

69O-207.001 Late Filed Reports - Fine Schedule.

(1) The following schedule of fines is hereby adopted by the Commission as a guideline in assessing fines against the referenced entities for the late filing of annual reports or statements as required by law:

| Entity | Per Day Fine A | B | Maximum Fine |
|--|--|--------------------------|--|
| (a) Continuing Care (Sections 651.026(1) and 651.015(2)(c), 651.026(1) F.S.) | \$50 25 per day | \$50 per day | None |
| (b) Health Maintenance Organizations (Section 641.26(43), F.S.) | \$1,000 first 10 days \$2,000 after 10 days 100 per day | \$200 per day | \$100,000 |
| (c) Prepaid Health Clinics (Section 641.41(2), F.S.) (Section 637.118(2) , F.S.) | \$25 per day | \$50 per day | None |
| (d) Multiple Employer Welfare Arrangements (Section 624.442(5) 624.4211(2) , F.S.) | \$1,000 first 10 days \$2,000 after 10 days 100.00 per day | \$200 per day | \$100,000 2,500 |
| (e) Motor Vehicle Service Agreements (Sections 634.137(3), 634.131(3) , F.S.) | \$100 per day | \$100 per day | None |
| (f) Home Warranty (Section 634.313(3), F.S.) | \$100 25 per day | \$50 per day | None |
| (g) Premium Finance (Section 627.833 , 626.681 , F.S.) (Rule 69O-196.007(2), F.A.C.) | \$12.50 per day | \$25 per day | \$10,000 500 |
| (h) Prepaid Legal (Section 642.0338(2), F.S.) (Rule 69O-201.012(2), F.A.C.) | \$1,000, nonwillful \$5,000 , willful 12.50 per day | \$25 per day | \$5,000 , nonwillful 25,000 , willful 1,000 |
| (i) Service Warranty (Section 634.415(3), F.S.) | \$100 50 per day | \$100 per day | None |
| (j) Insurance Administrators (Section 626.894(2), (3), F.S.) | \$1,000, nonwillful \$5,000 , willful 12.50 per day | \$25 per day | \$5,000 , nonwillful \$25,000 , willful 1,000 |

“A” is applicable if the entity filed late last year and filed late this year, but within 5 days after notice or if timely filed last year and late by more than five days after notice in current year. “B” is applicable if the entity filed late last year and filed late in current year more than 5 days after notice.

(2) In assessing the fines provided in subsection (1), above, the Office will consider ~~may be increased or decreased based on~~ the following mitigating and aggravating factors:

(a) Mitigating:

1. The entity has given advance notice to the Office that it will be filing late.
2. Justifiable unforeseen cause not within control of entity.
3. The entity has timely submitted major portions of the report.
4. Other mitigating factors as the Office may determine on the facts of the particular situation.

(b) Aggravating:

1. The entity has not given prior notice to the Office that it will be filing late.
2. Adverse financial condition indicated when report is filed.
3. Past violations by the entity.
4. Willfully or intentionally failing to file the report.
5. Other aggravating factors as the Office may determine on the facts of the particular situation.

(3) The fines referenced in subsection (1), above, are in addition to any other penalties that may be allowed by law, including the summary suspension of authority to transact business until the report is filed.

(4) For purposes of this rule an annual report or statement, required by law, is deemed received by the Office on the date it is submitted electronically at <http://www.floir.com/portal>.

Rulemaking Authority ~~624.308(1), 624.4331, 626.8991, 634.021, 634.137, 634.302, 634.402, 634.137, 641.36, 641.403, 651.015(3), FS. Law Implemented 624.307(1), 624.424, 624.442(5), 626.681(1)-(2), 626.894(2)-(3), 627.833, 634.137(3), 634.313(3), 634.415(3), 637.118(2), 637.278(2), 637.423, 641.26(4), 641.41(2), 642.0338(2),~~

651.012(2)(c), 651.026(1), FS. History—New 1-28-91, Formerly 4-120.001, 4-207.001, Amended 7-30-17, Amended _____.