

Bill No. CS for SB 40-C

Barcode 211186

1 September 30, 2007, until new forms or rates are used as
2 authorized by law.

3 (4) Each motor vehicle insurer shall provide personal
4 injury protection coverage to each of its motor vehicle
5 insureds who is subject to subsection (1) beginning on January
6 1, 2008. With respect to a person who does not have a personal
7 injury protection policy in effect on such date, the initial
8 endorsement shall not be considered a new policy and shall be
9 issued for a period that terminates on the same date as the
10 person's other motor vehicle insurance coverage. Except as
11 modified by the insured, the deductibles and exclusions that
12 applied to the insured's previous personal injury protection
13 coverage with that insurer shall apply to the new personal
14 injury protection coverage. The insurer is not required to
15 provide the coverage if the insured does not pay the required
16 premium by January 1, 2008, or such later date that the
17 insurer may allow.

18 (5) No later than November 15, 2007, each motor
19 vehicle insurer shall provide notice of the provisions of this
20 section to each motor vehicle insured who is subject to
21 subsection (1). The notice is not subject to approval by the
22 Office of Insurance Regulation. The notice must clearly inform
23 the policyholder:

24 (a) That, beginning on January 1, 2008, Florida law
25 requires the policyholder to maintain personal injury
26 protection ("PIP") insurance coverage and that this insurance
27 pays covered medical expenses for injuries sustained in a
28 motor vehicle crash by the policyholder, passengers, and
29 relatives residing in the policyholder's household.

30 (b) That, if the policyholder does not maintain
31 personal injury protection coverage, the State of Florida may

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1 suspend the policyholder's driver's license and vehicle
2 registration.

3 (c) If the policyholder already has personal injury
4 protection coverage, that coverage will be amended effective
5 January 1, 2008, to incorporate legally required changes
6 without any additional premium and the policyholder is not
7 required to take any further action.

8 (d) That, if the policyholder does not currently have
9 personal injury protection coverage, the current motor vehicle
10 policy will be amended to incorporate the required personal
11 injury protection coverage effective January 1, 2008.

12 (e) The additional premium that is due, if any, and
13 the date that it is due, which may be no earlier than January
14 1, 2008.

15 (f) That, if the policyholder has any questions, the
16 name and phone number of who the policyholder should contact.

17 (6) This section does not apply the Florida Motor
18 Vehicle No-Fault law, as revived an amended by this act, prior
19 to January 1, 2008. However, for lawsuits for injuries arising
20 out of an auto accident that occurs between the effective date
21 of this act and December 31, 2007, inclusive, the limitation
22 on lawsuits and tort immunity provided in s. 627.737, Florida
23 Statutes, shall apply if, and only if, the plaintiff and the
24 defendant are insured for personal injury protection coverage
25 that meets the requirements of Florida Motor Vehicle No-Fault
26 Law in effect on September 30, 2007.

27 (7) The Legislature finds that in order to protect the
28 public health, safety, and welfare, it is necessary to revise
29 or endorse policies in effect on January 1, 2008, to add
30 personal injury protection coverage as required by this
31 section, and to provide a uniform date for motor vehicle

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1 owners to obtain or continue such coverage and for insurance
 2 policies to provide such coverage. In order to avoid revising
 3 in-force policies, enforcement would depend on policyholders
 4 electing to add such coverage, or providing a nonuniform date
 5 for coverage to be mandatory as policies renew, which results
 6 in unequal treatment under the law or delaying the effective
 7 date for at least 1 year to provide a uniform date after all
 8 policies have renewed, any of which options would result in a
 9 much greater number of uninsured vehicles, an inability of
 10 accident victims to obtain medical care, a greater level of
 11 uncompensated medical care, higher costs to other public and
 12 private health care systems, and greater numbers of persons
 13 being subject to penalties for noncompliance.

14 (8) The Legislature recognizes that the Florida Motor
 15 Vehicle No-Fault Law was repealed on October 1, 2007, and that
 16 vehicle owners are not required to maintain personal injury
 17 protection coverage on or after that date until January 1,
 18 2008. Notwithstanding any other law, an insurer is not
 19 required to report the issuance, cancellation, or nonrenewal
 20 of personal injury protection coverage occurring between
 21 October 1, 2007, and December 31, 2007, inclusive, to the
 22 Department of Highway Safety and Motor Vehicles. Any law
 23 requiring personal injury protection coverage or providing
 24 sanctions for failure to maintain or demonstrate proof of such
 25 coverage does not apply during this time period. However, this
 26 subsection does not relieve a motor vehicle owner from
 27 responsibility for maintaining property damage liability
 28 coverage as required by law and does not relieve an insurer
 29 from reporting the issuance, cancellation, or nonrenewal of
 30 property damage liability coverage as required by law.

31 Section 22. If any provision of this act or its

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1 application to any person or circumstance is held invalid, the
 2 invalidity does not affect other provisions or applications of
 3 the act which can be given effect without the invalid
 4 provision or application, and to this end the provisions of
 5 this act are severable.

6 Section 23. This act shall take effect upon becoming a
 7 law, except that sections 8 through 20 of this act shall take
 8 effect January 1, 2008.

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

12 And the title is amended as follows:

13 On page 4, lines 11-29, delete those lines

14

15 and insert:

16 conditions; requiring persons subject to the
 17 Florida Motor Vehicle No-Fault Law, as revived
 18 and amended by the act, to maintain security
 19 for personal injury protection beginning on a
 20 specified date; providing that personal injury
 21 protection policies in effect on or after a
 22 specified date are deemed to incorporate the
 23 Florida Motor Vehicle No-Fault Law, as revived
 24 and amended by the act; requiring that insurers
 25 continue to use certain forms and rates until
 26 new forms or rates are used as authorized by
 27 law; requiring that insurers provide notice of
 28 the requirement for personal injury protection
 29 coverage or add an endorsement to the policy
 30 providing such coverage; requiring specified
 31 notice to certain insureds as of a specified

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1 date; providing intent concerning application
2 of revived and amended provisions prior to a
3 specified date; providing legislative findings;
4 providing that a person purchasing a motor
5 vehicle insurance policy without personal
6 injury protection coverage is exempt from the
7 requirement for such coverage for a specified
8 period; clarifying the nonapplication of
9 certain laws governing reports to the
10 Department of Highway Safety and Motor Vehicles
11 and requiring personal injury protection
12 coverage; specifying that the act does not
13 abrogate requirements for a vehicle owner to
14 maintain property damage liability coverage or
15 an insurer to report to the department the
16 issuance, cancellation, or nonrenewal of such
17 coverage; providing for severability; providing
18 effective dates.

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