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LEGISLATIVE ACTION

Senate

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House

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.