

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Brown and Waters offered the following:

Amendment (with title amendment)

14 Remove everything after the enacting clause

16 and insert:

17 Section 1. Section 324.031, Florida Statutes, is
18 amended to read:

19 324.031 Manner of proving financial
20 responsibility.--The owner or operator of a taxicab,
21 limousine, jitney, or any other for-hire passenger
22 transportation vehicle may prove financial responsibility by
23 providing satisfactory evidence of holding a motor vehicle
24 liability policy as defined in s. 324.021(8) or s. 324.151,
25 which policy is issued by an insurance carrier which is a
26 member of the Florida Insurance Guaranty Association. The
27 operator or owner of any other vehicle may prove his or her
28 financial responsibility by:

29 (1) Furnishing satisfactory evidence of holding a
30 motor vehicle liability policy as defined in ss. 324.021(8)
31 and 324.151;

Amendment No. ____ (for drafter's use only)

1 (2) Posting with the department a satisfactory bond of
2 a surety company authorized to do business in this state,
3 conditioned for payment of the amount specified in s.
4 324.021(7);

5 (3) Furnishing a certificate of the department showing
6 a deposit of cash or securities in accordance with s. 324.161;
7 or

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

10

11 Any person, including any firm, partnership, association,
12 corporation, or other person, other than a natural person,
13 electing to use the method of proof specified in subsection
14 (2) or subsection (3) shall post a bond or deposit equal to
15 the number of vehicles owned times \$30,000, to a maximum of
16 \$120,000; in addition, any such person, other than a natural
17 person, shall maintain insurance providing coverage in excess
18 of limits of \$25,000/50,000/10,000 ~~\$10,000/20,000/10,000~~ or
19 ~~\$60,000/30,000~~ combined single limits, and such excess
20 insurance shall provide minimum limits of
21 \$125,000/250,000/50,000 ~~\$50,000/100,000/50,000~~ or \$300,000
22 ~~\$150,000~~ combined single limits. These increased limits shall
23 not affect the requirements for proving financial
24 responsibility under s. 324.032(1).

25 Section 2. Subsection (1) of section 324.032, Florida
26 Statutes, is amended to read:

27 324.032 Manner of proving financial responsibility;
28 for-hire passenger transportation vehicles.--

29 (1) Notwithstanding the provisions of s. 324.031, a
30 person who is either the owner or a lessee required to
31 maintain insurance under s. 324.021(9)(b) and who operates at

Amendment No. ____ (for drafter's use only)

1 least 300 taxicabs, limousines, jitneys, or any other for-hire
2 passenger transportation vehicles may prove financial
3 responsibility by satisfying the following:

4 (a) Furnishing satisfactory evidence of holding a
5 motor vehicle liability policy as defined in s. 324.031; or

6 (b) Complying with the provisions of s. 324.171, such
7 compliance to be demonstrated by maintaining at its principal
8 place of business an audited financial statement, prepared in
9 accordance with generally accepted accounting principles, and
10 providing to the department a certification issued by a
11 certified public accountant that the applicant's net worth is
12 at least equal to the requirements of s. 324.171 as determined
13 by the Department of Insurance, including claims liabilities
14 in an amount certified as adequate by a Fellow of the Casualty
15 Actuarial Society.

16
17 Upon request by the department, the applicant must provide the
18 department at the applicant's principal place of business in
19 this state access to the applicant's underlying financial
20 information and financial statements that provide the basis of
21 the certified public accountant's certification. The
22 applicant shall reimburse the requesting department for all
23 reasonable costs incurred by it in reviewing the supporting
24 information. The maximum amount of self-insurance permissible
25 under this subsection is \$300,000~~\$100,000~~ and must be stated
26 on a per-occurrence basis, and the applicant shall maintain
27 adequate excess insurance issued by an authorized or eligible
28 insurer licensed or approved by the Department of Insurance.
29 All risks self-insured shall remain with the owner or lessee
30 providing it, and the risks are not transferable to any other
31 person, unless a policy complying with paragraph (a) is

Amendment No. ____ (for drafter's use only)

1 obtained.

2 Section 3. Subsection (7) of section 627.7295, Florida
3 Statutes, is amended to read:

4 627.7295 Motor vehicle insurance contracts.--

5 (7) A policy of private passenger motor vehicle
6 insurance or a binder for such a policy may be initially
7 issued in this state only if the insurer or agent has
8 collected from the insured an amount equal to 2 months'
9 premium. An insurer, agent, or premium finance company may
10 not directly or indirectly take any action resulting in the
11 insured having paid from the insured's own funds an amount
12 less than the 2 months' premium required by this subsection.
13 This subsection applies without regard to whether the premium
14 is financed by a premium finance company or is paid pursuant
15 to a periodic payment plan of an insurer or an insurance
16 agent. This subsection does not apply if an insured or member
17 of the insured's family is renewing or replacing a policy or a
18 binder for such policy written by the same insurer or a member
19 of the same insurer group. This subsection does not apply to
20 an insurer that issues private passenger motor vehicle
21 coverage primarily to active duty or former military personnel
22 or their dependents. This subsection does not apply if all
23 policy payments are paid pursuant to a payroll deduction plan
24 or an automatic electronic funds transfer payment plan from
25 the policyholder, provided that the first policy payment may
26 be ~~is~~ made by cash, cashier's check, check, or a money order.
27 This subsection and subsection (4) do not apply if all policy
28 payments to an insurer are paid pursuant to an automatic
29 electronic funds transfer payment plan from an agent or a
30 managing general agent, or if the policy is issued pursuant to
31 the transfer of a private passenger motor vehicle insurance

Amendment No. ____ (for drafter's use only)

1 book of business by an agent from one insurer to another,
2 provided that ~~and if~~ the policy includes, at a minimum,
3 personal injury protection pursuant to ss. 627.730-627.7405;
4 motor vehicle property damage liability pursuant to s.
5 627.7275; and bodily injury liability in at least the amount
6 of \$10,000 because of bodily injury to, or death of, one
7 person in any one accident and in the amount of \$20,000
8 because of bodily injury to, or death of, two or more persons
9 in any one accident. This subsection and subsection (4) do not
10 apply if an insured has had a policy in effect for at least 6
11 months, the insured's agent is terminated by the insurer that
12 issued the policy, and the insured obtains coverage on the
13 policy's renewal date with a new company through the
14 terminated agent.

15 Section 4. Paragraph (b) of subsection (5) of section
16 627.736, Florida Statutes, is amended to read:

17 627.736 Required personal injury protection benefits;
18 exclusions; priority; claims.--

19 (5) CHARGES FOR TREATMENT OF INJURED PERSONS.--

20 (b)1. An insurer or insured is not required to pay a
21 claim made by a broker or by a person making a claim on behalf
22 of a broker. However, this sub-paragraph shall not be
23 construed to require reimbursement for persons not otherwise
24 reimbursable.

25 2. Charges for medically necessary cephalic
26 thermograms, peripheral thermograms, spinal ultrasounds,
27 extremity ultrasounds, video fluoroscopy, and surface
28 electromyography shall not exceed the maximum reimbursement
29 allowance for such procedures as set forth in the applicable
30 fee schedule or other payment methodology established pursuant
31 to s. 440.13. If the procedures referenced in this

Amendment No. ____ (for drafter's use only)

1 sub-paragraph are not listed, the procedure is not
2 reimbursable.

3 3. Allowable amounts that may be charged to a personal
4 injury protection insurance insurer and insured for medically
5 necessary nerve conduction testing when done in conjunction
6 with a needle electromyography procedure and both are
7 performed and billed solely by a physician licensed under
8 chapter 458, chapter 459, chapter 460, or chapter 461 who is
9 also certified by the American Board of Electrodiagnostic
10 Medicine or by a board recognized by the American Board of
11 Medical Specialties or the American Osteopathic Association or
12 who holds diplomate status with the American Chiropractic
13 Neurology Board or its predecessors shall not exceed 200
14 percent of the allowable amount under the participating
15 physician fee schedule of Medicare Part B for year 2001, in
16 effect on June 19, 2001 for the area in which the treatment
17 was rendered, adjusted annually in February of each year,
18 beginning with February 2003, by an additional amount equal to
19 the prior year's annual Medical Care Item of the Consumer
20 Price Index for All Urban Consumers as determined by the
21 Bureau of Labor Statistics of the United States Department of
22 Labor ~~medical Consumer Price Index for Florida.~~

23 4. Allowable amounts that may be charged to a personal
24 injury protection insurance insurer and insured for medically
25 necessary nerve conduction testing that does not meet the
26 requirements of subparagraph 3. shall not exceed the
27 applicable fee schedule or other payment methodology
28 established pursuant to s. 440.13.

29 5. ~~From June 19, 2001 Effective upon this act becoming~~
30 ~~a law~~ and before November 1, 2001, allowable amounts that may
31 be charged to a personal injury protection insurance insurer

Amendment No. ____ (for drafter's use only)

1 and insured for magnetic resonance imaging services shall not
2 exceed 200 percent of the allowable amount under the
3 participating physician fee schedule of Medicare Part B for
4 year 2001 in effect on June 19, 2001, for the area in which
5 the treatment was rendered. Beginning November 1, 2001,
6 allowable amounts that may be charged to a personal injury
7 protection insurance insurer and insured for magnetic
8 resonance imaging services shall not exceed 175 percent of the
9 allowable amount under the participating physician fee
10 schedule of Medicare Part B for year 2001 in effect on June
11 19, 2001, for the area in which the treatment was rendered,
12 adjusted annually in February of each year, beginning with
13 February 2003, by an additional amount equal to the prior
14 year's annual Medical Care Item of the Consumer Price Index
15 for All Urban Consumers as determined by the Bureau of Labor
16 Statistics of the United States Department of Labor ~~medical~~
17 ~~Consumer Price Index for Florida~~, except that allowable
18 amounts that may be charged to a personal injury protection
19 insurance insurer and insured for magnetic resonance imaging
20 services provided in facilities accredited by the American
21 College of Radiology or the Joint Commission on Accreditation
22 of Healthcare Organizations shall not exceed 200 percent of
23 the allowable amount under the participating physician fee
24 schedule of Medicare Part B for year 2001 in effect on June
25 19, 2001, for the area in which the treatment was rendered,
26 adjusted annually in February of each year, beginning with
27 February 2003, by an additional amount equal to the prior
28 year's annual Medical Care Item of the Consumer Price Index
29 for All Urban Consumers as determined by the Bureau of Labor
30 Statistics of the United States Department of Labor ~~medical~~
31 ~~Consumer Price Index for Florida~~. This paragraph does not

Amendment No. ____ (for drafter's use only)

1 apply to charges for magnetic resonance imaging services and
2 nerve conduction testing for inpatients and emergency services
3 and care as defined in chapter 395 rendered by facilities
4 licensed under chapter 395.

5 Section 5. This act shall take effect upon becoming a
6 law.

7
8

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

10 And the title is amended as follows:

11 On page 1,
12 remove: the entire title

13
14

and insert:

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to motor vehicle insurance;
amending s. 324.031, F.S.; increasing minimum
financial responsibility requirements for
certain vehicles; amending s. 324.032, F.S.;
increasing maximum self-insurance amounts for
certain vehicle owners; amending s. 627.7295,
F.S.; clarifying an exception; providing an
additional exception to a requirement that a
minimum of 2 months' premium be collected to
issue a policy or binder for motor vehicle
insurance; amending s. 627.736, F.S.; revising
provisions for charges for treatment of injured
persons; providing an effective date.