120.55(1)(a)4., 120.545(1)(d) and (i), F.S.

**69O-193.003(4)(c)1.b.**

See comment for 69O-193.003(4)(c)1.a.

**69O-193.003(4)(c)1.c.**

See comment for 69O-193.003(4)(c)1.a.

**69O-193.003(5)(a)1.**  
Form OIR-C1-2218

Section III-4 of the form contains citations to ss. 651.011(15) and (25), F.S. These do not appear to be the correct citations. Please ensure the citations are corrected at adoption.

Pages 12-20 of the form contains the incorrect effective date. Please ensure the correct effective appears on the form at adoption.

**69O-193.003(5)(a)2.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(5)(a)3.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(5)(a)4.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(5)(a)5.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(6)(a)1.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(6)(a)2.**

See comment for 69O-193.003(2)(a)2.

**69O-193.003(6)(a)3.**

See comment for 69O-193.003(2)(a)2.

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Jamie E. Royal". The signature is written in a cursive, flowing style.

Jamie E. Royal  
Senior Attorney



## OFFICE OF INSURANCE REGULATION

**MICHAEL YAWORSKY**  
COMMISSIONER

November 17, 2023

Mr. Kenneth J. Plante  
Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, Florida 32399-1400

RE: Rule 69O-193.003, Florida Administrative Code ("F.A.C.")

Dear Mr. Plante:

Below are the Office of Insurance Regulation ("Office") responses to written material submitted to the Office from Jamie E. Royal, Senior Attorney, Joint Administrative Procedures Committee.

**Summary of Statement  
of Estimated Regulatory Costs**

This summary, as published in the Florida Administrative Register, does not include the information required by s. 120.54(3)(a)1., F.S., specifically, "a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3)." Please publish a notice of correction specifically stating whether legislative ratification is expected to be required and describing the information the agency relied upon in making that determination.

**Response:**

An error was made when using the online interface for publishing in the Florida Administrative Register. A checkbox went unmarked which resulted in the required language not appearing in the notice. This will be remedied with a Notice of Change.

**Rulemaking authority**

Section 651.021(2), F.S. is cited as rulemaking authority, however, the subsection (2) does not exist.

FINANCIAL SERVICES  
COMMISSION

RON DESANTIS  
GOVERNOR

JIMMY PATRONIS  
CHIEF FINANCIAL OFFICER

ASHLEY MOODY  
ATTORNEY GENERAL

WILTON SIMPSON  
COMMISSIONER OF  
AGRICULTURE

**Response:** The reference to subsection (2) is a scrivener's error and will be corrected.

**69O-193.003(1)(a)1.  
Form OIR-C1-473**

Pages 11-20 of the form contains the incorrect effective date. Please ensure the correct effective appears on the form at adoption.

**Response:** The incorrect dates are a word processing error and will be corrected.

**69O-193.003(2)(a)1.**

Form OIR-C1-471 Section III-8 of the form contains citations to ss. 651.011(15) and (25), F.S. These do not appear to be the correct citations. Please ensure the citations are corrected at adoption.

**Response:** These citations are incorrect, and we will update Section III-8 to reflect the current statutes and rules.

**69O-193.003(2)(a)2.**

The rule states that the form is incorporated by reference in paragraph (1)(a), however, the form is also incorporated by reference in proposed rule 69O-136.100. Please ensure the form is incorporated into the appropriate rule and that the form and references to the form include the correct rule where the form is incorporated. See rule 1-1.013, F.A.C. and ss. 120.55(1)(a)4., 120.545(1)(d) and (i), F.S.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(2)(a)3.**

See comment for 69O-193.003(2)(a)2.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(2)(a)4.**

See comment for 69O-193.003(2)(a)2.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(2)(a)5.**

See comment for 69O-193.003(2)(a)2.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(2)(a)6.**

See comment for 69O-193.003(2)(a)2.



**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(3)(a)1.  
Form OIR-C1-2220**

See comment for Form OIR-C1-471.

**Response:** These citations are incorrect, and we will update Section III-8 to reflect the current statutes and rules.

**69O-193.003(3)(a)2.**

See comment for 69O-193.003(2)(a)2.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(3)(a)3.**

See comment for 69O-193.003(2)(a)2.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(3)(a)4.**

See comment for 69O-193.003(2)(a)2.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(3)(a)5.**

See comment for 69O-193.003(2)(a)2.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(3)(a)6.**

See comment for 69O-193.003(2)(a)2.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(4)(a)1.  
Form OIR-C1-2219**

See comment for Form OIR-C1-471.

**Response:** These citations are incorrect, and we will update Section III-8 to reflect the current statutes and rules.

**69O-193.003(4)(a)2.**

See comment for 69O-193.003(2)(a)2.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(4)(a)3.** See comment for 69O-193.003(2)(a)2.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(4)(a)4.** See comment for 69O-193.003(2)(a)2.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(4)(a)5.** See comment for 69O-193.003(2)(a)2.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(4)(a)6.** See comment for 69O-193.003(2)(a)2.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(4)(c)1.a.** The rule incorporates the form by reference, however, the form is also incorporated by reference in proposed rule 69O-136.100. Please ensure the form is incorporated into the appropriate rule and that the form and references to the form include the correct rule where the form is incorporated. See rule 1-1.013, F.A.C. and ss. 120.55(1)(a)4., 120.545(1)(d) and (i), F.S.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100. We will also ensure that the Form itself reflects the correct Rule.

**69O-193.003(4)(c)1.b.** See comment for 69O-193.003(4)(c)1.a.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100. We will also ensure that the Form itself reflects the correct Rule.

**69O-193.003(4)(c)1.c.** See comment for 69O-193.003(4)(c)1.a.

**Response:** The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100. We will also ensure that the Form itself reflects the correct Rule.

**69O-193.003(5)(a)1.  
Form OIR-C1-2218**

Section III-4 of the form contains citations to ss. 651.011(15) and (25), F.S. These do not appear to be the correct citations. Please ensure the citations are corrected at adoption.

Pages 12-20 of the form contains the incorrect effective date. Please ensure the correct effective appears on the form at adoption.

**Response:** These citations are incorrect, and we will update Section III-4 to reflect the current statutes and rules.

The incorrect dates are a word processing error and will be corrected.

**69O-193.003(5)(a)2.**

See comment for 69O-193.003(2)(a)2.

**Response:**

The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(5)(a)3.**

See comment for 69O-193.003(2)(a)2.

**Response:**

The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(5)(a)4.**

See comment for 69O-193.003(2)(a)2.

**Response:**

The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(5)(a)5.**

See comment for 69O-193.003(2)(a)2.

**Response:**

The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(6)(a)1.**

See comment for 69O-193.003(2)(a)2.

**Response:**

The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(6)(a)2.**

See comment for 69O-193.003(2)(a)2.

**Response:**

The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

**69O-193.003(6)(a)3.**

See comment for 69O-193.003(2)(a)2.

**Response:**

The proposed rule will be corrected to cross reference the incorporation of the form in Rule 69O-136.100.

Sincerely,

***Kama Monroe***

Kama Monroe  
Assistant General Counsel

## Notice of Change/Withdrawal

### DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-193.003 Applications and Management Change

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 195, October 6, 2023 issue of the Florida Administrative Register.

The summary of statement of estimated regulatory costs and legislative ratification should have included the following language:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

#### The following proposed rule will be changed to read:

##### **69O-193.003 Applications and Management Change.**

(1) No Change

(2) Application for Provisional Certificate of Authority.

(a) An application for a person applying for a provisional certificate of authority for a continuing care provider consists of the following:

1. No Change.

2. Form OIR-C1-144, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);

3. Form OIR-C1-905, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);

4. Form OIR-C1-938, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);

5. Form OIR-C1-1423, incorporated by reference in Rule 69O-136.100; paragraph (1)(a); and

6. Form OIR-C1-2221, incorporated by reference in Rule 69O-136.100; paragraph (1)(a).

(b) A person applying for a provisional certificate of authority as a continuing care provider shall submit forms in paragraph (2)(a) as directed by the Office electronically at <https://www.floir.com/iportal>. The forms may be obtained from <https://www.floir.com/iportal>.

(3) Consolidated Application for Provisional Certificate of Authority and Certificate of Authority.

(a) A consolidated application for a provisional certificate of authority and certificate of authority for a continuing care provider consists of the following:

1. No Change.

2. Form OIR-C1-144, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);

3. Form OIR-C1-905, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);

4. Form OIR-C1-938, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);

5. Form OIR-C1-1423, incorporated by reference in Rule 69O-136.100; paragraph (1)(a); and

6. Form OIR-C1-2221, incorporated by reference in Rule 69O-136.100; paragraph (1)(a).

(b) No Change.

(4) Application for the Simultaneous Acquisition of a Continuing Care Facility and Issuance of a Certificate of Authority to a Provider.

(a) An application for the simultaneous acquisition of a continuing care facility and issuance of a certificate of authority consists of the following:

1. No Change.

2. Form OIR-C1-144, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);

3. Form OIR-C1-905, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);
4. Form OIR-C1-938, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);
5. Form OIR-C1-2221, incorporated by reference in Rule 69O-136.100; paragraph (1)(a); and
6. Form OIR-C1-1423, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);

(b) No Ch

(c) Disclaimer of Control

1. A person may attempt to rebut a presumption of control pursuant to Section 651.0245, F.S., by electronically filing at <https://www.flair.com/iportal> one of the following forms, which may be obtained from <https://www.flair.com/iportal>, with the Office:

a. Form OIR-C1-1467, ~~incorporated by reference in Rule 69O-136.100; "Disclaimer of Control Affidavit—Individual", effective 7/21, hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-14455>;~~

b. Form OIR-C1-1468, ~~incorporated by reference in Rule 69O-136.100; "Disclaimer of Control Affidavit—Entity", effective 7/21, hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-14456>;~~

c. Form OIR-C1-2211, ~~incorporated by reference in Rule 69O-136.100; "Disclaimer of Control Affidavit—Investment Companies," effective 7/21, hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-14457>.~~

2. – 3. No Change.

(5) Application for Expansion.

(a) An application for a person applying for expansion of a certificated continuing care facility consists of the following:

1. No Change.

2. Form OIR-C1-905, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);

3. Form OIR-C1-938, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);

4. Form OIR-C1-1423, incorporated by reference in Rule 69O-136.100; paragraph (1)(a); and

5. Form OIR-C1-2221, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);

(b) No Change.

(6) Manager or Management Company.

(a) To comply with the filing requirements of Section 651.043(2), F.S., for each new management company or manager not employed by a management company within 10 business days of a change in management, the provider shall submit the following:

1. Form OIR-C1-905, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);

2. Form OIR-C1-938, incorporated by reference in Rule 69O-136.100; paragraph (1)(a); and

3. Form OIR-C1-1423, incorporated by reference in Rule 69O-136.100; paragraph (1)(a);

4. A copy of the written management contract, if applicable.

(b) No Change.

*Rulemaking Authority 651.015(3), 651.021(2), 651.022(2), 651.0245(3), (5), (6), 651.0246(1), 651.043 FS. Law Implemented 651.0215, 651.022, 651.023, 651.024, 651.0245, 651.0246 FS. History—New 7-16-92, Formerly 4-193.003, Amended 3-12-20, 7-21-22, \_\_\_\_\_.*

69O-198.011 Application for and Issuance of License and License Continuance.

(1) Application for License as a Service Warranty Association

(a) An application for a person applying for a license as a service warranty association consists of the following:

1. Form OIR-C1-997, "Application for License Service Warranty Association," effective 07/23 ~~3/21~~, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13047>;

2. Form OIR-A3-455, "Home or Service Warranty Association Surety Bond," effective 5/20, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13040>;

3. Form OIR-C1-144, ~~incorporated by reference in Rule 69O-136.100, F.A.C.; "Service of Process Consent & Agreement," effective 6/04, hereby incorporated by reference and available at~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-13043>;

4. Form OIR-C1-905, ~~incorporated by reference in Rule 69O-136.100, F.A.C.; "Instructions for Furnishing Background Investigative Reports," effective 6/20, hereby incorporated by reference and available at~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-13044>;

5. Form OIR-C1-938, ~~incorporated by reference in Rule 69O-136.100, F.A.C.; "Fingerprint Payment and Submission Procedures," effective 6/20, hereby incorporated by reference and available at~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-13045>;

6. Form OIR-C1-995, ~~incorporated by reference in Rule 69O-136.100, F.A.C.; "List of Proposed Sales Representatives," effective 10/05, hereby incorporated by reference and available at~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-13046>;

7. Form OIR-C1-1423, ~~incorporated by reference in Rule 69O-136.100, F.A.C.; "Biographical Affidavit," effective 6/20, hereby incorporated by reference and available at~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-13048>; and

8. Form OIR-C1-0500, incorporated by reference in Rule 69O-136.100, F.A.C.;

9. Form OIR-C1-0501, incorporated by reference in Rule 69O-136.100, F.A.C.;

10. Form OIR-C1-0502, incorporated by reference in Rule 69O-136.100, F.A.C.;

11. Form OIR-C1-0503, incorporated by reference in Rule 69O-136.100, F.A.C.;

12. Form OIR-C1-0504, incorporated by reference in Rule 69O-136.100, F.A.C.;

13. Form OIR-C1-0505, incorporated by reference in Rule 69O-136.100, F.A.C.;

14. Form OIR-C1-0506, incorporated by reference in Rule 69O-136.100, F.A.C.;

15. Form OIR-C1-0507, incorporated by reference in Rule 69O-136.100, F.A.C.;

16. Form OIR-C1-0509, incorporated by reference in Rule 69O-136.100, F.A.C.; and

~~17.8. Form OIR-C1-2221, incorporated by reference in Rule 69O-136.100, F.A.C.; "Management Information Form," effective 6/20, hereby incorporated by reference and available at~~ <http://www.flrules.org/Gateway/reference.asp?No=Ref-13049>.

(b) A person applying for a license as a service warranty association shall submit forms listed in paragraph (1)(a) as directed by the Office electronically at <https://www.flair.com/iportal>.

(2) License Continuance for Service Warranty Association

(a)1. A service warranty association's license shall continue in force as long as the licensee is in compliance with the provisions of Chapter 634, Part III, F.S.

2. Failure to submit the application for continuance by March 1 shall result in expiration of the license and will require the filing of a new application for licensure.

(b) A licensee seeking to continue operating as a service warranty association shall submit the following:

1. Form OIR-A3-110, "License Continuance Form Service Warranty Association," effective 07/23 ~~5/20~~, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13041>, filed electronically at <https://www.flair.com/iportal>; and

2. A fee of \$200.00 filed annually in conjunction with the March 1 filing of the annual statement.

(c) Any licensee who fails to renew a service warranty association license shall immediately cease and desist from engaging in the service warranty business in the state of Florida. The service warranty association shall honor those

service warranty contracts in force until the date of expiration or the date of cancellation and a refund is made to the consumer.

(3) Application for License as a Service Warranty Association Manufacturer or Affiliate.

(a) An application for a person applying for a license as a service warranty association manufacturer or affiliate consists of the following:

1. Form OIR-C1-989, "Application for License Service Warranty Association Manufacturer or Affiliate," effective 07/23 3/21, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/>; <http://www.flrules.org/Gateway/reference.asp?No=Ref-13050>;

2. Form OIR-C1-144, incorporated by reference in Rule 69O-136.100, F.A.C.; ~~paragraph (1)(a);~~ and

3. Form OIR-C1-2221, incorporated by reference in Rule 69O-136.100, F.A.C. ~~paragraph (1)(a).~~

(b) A person applying for a license as a service warranty association shall submit forms listed in paragraph (3)(a) as directed by the Office electronically at <https://www.flor.com/iportal>.

(4) License Continuance for Service Warranty Association Manufacturer or Affiliate

(a)1. A service warranty association manufacturer or affiliate's license shall continue in force as long as licensee is in compliance with the provisions of Chapter 634, Part III, F.S.

2. Failure to submit the application for continuance by March 1 shall result in expiration of the license and will require the filing of a new application for licensure.

(b) A licensee seeking to continue operating as a service warranty association manufacturer or affiliate shall submit the following:

1. Form OIR-A3-955, "License Continuance Form Service Warranty Association Manufacturer or Affiliate," effective 07/23 5/20, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/>; <http://www.flrules.org/Gateway/reference.asp?No=Ref-13042>, filed electronically at <https://www.flor.com/iportal>; and

2. A fee of \$500.00 filed annually in conjunction with the March 1 filing of the annual statement.

(c) Any licensee who fails to renew a service warranty association license shall immediately cease and desist from engaging in the service warranty business in the state of Florida. The service warranty association shall honor those service warranty contracts in force until the date of expiration or the date of cancellation and a refund is made to the consumer.

*Rulemaking Authority 634.402 FS. Law Implemented 624.424, 634.407, 634.408, 634.404 FS. History—New 3-28-93, Formerly 4-198.011, Amended 5-25-21, \_\_\_\_\_.*



KATHLEEN PASSIDOMO

President



Senator Blaise Ingoglia, Chair  
Representative Tobin Rogers "Toby" Overdorf, Vice Chair  
Senator Colleen Burton  
Senator Erin Grall  
Senator Rosalind Osgood  
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Representative Alina Garcia  
Representative Yvonne Hayes Hinson  
Representative Joel Rudman, M.D.

PAUL RENNER

Speaker



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[japc@leg.state.fl.us](mailto:japc@leg.state.fl.us)

THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

November 8, 2023

Mr. Michael G Lawrence, Jr.  
Chief Legal Counsel  
Department of Financial Services  
OIR - Insurance Regulation  
200 E. Gaines Street  
Tallahassee, Florida 32399-4206

**RE: Department of Financial Services, OIR - Insurance Regulation  
Proposed Rule Numbers 69O-198.011, .012**

Dear Mr. Lawrence:

I have reviewed the above-referenced proposed rules, which were advertised in the Florida Administrative Register on October 6, 2023 and provided to the committee on October 19, 2023. I have the following comments.

**Summary of Statement of Estimated Regulatory Costs and Legislative Ratification:**

This summary, as published in the Florida Administrative Register, does not include the information required by section 120.54(3)(a)1., specifically, "a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3)." Please publish a notice of correction specifically stating whether legislative ratification is expected to be required and describing the information the agency relied upon in making that determination.

**69O-198.011(3)(a)2.**

The rule states that the form is incorporated by reference in paragraph (1)(a), however, the form is also incorporated by reference in proposed rule 69O-136.100. Please ensure the form is incorporated into the appropriate rule and that the form and references to the form include the correct rule where the form is incorporated. See rule 1-1.013, F.A.C. and ss. 120.55(1)(a)4., 120.545(1)(d) and (i), F.S.

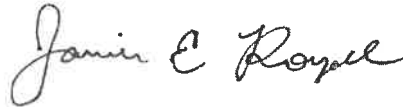
Mr. Michael G Lawrence, Jr.  
November 8, 2023  
Page 2

**69O-198.011(3)(a)3.**

See comment for 69O-198.011(3)(a)2.

Please let me know if you have any questions. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Jamie E. Royal". The signature is written in a cursive, flowing style.

Jamie E. Royal  
Senior Attorney

JER:tf #191985 #191986



FINANCIAL SERVICES  
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## OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY  
COMMISSIONER

November 17, 2023

Mr. Kenneth J. Plante  
Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, Florida 32399-1400

RE: Rule 69O-198.011, Florida Administrative Code ("F.A.C.")

Dear Mr. Plante:

Below are the Office of Insurance Regulation ("Office") responses to written material submitted to the Office from Jamie E. Royal, Senior Attorney, Joint Administrative Procedures Committee.

### Summary of Statement of Estimated Regulatory Costs

This summary, as published in the Florida Administrative Register, does not include the information required by s. 120.54(3)(a)1., F.S., specifically, "a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3)." Please publish a notice of correction specifically stating whether legislative ratification is expected to be required and describing the information the agency relied upon in making that determination.

### Response:

An error was made when using the online interface for publishing in the Florida Administrative Register. A checkbox went unmarked which resulted in the required language not appearing in the notice. This will be remedied with a Notice of Change.

### 69O-198.011(3)(a)2.

The rule states that the form is incorporated by reference in paragraph (1)(a), however, the form is also incorporated by reference in proposed rule 69O-136.100. Please ensure

the form is incorporated into the appropriate rule and that the form and references to the form include the correct rule where the form is incorporated. See rule 1-1.013, F.A.C. and ss. 120.55(1)(a)4., 120.545(1)(d) and (i), F.S.

**Response:**

When the citations to where we incorporate the forms listed in paragraph 69O-198.011(1)(a) were changed to reference Rule 136.100, we did not update the cross references to paragraph (1)(a) in this subparagraph. We will publish a Notice of Change to correct the citation.

**69O-198.011(3)(a)3.**

See comment for 69O-198.011(3)(a)2.

**Response:**

When the citations to where we incorporate the forms listed in paragraph 69O-198.011(1)(a) were changed to reference Rule 136.100, we did not update the cross references to paragraph (1)(a) in this subparagraph. We will publish a Notice of Change to correct the citation.

Sincerely,

***Kama Monroe***

Kama Monroe  
Assistant General Counsel

## Notice of Change/Withdrawal

### DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-198.011 Application for and Issuance of License and License Continuance

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 49 No. 195, October 6, 2023 issue of the Florida Administrative Register.

The summary of statement of estimated regulatory costs and legislative ratification should have included the following language:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

The following subsection of the proposed rule will be changed to read:

69O-198.011 Application for and Issuance of License and License Continuance.

(1)-(2) No Change.

(3)(a)1. – 2. No Change.

2. Form OIR-C1-144, incorporated by reference in Rule 69O-136.100, F.A.C. paragraph (1)(a); and

3. Form OIR-C1-2221, incorporated by reference in Rule 69O-136.100, F.A.C. paragraph (1)(a).

(b) No Change.

(4) No Change.

*Rulemaking Authority 634.402 FS. Law Implemented 624.424, 634.407, 634.408, 634.404 FS. History—New 3-28-93, Formerly 4-198.011, Amended 5-25-21, \_\_\_\_.*