

The Florida Senate  
**HOUSE MESSAGE SUMMARY**

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Prepared By: The Professional Staff of the Committee on Banking and Insurance

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[2021s00054.hms]

BILL: CS/CS/SB 54, 1st Eng.

INTRODUCER: Judiciary Committee; Banking and Insurance Committee; and Senators Burgess and Rouson

SUBJECT: Motor Vehicle Insurance

DATE: April 27, 2021

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**I. Amendments Contained in Message:**

**House Amendment 1 – 958927** (body with title)

**II. Summary of Amendments Contained in Message:**

**House amendment 1** is a delete-all amendment that makes the following revisions to CS/CS/SB 54 (1st Eng.):

House amendment 1 deletes the Senate bill’s mandate to obtain \$5,000 in medical payments coverage (MedPay). Instead, House amendment 1 mandates that insurers offer MedPay at limits of \$5,000 and \$10,000 with zero deductible, while allowing insurers to also offer limits at any amount greater than \$5,000 and a deductible of up to \$500. Under the House amendment, MedPay is an “opt-out” coverage, meaning that the policy will be presumed to have \$10,000 in MedPay without a deductible unless the insured declines coverage, selects an alternative coverage limit, or selects a deductible. The House amendment, by making MedPay coverage optional, also makes optional the \$5,000 MedPay death benefit.

The House amendment retains the entirety of the Senate bill’s framework governing actions for bad faith failure to settle third-party claims, including the establishment of claim handling best practices for insurers. The amendment adds a statement that the statute governing these bad faith actions is not intended to expand or diminish any cause of action currently available against insurance agents who sell motor vehicle liability insurance policies in this state.

The House amendment retains the named driver exclusion provision, but also specifies an excluded driver is subject to financial responsibility requirements, but that the exclusion remains valid when an excluded driver fails to maintain financial responsibility.

The House amendment retains provisions of the Senate bill:

- Repealing the Florida Motor Vehicle No-Fault Law, and thus repealing the requirement to purchase personal injury protection (PIP) insurance.
- Requiring owners and operators of motor vehicles that must be registered in Florida to maintain financial responsibility of at least \$25,000 for bodily injury or death of one

- person, and subject to such limit, \$50,000 for bodily injury or death of two or more persons. (\$25,000/\$50,000 BI requirement)
- Establishing a \$10,000 setoff on noneconomic damages recovered by an uninsured driver (does not apply in wrongful death actions).
  - Allowing a claimant to recover attorney fees and costs if an insurer does not timely provide the liability disclosure required by s. 627.4137, F.S.