



507362

LEGISLATIVE ACTION

| Senate     | . | House |
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| Comm: RCS  | . |       |
| 03/13/2019 | . |       |
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The Committee on Infrastructure and Security (Hutson and Bean) recommended the following:

1           **Senate Amendment to Amendment (579484) (with title**  
2 **amendment)**

3  
4           Delete lines 801 - 845  
5 and insert:

6 or persons ~~owner~~ named therein, and, except for a named driver  
7 excluded under s. 627.747, must insure any other person as  
8 operator using such motor vehicle or motor vehicles with the  
9 express or implied permission of such owner against loss from  
10 the liability imposed by law for damage arising out of the



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11 ownership, maintenance, or use of any ~~such~~ motor vehicle or  
12 motor vehicles within the United States or ~~the Dominion of~~  
13 Canada, subject to limits, exclusive of interest and costs with  
14 respect to each such motor vehicle, as is provided for under s.  
15 324.021(7). Insurers may make available, with respect to  
16 property damage liability coverage, a deductible amount not to  
17 exceed \$500. In the event of a property damage loss covered by a  
18 policy containing a property damage deductible provision, the  
19 insurer shall pay to the third-party claimant the amount of any  
20 property damage liability settlement or judgment, subject to  
21 policy limits, as if no deductible existed.

22 (b) An operator's motor vehicle liability policy of  
23 insurance must ~~shall~~ insure the person or persons named therein  
24 against loss from the liability imposed ~~upon him or her~~ by law  
25 for damages arising out of the use by the person of any motor  
26 vehicle not owned by him or her, with the same territorial  
27 limits and subject to the same limits of liability as referred  
28 to above with respect to an owner's policy of liability  
29 insurance.

30 (c) All such motor vehicle liability policies must ~~shall~~  
31 state the name and address of the named insured, the coverage  
32 afforded by the policy, the premium charged therefor, the policy  
33 period, and the limits of liability, and must ~~shall~~ contain an  
34 agreement or be endorsed that insurance is provided in  
35 accordance with the coverage defined in this chapter ~~as respects~~  
36 ~~bodily injury and death or property damage or both~~ and is  
37 subject to ~~all provisions of~~ this chapter. The ~~Said~~ policies  
38 must ~~shall~~ also contain a provision that the satisfaction by an  
39 insured of a judgment for such injury or damage may ~~shall~~ not be



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40 a condition precedent to the right or duty of the insurance  
41 carrier to make payment on account of such injury or damage, and  
42 must ~~shall~~ also contain a provision that bankruptcy or  
43 insolvency of the insured or of the insured's estate may ~~shall~~  
44 not relieve the insurance carrier of any of its obligations  
45 under the said policy.

46 (2) ~~The provisions of~~ This section is ~~shall~~ not be  
47 applicable to any motor vehicle ~~automobile~~ liability policy  
48 unless and until it is furnished as proof of financial  
49 responsibility for the future pursuant to s. 324.031, and then  
50 applies only from ~~and after~~ the date the said policy is ~~so~~  
51 furnished.

52 Section 22. Section 627.747, Florida Statutes, is  
53 created to read:

54 627.747 Named driver exclusion.—

55 (1) A private passenger motor vehicle policy may exclude an  
56 identified individual from the following coverages while the  
57 identified individual is operating a motor vehicle, provided  
58 that the identified individual is specifically excluded by name  
59 on the declarations page or by endorsement, and a policyholder  
60 consents in writing to such exclusion:

61 (a) Property damage liability coverage.

62 (b) Bodily injury liability coverage.

63 (c) Uninsured motorist coverage for any damages sustained  
64 by the identified excluded individual, if the policyholder has  
65 purchased such coverage.

66 (d) Any coverage the policyholder is not required by law to  
67 purchase.

68 (2) A private passenger motor vehicle policy may not



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69 exclude coverage when:

70 (a) The identified excluded individual is injured while not  
71 operating a motor vehicle;

72 (b) The exclusion is unfairly discriminatory under the  
73 Florida Insurance Code, as determined by the office; or

74 (c) The exclusion is inconsistent with the underwriting  
75 rules filed by the insurer pursuant to s. 627.0651(13)(a).

76

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

78 And the title is amended as follows:

79 Delete lines 2634 - 2635

80 and insert:

81 transportation vehicles; amending ss. 324.051,  
82 324.071, and 324.091, F.S.; making technical changes;  
83 amending s. 324.151, F.S.; conforming a provision to  
84 changes made by the act; making technical changes;  
85 creating s. 627.747, F.S.; providing that private  
86 passenger motor vehicle policies may exclude certain  
87 identified individuals from specified coverages under  
88 certain circumstances; providing that such policies  
89 may not exclude coverage under certain circumstances;  
90 amending s.