

Bill No. CS for SB 1362

Amendment No.      Barcode 262574

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Geller moved the following **amendment to House**  
 12 **amendment** (803811):

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 14           **Senate Amendment (with title amendment)**  
 15           On page 5, lines 15-18, delete those lines

16  
 17 and insert:  
 18           Section 4. Subsection (1) and paragraph (b) of  
 19 subsection (5) of section 627.736, Florida Statutes, are  
 20 amended to read:

21           627.736 Required personal injury protection benefits;  
 22 exclusions; priority; claims.--

23           (1) REQUIRED BENEFITS.--Every insurance policy  
 24 complying with the security requirements of s. 627.733 shall  
 25 provide personal injury protection to the named insured,  
 26 relatives residing in the same household, persons operating  
 27 the insured motor vehicle, passengers in such motor vehicle,  
 28 and other persons struck by such motor vehicle and suffering  
 29 bodily injury while not an occupant of a self-propelled  
 30 vehicle, subject to the provisions of subsection (2) and  
 31 paragraph (4)(d), to a limit of \$10,000 for loss sustained by

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1 any such person as a result of bodily injury, sickness,  
2 disease, or death arising out of the ownership, maintenance,  
3 or use of a motor vehicle as follows:

4 (a) Medical benefits.--Eighty percent of all  
5 reasonable expenses for medically necessary medical, surgical,  
6 X-ray, dental, and rehabilitative services, including  
7 prosthetic devices, and medically necessary ambulance,  
8 hospital, and nursing services. Such benefits shall also  
9 include necessary remedial treatment and services recognized  
10 and permitted under the laws of the state for an injured  
11 person who relies upon spiritual means through prayer alone  
12 for healing, in accordance with his or her religious beliefs;  
13 however, this sentence does not affect the determination of  
14 what other services or procedures are medically necessary.

15 (b) Disability benefits.--Sixty percent of any loss of  
16 gross income and loss of earning capacity per individual from  
17 inability to work proximately caused by the injury sustained  
18 by the injured person, plus all expenses reasonably incurred  
19 in obtaining from others ordinary and necessary services in  
20 lieu of those that, but for the injury, the injured person  
21 would have performed without income for the benefit of his or  
22 her household. All disability benefits payable under this  
23 provision shall be paid not less than every 2 weeks.

24 (c) Death benefits.--Death benefits of \$5,000 per  
25 individual. The insurer may pay such benefits to the executor  
26 or administrator of the deceased, to any of the deceased's  
27 relatives by blood or legal adoption or connection by  
28 marriage, or to any person appearing to the insurer to be  
29 equitably entitled thereto.

30  
31 Only insurers writing motor vehicle liability insurance in

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1 this state may provide the required benefits of this section,  
2 and no such insurer shall require the purchase of any other  
3 motor vehicle coverage other than the purchase of property  
4 damage liability coverage as required by s. 627.7275 as a  
5 condition for providing such required benefits. Insurers may  
6 not require that property damage liability insurance in an  
7 amount greater than \$10,000 be purchased in conjunction with  
8 personal injury protection. Such insurers shall make benefits  
9 and required property damage liability insurance coverage  
10 available through normal marketing channels. Any insurer  
11 writing motor vehicle liability insurance in this state who  
12 fails to comply with such availability requirement as a  
13 general business practice shall be deemed to have violated  
14 part IX of chapter 626, and such violation shall constitute an  
15 unfair method of competition or an unfair or deceptive act or  
16 practice involving the business of insurance; and any such  
17 insurer committing such violation shall be subject to the  
18 penalties afforded in such part, as well as those which may be  
19 afforded elsewhere in the insurance code. Any person covered  
20 under a personal injury protection policy is not prohibited  
21 from assigning the rights and benefits under the policy to any  
22 provider of medical services.

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25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27           On page 8, line 26, after the second semicolon,  
28  
29 insert:  
30           authorizing the assignment of rights and  
31           benefits under a personal injury protection

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