

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

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

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

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

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

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1 person's acts or omissions who is made exempt from tort
2 liability by ss. 627.730-627.7405.

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

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

16 (4) Insurers shall offer coverage wherein, at the
17 election of the named insured, the benefits for loss of gross
18 income and loss of earning capacity described in s.
19 627.736(1)(b) shall be excluded.

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

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

29 Section 2. Charges for magnetic resonance imaging
30 (MRI) or computed tomography (CT) scan services shall be
31 unenforceable against the recipient of such services, an

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

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