

By Senator Campbell

33-602A-98

1 A bill to be entitled
 2 An act relating to motor vehicle financial
 3 responsibility; amending s. 316.646, F.S.;
 4 conforming provisions; amending s. 324.021,
 5 F.S.; redefining the term "motor vehicle";
 6 increasing financial responsibility
 7 requirements; creating s. 324.023, F.S.;
 8 establishing mandatory financial responsibility
 9 requirements; amending s. 324.031, F.S.;
 10 increasing financial responsibility
 11 requirements for certain commercial vehicles
 12 for hire; amending s. 324.161, F.S.; increasing
 13 surety bond or deposit requirements; amending
 14 s. 324.171, F.S.; increasing limits for
 15 self-insurers; amending s. 627.733, F.S.;
 16 conforming provisions; amending s. 627.736,
 17 F.S.; specifying the percentage of medical
 18 benefits payable; deleting an insured's right
 19 to recovery of special damages; repealing s.
 20 627.737, F.S., relating to tort exemption for
 21 damages due to bodily injury; providing an
 22 effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Subsections (1) and (3) of section 316.646,
 27 Florida Statutes, are amended to read:

28 316.646 Security required; proof of security and
 29 display thereof; dismissal of cases.--

30 (1) Any person required by s. 627.733 to maintain
 31 personal injury protection security on a motor vehicle or

1 required by s. 324.023 to maintain liability coverage for
2 bodily injury or death shall have in his or her immediate
3 possession at all times while operating such motor vehicle
4 proper proof of maintenance of the security required by s.
5 627.733 or s. 324.023. Such proof shall be either a uniform
6 proof-of-insurance card in a form prescribed by the
7 department, a valid insurance policy, an insurance policy
8 binder, a certificate of insurance, or such other proof as may
9 be prescribed by the department.

10 (3) Any person who violates this section is guilty of
11 a nonmoving traffic infraction subject to the penalty provided
12 in chapter 318 and shall be required to furnish proof of
13 security as provided in this section. If any person charged
14 with a violation of this section fails to furnish proof, at or
15 before the scheduled court appearance date, that security was
16 in effect at the time of the violation, the court may
17 immediately suspend the registration and driver's license of
18 such person. Such license and registration may only be
19 reinstated as provided in s. 627.733 or s. 324.023.

20 Section 2. Subsections (1) and (7) of section 324.021,
21 Florida Statutes, are amended to read:

22 324.021 Definitions; minimum insurance required.--The
23 following words and phrases when used in this chapter shall,
24 for the purpose of this chapter, have the meanings
25 respectively ascribed to them in this section, except in those
26 instances where the context clearly indicates a different
27 meaning:

28 (1) MOTOR VEHICLE.--Every self-propelled vehicle which
29 is designed and required to be licensed for use upon a
30 highway, including trailers and semitrailers designed for use
31 with such vehicles, except traction engines, road rollers,

1 farm tractors, power shovels, and well drillers, and every
2 vehicle which is propelled by electric power obtained from
3 overhead wires but not operated upon rails, but not including
4 any bicycle or moped. ~~However, the term "motor vehicle" shall~~
5 ~~not include any motor vehicle as defined in s. 627.732(1) when~~
6 ~~the owner of such vehicle has complied with the requirements~~
7 ~~of ss. 627.730-627.7405, inclusive, unless the provisions of~~
8 ~~s. 324.051 apply; and, in such case, the applicable proof of~~
9 ~~insurance provisions of s. 320.02 apply.~~

10 (7) PROOF OF FINANCIAL RESPONSIBILITY.--That proof of
11 ability to respond in damages for liability on account of
12 accidents arising out of the use of a motor vehicle:

13 (a) In the amount of \$25,000~~\$10,000~~ because of bodily
14 injury to, or death of, one person in any one accident;

15 (b) Subject to such limits for one person, in the
16 amount of \$50,000~~\$20,000~~ because of bodily injury to, or
17 death of, two or more persons in any one accident;

18 (c) In the amount of \$10,000 because of injury to, or
19 destruction of, property of others in any one accident; and

20 (d) With respect to commercial motor vehicles and
21 nonpublic sector buses, in the amounts specified in ss.
22 627.7415 and 627.742, respectively.

23 Section 3. Section 324.023, Florida Statutes, is
24 created to read:

25 324.023 Financial responsibility for bodily injury or
26 death.--The owner of a motor vehicle that is required to be
27 registered in this state or located within this state shall,
28 by one of the methods in s. 324.031, establish and maintain
29 the ability to respond in damages for liability resulting from
30 accidents arising out of the use of the motor vehicle in the
31 amounts prescribed in s. 324.021(7)(a) and (b).

1 Section 4. Section 324.031, Florida Statutes, is
2 amended to read:

3 324.031 Manner of proving financial
4 responsibility.--The owner or operator of a taxicab,
5 limousine, jitney, or any other for-hire passenger
6 transportation vehicle may prove financial responsibility by
7 providing satisfactory evidence of holding a motor vehicle
8 liability policy as defined in s. 324.021(8) or s. 324.151,
9 which policy is issued by an insurance carrier which is a
10 member of the Florida Insurance Guaranty Association. The
11 operator or owner of any other vehicle may prove his or her
12 financial responsibility by:

13 (1) Furnishing satisfactory evidence of holding a
14 motor vehicle liability policy as defined in ss. 324.021(8)
15 and 324.151;

16 (2) Posting with the department a satisfactory bond of
17 a surety company authorized to do business in this state,
18 conditioned for payment of the amount specified in s.
19 324.021(7);

20 (3) Furnishing a certificate of the department showing
21 a deposit of cash or securities in accordance with s. 324.161;
22 or

23 (4) Furnishing a certificate of self-insurance issued
24 by the department in accordance with s. 324.171.

25
26 Any person, including any firm, partnership, association,
27 corporation, or other person, other than a natural person,
28 electing to use the method of proof specified in subsection
29 (2) or subsection (3) shall post a bond or deposit equal to
30 the number of vehicles owned times \$60,000~~\$30,000~~, to a
31 maximum of \$240,000~~\$120,000~~; in addition, any such person,

1 other than a natural person, shall maintain insurance
2 providing coverage in excess of limits of
3 \$25,000/50,000/10,000~~\$10,000/20,000/10,000~~ or \$60,000~~\$30,000~~
4 combined single limits, and such excess insurance shall
5 provide minimum limits of \$100,000/300,000/50,000
6 ~~\$50,000/100,000/50,000~~ or \$350,000~~\$150,000~~ combined single
7 limits.

8 Section 5. Section 324.161, Florida Statutes, is
9 amended to read:

10 324.161 Proof of financial responsibility; surety bond
11 or deposit.--The certificate of the department of a deposit
12 may be obtained by depositing with it \$60,000~~\$30,000~~ cash or
13 securities such as may be legally purchased by savings banks
14 or for trust funds, of a market value of \$60,000~~\$30,000~~ and
15 which deposit shall be held by the department to satisfy, in
16 accordance with the provisions of this chapter, any execution
17 on a judgment issued against such person making the deposit,
18 for damages because of bodily injury to or death of any person
19 or for damages because of injury to or destruction of property
20 resulting from the use or operation of any motor vehicle
21 occurring after such deposit was made. Money or securities so
22 deposited shall not be subject to attachment or execution
23 unless such attachment or execution shall arise out of a suit
24 for damages as aforesaid.

25 Section 6. Subsection (1) of section 324.171, Florida
26 Statutes, is amended to read:

27 324.171 Self-insurer.--

28 (1) Any person may qualify as a self-insurer by
29 obtaining a certificate of self-insurance from the department
30 which may, in its discretion and upon application of such a
31 person, issue said certificate of self-insurance when such

1 person has satisfied the requirements of this section to
2 qualify as a self-insurer under this section:

3 (a) A private individual with private passenger
4 vehicles shall possess a net unencumbered worth of at least
5 \$60,000~~\$40,000~~.

6 (b) A person, including any firm, partnership,
7 association, corporation, or other person, other than a
8 natural person, shall:

9 1. Possess a net unencumbered worth of at least
10 \$60,000~~\$40,000~~ for the first motor vehicle and \$60,000
11 ~~\$20,000~~ for each additional motor vehicle; or

12 2. Maintain sufficient net worth, as determined
13 annually by the department, pursuant to rules promulgated by
14 the department, with the assistance of the Department of
15 Insurance, to be financially responsible for potential losses.
16 The rules shall take into consideration excess insurance
17 carried by the applicant. The department's determination
18 shall be based upon reasonable actuarial principles
19 considering the frequency, severity, and loss development of
20 claims incurred by casualty insurers writing coverage on the
21 type of motor vehicles for which a certificate of
22 self-insurance is desired.

23 (c) The owner of a commercial motor vehicle, as
24 defined in s. 207.002(2) or s. 320.01, may qualify as a
25 self-insurer subject to the standards provided for in
26 subparagraph (b)2.

27 Section 7. Paragraph (a) of subsection (7) of section
28 627.733, Florida Statutes, is amended to read:

29 627.733 Required security.--

30 (7)(a) Any operator or owner whose driver's license or
31 registration has been suspended pursuant to this section or s.

1 316.646 may effect its reinstatement upon compliance with the
2 requirements of this section and upon payment to the
3 Department of Highway Safety and Motor Vehicles of a
4 nonrefundable reinstatement fee of \$150 for the first
5 reinstatement. Such reinstatement fee shall be \$250 for the
6 second reinstatement and \$500 for each subsequent
7 reinstatement during the 3 years following the first
8 reinstatement. Any person reinstating her or his insurance
9 under this subsection must also secure noncancelable coverage
10 as described in s. 627.7275(2) or s. 324.021(8) and present to
11 the appropriate person proof that the coverage is in force on
12 a form promulgated by the Department of Highway Safety and
13 Motor Vehicles, such proof to be maintained for 2 years. If
14 the person does not have a second reinstatement within 3 years
15 after her or his initial reinstatement, the reinstatement fee
16 shall be \$150 for the first reinstatement after that 3-year
17 period. In the event that a person's license and registration
18 are suspended pursuant to this section or s. 316.646, only one
19 reinstatement fee shall be paid to reinstate the license and
20 the registration. All fees shall be collected by the
21 Department of Highway Safety and Motor Vehicles at the time of
22 reinstatement. The Department of Highway Safety and Motor
23 Vehicles shall issue proper receipts for such fees and shall
24 promptly deposit those fees in the Highway Safety Operating
25 Trust Fund. One-third of the fee collected under this
26 subsection shall be distributed from the Highway Safety
27 Operating Trust Fund to the local government entity or state
28 agency which employed the law enforcement officer or the
29 recovery agent who seizes a license plate pursuant to s.
30 324.201 or to s. 324.202. Such funds may be used by the local
31 government entity or state agency for any authorized purpose.

1 Section 8. Section 627.736, Florida Statutes, is
2 amended to read:

3 627.736 Required personal injury protection benefits;
4 exclusions; priority.--

5 (1) REQUIRED BENEFITS.--Every insurance policy
6 complying with the security requirements of s. 627.733 shall
7 provide personal injury protection to the named insured,
8 relatives residing in the same household, persons operating
9 the insured motor vehicle, passengers in such motor vehicle,
10 and other persons struck by such motor vehicle and suffering
11 bodily injury while not an occupant of a self-propelled
12 vehicle, subject to the provisions of subsection (2) and
13 paragraph (4)(d), to a limit of \$10,000 for loss sustained by
14 any such person as a result of bodily injury, sickness,
15 disease, or death arising out of the ownership, maintenance,
16 or use of a motor vehicle as follows:

17 (a) Medical benefits.--One hundred ~~Eighty~~ percent of
18 all reasonable expenses for necessary medical, surgical,
19 X-ray, dental, and rehabilitative services, including
20 prosthetic devices, and necessary ambulance, hospital, and
21 nursing services. Such benefits shall also include necessary
22 remedial treatment and services recognized and permitted under
23 the laws of the state for an injured person who relies upon
24 spiritual means through prayer alone for healing, in
25 accordance with his or her religious beliefs.

26 (b) Disability benefits.--Sixty percent of any loss of
27 gross income and loss of earning capacity per individual from
28 inability to work proximately caused by the injury sustained
29 by the injured person, plus all expenses reasonably incurred
30 in obtaining from others ordinary and necessary services in
31 lieu of those that, but for the injury, the injured person

1 would have performed without income for the benefit of his or
2 her household. All disability benefits payable under this
3 provision shall be paid not less than every 2 weeks.

4 (c) Death benefits.--Death benefits of \$5,000 per
5 individual. The insurer may pay such benefits to the executor
6 or administrator of the deceased, to any of the deceased's
7 relatives by blood or legal adoption or connection by
8 marriage, or to any person appearing to the insurer to be
9 equitably entitled thereto.

10
11 Only insurers writing motor vehicle liability insurance in
12 this state may provide the required benefits of this section,
13 and no such insurer shall require the purchase of any other
14 motor vehicle coverage other than the purchase of property
15 damage liability coverage as required by s. 627.7275 as a
16 condition for providing such required benefits. Insurers may
17 not require that property damage liability insurance in an
18 amount greater than \$10,000 be purchased in conjunction with
19 personal injury protection. Such insurers shall make benefits
20 and required property damage liability insurance coverage
21 available through normal marketing channels. Any insurer
22 writing motor vehicle liability insurance in this state who
23 fails to comply with such availability requirement as a
24 general business practice shall be deemed to have violated
25 part X of chapter 626, and such violation shall constitute an
26 unfair method of competition or an unfair or deceptive act or
27 practice involving the business of insurance; and any such
28 insurer committing such violation shall be subject to the
29 penalties afforded in such part, as well as those which may be
30 afforded elsewhere in the insurance code.

31

1 (2) AUTHORIZED EXCLUSIONS.--Any insurer may exclude
2 benefits:

3 (a) For injury sustained by the named insured and
4 relatives residing in the same household while occupying
5 another motor vehicle owned by the named insured and not
6 insured under the policy or for injury sustained by any person
7 operating the insured motor vehicle without the express or
8 implied consent of the insured.

9 (b) To any injured person, if such person's conduct
10 contributed to his or her injury under any of the following
11 circumstances:

- 12 1. Causing injury to himself or herself intentionally;
13 or
14 2. Being injured while committing a felony.

15
16 Whenever an insured is charged with conduct as set forth in
17 subparagraph 2., the 30-day payment provision of paragraph
18 (4)(b) shall be held in abeyance, and the insurer shall
19 withhold payment of any personal injury protection benefits
20 pending the outcome of the case at the trial level. If the
21 charge is nolle prossed or dismissed or the insured is
22 acquitted, the 30-day payment provision shall run from the
23 date the insurer is notified of such action.

24 ~~(3) INSURED'S RIGHTS TO RECOVERY OF SPECIAL DAMAGES IN~~
25 ~~TORT CLAIMS.--No insurer shall have a lien on any recovery in~~
26 ~~tort by judgment, settlement, or otherwise for personal injury~~
27 ~~protection benefits, whether suit has been filed or settlement~~
28 ~~has been reached without suit. An injured party who is~~
29 ~~entitled to bring suit under the provisions of ss.~~
30 ~~627.730-627.7405, or his or her legal representative, shall~~
31 ~~have no right to recover any damages for which personal injury~~

1 ~~protection benefits are paid or payable. The plaintiff may~~
2 ~~prove all of his or her special damages notwithstanding this~~
3 ~~limitation, but if special damages are introduced in evidence,~~
4 ~~the trier of facts, whether judge or jury, shall not award~~
5 ~~damages for personal injury protection benefits paid or~~
6 ~~payable. In all cases in which a jury is required to fix~~
7 ~~damages, the court shall instruct the jury that the plaintiff~~
8 ~~shall not recover such special damages for personal injury~~
9 ~~protection benefits paid or payable.~~

10 (3)~~(4)~~ BENEFITS; WHEN DUE.--Benefits due from an
11 insurer under ss. 627.730-627.7405 shall be primary, except
12 that benefits received under any workers' compensation law
13 shall be credited against the benefits provided by subsection
14 (1) and shall be due and payable as loss accrues, upon receipt
15 of reasonable proof of such loss and the amount of expenses
16 and loss incurred which are covered by the policy issued under
17 ss. 627.730-627.7405. When the Department of Health ~~and~~
18 ~~Rehabilitative Services~~ provides, pays, or becomes liable for
19 medical assistance under the Medicaid program related to
20 injury, sickness, disease, or death arising out of the
21 ownership, maintenance, or use of a motor vehicle, benefits
22 under ss. 627.730-627.7405 shall be subject to the provisions
23 of the Medicaid program.

24 (a) An insurer may require written notice to be given
25 as soon as practicable after an accident involving a motor
26 vehicle with respect to which the policy affords the security
27 required by ss. 627.730-627.7405.

28 (b) Personal injury protection insurance benefits paid
29 pursuant to this section shall be overdue if not paid within
30 30 days after the insurer is furnished written notice of the
31 fact of a covered loss and of the amount of same. If such

1 written notice is not furnished to the insurer as to the
2 entire claim, any partial amount supported by written notice
3 is overdue if not paid within 30 days after such written
4 notice is furnished to the insurer. Any part or all of the
5 remainder of the claim that is subsequently supported by
6 written notice is overdue if not paid within 30 days after
7 such written notice is furnished to the insurer. However, any
8 payment shall not be deemed overdue when the insurer has
9 reasonable proof to establish that the insurer is not
10 responsible for the payment, notwithstanding that written
11 notice has been furnished to the insurer. For the purpose of
12 calculating the extent to which any benefits are overdue,
13 payment shall be treated as being made on the date a draft or
14 other valid instrument which is equivalent to payment was
15 placed in the United States mail in a properly addressed,
16 postpaid envelope or, if not so posted, on the date of
17 delivery.

18 (c) All overdue payments shall bear simple interest at
19 the rate of 10 percent per year.

20 (d) The insurer of the owner of a motor vehicle shall
21 pay personal injury protection benefits for:

22 1. Accidental bodily injury sustained in this state by
23 the owner while occupying a motor vehicle, or while not an
24 occupant of a self-propelled vehicle if the injury is caused
25 by physical contact with a motor vehicle.

26 2. Accidental bodily injury sustained outside this
27 state, but within the United States of America or its
28 territories or possessions or Canada, by the owner while
29 occupying the owner's motor vehicle.

30 3. Accidental bodily injury sustained by a relative of
31 the owner residing in the same household, under the

1 circumstances described in subparagraph 1. or subparagraph 2.,
2 provided the relative at the time of the accident is domiciled
3 in the owner's household and is not himself or herself the
4 owner of a motor vehicle with respect to which security is
5 required under ss. 627.730-627.7405.

6 4. Accidental bodily injury sustained in this state by
7 any other person while occupying the owner's motor vehicle or,
8 if a resident of this state, while not an occupant of a
9 self-propelled vehicle, if the injury is caused by physical
10 contact with such motor vehicle, provided the injured person
11 is not himself or herself:

12 a. The owner of a motor vehicle with respect to which
13 security is required under ss. 627.730-627.7405; or

14 b. Entitled to personal injury benefits from the
15 insurer of the owner or owners of such a motor vehicle.

16 (e) If two or more insurers are liable to pay personal
17 injury protection benefits for the same injury to any one
18 person, the maximum payable shall be as specified in
19 subsection (1), and any insurer paying the benefits shall be
20 entitled to recover from each of the other insurers an
21 equitable pro rata share of the benefits paid and expenses
22 incurred in processing the claim.

23 (f) Medical payments insurance, if available in a
24 policy of motor vehicle insurance, shall pay the portion of
25 any claim for personal injury protection medical benefits
26 which is otherwise covered but is not payable due to the
27 coinsurance provision of paragraph (1)(a), regardless of
28 whether the full amount of personal injury protection coverage
29 has been exhausted. The benefits shall not be payable for the
30 amount of any deductible which has been selected.

31

1 (g) It is a violation of the insurance code for an
2 insurer to fail to timely provide benefits as required by this
3 section with such frequency as to constitute a general
4 business practice.

5 (4)~~(5)~~ CHARGES FOR TREATMENT OF INJURED PERSONS.--Any
6 physician, hospital, clinic, or other person or institution
7 lawfully rendering treatment to an injured person for a bodily
8 injury covered by personal injury protection insurance may
9 charge only a reasonable amount for the products, services,
10 and accommodations rendered, and the insurer providing such
11 coverage may pay for such charges directly to such person or
12 institution lawfully rendering such treatment, if the insured
13 receiving such treatment or his or her guardian has
14 countersigned the invoice, bill, or claim form approved by the
15 Department of Insurance upon which such charges are to be paid
16 for as having actually been rendered, to the best knowledge of
17 the insured or his or her guardian. In no event, however, may
18 such a charge be in excess of the amount the person or
19 institution customarily charges for like products, services,
20 or accommodations in cases involving no insurance, provided
21 that charges for cephalic thermograms and peripheral
22 thermograms shall not exceed the maximum reimbursement
23 allowance for such procedures as set forth in the applicable
24 fee schedule established pursuant to s. 440.13. Every insurer
25 shall include a provision in its policy for personal injury
26 protection benefits for binding arbitration of any claims
27 dispute involving medical benefits arising between the insurer
28 and any person providing medical services or supplies if that
29 person has agreed to accept assignment of personal injury
30 protection benefits. The provision shall specify that the
31 provisions of chapter 682 relating to arbitration shall apply.

1 The prevailing party shall be entitled to attorney's fees and
2 costs.

3 (5)~~(6)~~ DISCOVERY OF FACTS ABOUT AN INJURED PERSON;
4 DISPUTES.--

5 (a) Every employer shall, if a request is made by an
6 insurer providing personal injury protection benefits under
7 ss. 627.730-627.7405 against whom a claim has been made,
8 furnish forthwith, in a form approved by the department, a
9 sworn statement of the earnings, since the time of the bodily
10 injury and for a reasonable period before the injury, of the
11 person upon whose injury the claim is based.

12 (b) Every physician, hospital, clinic, or other
13 medical institution providing, before or after bodily injury
14 upon which a claim for personal injury protection insurance
15 benefits is based, any products, services, or accommodations
16 in relation to that or any other injury, or in relation to a
17 condition claimed to be connected with that or any other
18 injury, shall, if requested to do so by the insurer against
19 whom the claim has been made, furnish forthwith a written
20 report of the history, condition, treatment, dates, and costs
21 of such treatment of the injured person, together with a sworn
22 statement that the treatment or services rendered were
23 reasonable and necessary with respect to the bodily injury
24 sustained and identifying which portion of the expenses for
25 such treatment or services was incurred as a result of such
26 bodily injury, and produce forthwith, and permit the
27 inspection and copying of, his or her or its records regarding
28 such history, condition, treatment, dates, and costs of
29 treatment. Such sworn statement shall read as follows: "Under
30 penalty of perjury, I declare that I have read the foregoing,
31 and the facts alleged are true, to the best of my knowledge

1 and belief." No cause of action for violation of the
2 physician-patient privilege or invasion of the right of
3 privacy shall be permitted against any physician, hospital,
4 clinic, or other medical institution complying with the
5 provisions of this section. The person requesting such
6 records and such sworn statement shall pay all reasonable
7 costs connected therewith.

8 (c) In the event of any dispute regarding an insurer's
9 right to discovery of facts about an injured person's earnings
10 or about his or her history, condition, or treatment, or the
11 dates and costs of such treatment, the insurer may petition a
12 court of competent jurisdiction to enter an order permitting
13 such discovery. The order may be made only on motion for good
14 cause shown and upon notice to all persons having an interest,
15 and it shall specify the time, place, manner, conditions, and
16 scope of the discovery. Such court may, in order to protect
17 against annoyance, embarrassment, or oppression, as justice
18 requires, enter an order refusing discovery or specifying
19 conditions of discovery and may order payments of costs and
20 expenses of the proceeding, including reasonable fees for the
21 appearance of attorneys at the proceedings, as justice
22 requires.

23 (d) The injured person shall be furnished, upon
24 request, a copy of all information obtained by the insurer
25 under the provisions of this section, and shall pay a
26 reasonable charge, if required by the insurer.

27 (e) Notice to an insurer of the existence of a claim
28 shall not be unreasonably withheld by an insured.

29 (6)~~(7)~~ MENTAL AND PHYSICAL EXAMINATION OF INJURED
30 PERSON; REPORTS.--

31

1 (a) Whenever the mental or physical condition of an
2 injured person covered by personal injury protection is
3 material to any claim that has been or may be made for past or
4 future personal injury protection insurance benefits, such
5 person shall, upon the request of an insurer, submit to mental
6 or physical examination by a physician or physicians. The
7 costs of any examinations requested by an insurer shall be
8 borne entirely by the insurer. Such examination shall be
9 conducted within the municipality of residence of the insured
10 or in the municipality where the insured is receiving
11 treatment. If the examination is to be conducted within the
12 municipality of residence of the insured and if there is no
13 qualified physician to conduct the examination within such
14 municipality, then such examination shall be conducted in an
15 area of the closest proximity to the insured's residence.
16 Personal protection insurers are authorized to include
17 reasonable provisions in personal injury protection insurance
18 policies for mental and physical examination of those claiming
19 personal injury protection insurance benefits. An insurer may
20 not withdraw payment of a treating physician without the
21 consent of the injured person covered by the personal injury
22 protection, unless the insurer first obtains a report by a
23 physician licensed under the same chapter as the treating
24 physician whose treatment authorization is sought to be
25 withdrawn, stating that treatment was not reasonable, related,
26 or necessary.

27 (b) If requested by the person examined, a party
28 causing an examination to be made shall deliver to him or her
29 a copy of every written report concerning the examination
30 rendered by an examining physician, at least one of which
31 reports must set out the examining physician's findings and

1 conclusions in detail. After such request and delivery, the
2 party causing the examination to be made is entitled, upon
3 request, to receive from the person examined every written
4 report available to him or her or his or her representative
5 concerning any examination, previously or thereafter made, of
6 the same mental or physical condition. By requesting and
7 obtaining a report of the examination so ordered, or by taking
8 the deposition of the examiner, the person examined waives any
9 privilege he or she may have, in relation to the claim for
10 benefits, regarding the testimony of every other person who
11 has examined, or may thereafter examine, him or her in respect
12 to the same mental or physical condition. If a person
13 unreasonably refuses to submit to an examination, the personal
14 injury protection carrier is no longer liable for subsequent
15 personal injury protection benefits.

16 (7)~~(8)~~ APPLICABILITY OF PROVISION REGULATING
17 ATTORNEY'S FEES.--With respect to any dispute under the
18 provisions of ss. 627.730-627.7405 between the insured and the
19 insurer, the provisions of s. 627.428 shall apply.

20 (8)~~(9)~~ REPORTS AND NOTIFICATION.--

21 (a) Each insurer which has issued a policy providing
22 personal injury protection benefits shall report the renewal,
23 cancellation, or nonrenewal thereof to the Department of
24 Highway Safety and Motor Vehicles within 45 days from the
25 effective date of the renewal, cancellation, or nonrenewal.
26 Upon the issuance of a policy providing personal injury
27 protection benefits to a named insured not previously insured
28 by the insurer thereof during that calendar year, the insurer
29 shall report the issuance of the new policy to the Department
30 of Highway Safety and Motor Vehicles within 30 days. The
31 report shall be in such form and format and contain such

1 information as may be required by the Department of Highway
2 Safety and Motor Vehicles which shall include a format
3 compatible with the data processing capabilities of said
4 department, and the Department of Highway Safety and Motor
5 Vehicles is authorized to adopt rules necessary with respect
6 thereto. Failure by an insurer to file proper reports with the
7 Department of Highway Safety and Motor Vehicles as required by
8 this subsection or rules adopted with respect to the
9 requirements of this subsection constitutes a violation of the
10 Florida Insurance Code. Reports of cancellations and policy
11 renewals and reports of the issuance of new policies received
12 by the Department of Highway Safety and Motor Vehicles are
13 confidential and exempt from the provisions of s. 119.07(1).
14 These records are to be used for enforcement and regulatory
15 purposes only, including the generation by the department of
16 data regarding compliance by owners of motor vehicles with
17 financial responsibility coverage requirements. In addition,
18 the Department of Highway Safety and Motor Vehicles shall
19 release, upon a written request by a person involved in a
20 motor vehicle accident, by the person's attorney, or by a
21 representative of the person's motor vehicle insurer, the name
22 of the insurance company and the policy number for the policy
23 covering the vehicle named by the requesting party. The
24 written request must include a copy of the appropriate
25 accident form as provided in s. 316.065, s. 316.066, or s.
26 316.068.

27 (b) Every insurer with respect to each insurance
28 policy providing personal injury protection benefits shall
29 notify the named insured or in the case of a commercial fleet
30 policy, the first named insured in writing that any
31 cancellation or nonrenewal of the policy will be reported by

1 the insurer to the Department of Highway Safety and Motor
2 Vehicles. The notice shall also inform the named insured that
3 failure to maintain personal injury protection and property
4 damage liability insurance on a motor vehicle when required by
5 law may result in the loss of registration and driving
6 privileges in this state, and the notice shall inform the
7 named insured of the amount of the reinstatement fees required
8 by s. 627.733(7). This notice is for informational purposes
9 only, and no civil liability shall attach to an insurer due to
10 failure to provide this notice.

11 (9)~~(10)~~ NEGOTIATIONS WITH PREFERRED PROVIDERS.--An
12 insurer may negotiate and enter into contracts with licensed
13 health care providers for the benefits described in this
14 section, referred to in this section as "preferred providers,"
15 which shall include health care providers licensed under
16 chapters 458, 459, 460, 461, and 463. The insurer may provide
17 an option to an insured to use a preferred provider at the
18 time of purchase of the policy for personal injury protection
19 benefits, if the requirements of this subsection are met. If
20 the insured elects to use a provider who is not a preferred
21 provider, whether the insured purchased a preferred provider
22 policy or a nonpreferred provider policy, the medical benefits
23 provided by the insurer shall be as required by this section.
24 If the insured elects to use a provider who is a preferred
25 provider, the insurer may pay medical benefits in excess of
26 the benefits required by this section and may waive or lower
27 the amount of any deductible that applies to such medical
28 benefits. If the insurer offers a preferred provider policy
29 to a policyholder or applicant, it must also offer a
30 nonpreferred provider policy. The insurer shall provide each
31 policyholder with a current roster of preferred providers in

1 the county in which the insured resides at the time of
2 purchase of such policy, and shall make such list available
3 for public inspection during regular business hours at the
4 principal office of the insurer within the state.

5 Section 9. Section 627.737, Florida Statutes, is
6 repealed.

7 Section 10. This act shall take effect upon becoming a
8 law.

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SENATE SUMMARY

Establishes mandatory financial responsibility requirements for certain motor vehicles. Increases the minimum financial responsibility limits required on motor vehicles. Increases percentage of medical benefits payable to 100 percent. Deletes insured's right to recovery of special damages. Repeals s. 627.737, F.S., relating to tort exemption for damages due to bodily injury. (See bill for details.)