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1 A bill to be entitled
 2 An act relating to personal injury protection insurance;
 3 amending ss. 324.021, 627.7295, 627.736, and 627.739,
 4 F.S.; providing an additional personal injury protection
 5 financial requirement for certain emergency services and
 6 care; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Subsection (7) of section 324.021, Florida
 11 Statutes, is amended to read:

12 324.021 Definitions; minimum insurance required.--The
 13 following words and phrases when used in this chapter shall, for
 14 the purpose of this chapter, have the meanings respectively
 15 ascribed to them in this section, except in those instances
 16 where the context clearly indicates a different meaning:

17 (7) PROOF OF FINANCIAL RESPONSIBILITY.--That proof of
 18 ability to respond in damages for liability on account of
 19 crashes arising out of the use of a motor vehicle:

20 (a) In the amount of \$10,000 because of bodily injury to,
 21 or death of, one person in any one crash.‡

22 (b) Subject to such limits for one person, in the amount
 23 of \$20,000 because of bodily injury to, or death of, two or more
 24 persons in any one crash.‡

25 (c) In the amount of \$30,000 of total benefits for
 26 emergency services and care as defined in s. 395.002 provided in
 27 or by a hospital as defined in s. 395.002.

28 (d)~~(e)~~ In the amount of \$10,000 because of injury to, or
 29 destruction of, property of others in any one crash.‡~~and~~

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30 (e)~~(d)~~ With respect to commercial motor vehicles and
 31 nonpublic sector buses, in the amounts specified in ss. 627.7415
 32 and 627.742, respectively.

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

35 627.7295 Motor vehicle insurance contracts.--

36 (7) A policy of private passenger motor vehicle insurance
 37 or a binder for such a policy may be initially issued in this
 38 state only if the insurer or agent has collected from the
 39 insured an amount equal to 2 months' premium. An insurer, agent,
 40 or premium finance company may not directly or indirectly take
 41 any action resulting in the insured having paid from the
 42 insured's own funds an amount less than the 2 months' premium
 43 required by this subsection. This subsection applies without
 44 regard to whether the premium is financed by a premium finance
 45 company or is paid pursuant to a periodic payment plan of an
 46 insurer or an insurance agent. This subsection does not apply if
 47 an insured or member of the insured's family is renewing or
 48 replacing a policy or a binder for such policy written by the
 49 same insurer or a member of the same insurer group. This
 50 subsection does not apply to an insurer that issues private
 51 passenger motor vehicle coverage primarily to active duty or
 52 former military personnel or their dependents. This subsection
 53 does not apply if all policy payments are paid pursuant to a
 54 payroll deduction plan or an automatic electronic funds transfer
 55 payment plan from the policyholder, provided that the first
 56 policy payment is made by cash, cashier's check, check, or a
 57 money order. This subsection and subsection (4) do not apply if
 58 all policy payments to an insurer are paid pursuant to an

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59 automatic electronic funds transfer payment plan from an agent
 60 or a managing general agent and if the policy includes, at a
 61 minimum, personal injury protection pursuant to ss. 627.730-
 62 627.7405; motor vehicle property damage liability pursuant to s.
 63 627.7275; and bodily injury liability in at least the amount of
 64 \$10,000 because of bodily injury to, or death of, one person in
 65 any one accident, ~~and~~ in the amount of \$20,000 because of bodily
 66 injury to, or death of, two or more persons in any one accident,
 67 and in the amount of \$30,000 of total benefits for emergency
 68 services and care as defined in s. 395.002 provided in or by a
 69 hospital as defined in s. 395.002. This subsection and
 70 subsection (4) do not apply if an insured has had a policy in
 71 effect for at least 6 months, the insured's agent is terminated
 72 by the insurer that issued the policy, and the insured obtains
 73 coverage on the policy's renewal date with a new company through
 74 the terminated agent.

75 Section 3. Subsection (1) of section 627.736, Florida
 76 Statutes, is amended to read:

77 627.736 Required personal injury protection benefits;
 78 exclusions; priority; claims.--

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

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88 result of bodily injury, sickness, disease, or death arising out
89 of the ownership, maintenance, or use of a motor vehicle, and to
90 a limit of \$30,000 of total benefits for emergency services and
91 care as defined in s. 395.002 provided in or by a hospital as
92 defined in s. 395.002, as follows:

93 (a) *Medical benefits.*--Eighty percent of all reasonable
94 expenses for medically necessary medical, surgical, X-ray,
95 dental, and rehabilitative services, including prosthetic
96 devices, and medically necessary ambulance, hospital, and
97 nursing services. Such benefits shall also include necessary
98 remedial treatment and services recognized and permitted under
99 the laws of the state for an injured person who relies upon
100 spiritual means through prayer alone for healing, in accordance
101 with his or her religious beliefs; however, this sentence does
102 not affect the determination of what other services or
103 procedures are medically necessary.

104 (b) *Disability benefits.*--Sixty percent of any loss of
105 gross income and loss of earning capacity per individual from
106 inability to work proximately caused by the injury sustained by
107 the injured person, plus all expenses reasonably incurred in
108 obtaining from others ordinary and necessary services in lieu of
109 those that, but for the injury, the injured person would have
110 performed without income for the benefit of his or her
111 household. All disability benefits payable under this provision
112 shall be paid not less than every 2 weeks.

113 (c) *Death benefits.*--Death benefits of \$5,000 per
114 individual. The insurer may pay such benefits to the executor or
115 administrator of the deceased, to any of the deceased's
116 relatives by blood or legal adoption or connection by marriage,

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117 or to any person appearing to the insurer to be equitably
 118 entitled thereto.

119
 120 Only insurers writing motor vehicle liability insurance in this
 121 state may provide the required benefits of this section, and no
 122 such insurer shall require the purchase of any other motor
 123 vehicle coverage other than the purchase of property damage
 124 liability coverage as required by s. 627.7275 as a condition for
 125 providing such required benefits. Insurers may not require that
 126 property damage liability insurance in an amount greater than
 127 \$10,000 be purchased in conjunction with personal injury
 128 protection. Such insurers shall make benefits and required
 129 property damage liability insurance coverage available through
 130 normal marketing channels. Any insurer writing motor vehicle
 131 liability insurance in this state who fails to comply with such
 132 availability requirement as a general business practice shall be
 133 deemed to have violated part IX of chapter 626, and such
 134 violation shall constitute an unfair method of competition or an
 135 unfair or deceptive act or practice involving the business of
 136 insurance; and any such insurer committing such violation shall
 137 be subject to the penalties afforded in such part, as well as
 138 those which may be afforded elsewhere in the insurance code.

139 Section 4. Subsection (2) of section 627.739, Florida
 140 Statutes, is amended to read:

141 627.739 Personal injury protection; optional limitations;
 142 deductibles.--

143 (2) Insurers shall offer to each applicant and to each
 144 policyholder, upon the renewal of an existing policy,
 145 deductibles, in amounts of \$250, \$500, and \$1,000. The

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146 deductible amount must be applied to 100 percent of the expenses
147 and losses described in s. 627.736. After the deductible is met,
148 each insured is eligible to receive up to \$30,000 ~~\$10,000~~ in
149 total benefits as described in s. 627.736(1). However, this
150 subsection shall not be applied to reduce the amount of any
151 benefits received in accordance with s. 627.736(1)(c).

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