

1 A bill to be entitled
2 An act relating to personal injury protection;
3 amending s. 627.739, F.S.; authorizing insured
4 certain multiple deductible elections;
5 requiring certain premium reductions; providing
6 requirements for offers of certain limitations;
7 providing for unenforceability against certain
8 persons or entities of charges for certain
9 services under certain circumstances; providing
10 a definition; providing a limitation; providing
11 an exception; providing an effective date.

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

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15 Section 1. Section 627.739, Florida Statutes, is
16 amended to read:

17 627.739 Personal injury protection; optional
18 limitations; deductibles.--

19 (1) The named insured may elect a deductible to apply
20 to the named insured alone or to the named insured and
21 dependent relatives residing in the same household, but may
22 not elect a deductible to apply to any other person covered
23 under the policy. Any person electing a deductible or modified
24 coverage, or any combination of deductible or modified
25 coverage, or subject to such deductible or modified coverage
26 as a result of the named insured's election, shall have no
27 right to claim or to recover any amount so deducted from any
28 owner, registrant, operator, or occupant of a vehicle or any
29 person or organization legally responsible for any such
30 person's acts or omissions who is made exempt from tort
31 liability by ss. 627.730-627.7405.

1 (2) Insurers shall offer to each applicant and to each
2 policyholder, upon the renewal of an existing policy,
3 deductibles, in amounts of \$250, \$500, \$1,000, and \$2,000,
4 such amount to be deducted from the benefits otherwise due
5 each person subject to the deduction. However, this
6 subsection shall not be applied to reduce the amount of any
7 benefits received in accordance with s. 627.736(1)(c).

8 (3) Insurers shall offer coverage wherein, at the
9 election of the named insured, all benefits payable under 42
10 U.S.C. s. 1395, the federal "Medicare" program, or to active
11 or retired military personnel and their dependent relatives
12 shall be deducted from those benefits otherwise payable
13 pursuant to s. 627.736(1).

14 (4) Insurers shall offer coverage wherein, at the
15 election of the named insured, the benefits for loss of gross
16 income and loss of earning capacity described in s.
17 627.736(1)(b) shall be excluded.

18 (5) Insureds shall not be prevented from electing two
19 or more such optional limitations. Each election made by the
20 named insured pursuant to this section shall result in an
21 appropriate reduction of premium associated with that
22 election.

23 (6) All such offers shall be made in a clear and
24 unambiguous manner, at the time the initial application is
25 taken and prior to each renewal and shall indicate that a
26 premium reduction will result from each election.

27 Section 2. Charges for magnetic resonance imaging
28 (MRI) or computed tomography (CT) scan services shall be
29 unenforceable against the recipient of such services, an
30 insurer, a third-party payor, and any other person or entity
31 unless such charges are billed and collected by the

1 100-percent owner or the 100-percent lessee of the equipment
2 used to perform such services. Such owner or lessee may be an
3 individual, a corporation, a partnership, or any other entity
4 and any of its 100-percent-owned affiliates and subsidiaries.
5 For purposes of this section, "lessee" means a long-term
6 lessee under a capital or operating lease but does not include
7 a part-time lessee. This section does not preclude billing and
8 collection by a hospital, a hospital or physician management
9 company whose MRI or CT scan services are ancillary to the
10 practices managed, a debt collection agency, or an entity that
11 has contracted with an insurer or third-party payor to obtain
12 a discounted rate for such services provided such entity does
13 not retain for its services more than 25 percent of the amount
14 remitted to such owner or lessee.

15 Section 3. This act shall take effect July 1, 2000.

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