

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                         (Y/N)  
ADOPTED AS AMENDED                         (Y/N)  
ADOPTED W/O OBJECTION                     (Y/N)  
FAILED TO ADOPT                             (Y/N)  
WITHDRAWN                                    (Y/N)  
OTHER                                         

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1 Committee/Subcommittee hearing bill: Commerce Committee  
2 Representative Plakon offered the following:

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4        **Amendment (with title amendment)**

5        Remove lines 14-69 and insert:

6        Section 1. Section 627.747, Florida Statutes, is created  
7 to read:

8        627.747 Named driver exclusion.-

9        (1) A private passenger motor vehicle policy may exclude  
10 the following coverages for all claims or suits resulting from  
11 the operation of a motor vehicle by an identified individual who  
12 is not a named insured, provided the identified individual is  
13 named on the declarations page or by endorsement and the named  
14 insured consents in writing to such exclusion:

15        (a) Notwithstanding the Florida Motor Vehicle No-Fault  
16 Law, the personal injury protection coverage specifically

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17 applicable to the identified individual's injuries, lost wages,  
18 and death benefits.

19 (b) Property damage liability coverage.

20 (c) Bodily injury liability coverage, if required by law  
21 and purchased by the named insured.

22 (d) Uninsured motorist coverage for any damages sustained  
23 by the identified individual, if the named insured has purchased  
24 such coverage.

25 (e) Any coverage the named insured is not required by law  
26 to purchase.

27 (2) A private passenger motor vehicle policy may not  
28 exclude coverage when:

29 (a) The identified individual is injured while not  
30 operating a motor vehicle;

31 (b) The identified individual is being excluded solely  
32 because of his or her race, color, religion, sex, national  
33 origin, age, handicap, pregnancy, or marital status; or

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

36 (3) An identified individual excluded pursuant to this  
37 section must:

38 (a) Establish, maintain, and show proof of financial  
39 ability to respond for damages arising out of the ownership,  
40 maintenance or use of a motor vehicle as required by chapter  
41 324; and

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42 (b) Maintain security as required by s. 627.733.

43 (4) An identified individual's failure to comply with  
44 subsection (3) will not invalidate a properly executed exclusion  
45 issued in compliance with subsections (1) and (2).

46 Section 2. Paragraph (a) of subsection (1) of section  
47 324.151, Florida Statutes, is amended to read:

48 324.151 Motor vehicle liability policies; required  
49 provisions.-

50 (1) A motor vehicle liability policy to be proof of  
51 financial responsibility under s. 324.031(1) shall be issued to  
52 owners or operators under the following provisions:

53 (a) An owner's liability insurance policy must ~~shall~~  
54 designate by explicit description or by appropriate reference  
55 all motor vehicles with respect to which coverage is thereby  
56 granted, must ~~and shall~~ insure the owner named therein, and,  
57 except for an identified individual excluded under s. 627.747,  
58 must insure any other person as operator using such motor  
59 vehicle or motor vehicles with the express or implied permission  
60 of such owner against loss from the liability imposed by law for  
61 damage arising out of the ownership, maintenance, or use of such  
62 motor vehicle or motor vehicles within the United States or the  
63 Dominion of Canada, subject to limits, exclusive of interest and  
64 costs with respect to each such motor vehicle as is provided for  
65 under s. 324.021(7). Insurers may make available, with respect  
66 to property damage liability coverage, a deductible amount not

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67 | to exceed \$500. In the event of a property damage loss covered  
68 | by a policy containing a property damage deductible provision,  
69 | the insurer shall pay to the third-party claimant the amount of  
70 | any property damage liability settlement or judgment, subject to  
71 | policy limits, as if no deductible existed.

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**T I T L E   A M E N D M E N T**

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Remove line 8 and insert:

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circumstances; requiring identified individual to meet certain

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requirements for financial responsibility; providing that the

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exclusion remains valid under specified circumstances; amending

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ss. 324.151, 627.736, and