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LEGISLATIVE ACTION

Senate

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House

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Senator Burgess moved the following:

1           **Senate Amendment to Amendment (824756) (with title**  
2 **amendment)**

3  
4           Delete lines 1865 - 2165

5 and insert:

6 required under ~~by~~ s. 324.022 and the death benefit coverage set  
7 forth in s. 627.72761.

8           (2) (a) Insurers writing motor vehicle insurance in this  
9 state shall make available, subject to the insurers' usual  
10 underwriting restrictions:

11           1. Coverage under policies as described in subsection (1)



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12 to an applicant for private passenger motor vehicle insurance  
13 coverage who is seeking the coverage in order to reinstate the  
14 applicant's driving privileges in this state if the driving  
15 privileges were revoked or suspended pursuant to s. 316.646 or  
16 s. 324.0221 due to the failure of the applicant to maintain  
17 required security.

18 2. Coverage under policies as described in subsection (1),  
19 which includes bodily injury ~~also provides~~ liability coverage  
20 and property damage liability coverage, ~~for bodily injury,~~  
21 ~~death, and property damage arising out of the ownership,~~  
22 ~~maintenance, or use of the motor vehicle~~ in an amount not less  
23 than the minimum limits required under ~~described in~~ s.  
24 324.021(7) or s. 324.023 and which conforms to the requirements  
25 of s. 324.151, to an applicant for private passenger motor  
26 vehicle insurance coverage who is seeking the coverage in order  
27 to reinstate the applicant's driving privileges in this state  
28 after such privileges were revoked or suspended under s. 316.193  
29 or s. 322.26(2) for driving under the influence.

30 (b) The policies described in paragraph (a) must ~~shall~~ be  
31 issued for at least 6 months and, as to the minimum coverages  
32 required under this section, may not be canceled by the insured  
33 for any reason or by the insurer after 60 days, during which  
34 period the insurer is completing the underwriting of the policy.  
35 After the insurer has completed underwriting the policy, the  
36 insurer shall notify the Department of Highway Safety and Motor  
37 Vehicles that the policy is in full force and effect and is not  
38 cancelable for the remainder of the policy period. A premium  
39 must ~~shall~~ be collected and the coverage is in effect for the  
40 60-day period during which the insurer is completing the



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41 underwriting of the policy, whether or not the person's driver  
42 license, motor vehicle tag, and motor vehicle registration are  
43 in effect. Once the noncancelable provisions of the policy  
44 become effective, the bodily injury liability and property  
45 damage liability coverages ~~for bodily injury, property damage,~~  
46 ~~and personal injury protection~~ may not be reduced below the  
47 minimum limits required under s. 324.021 or s. 324.023 during  
48 the policy period.

49 (c) This subsection controls to the extent of any conflict  
50 with any other section.

51 (d) An insurer issuing a policy subject to this section may  
52 cancel the policy if, during the policy term, the named insured,  
53 or any other operator who resides in the same household or  
54 customarily operates an automobile insured under the policy, has  
55 his or her driver license suspended or revoked.

56 (e) This subsection does not require an insurer to offer a  
57 policy of insurance to an applicant if such offer would be  
58 inconsistent with the insurer's underwriting guidelines and  
59 procedures.

60 Section 47. Section 627.72761, Florida Statutes, is created  
61 to read:

62 627.72761 Required motor vehicle death benefit coverage.—An  
63 insurance policy complying with the financial security  
64 requirements of s. 324.022 must provide death benefits for the  
65 death of the operator of an insured motor vehicle when such  
66 death arises out of the ownership, maintenance, or use of a  
67 motor vehicle. The insurer may pay death benefits to the  
68 executor or administrator of the deceased; to any of the  
69 deceased's relatives by blood, legal adoption, or marriage; or



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70 to any person appearing to the insurer to be equitably entitled  
71 to such benefits. The benefit is not payable if the operator  
72 died as a result of causing injury or death to himself or  
73 herself intentionally or died because of injuries or death that  
74 incurred while committing a felony.

75 Section 48. Effective upon this act becoming a law, section  
76 627.7278, Florida Statutes, is created to read:

77 627.7278 Applicability and construction; notice to  
78 policyholders.—

79 (1) As used in this section, the term "minimum security  
80 requirements" means security that enables a person to respond in  
81 damages for liability on account of crashes arising out of the  
82 ownership, maintenance, or use of a motor vehicle, in the  
83 amounts required by s. 324.022(1), as amended by this act.

84 (2) Effective January 1, 2022:

85 (a) Motor vehicle insurance policies issued or renewed on  
86 or after that date may not include personal injury protection.

87 (b) All persons subject to s. 324.022, s. 324.032, s.  
88 627.7415, or s. 627.742 must maintain at least minimum security  
89 requirements.

90 (c) Any new or renewal motor vehicle insurance policy  
91 delivered or issued for delivery in this state must provide  
92 coverage that complies with minimum security requirements and  
93 provides the death benefit set forth in s. 627.72761.

94 (d) An existing motor vehicle insurance policy issued  
95 before that date which provides personal injury protection and  
96 property damage liability coverage that meets the requirements  
97 of s. 324.022 on December 31, 2021, but which does not meet  
98 minimum security requirements on or after January 1, 2022, is



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99 deemed to meet minimum security requirements until such policy  
100 is renewed, nonrenewed, or canceled on or after January 1, 2022.  
101 Sections 627.730-627.7405, 400.9905, 400.991, 456.057, 456.072,  
102 627.7263, 627.727, 627.748, 626.9541(1)(i), and 817.234, Florida  
103 Statutes 2020, remain in full force and effect for motor vehicle  
104 accidents covered under a policy issued under the Florida Motor  
105 Vehicle No-Fault Law before January 1, 2022, until the policy is  
106 renewed, nonrenewed, or canceled on or after January 1, 2022.

107 (3) Each insurer shall allow each insured who has a new or  
108 renewal policy providing personal injury protection which  
109 becomes effective before January 1, 2022, and whose policy does  
110 not meet minimum security requirements on or after January 1,  
111 2022, to change coverages so as to eliminate personal injury  
112 protection and obtain coverage providing minimum security  
113 requirements and the death benefit set forth in s. 627.72761,  
114 which shall be effective on or after January 1, 2022. The  
115 insurer is not required to provide coverage complying with  
116 minimum security requirements and the death benefit set forth in  
117 s. 627.72761, in such policies if the insured does not pay the  
118 required premium, if any, by January 1, 2022, or such later date  
119 as the insurer may allow. The insurer also shall offer each  
120 insured medical payments coverage pursuant to s. 627.7265. Any  
121 reduction in the premium must be refunded by the insurer. The  
122 insurer may not impose on the insured an additional fee or  
123 charge that applies solely to a change in coverage; however, the  
124 insurer may charge an additional required premium that is  
125 actuarially indicated.

126 (4) By September 1, 2021, each motor vehicle insurer shall  
127 provide notice of this section to each motor vehicle



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128 policyholder who is subject to this section. The notice is  
129 subject to approval by the office and must clearly inform the  
130 policyholder that:

131 (a) The Florida Motor Vehicle No-Fault Law is repealed  
132 effective January 1, 2022, and that on or after that date, the  
133 insured is no longer required to maintain personal injury  
134 protection insurance coverage, that personal injury protection  
135 coverage is no longer available for purchase in this state, and  
136 that all new or renewal policies issued on or after that date  
137 will not contain that coverage.

138 (b) Effective January 1, 2022, a person subject to the  
139 financial responsibility requirements of s. 324.022 must:

140 1. Maintain minimum security requirements that enable the  
141 person to respond to damages for liability on account of  
142 accidents arising out of the use of a motor vehicle in the  
143 following amounts:

144 a. Twenty-five thousand dollars for bodily injury to, or  
145 the death of, one person in any one crash and, subject to such  
146 limits for one person, in the amount of \$50,000 for bodily  
147 injury to, or the death of, two or more persons in any one  
148 crash; and

149 b. Ten thousand dollars for damage to, or destruction of,  
150 the property of others in any one crash.

151 2. Purchase a death benefit pursuant to s. 627.72761  
152 providing at least \$5,000 in coverage upon the death of the  
153 operator of a motor vehicle.

154 (c) Bodily injury liability coverage protects the insured,  
155 up to the coverage limits, against loss if the insured is  
156 legally responsible for the death of or bodily injury to others



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157 in a motor vehicle accident.

158 (d) Effective January 1, 2022, each policyholder of motor  
159 vehicle liability insurance purchased as proof of financial  
160 responsibility must be offered medical payments coverage  
161 benefits that comply with s. 627.7265. The insurer must offer  
162 medical payments coverage at limits of \$5,000 and \$10,000  
163 without a deductible. The insurer may also offer medical  
164 payments coverage at other limits greater than \$5,000 and may  
165 offer coverage with a deductible of up to \$500. Medical payments  
166 coverage pays covered medical expenses incurred due to bodily  
167 injury, sickness, or disease arising out of the ownership,  
168 maintenance, or use of the motor vehicle, up to the limits of  
169 such coverage, for injuries sustained in a motor vehicle crash  
170 by the named insured, resident relatives, any person operating  
171 the insured motor vehicle, passengers in the insured motor  
172 vehicle, and persons who are struck by the insured motor vehicle  
173 and suffer bodily injury while not an occupant of a self-  
174 propelled motor vehicle as provided in s. 627.7265. Medical  
175 payments coverage also provides a death benefit of at least  
176 \$5,000.

177 (e) The policyholder may obtain uninsured and underinsured  
178 motorist coverage that provides benefits, up to the limits of  
179 such coverage, to a policyholder or other insured entitled to  
180 recover damages for bodily injury, sickness, disease, or death  
181 resulting from a motor vehicle accident with an uninsured or  
182 underinsured owner or operator of a motor vehicle.

183 (f) If the policyholder's new or renewal motor vehicle  
184 insurance policy is effective before January 1, 2022, and  
185 contains personal injury protection and property damage



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186 liability coverage as required by state law before January 1,  
187 2022, but does not meet minimum security requirements on or  
188 after January 1, 2022, the policy is deemed to meet minimum  
189 security requirements until it is renewed, nonrenewed, or  
190 canceled on or after January 1, 2022.

191 (g) A policyholder whose new or renewal policy becomes  
192 effective before January 1, 2022, but does not meet minimum  
193 security requirements on or after January 1, 2022, may change  
194 coverages under the policy so as to eliminate personal injury  
195 protection and to obtain coverage providing minimum security  
196 requirements, including bodily injury liability coverage, which  
197 are effective on or after January 1, 2022.

198 (h) If the policyholder has any questions, he or she should  
199 contact the person named at the telephone number provided in the  
200 notice.

201 Section 49. Paragraph (a) of subsection (1) of section  
202 627.728, Florida Statutes, is amended to read:

203 627.728 Cancellations; nonrenewals.—

204 (1) As used in this section, the term:

205 (a) "Policy" means the bodily injury and property damage  
206 liability, ~~personal injury protection~~, medical payments,  
207 comprehensive, collision, and uninsured motorist coverage  
208 portions of a policy of motor vehicle insurance delivered or  
209 issued for delivery in this state:

210 1. Insuring a natural person as named insured or one or  
211 more related individuals who are residents ~~resident~~ of the same  
212 household; and

213 2. Insuring only a motor vehicle of the private passenger  
214 type or station wagon type which is not used as a public or





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215 livery conveyance for passengers or rented to others; or  
216 insuring any other four-wheel motor vehicle having a load  
217 capacity of 1,500 pounds or less which is not used in the  
218 occupation, profession, or business of the insured other than  
219 farming; other than any policy issued under an automobile  
220 insurance assigned risk plan or covering garage, automobile  
221 sales agency, repair shop, service station, or public parking  
222 place operation hazards.

223

224 The term "policy" does not include a binder as defined in s.  
225 627.420 unless the duration of the binder period exceeds 60  
226 days.

227 Section 50. Subsection (1), paragraph (a) of subsection  
228 (5), and subsections (6) and (7) of section 627.7295, Florida  
229 Statutes, are amended to read:

230 627.7295 Motor vehicle insurance contracts.—

231 (1) As used in this section, the term:

232 (a) "Policy" means a motor vehicle insurance policy that  
233 provides bodily injury liability ~~personal injury protection~~  
234 coverage and, ~~property damage liability coverage, or both.~~

235 (b) "Binder" means a binder that provides motor vehicle  
236 bodily injury liability coverage ~~personal injury protection~~ and  
237 property damage liability coverage.

238 (5) (a) A licensed general lines agent may charge a per-  
239 policy fee of up to ~~not to exceed~~ \$10 to cover the  
240 administrative costs of the agent associated with selling the  
241 motor vehicle insurance policy if the policy covers only bodily  
242 injury liability coverage ~~personal injury protection coverage as~~  
243 ~~provided by s. 627.736~~ and property damage liability coverage as



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244 provided by s. 627.7275 and if no other insurance is sold or  
245 issued in conjunction with or collateral to the policy. The fee  
246 is not ~~considered~~ part of the premium.

247 (6) If a motor vehicle owner's driver license, license  
248 plate, and registration have previously been suspended pursuant  
249 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy  
250 only as provided in s. 627.7275.

251 (7) A policy of private passenger motor vehicle insurance  
252 or a binder for such a policy may be initially issued in this  
253 state only if, before the effective date of such binder or  
254 policy, the insurer or agent has collected from the insured an  
255 amount equal to at least 1 month's premium. An insurer, agent,  
256 or premium finance company may not, directly or indirectly, take  
257 any action that results ~~resulting~~ in the insured paying ~~having~~  
258 ~~paid~~ from the insured's own funds an amount less than the 1  
259 month's premium required by this subsection. This subsection  
260 applies without regard to whether the premium is financed by a  
261 premium finance company or is paid pursuant to a periodic  
262 payment plan of an insurer or an insurance agent.

263 (a) This subsection does not apply:

264 1. If an insured or member of the insured's family is  
265 renewing or replacing a policy or a binder for such policy  
266 written by the same insurer or a member of the same insurer  
267 group. ~~This subsection does not apply~~

268 2. To an insurer that issues private passenger motor  
269 vehicle coverage primarily to active duty or former military  
270 personnel or their dependents. ~~This subsection does not apply~~

271 3. If all policy payments are paid pursuant to a payroll  
272 deduction plan, an automatic electronic funds transfer payment



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273 plan from the policyholder, or a recurring credit card or debit  
274 card agreement with the insurer.

275 (b) This subsection and subsection (4) do not apply if:

276 1. All policy payments to an insurer are paid pursuant to  
277 an automatic electronic funds transfer payment plan from an  
278 agent, a managing general agent, or a premium finance company  
279 and if the policy includes, at a minimum, bodily injury  
280 liability coverage and personal injury protection pursuant to  
281 ss. 627.730-627.7405; motor vehicle property damage liability  
282 coverage pursuant to s. 627.7275; or and bodily injury liability  
283 in at least the amount of \$10,000 because of bodily injury to,  
284 or death of, one person in any one accident and in the amount of  
285 \$20,000 because of bodily injury to, or death of, two or more  
286 persons in any one accident. This subsection and subsection (4)  
287 do not apply if

288 2. An insured has had a policy in effect for at least 6  
289 months, the insured's agent is terminated by the insurer that  
290 issued the policy, and the insured obtains coverage on the  
291 policy's renewal date with a new company through the terminated  
292 agent.

293 Section 51. Section 627.7415, Florida Statutes, is amended  
294 to read:

295 627.7415 Commercial motor vehicles; additional liability  
296 insurance coverage.—Beginning January 1, 2022, commercial motor  
297 vehicles, as defined in s. 207.002 or s. 320.01, operated upon  
298 the roads and highways of this state must ~~shall~~ be insured with  
299 the following minimum levels of combined bodily liability  
300 insurance and property damage liability insurance in addition to  
301 any other insurance requirements:



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302 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a  
303 commercial motor vehicle with a gross vehicle weight of 26,000  
304 pounds or more, but less than 35,000 pounds.

305 (2) One hundred twenty thousand dollars per occurrence for  
306 a commercial motor vehicle with a gross vehicle weight of 35,000  
307 pounds or more, but less than 44,000 pounds.

308 (3) Three hundred thousand dollars per occurrence for a  
309 commercial motor vehicle with a gross vehicle weight of 44,000  
310 pounds or more.

311 (4) All commercial motor vehicles subject to regulations of  
312 the United States Department of Transportation, 49 C.F.R. part  
313 387, subpart A, and as may be hereinafter amended, shall be  
314 insured in an amount equivalent to the minimum levels of  
315 financial responsibility as set forth in such regulations.

316  
317 A violation of this section is a noncriminal traffic infraction,  
318 punishable as a nonmoving violation as provided in chapter 318.

319 Section 52. Section 627.747, Florida Statutes, is created  
320 to read:

321 627.747 Named driver exclusion.—

322 (1) A private passenger motor vehicle policy may exclude an  
323 identified individual from the following coverages while the  
324 identified individual is operating a motor vehicle, provided  
325 that the identified individual is specifically excluded by name  
326 on the declarations page or by endorsement and the policyholder  
327 consents in writing to the exclusion:

328 (a) Property damage liability coverage.

329 (b) Bodily injury liability coverage.

330 (c) Death benefit coverage under s. 627.72761.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 2860

and insert:

act; creating s. 627.72761, F.S.; requiring that motor  
vehicle insurance policies in compliance with certain  
requirements provide death benefits; providing to whom  
death benefits may be paid; specifying when the  
benefit is not payable; creating s. 627.7278, F.S.;

defining the term