

1                                   A bill to be entitled  
 2           An act relating to motor vehicle insurance coverage  
 3           exclusions; creating s. 627.747, F.S.; providing that  
 4           private passenger motor vehicle policies may exclude  
 5           certain identified individuals from specified  
 6           coverages under certain circumstances; providing that  
 7           such policies may not exclude coverage under certain  
 8           circumstances; amending ss. 324.151, 627.736, and  
 9           627.7407, F.S.; conforming provisions to changes made  
 10          by the act; providing an effective date.

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

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 14           Section 1. Section 627.747, Florida Statutes, is created  
 15 to read:

16           627.747 Named driver exclusion.-

17           (1) A private passenger motor vehicle policy may exclude  
 18 an identified individual who is not a named insured from the  
 19 following coverages while the identified individual is operating  
 20 a motor vehicle, provided the identified individual is named on  
 21 the declarations page or by endorsement and the named insured  
 22 consents in writing to such exclusion:

23           (a) Notwithstanding the Florida Motor Vehicle No-Fault  
 24 Law, the personal injury protection coverage specifically  
 25 applicable to the identified individual's injuries, lost wages,

26 | and death benefits.

27 |       (b) Property damage liability coverage.

28 |       (c) Bodily injury liability coverage, if required by law  
 29 | and purchased by the named insured.

30 |       (d) Uninsured motorist coverage for any damages sustained  
 31 | by the identified excluded individual, if the named insured has  
 32 | purchased such coverage.

33 |       (e) Any coverage the named insured is not required by law  
 34 | to purchase.

35 |       (2) A private passenger motor vehicle policy may not  
 36 | exclude coverage when:

37 |           (a) The identified individual is injured while not  
 38 | operating a motor vehicle;

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

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

44 |       Section 2. Paragraph (a) of subsection (1) of section  
 45 | 324.151, Florida Statutes, is amended to read:

46 |       324.151 Motor vehicle liability policies; required  
 47 | provisions.—

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

51 (a) An owner's liability insurance policy must ~~shall~~  
 52 designate by explicit description or by appropriate reference  
 53 all motor vehicles with respect to which coverage is thereby  
 54 granted, must ~~and shall~~ insure the owner named therein, and,  
 55 except for a named driver excluded under s. 627.747, must insure  
 56 any other person as operator using such motor vehicle or motor  
 57 vehicles with the express or implied permission of such owner  
 58 against loss from the liability imposed by law for damage  
 59 arising out of the ownership, maintenance, or use of such motor  
 60 vehicle or motor vehicles within the United States or the  
 61 Dominion of Canada, subject to limits, exclusive of interest and  
 62 costs with respect to each such motor vehicle as is provided for  
 63 under s. 324.021(7). Insurers may make available, with respect  
 64 to property damage liability coverage, a deductible amount not  
 65 to exceed \$500. In the event of a property damage loss covered  
 66 by a policy containing a property damage deductible provision,  
 67 the insurer shall pay to the third-party claimant the amount of  
 68 any property damage liability settlement or judgment, subject to  
 69 policy limits, as if no deductible existed.

70 Section 3. Subsection (1) of section 627.736, Florida  
 71 Statutes, is amended to read:

72 627.736 Required personal injury protection benefits;  
 73 exclusions; priority; claims.—

74 (1) REQUIRED BENEFITS.—An insurance policy complying with  
 75 the security requirements of s. 627.733 must provide personal

76 injury protection to the named insured, relatives residing in  
77 the same household unless excluded under s. 627.747, persons  
78 operating the insured motor vehicle, passengers in the motor  
79 vehicle, and other persons struck by the motor vehicle and  
80 suffering bodily injury while not an occupant of a self-  
81 propelled vehicle, subject to subsection (2) and paragraph  
82 (4) (e), to a limit of \$10,000 in medical and disability benefits  
83 and \$5,000 in death benefits resulting from bodily injury,  
84 sickness, disease, or death arising out of the ownership,  
85 maintenance, or use of a motor vehicle as follows:

86 (a) *Medical benefits.*—Eighty percent of all reasonable  
87 expenses for medically necessary medical, surgical, X-ray,  
88 dental, and rehabilitative services, including prosthetic  
89 devices and medically necessary ambulance, hospital, and nursing  
90 services if the individual receives initial services and care  
91 pursuant to subparagraph 1. within 14 days after the motor  
92 vehicle accident. The medical benefits provide reimbursement  
93 only for:

94 1. Initial services and care that are lawfully provided,  
95 supervised, ordered, or prescribed by a physician licensed under  
96 chapter 458 or chapter 459, a dentist licensed under chapter  
97 466, a chiropractic physician licensed under chapter 460, or an  
98 advanced practice registered nurse registered under s. 464.0123  
99 or that are provided in a hospital or in a facility that owns,  
100 or is wholly owned by, a hospital. Initial services and care may

101 also be provided by a person or entity licensed under part III  
102 of chapter 401 which provides emergency transportation and  
103 treatment.

104       2. Upon referral by a provider described in subparagraph  
105 1., followup services and care consistent with the underlying  
106 medical diagnosis rendered pursuant to subparagraph 1. which may  
107 be provided, supervised, ordered, or prescribed only by a  
108 physician licensed under chapter 458 or chapter 459, a  
109 chiropractic physician licensed under chapter 460, a dentist  
110 licensed under chapter 466, or an advanced practice registered  
111 nurse registered under s. 464.0123, or, to the extent permitted  
112 by applicable law and under the supervision of such physician,  
113 osteopathic physician, chiropractic physician, or dentist, by a  
114 physician assistant licensed under chapter 458 or chapter 459 or  
115 an advanced practice registered nurse licensed under chapter  
116 464. Followup services and care may also be provided by the  
117 following persons or entities:

118       a. A hospital or ambulatory surgical center licensed under  
119 chapter 395.

120       b. An entity wholly owned by one or more physicians  
121 licensed under chapter 458 or chapter 459, chiropractic  
122 physicians licensed under chapter 460, advanced practice  
123 registered nurses registered under s. 464.0123, or dentists  
124 licensed under chapter 466 or by such practitioners and the  
125 spouse, parent, child, or sibling of such practitioners.

126 c. An entity that owns or is wholly owned, directly or  
 127 indirectly, by a hospital or hospitals.

128 d. A physical therapist licensed under chapter 486, based  
 129 upon a referral by a provider described in this subparagraph.

130 e. A health care clinic licensed under part X of chapter  
 131 400 which is accredited by an accrediting organization whose  
 132 standards incorporate comparable regulations required by this  
 133 state, or

134 (I) Has a medical director licensed under chapter 458,  
 135 chapter 459, or chapter 460;

136 (II) Has been continuously licensed for more than 3 years  
 137 or is a publicly traded corporation that issues securities  
 138 traded on an exchange registered with the United States  
 139 Securities and Exchange Commission as a national securities  
 140 exchange; and

141 (III) Provides at least four of the following medical  
 142 specialties:

143 (A) General medicine.

144 (B) Radiography.

145 (C) Orthopedic medicine.

146 (D) Physical medicine.

147 (E) Physical therapy.

148 (F) Physical rehabilitation.

149 (G) Prescribing or dispensing outpatient prescription  
 150 medication.

151 (H) Laboratory services.

152 3. Reimbursement for services and care provided in  
153 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician  
154 licensed under chapter 458 or chapter 459, a dentist licensed  
155 under chapter 466, a physician assistant licensed under chapter  
156 458 or chapter 459, or an advanced practice registered nurse  
157 licensed under chapter 464 has determined that the injured  
158 person had an emergency medical condition.

159 4. Reimbursement for services and care provided in  
160 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a  
161 provider listed in subparagraph 1. or subparagraph 2. determines  
162 that the injured person did not have an emergency medical  
163 condition.

164 5. Medical benefits do not include massage as defined in  
165 s. 480.033 or acupuncture as defined in s. 457.102, regardless  
166 of the person, entity, or licensee providing massage or  
167 acupuncture, and a licensed massage therapist or licensed  
168 acupuncturist may not be reimbursed for medical benefits under  
169 this section.

170 6. The Financial Services Commission shall adopt by rule  
171 the form that must be used by an insurer and a health care  
172 provider specified in sub-subparagraph 2.b., sub-subparagraph  
173 2.c., or sub-subparagraph 2.e. to document that the health care  
174 provider meets the criteria of this paragraph. Such rule must  
175 include a requirement for a sworn statement or affidavit.

176           (b) *Disability benefits.*—Sixty percent of any loss of  
177 gross income and loss of earning capacity per individual from  
178 inability to work proximately caused by the injury sustained by  
179 the injured person, plus all expenses reasonably incurred in  
180 obtaining from others ordinary and necessary services in lieu of  
181 those that, but for the injury, the injured person would have  
182 performed without income for the benefit of his or her  
183 household. All disability benefits payable under this provision  
184 must be paid at least every 2 weeks.

185           (c) *Death benefits.*—Death benefits of \$5,000 per  
186 individual. Death benefits are in addition to the medical and  
187 disability benefits provided under the insurance policy. The  
188 insurer may pay death benefits to the executor or administrator  
189 of the deceased, to any of the deceased's relatives by blood,  
190 legal adoption, or marriage, or to any person appearing to the  
191 insurer to be equitably entitled to such benefits.

192  
193 Only insurers writing motor vehicle liability insurance in this  
194 state may provide the required benefits of this section, and  
195 such insurer may not require the purchase of any other motor  
196 vehicle coverage other than the purchase of property damage  
197 liability coverage as required by s. 627.7275 as a condition for  
198 providing such benefits. Insurers may not require that property  
199 damage liability insurance in an amount greater than \$10,000 be  
200 purchased in conjunction with personal injury protection. Such



201 insurers shall make benefits and required property damage  
202 liability insurance coverage available through normal marketing  
203 channels. An insurer writing motor vehicle liability insurance  
204 in this state who fails to comply with such availability  
205 requirement as a general business practice violates part IX of  
206 chapter 626, and such violation constitutes an unfair method of  
207 competition or an unfair or deceptive act or practice involving  
208 the business of insurance. An insurer committing such violation  
209 is subject to the penalties provided under that part, as well as  
210 those provided elsewhere in the insurance code.

211 Section 4. Paragraph (a) of subsection (5) of section  
212 627.7407, Florida Statutes, is amended to read:

213 627.7407 Application of the Florida Motor Vehicle No-Fault  
214 Law.—

215 (5) No later than November 15, 2007, each motor vehicle  
216 insurer shall provide notice of the provisions of this section  
217 to each motor vehicle insured who is subject to subsection (1).  
218 The notice is not subject to approval by the Office of Insurance  
219 Regulation. The notice must clearly inform the policyholder:

220 (a) That beginning on January 1, 2008, Florida law  
221 requires the policyholder to maintain personal injury protection  
222 ("PIP") insurance coverage and that this insurance pays covered  
223 medical expenses for injuries sustained in a motor vehicle crash  
224 by the policyholder, passengers, and relatives residing in the  
225 policyholder's household unless excluded under s. 627.747.

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226 |           Section 5.   This act shall take effect July 1, 2021.           |