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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/06/2009	.	
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The Committee on Banking and Insurance (Bennett) recommended the following:

Senate Amendment (with title amendment)

Between lines 35 and 36
insert:

Section 2. Paragraph (a) of subsection (1) of section
627.736, Florida Statutes, is 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



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12 residing in the same household, persons operating the insured
13 motor vehicle, passengers in such motor vehicle, and other
14 persons struck by such motor vehicle and suffering bodily injury
15 while not an occupant of a self-propelled vehicle, subject to
16 the provisions of subsection (2) and paragraph (4)(e), to a
17 limit of \$10,000 for loss sustained by any such person as a
18 result of bodily injury, sickness, disease, or death arising out
19 of the ownership, maintenance, or use of a motor vehicle as
20 follows:

21 (a) *Medical benefits.*—Eighty percent of all reasonable
22 expenses for medically necessary medical, surgical, X-ray,
23 dental, and rehabilitative services, including prosthetic
24 devices, and medically necessary ambulance, hospital, and
25 nursing services. However, the medical benefits shall provide
26 reimbursement only for such services and care that are lawfully
27 provided, supervised, ordered, or prescribed by a physician
28 licensed under chapter 458 or chapter 459, a dentist licensed
29 under chapter 466, or a chiropractic physician licensed under
30 chapter 460 or that are provided by any of the following persons
31 or entities:

32 1. A hospital or ambulatory surgical center licensed under
33 chapter 395.

34 2. A person or entity licensed under ss. 401.2101-401.45
35 that provides emergency transportation and treatment.

36 3. An entity wholly owned by one or more physicians
37 licensed under chapter 458 or chapter 459, chiropractic
38 physicians licensed under chapter 460, or dentists licensed
39 under chapter 466 or by such practitioner or practitioners and
40 the spouse, parent, child, or sibling of that practitioner or



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41 those practitioners.

42 4. An entity under common ownership ~~wholly owned~~, directly
43 or indirectly, with ~~by~~ a hospital or hospitals.

44 5. A health care clinic licensed under ss. 400.990-400.995
45 that is:

46 a. Accredited by the Joint Commission on Accreditation of
47 Healthcare Organizations, the American Osteopathic Association,
48 the Commission on Accreditation of Rehabilitation Facilities, or
49 the Accreditation Association for Ambulatory Health Care, Inc.;
50 or

51 b. A health care clinic that:

52 (I) Has a medical director licensed under chapter 458,
53 chapter 459, or chapter 460;

54 (II) Has been continuously licensed for more than 3 years
55 or is a publicly traded corporation that issues securities
56 traded on an exchange registered with the United States
57 Securities and Exchange Commission as a national securities
58 exchange; and

59 (III) Provides at least four of the following medical
60 specialties:

61 (A) General medicine.

62 (B) Radiography.

63 (C) Orthopedic medicine.

64 (D) Physical medicine.

65 (E) Physical therapy.

66 (F) Physical rehabilitation.

67 (G) Prescribing or dispensing outpatient prescription
68 medication.

69 (H) Laboratory services.



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The Financial Services Commission shall adopt by rule the form that must be used by an insurer and a health care provider specified in subparagraph 3., subparagraph 4., or subparagraph 5. to document that the health care provider meets the criteria of this paragraph, which rule must include a requirement for a sworn statement or affidavit.

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

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



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99 And the title is amended as follows:
100 Delete line 14
101 and insert:
102 payment; amending s. 627.736, F.S.; revising the list of
103 providers for whose services insurers providing personal injury
104 protection benefits must pay a specified percentage of medical
105 expenses; providing an effective date.