

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; correcting cross-references; providing an effective
 7 date.

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

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

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

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

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

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

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

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

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

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

36 627.7295 Motor vehicle insurance contracts.--

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

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

77 | Section 3. Subsection (1) of section 627.736, Florida
78 | Statutes, is amended to read:

79 | 627.736 Required personal injury protection benefits;
80 | exclusions; priority; claims.--

81 | (1) REQUIRED BENEFITS.--

82 | (a) Every insurance policy complying with the security
83 | requirements of s. 627.733 shall provide personal injury
84 | protection as provided in paragraph (b) to the named insured,

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85 relatives residing in the same household, persons operating the
86 insured motor vehicle, passengers in such motor vehicle, and
87 other persons struck by such motor vehicle and suffering bodily
88 injury while not an occupant of a self-propelled vehicle,
89 subject to the provisions of subsection (2) and paragraph
90 (4) (d) :7

91 1. To a limit of \$10,000 for loss sustained by any such
92 person as a result of bodily injury, sickness, disease, or death
93 arising out of the ownership, maintenance, or use of a motor
94 vehicle; and

95 2. To a limit of \$30,000 of total benefits for emergency
96 services and care as defined in s. 395.002 provided in or by a
97 hospital as defined in s. 395.002 for loss sustained by any such
98 person as a result of bodily injury, sickness, disease, or death
99 arising out of the ownership, maintenance, or use of a motor
100 vehicle.

101 (b) The personal injury protection required under
102 paragraph (a) shall be as follows:

103 1.(a) Medical benefits.--Eighty percent of all reasonable
104 expenses for medically necessary medical, surgical, X-ray,
105 dental, and rehabilitative services, including prosthetic
106 devices, and medically necessary ambulance, hospital, and
107 nursing services. Such benefits shall also include necessary
108 remedial treatment and services recognized and permitted under
109 the laws of the state for an injured person who relies upon
110 spiritual means through prayer alone for healing, in accordance
111 with his or her religious beliefs; however, this sentence does

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112 not affect the determination of what other services or
113 procedures are medically necessary.

114 2.~~(b)~~ Disability benefits.--Sixty percent of any loss of
115 gross income and loss of earning capacity per individual from
116 inability to work proximately caused by the injury sustained by
117 the injured person, plus all expenses reasonably incurred in
118 obtaining from others ordinary and necessary services in lieu of
119 those that, but for the injury, the injured person would have
120 performed without income for the benefit of his or her
121 household. All disability benefits payable under this provision
122 shall be paid not less than every 2 weeks.

123 3.~~(e)~~ Death benefits.--Death benefits of \$5,000 per
124 individual. The insurer may pay such benefits to the executor or
125 administrator of the deceased, to any of the deceased's
126 relatives by blood or legal adoption or connection by marriage,
127 or to any person appearing to the insurer to be equitably
128 entitled thereto.

129 (c) Only insurers writing motor vehicle liability
130 insurance in this state may provide the required benefits of
131 this section, and no such insurer shall require the purchase of
132 any other motor vehicle coverage other than the purchase of
133 property damage liability coverage as required by s. 627.7275 as
134 a condition for providing such required benefits. Insurers may
135 not require that property damage liability insurance in an
136 amount greater than \$10,000 be purchased in conjunction with
137 personal injury protection. Such insurers shall make benefits
138 and required property damage liability insurance coverage
139 available through normal marketing channels. Any insurer writing

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140 motor vehicle liability insurance in this state who fails to
 141 comply with such availability requirement as a general business
 142 practice shall be deemed to have violated part IX of chapter
 143 626, and such violation shall constitute an unfair method of
 144 competition or an unfair or deceptive act or practice involving
 145 the business of insurance; and any such insurer committing such
 146 violation shall be subject to the penalties afforded in such
 147 part, as well as those which may be afforded elsewhere in the
 148 insurance code.

149 Section 4. Subsections (2) and (3) of section 627.739,
 150 Florida Statutes, are amended to read:

151 627.739 Personal injury protection; optional limitations;
 152 deductibles.--

153 (2) Insurers shall offer to each applicant and to each
 154 policyholder, upon the renewal of an existing policy,
 155 deductibles, in amounts of \$250, \$500, and \$1,000. The
 156 deductible amount must be applied to 100 percent of the expenses
 157 and losses described in s. 627.736. After the deductible is met,
 158 each insured is eligible to receive up to \$30,000 ~~\$10,000~~ in
 159 total benefits described in s. 627.736(1). However, this
 160 subsection shall not be applied to reduce the amount of any
 161 benefits received in accordance with s. 627.736(1) (b)3 ~~(e)~~.

162 (3) Insurers shall offer coverage wherein, at the election
 163 of the named insured, the benefits for loss of gross income and
 164 loss of earning capacity described in s. 627.736(1) (b)2. shall
 165 be excluded.

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