

Bill No. CS/HB 393, 1st Eng.

Amendment No. Barcode 715464

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Geller moved the following amendment:

Senate Amendment (with title amendment)

On page 5, lines 14-17, delete those lines

and insert:

Section 4. Subsection (1) and paragraph (b) of subsection (5) of section 627.736, Florida Statutes, are amended to read:

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

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

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1 disease, or death arising out of the ownership, maintenance,
2 or use of a motor vehicle as follows:

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

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

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

29
30 Only insurers writing motor vehicle liability insurance in
31 this state may provide the required benefits of this section,

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

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23

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

25 And the title is amended as follows:

26 On page 1, line 11, after the semicolon,
 27
 28 insert:
 29 authorizing the assignment of rights and
 30 benefits under a personal injury protection
 31 policy;