

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WITHDRAWN (Y/N)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

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

3
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) Before operating a motor vehicle, the identified
37 individual 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 the same level of security as required by s.
43 627.733.

44 (4) The exclusion of an identified individual in a private
45 passenger motor vehicle policy pursuant to subsection (1)
46 remains valid, notwithstanding the requirements of subsection
47 (3).

48 Section 2. Paragraph (a) of subsection (1) of section
49 324.151, Florida Statutes, is amended to read:

50 324.151 Motor vehicle liability policies; required
51 provisions.—

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

55 (a) An owner's liability insurance policy must ~~shall~~
56 designate by explicit description or by appropriate reference
57 all motor vehicles with respect to which coverage is thereby
58 granted, must ~~and shall~~ insure the owner named therein, and,
59 except for an identified individual excluded under s. 627.747,
60 must insure any other person as operator using such motor
61 vehicle or motor vehicles with the express or implied permission
62 of such owner against loss from the liability imposed by law for
63 damage arising out of the ownership, maintenance, or use of such
64 motor vehicle or motor vehicles within the United States or the
65 Dominion of Canada, subject to limits, exclusive of interest and
66 costs with respect to each such motor vehicle as is provided for

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67 | under s. 324.021(7). Insurers may make available, with respect
68 | to property damage liability coverage, a deductible amount not
69 | to exceed \$500. In the event of a property damage loss covered
70 | by a policy containing a property damage deductible provision,
71 | the insurer shall pay to the third-party claimant the amount of
72 | any property damage liability settlement or judgment, subject to
73 | 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