

1 A bill to be entitled
 2 An act relating to motor vehicle insurance coverage
 3 exclusions; creating s. 627.747, F.S.; providing that
 4 private passenger motor vehicle policies may exclude
 5 certain identified individuals from specified
 6 coverages under certain circumstances; providing that
 7 such policies may not exclude coverage under certain
 8 circumstances; requiring an identified individual to
 9 meet certain requirements for financial
 10 responsibility; providing that the exclusion remains
 11 valid under specified circumstances; amending ss.
 12 324.151, 627.736, and 627.7407, F.S.; conforming
 13 provisions to changes made by the act; providing an
 14 effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 627.747, Florida Statutes, is created
 19 to read:

20 627.747 Named driver exclusion.-

21 (1) A private passenger motor vehicle policy may exclude
 22 the following coverages for all claims or suits resulting from
 23 the operation of a motor vehicle by an identified individual who
 24 is not a named insured, provided the identified individual is
 25 named on the declarations page or by endorsement and the named

26 insured consents in writing to such exclusion:

27 (a) Notwithstanding the Florida Motor Vehicle No-Fault
 28 Law, the personal injury protection coverage specifically
 29 applicable to the identified individual's injuries, lost wages,
 30 and death benefits.

31 (b) Property damage liability coverage.

32 (c) Bodily injury liability coverage, if required by law
 33 and purchased by the named insured.

34 (d) Uninsured motorist coverage for any damages sustained
 35 by the identified individual, if the named insured has purchased
 36 such coverage.

37 (e) Any coverage the named insured is not required by law
 38 to purchase.

39 (2) A private passenger motor vehicle policy may not
 40 exclude coverage when:

41 (a) The identified individual is injured while not
 42 operating a motor vehicle;

43 (b) The identified individual is being excluded solely
 44 because of his or her race, color, religion, sex, national
 45 origin, age, handicap, pregnancy, or marital status; or

46 (c) The exclusion is inconsistent with the underwriting
 47 rules filed by the insurer pursuant to s. 627.0651(13)(a).

48 (3) An identified individual excluded pursuant to this
 49 section must:

50 (a) Establish, maintain, and show proof of financial

51 ability to respond for damages arising out of the ownership,
 52 maintenance, or use of a motor vehicle as required by chapter
 53 324; and

54 (b) Maintain security as required by s. 627.733.

55 (4) An identified individual's failure to comply with
 56 subsection (3) will not invalidate a properly executed exclusion
 57 issued in compliance with subsections (1) and (2).

58 Section 2. Paragraph (a) of subsection (1) of section
 59 324.151, Florida Statutes, is amended to read:

60 324.151 Motor vehicle liability policies; required
 61 provisions.—

62 (1) A motor vehicle liability policy to be proof of
 63 financial responsibility under s. 324.031(1) ~~7~~ shall be issued to
 64 owners or operators under the following provisions:

65 (a) An owner's liability insurance policy must ~~shall~~
 66 designate by explicit description or by appropriate reference
 67 all motor vehicles with respect to which coverage is thereby
 68 granted, must ~~and shall~~ insure the owner named therein, and,
 69 except for an identified individual excluded under s. 627.747,
 70 must insure any other person as operator using such motor
 71 vehicle or motor vehicles with the express or implied permission
 72 of such owner against loss from the liability imposed by law for
 73 damage arising out of the ownership, maintenance, or use of such
 74 motor vehicle or motor vehicles within the United States or the
 75 Dominion of Canada, subject to limits, exclusive of interest and

76 costs with respect to each such motor vehicle as is provided for
77 under s. 324.021(7). Insurers may make available, with respect
78 to property damage liability coverage, a deductible amount not
79 to exceed \$500. In the event of a property damage loss covered
80 by a policy containing a property damage deductible provision,
81 the insurer shall pay to the third-party claimant the amount of
82 any property damage liability settlement or judgment, subject to
83 policy limits, as if no deductible existed.

84 Section 3. Subsection (1) of section 627.736, Florida
85 Statutes, is amended to read:

86 627.736 Required personal injury protection benefits;
87 exclusions; priority; claims.—

88 (1) REQUIRED BENEFITS.—An insurance policy complying with
89 the security requirements of s. 627.733 must provide personal
90 injury protection to the named insured, relatives residing in
91 the same household unless excluded under s. 627.747, persons
92 operating the insured motor vehicle, passengers in the motor
93 vehicle, and other persons struck by the motor vehicle and
94 suffering bodily injury while not an occupant of a self-
95 propelled vehicle, subject to subsection (2) and paragraph
96 (4) (e), to a limit of \$10,000 in medical and disability benefits
97 and \$5,000 in death benefits resulting from bodily injury,
98 sickness, disease, or death arising out of the ownership,
99 maintenance, or use of a motor vehicle as follows:

100 (a) Medical benefits.—Eighty percent of all reasonable

101 expenses for medically necessary medical, surgical, X-ray,
102 dental, and rehabilitative services, including prosthetic
103 devices and medically necessary ambulance, hospital, and nursing
104 services if the individual receives initial services and care
105 pursuant to subparagraph 1. within 14 days after the motor
106 vehicle accident. The medical benefits provide reimbursement
107 only for:

108 1. Initial services and care that are lawfully provided,
109 supervised, ordered, or prescribed by a physician licensed under
110 chapter 458 or chapter 459, a dentist licensed under chapter
111 466, a chiropractic physician licensed under chapter 460, or an
112 advanced practice registered nurse registered under s. 464.0123
113 or that are provided in a hospital or in a facility that owns,
114 or is wholly owned by, a hospital. Initial services and care may
115 also be provided by a person or entity licensed under part III
116 of chapter 401 which provides emergency transportation and
117 treatment.

118 2. Upon referral by a provider described in subparagraph
119 1., followup services and care consistent with the underlying
120 medical diagnosis rendered pursuant to subparagraph 1. which may
121 be provided, supervised, ordered, or prescribed only by a
122 physician licensed under chapter 458 or chapter 459, a
123 chiropractic physician licensed under chapter 460, a dentist
124 licensed under chapter 466, or an advanced practice registered
125 nurse registered under s. 464.0123, or, to the extent permitted

126 | by applicable law and under the supervision of such physician,
127 | osteopathic physician, chiropractic physician, or dentist, by a
128 | physician assistant licensed under chapter 458 or chapter 459 or
129 | an advanced practice registered nurse licensed under chapter
130 | 464. Followup services and care may also be provided by the
131 | following persons or entities:

132 | a. A hospital or ambulatory surgical center licensed under
133 | chapter 395.

134 | b. An entity wholly owned by one or more physicians
135 | licensed under chapter 458 or chapter 459, chiropractic
136 | physicians licensed under chapter 460, advanced practice
137 | registered nurses registered under s. 464.0123, or dentists
138 | licensed under chapter 466 or by such practitioners and the
139 | spouse, parent, child, or sibling of such practitioners.

140 | c. An entity that owns or is wholly owned, directly or
141 | indirectly, by a hospital or hospitals.

142 | d. A physical therapist licensed under chapter 486, based
143 | upon a referral by a provider described in this subparagraph.

144 | e. A health care clinic licensed under part X of chapter
145 | 400 which is accredited by an accrediting organization whose
146 | standards incorporate comparable regulations required by this
147 | state, or

148 | (I) Has a medical director licensed under chapter 458,
149 | chapter 459, or chapter 460;

150 | (II) Has been continuously licensed for more than 3 years

151 or is a publicly traded corporation that issues securities
152 traded on an exchange registered with the United States
153 Securities and Exchange Commission as a national securities
154 exchange; and

155 (III) Provides at least four of the following medical
156 specialties:

157 (A) General medicine.

158 (B) Radiography.

159 (C) Orthopedic medicine.

160 (D) Physical medicine.

161 (E) Physical therapy.

162 (F) Physical rehabilitation.

163 (G) Prescribing or dispensing outpatient prescription
164 medication.

165 (H) Laboratory services.

166 3. Reimbursement for services and care provided in
167 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
168 licensed under chapter 458 or chapter 459, a dentist licensed
169 under chapter 466, a physician assistant licensed under chapter
170 458 or chapter 459, or an advanced practice registered nurse
171 licensed under chapter 464 has determined that the injured
172 person had an emergency medical condition.

173 4. Reimbursement for services and care provided in
174 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
175 provider listed in subparagraph 1. or subparagraph 2. determines

176 that the injured person did not have an emergency medical
177 condition.

178 5. Medical benefits do not include massage as defined in
179 s. 480.033 or acupuncture as defined in s. 457.102, regardless
180 of the person, entity, or licensee providing massage or
181 acupuncture, and a licensed massage therapist or licensed
182 acupuncturist may not be reimbursed for medical benefits under
183 this section.

184 6. The Financial Services Commission shall adopt by rule
185 the form that must be used by an insurer and a health care
186 provider specified in sub-subparagraph 2.b., sub-subparagraph
187 2.c., or sub-subparagraph 2.e. to document that the health care
188 provider meets the criteria of this paragraph. Such rule must
189 include a requirement for a sworn statement or affidavit.

190 (b) Disability benefits.—Sixty percent of any loss of
191 gross income and loss of earning capacity per individual from
192 inability to work proximately caused by the injury sustained by
193 the injured person, plus all expenses reasonably incurred in
194 obtaining from others ordinary and necessary services in lieu of
195 those that, but for the injury, the injured person would have
196 performed without income for the benefit of his or her
197 household. All disability benefits payable under this provision
198 must be paid at least every 2 weeks.

199 (c) Death benefits.—Death benefits of \$5,000 per
200 individual. Death benefits are in addition to the medical and

201 disability benefits provided under the insurance policy. The
202 insurer may pay death benefits to the executor or administrator
203 of the deceased, to any of the deceased's relatives by blood,
204 legal adoption, or marriage, or to any person appearing to the
205 insurer to be equitably entitled to such benefits.

206
207 Only insurers writing motor vehicle liability insurance in this
208 state may provide the required benefits of this section, and
209 such insurer may not require the purchase of any other motor
210 vehicle coverage other than the purchase of property damage
211 liability coverage as required by s. 627.7275 as a condition for
212 providing such benefits. Insurers may not require that property
213 damage liability insurance in an amount greater than \$10,000 be
214 purchased in conjunction with personal injury protection. Such
215 insurers shall make benefits and required property damage
216 liability insurance coverage available through normal marketing
217 channels. An insurer writing motor vehicle liability insurance
218 in this state who fails to comply with such availability
219 requirement as a general business practice violates part IX of
220 chapter 626, and such violation constitutes an unfair method of
221 competition or an unfair or deceptive act or practice involving
222 the business of insurance. An insurer committing such violation
223 is subject to the penalties provided under that part, as well as
224 those provided elsewhere in the insurance code.

225 Section 4. Paragraph (a) of subsection (5) of section

226 | 627.7407, Florida Statutes, is amended to read:

227 | 627.7407 Application of the Florida Motor Vehicle No-Fault
228 | Law.—

229 | (5) No later than November 15, 2007, each motor vehicle
230 | insurer shall provide notice of the provisions of this section
231 | to each motor vehicle insured who is subject to subsection (1).
232 | The notice is not subject to approval by the Office of Insurance
233 | Regulation. The notice must clearly inform the policyholder:

234 | (a) That beginning on January 1, 2008, Florida law
235 | requires the policyholder to maintain personal injury protection
236 | ("PIP") insurance coverage and that this insurance pays covered
237 | medical expenses for injuries sustained in a motor vehicle crash
238 | by the policyholder, passengers, and relatives residing in the
239 | policyholder's household unless excluded under s. 627.747.

240 | Section 5. This act shall take effect July 1, 2021.