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LEGISLATIVE ACTION

Senate

House

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Floor: WD

04/25/2013 05:26 PM

Senator Montford moved the following:

Senate Amendment (with title amendment)

Between lines 1764 and 1765

insert:

Section 43. Subsection (1) of section 627.727, Florida Statutes, is amended to read:

627.727 Motor vehicle insurance; uninsured and underinsured vehicle coverage; insolvent insurer protection.-

(1) A ~~No~~ motor vehicle liability insurance policy which provides bodily injury liability coverage may not ~~shall~~ be delivered or issued for delivery in this state with respect to any specifically insured or identified motor vehicle registered or principally garaged in this state unless uninsured motor



264726

14 vehicle coverage is provided therein or supplemental thereto for
15 the protection of persons insured thereunder who are legally
16 entitled to recover damages from owners or operators of
17 uninsured motor vehicles because of bodily injury, sickness, or
18 disease, including death, resulting therefrom. However, the
19 coverage required under this section is not applicable when, or
20 to the extent that, an insured named in the policy makes a
21 written rejection of the coverage on behalf of all insureds
22 under the policy. When a motor vehicle is leased for a period of
23 1 year or longer and the lessor of such vehicle, by the terms of
24 the lease contract, provides liability coverage on the leased
25 vehicle, the lessee of such vehicle shall have the sole
26 privilege to reject uninsured motorist coverage or to select
27 lower limits than the bodily injury liability limits, regardless
28 of whether the lessor is qualified as a self-insurer pursuant to
29 s. 324.171. Unless an insured, or lessee having the privilege of
30 rejecting uninsured motorist coverage, requests such coverage or
31 requests higher uninsured motorist limits in writing, the
32 coverage or such higher uninsured motorist limits need not be
33 provided in or supplemental to any other policy which renews,
34 extends, changes, supersedes, or replaces an existing policy
35 with the same bodily injury liability limits when an insured or
36 lessee had rejected the coverage. When an insured or lessee has
37 initially selected limits of uninsured motorist coverage lower
38 than her or his bodily injury liability limits, higher limits of
39 uninsured motorist coverage need not be provided in or
40 supplemental to any other policy which renews, extends, changes,
41 supersedes, or replaces an existing policy with the same bodily
42 injury liability limits unless an insured requests higher



264726

43 uninsured motorist coverage in writing. The rejection or
44 selection of lower limits shall be made on a form approved by
45 the office. The form must ~~shall~~ fully advise the applicant of
46 the nature of the coverage and must ~~shall~~ state that the
47 coverage is equal to bodily injury liability limits unless lower
48 limits are requested or the coverage is rejected. The heading of
49 the form must ~~shall~~ be in 12-point bold type and must ~~shall~~
50 state: "You are electing not to purchase certain valuable
51 coverage which protects you and your family or you are
52 purchasing uninsured motorist limits less than your bodily
53 injury liability limits when you sign this form. Please read
54 carefully." If this form is signed by a named insured, it is
55 ~~will be~~ conclusively presumed that there was an informed,
56 knowing rejection of coverage or election of lower limits on
57 behalf of all insureds. The insurer shall notify the named
58 insured at least annually of her or his options as to the
59 coverage required by this section. Such notice must ~~shall~~ be
60 part of, and attached to, the notice of premium, must ~~shall~~
61 provide for a means to allow the insured to request such
62 coverage, and must ~~shall~~ be given in a manner approved by the
63 office. Receipt of this notice does not constitute an
64 affirmative waiver of the insured's right to uninsured motorist
65 coverage where the insured has not signed a selection or
66 rejection form. The coverage described under this section does
67 not provide medical treatment or care for any compensable injury
68 defined in s. 440.02(19), and is in addition to ~~shall be over~~
69 ~~and above~~, but does ~~shall~~ not duplicate, any other ~~the~~ benefits
70 available to an insured under any workers' compensation law,
71 personal injury protection benefits, disability benefits law, or



264726

72 similar law; under any automobile medical expense coverage;
73 under any motor vehicle liability insurance coverage; or from
74 the owner or operator of the uninsured motor vehicle or any
75 other person or organization jointly or severally liable
76 together with such owner or operator for the accident; and such
77 coverage shall cover the difference, if any, between the sum of
78 such benefits and the damages sustained, up to the maximum
79 amount of such coverage provided under this section. The amount
80 of coverage available under this section may ~~shall~~ not be
81 reduced by a setoff against any coverage, including liability
82 insurance. Such coverage may ~~shall~~ not inure directly or
83 indirectly to the benefit of any workers' compensation or
84 disability benefits carrier or any person or organization
85 qualifying as a self-insurer under any workers' compensation or
86 disability benefits law or similar law.

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Delete line 197

91 and insert:

92 evaluators; amending s. 627.727, F.S.; providing that
93 certain motor vehicle insurance coverage does not
94 provide medical care or treatment for employment-
95 related injuries; amending s. 627.736, F.S.; revising
96 the