

1                                   A bill to be entitled  
 2           An act relating to uninsured motorist insurance  
 3           coverage; amending s. 627.727, F.S.; providing that,  
 4           under certain circumstances, specified persons who  
 5           elect non-stacking limitations on their uninsured  
 6           motorist insurance coverage are conclusively presumed  
 7           to have made an informed, knowing acceptance of the  
 8           limitations on behalf of all insureds; providing an  
 9           effective date.

10  
 11   Be It Enacted by the Legislature of the State of Florida:

12  
 13           Section 1. Subsection (9) of section 627.727, Florida  
 14   Statutes, is amended to read:

15           627.727 Motor vehicle insurance; uninsured and  
 16   underinsured vehicle coverage; insolvent insurer protection.—

17           (9) Insurers may offer policies of uninsured motorist  
 18   coverage containing policy provisions, in language approved by  
 19   the office, establishing that if the insured accepts this offer:

20           (a) The coverage provided as to two or more motor vehicles  
 21   shall not be added together to determine the limit of insurance  
 22   coverage available to an injured person for any one accident,  
 23   except as provided in paragraph (c).

24           (b) If at the time of the accident the injured person is  
 25   occupying a motor vehicle, the uninsured motorist coverage  
 26   available to her or him is the coverage available as to that  
 27   motor vehicle.

28           (c) If the injured person is occupying a motor vehicle

CS/HB 341

2013

29 | which is not owned by her or him or by a family member residing  
30 | with her or him, the injured person is entitled to the highest  
31 | limits of uninsured motorist coverage afforded for any one  
32 | vehicle as to which she or he is a named insured or insured  
33 | family member. Such coverage shall be excess over the coverage  
34 | on the vehicle the injured person is occupying.

35 | (d) The uninsured motorist coverage provided by the policy  
36 | does not apply to the named insured or family members residing  
37 | in her or his household who are injured while occupying any  
38 | vehicle owned by such insureds for which uninsured motorist  
39 | coverage was not purchased.

40 | (e) If, at the time of the accident the injured person is  
41 | not occupying a motor vehicle, she or he is entitled to select  
42 | any one limit of uninsured motorist coverage for any one vehicle  
43 | afforded by a policy under which she or he is insured as a named  
44 | insured or as an insured resident of the named insured's  
45 | household.

46 |  
47 | In connection with the offer authorized by this subsection,  
48 | insurers shall inform the named insured, applicant, or lessee,  
49 | on a form approved by the office, of the limitations imposed  
50 | under this subsection and that such coverage is an alternative  
51 | to coverage without such limitations. If this form is signed by  
52 | a named insured, applicant, or lessee, it shall be conclusively  
53 | presumed that there was an informed, knowing acceptance of such  
54 | limitations on behalf of all insureds. When the named insured,  
55 | applicant, or lessee has initially accepted such limitations,  
56 | such acceptance shall apply to any policy which renews, extends,

CS/HB 341

2013

57 | changes, supersedes, or replaces an existing policy unless the  
58 | named insured requests deletion of such limitations and pays the  
59 | appropriate premium for such coverage. Any insurer who provides  
60 | coverage which includes the limitations provided in this  
61 | subsection shall file revised premium rates with the office for  
62 | such uninsured motorist coverage to take effect prior to  
63 | initially providing such coverage. The revised rates shall  
64 | reflect the anticipated reduction in loss costs attributable to  
65 | such limitations but shall in any event reflect a reduction in  
66 | the uninsured motorist coverage premium of at least 20 percent  
67 | for policies with such limitations. Such filing shall not  
68 | increase the rates for coverage which does not contain the  
69 | limitations authorized by this subsection, and such rates shall  
70 | remain in effect until the insurer demonstrates the need for a  
71 | change in uninsured motorist rates pursuant to s. 627.0651.

72 |       Section 2. This act shall take effect upon becoming a law.