

HB 341

2013

1 A bill to be entitled
2 An act relating to uninsured motorist insurance
3 coverage; amending s. 627.727, F.S.; providing that,
4 under certain circumstances, specified persons who
5 elect non-stacking limitations on their uninsured
6 motorist insurance coverage are conclusively presumed
7 to have made an informed, knowing acceptance of the
8 limitations on behalf of all insureds; providing an
9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsection (9) of section 627.727, Florida
14 Statutes, is amended to read:

15 627.727 Motor vehicle insurance; uninsured and
16 underinsured vehicle coverage; insolvent insurer protection.—

17 (9) Insurers may offer policies of uninsured motorist
18 coverage containing policy provisions, in language approved by
19 the office, establishing that if the insured accepts this offer:

20 (a) The coverage provided as to two or more motor vehicles
21 shall not be added together to determine the limit of insurance
22 coverage available to an injured person for any one accident,
23 except as provided in paragraph (c).

24 (b) If at the time of the accident the injured person is
25 occupying a motor vehicle, the uninsured motorist coverage
26 available to her or him is the coverage available as to that
27 motor vehicle.

28 (c) If the injured person is occupying a motor vehicle

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29 | which is not owned by her or him or by a family member residing
30 | with her or him, the injured person is entitled to the highest
31 | limits of uninsured motorist coverage afforded for any one
32 | vehicle as to which she or he is a named insured or insured
33 | family member. Such coverage shall be excess over the coverage
34 | on the vehicle the injured person is occupying.

35 | (d) The uninsured motorist coverage provided by the policy
36 | does not apply to the named insured or family members residing
37 | in her or his household who are injured while occupying any
38 | vehicle owned by such insureds for which uninsured motorist
39 | coverage was not purchased.

40 | (e) If, at the time of the accident the injured person is
41 | not occupying a motor vehicle, she or he is entitled to select
42 | any one limit of uninsured motorist coverage for any one vehicle
43 | afforded by a policy under which she or he is insured as a named
44 | insured or as an insured resident of the named insured's
45 | household.

46 |
47 | In connection with the offer authorized by this subsection,
48 | insurers shall inform the named insured, applicant, or lessee,
49 | on a form approved by the office, of the limitations imposed
50 | under this subsection and that such coverage is an alternative
51 | to coverage without such limitations. If this form is signed by
52 | a named insured, applicant, or lessee, it shall be conclusively
53 | presumed that there was an informed, knowing acceptance of such
54 | limitations on behalf of all insureds. When the named insured,
55 | applicant, or lessee has initially accepted such limitations,
56 | such acceptance shall apply to any policy which renews, extends,

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57 | changes, supersedes, or replaces an existing policy unless the
58 | named insured requests deletion of such limitations and pays the
59 | appropriate premium for such coverage. Any insurer who provides
60 | coverage which includes the limitations provided in this
61 | subsection shall file revised premium rates with the office for
62 | such uninsured motorist coverage to take effect prior to
63 | initially providing such coverage. The revised rates shall
64 | reflect the anticipated reduction in loss costs attributable to
65 | such limitations but shall in any event reflect a reduction in
66 | the uninsured motorist coverage premium of at least 20 percent
67 | for policies with such limitations. Such filing shall not
68 | increase the rates for coverage which does not contain the
69 | limitations authorized by this subsection, and such rates shall
70 | remain in effect until the insurer demonstrates the need for a
71 | change in uninsured motorist rates pursuant to s. 627.0651.

72 | Section 2. This act shall take effect July 1, 2013.