3-15-1971

Session Law 71-252

Florida Senate & House of Representatives

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### LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

<table>
<thead>
<tr>
<th>Year</th>
<th>Session</th>
<th>Prime Bill#</th>
<th>Sponsor</th>
<th>Comp./Sim.</th>
<th>JMC Hist.</th>
<th>Leg. Cites</th>
<th>House #s</th>
<th>Committee of Ref.</th>
<th>Senate</th>
<th>House</th>
<th>Previous versions?</th>
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<tr>
<td>1971</td>
<td>71-25</td>
<td>HSB 1821</td>
<td>Commerce</td>
<td>Insurance</td>
<td>Senate</td>
<td>Commerce</td>
<td>313</td>
<td>Senate</td>
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<td>Insurance</td>
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#### Committee Records

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<th>Record Series: Folder Title, etc.</th>
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<td>House</td>
<td>1971</td>
<td>Hearing</td>
<td>19/168</td>
<td>16</td>
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<td>record file</td>
<td>19/169</td>
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<td>subcommittee files + papers</td>
<td>19/172</td>
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<td>1971</td>
<td>hearing</td>
<td>18/23</td>
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<td>hearing</td>
<td>18/26</td>
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#### Senate/House Journals

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<tr>
<td>SF</td>
<td>May 19, 1971</td>
<td>599-603</td>
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<td>515-20</td>
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#### Tape Recordings

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#### Other Documentation

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<tr>
<td>House, clerk, bill file</td>
<td>925/14/429</td>
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<td></td>
<td>925/14/447</td>
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Presentations are not strictly limited to the times set out below. Sufficient time will be allowed to adequately complete each presentation.

Monday, March 15, 1971 in the House Chambers:

2:00 P.M. - Chairman William M. Gillespie

Introductory remarks and introduction of the Honorable C. Eugene Farnam, Insurance Commissioner of Massachusetts and the Honorable Frank Fournier, Executive Director, Puerto Rico Automobile Accident Compensation Administration.

2:10 P.M. - Honorable C. Eugene Farnam

Presentation on the Massachusetts' no-fault program

A. Events and developments responsible for the enactment of no-fault legislation.

B. Major considerations of the Massachusetts Legislature during public hearings and committee meetings during the Legislative Session.

C. Report on how the no-fault program is working.

3:15 P.M. - Honorable Frank Fournier

A. Presentation on background of automobile insurance problems in Puerto Rico which brought on the enactment of no-fault legislation.

B. Major problems of the Legislature in considering this legislation.

C. Current appraisal of the effectiveness and results of the program to date.

Tuesday, March 16, 1971 in Room 307 The Capitol:

2:00 P.M. - A. Completion of presentations by Commissioner Farnam and Executive Director Fournier if presentations are not completed on March 15th.

B. Committee round table forum with Commissioner Farnam, Florida Insurance Commissioner, The Honorable Tom O'Malley and Mr. Fournier on the subject of no-fault automobile insurance and automobile insurance problems in general.
## COMPARISON OF MAJOR PROVISIONS OF NO-FAULT BILLS INTRODUCED IN THE HOUSE OF REPRESENTATIVES (1971 LEGISLATIVE SESSION)

<table>
<thead>
<tr>
<th>Provision</th>
<th>HB 65 (Savage)</th>
<th>HB 168 (Craig)</th>
<th>HB 322 (Kennelly)</th>
<th>HB 695 (Craig)</th>
<th>O'Malley's Bill</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Threshold</td>
<td>None</td>
<td>$5,000 pain and suffering</td>
<td>$25,000</td>
<td>None</td>
<td>(Mandatory arbitration)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$10,000 other than pain and suffering</td>
<td></td>
<td></td>
<td>(for losses under $3,000)</td>
</tr>
<tr>
<td>2. Hospital and Medical Expense Maximum Coverage</td>
<td>Unlimited</td>
<td>$10,000</td>
<td>Full</td>
<td>$2,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>3. Economic Loss Benefits Maximum Coverage</td>
<td>Unlimited, except wage loss limited to $750 per mo.</td>
<td>Lost earnings less 25% up to $750 per mo.</td>
<td>Lost earnings less 25% up to $750 per mo.</td>
<td>Lost earnings less 15% up to $500 per mo., not exceeding 52 weeks</td>
<td>$5,000</td>
</tr>
<tr>
<td>4. Funeral Benefits Maximum Coverage</td>
<td>$1,000</td>
<td>$500</td>
<td>$500</td>
<td>N/A</td>
<td>$500</td>
</tr>
<tr>
<td>5. Survivorship Benefits (during period of life expectancy of deceased)</td>
<td>$750 limit per mo.</td>
<td>Yes</td>
<td>$750 limit per mo.</td>
<td>$500</td>
<td>None</td>
</tr>
<tr>
<td>Provision</td>
<td>HB 65 (Savage)</td>
<td>HB 168 (Craig)</td>
<td>HB 322 (Kennelly)</td>
<td>HB 695 (Craig)</td>
<td>Commissioner O'Malley's Bill</td>
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<tr>
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<td>----------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>6. Physical Damage</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>7. Property Protection</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>8. Deductibles</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>9. Tort Exemption</td>
<td>Yes (BI &amp; PD)</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>10. Compulsory</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Provision</td>
<td>HB 65  (Savage)</td>
<td>HB 168 (Craig)</td>
<td>HB 322 (Kennelly)</td>
<td>HB 695 (Craig)</td>
<td>Commissioner</td>
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<td>-----------------------------------------------</td>
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<td>-------------------</td>
<td>----------------</td>
<td>--------------</td>
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<tr>
<td>11. Primary over Collateral Sources</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>12. Pain and Suffering</td>
<td>None</td>
<td>Yes</td>
<td>Limited to physical impairment schedule</td>
<td>Limited according to amount of expense</td>
<td>Yes, for certain specified injuries</td>
</tr>
<tr>
<td>13. Rehabilitation</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>14. Uninsured Motorist</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>15. Subrogation</td>
<td>(except from commercial vehicle and uninsured person)</td>
<td>(except against uninsured person)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Provision</td>
<td>HB 65 (Savage)</td>
<td>HB 168 (Craig)</td>
<td>HB 322 (Kennelly)</td>
<td>HB 695 (Craig)</td>
<td>Commissioner's Bill</td>
</tr>
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<td>--------------------</td>
</tr>
<tr>
<td>16. Comparative Negligence</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>17. Regulation of Attorney's Contingency Fees</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes - 25%</td>
<td>No</td>
</tr>
<tr>
<td>18.</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>19.</td>
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<td>20.</td>
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</table>
A bill to be entitled
An act relating to private passenger motor
vehicle insurance or security; defining
private passenger motor vehicle; requiring
no-fault reparation insurance motor vehicle
liability insurance up to certain limits
and limiting tort liability; providing
for approval of such policies by the de­
partment of insurance; providing that proof
of security and financial responsibility
by an owner or operator of a private passen­
garer motor vehicle involved in an accident
must be shown as a prerequisite to owner­
ship, registration, licensing, and opera­
tion of private passenger motor vehicles
in this state and providing that failure
to provide proof of such security shall
result in revocation of registration and
license and providing that failure to pro­
vide and maintain such security shall be
illegal and a misdemeanor, specifying
penalties; providing for payment of certain
specified benefits and that same are due
when loss accrues; providing for priority
of payment of benefits; providing for tort
exemptions and limitation on damages; pro­
viding an effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Short title.--This act may be cited
and known as the "first party insurance immediate benefits
act."

Section 2. Purpose.--The purpose of this act is to
require medical, surgical, funeral and disability insurance
benefits to be provided under private passenger motor
vehicle policies that provide bodily injury and property
damage liability insurance, or other security, for private
passenger motor vehicles registered in this state and,
with respect to automobile accidents, a limitation on
the right to claim damages for pain, suffering and
inconvenience. Benefits shall be payable under this act
without regard to fault.

Section 3. Definitions.--As used in this act:
(1) "Motor vehicle" means any private passenger
motor vehicle of the following types designed for use on
public highways and required to be registered and licensed
and not used as a public or livery conveyance nor rented
to others:
(a) A four-wheel private passenger or station
wagon type automobile; or,
(b) An automobile of the truck type with a load
capacity of 1,500 pounds or less, not used for wholesale
or retail delivery, other than farming or deliveries
incidental to the owner's or registrant's occupation as a
craftsman or as an installer or repairer of furnishings
or equipment.

(2) "Owner" means a person who holds the legal
title to a motor vehicle, or in the event a motor vehicle is the subject of a security agreement or lease with option to purchase with the debtor or lessee having the right to possession, then the debtor or lessee shall be deemed the owner for the purposes of this act.

(3) "Named insured" means a person, usually the owner of a vehicle, identified in a policy by name as the insured under that policy.

(4) "Relative residing in the same household" means a relative of any degree by blood or by marriage, who usually makes his home in the same family unit, whether or not temporarily living elsewhere.

Section 4. Registration of vehicles and required security.

(1) Every owner or registrant, if an individual or relative resident in the same household, of a motor vehicle required to be registered and licensed in this state shall maintain security as defined by subsection (2) of this section in effect continuously throughout the registration or licensing period.

(2) Such security shall be provided by one of the following methods:

(a) Security by insurance may be provided with respect to such motor vehicle by an insurance policy delivered or issued for delivery in this state by an authorized or eligible insurer as otherwise defined in this code, which qualifies as evidence of automobile liability insurance under chapter 324, Florida Statutes, which is known as "the financial responsibility law" and which also includes provision for payment of the benefits described in section 7. Any such policy of liability insurance covering motor vehicles registered or licensed in this state and any policy of insurance represented or sold as providing the security required hereunder for registered and licensed motor vehicles under this chapter shall be deemed to provide insurance for the payment of such benefits; or

(b) Security may be provided with respect to any motor vehicle by any other method approved by the department of highway safety and motor vehicles as affording security equivalent to that afforded by a policy of insurance, provided proof of such security is filed and continuously maintained with said department throughout the motor vehicle's registration or licensing period. The person filing such security shall have all of the obligations and rights of an insurer under this act.

Section 5. Proof of security; security requirements; penalties.

(1) No motor vehicle as defined in subsection (1) of section 3 shall be registered or licensed in this state unless the owner at the time of registration shows proof of security as required by subsection (2) of section 4. Proof of security shall be evidenced by a policy of insurance or certificate of financial security bond or a financial security deposit or by qualification as a self-insurer, as these terms are defined and described in chapter 324, Florida Statutes. The owner of each registered or licensed motor vehicle shall maintain
proof of security continuously throughout the period of
registration or licensing provided that when insurance
is the type of proof of such security such insurance policy
need not be written for a period coterminous with the
registration or license year. When such insurance with
respect to such motor vehicle is terminated by cancellation
or failure to renew, the owner shall forthwith surrender
the registration certificate and license plates of the
vehicle to the department of highway safety and motor
vehicles unless other proof of security is maintained in
compliance with this act.

(2) No contract or policy of insurance or renewal
thereof shall be terminated by cancellation or failure to
renew by the insurer except in the manner provided by
section 627.0852, Florida Statutes. Every such notice
of termination sent to the insured pursuant to said
statute shall include on the face of the notice a
statement that security and proof of same is re-
quired to be maintained continuously throughout the 'registration or license period, and that operation of a
motor vehicle without maintaining such proof of security
is, upon conviction, a misdemeanor. Upon termination of
insurance by cancellation or failure to renew, notice of
such cancellation or termination shall be mailed by the
insurer to the department of highway safety and motor
vehicles not later than twenty (20) days following the
effective date of such cancellation or other termination.

(3) The department of highway safety and motor
vehicles, upon receipt of evidence that proof of security
for any such motor vehicle registered in this state is no
longer in effect, shall revoke the registration and license
of such vehicle and such revocation shall continue until
proof of security for said motor vehicle is presented to
said department.

(4) Failure of an owner to deliver the certificate
of registration and registration plates issued by the
department of highway safety and motor vehicles, after
revocation thereof as provided in this act, shall, upon
conviction, constitute a misdemeanor.

(5) The provisions of chapter 324, Florida Statutes,
which pertain to the method of giving and maintaining
proof of financial responsibility, and which govern and
define a motor vehicle liability policy, shall apply to
filing and maintaining proof of security or financial
responsibility required by this act. It is intended that
the provisions of chapter 324, Florida Statutes, relating
to proof of financial responsibility required of each
operator and each owner of any motor vehicle, other than
a motor vehicle as defined in subsection (1) of section 3
of this act, involved in an accident, and relating to
nonpayment of a judgment as defined in sections 324.111
through 324.131, Florida Statutes, shall continue in full
force and effect.

(6) Any person who gives information required in
a report or otherwise as provided for in this act, knowing
or having reason to believe that such information is false,
or who shall forge, or, without authority, sign any
evidence of proof of security, or who files or offers for
filing any such evidence of proof, knowing or having reason to believe that it is forged or signed without authority, shall, upon conviction, be punished by fine not to exceed one thousand dollars ($1,000) or imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(7) This act does not apply to any motor vehicle owned by the state or by a political subdivision of the state, nor to any motor vehicle owned by the federal government.

(8) The department of highway safety and motor vehicles shall administer and enforce the provisions of this act relating to registration and licensing of motor vehicles and may make necessary rules and regulations for its administration.

Section 6. Operation of a motor vehicle illegal without security; penalties.--

(1) Any owner or registrant of a motor vehicle with respect to which security is required under subsection (1) of section 4 who operates such motor vehicle or permits it to be operated upon a public highway in this state without having in full force and effect security complying with the terms of said subsection (1) of section 4 shall, upon conviction, be guilty of a misdemeanor. Any other person who operates such a motor vehicle upon a public highway in this state with the knowledge that the owner or registrant does not have such security in full force and effect shall, upon conviction, be guilty of a misdemeanor. Each person convicted of a misdemeanor under this section shall have his operator's license and, if an owner or registrant, his registration revoked and may be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or may be imprisoned for not more than one (1) year or both.

(2) Any motor vehicle liability insurance policy which provides security required pursuant to subsection (2) of section 4 shall also be deemed to comply with the applicable limits of liability required under the financial responsibility or compulsory laws of any other state.

(3) Any resident of this state who suffers bodily injury as a result of a motor vehicle accident which occurs outside this state, and who has such coverage and security in compliance with this act, may elect to claim and secure the benefits provided hereunder or said person may elect to reject such benefits by giving notice in writing as soon as practicable to his own insurer. Such election shall be irrevocable.

(4) A nonresident owner or operator of a private passenger motor vehicle not required to be registered or licensed in this state, whether operated or not and physically present within this state for more than thirty (30) days during the preceding three hundred sixty-five (365) days, shall not operate or permit such motor vehicle to be operated in this state unless such owner or operator has in effect security for payment of benefits required by this act. In the event that such nonresident owner or operator of a motor vehicle as defined by this act is involved in a motor vehicle accident in this state prior to securing the security required under this act, such non-
residents shall be precluded from maintaining as a plaintiff
any action in tort, except to the extent that his net
economic loss exceeds seven thousand five hundred dollars
($7,500) or unless the injury consists, in whole or in
part, of permanent disfigurement, loss of a body member,
permanent injury within a reasonable degree of medical
probability, permanent loss of a bodily function or death.

Section 7. Required personal injury protection
benefits; exclusions; priority.--

(1) Every insurance policy complying with the
security requirements of subsection (1) of section 4
shall provide personal injury protection in the form of
minimum medical, surgical, funeral and disability bene­
fits to the named insured, members of his family resi­
dent in the same household, any person operating a
vehicle covered by such policy with the express or im­
plied consent of the insured, guest passengers, pedes­
trians or persons riding a bicycle or motorcycle who
are injured by the insured motor vehicle, to a limit of
at least seven thousand five hundred dollars ($7,500)
for net loss sustained by any such person as a result
of bodily injury as follows:

(a) Medical and surgical benefits: all reasonable
expenses for necessary medical, surgical, X-ray, dental
and medical rehabilitative services, including prosthetic
devices, and necessary ambulance, hospital and professional
nursing services. Such benefits shall include reasonable
nonmedical and necessary remedial treatment and services
recognized or permitted under the laws of the state for an
injured person who relies upon spiritual means through
prayer alone for healing in accordance with his religious
beliefs.

(b) Disability benefits: eighty-five percent
(85%) of any loss of gross income per individual, from in­
ability to work due to injury sustained by the injured
person, plus all expenses reasonably incurred in obtaining
from others not members of the injured person's house­
hold, ordinary and necessary services in lieu of those
that, had he not been injured, the injured person would have
performed without income for the benefit of his household.
Such benefits shall not be payable for the first fifteen
(15) days of the disability; provided, however, that if
the bodily injury results in disability of more than
fifteen (15) days, benefits shall be allowed from the date
of commencement of the disability. All disability bene­
fits payable under this provision shall be paid not less
than biweekly.

(c) Funeral, burial or cremation benefits: funeral,
burial or cremation expenses in an amount not to exceed one
thousand dollars ($1,000) per individual.

(2) Any insurer may exclude benefits:

(a) Payable under any workmen's compensation laws.

(b) For the person named as insured under the
policy and members of his family residing in the same
household or operators with the consent of the owner,
express or implied, if the injury is sustained in an
No recovery by an injured person or his estate for loss suffered by him will be subtracted in calculating benefits due a dependent after the death, and no recovery by a dependent for loss suffered by the dependent after the death will be subtracted in calculating benefits due the injured person except as provided in paragraph (c) of subsection (1) of section 7.

(b) Indemnity from one paying in tort without regard for rights of insurer having reimbursement interest.—A personal protection insurer with a right of reimbursement under this section, if suffering loss from inability to collect such reimbursement out of a payment received by a claimant upon a tort claim is entitled to indemnity from one who, with notice of the insurer's interest, made such a payment to the claimant without making the claimant and the insurer joint payees as their interests may appear, or without obtaining the insurer's consent to a different method of payment.

(4) Benefits due from an insurer under this act shall be primary and be due and payable as loss accrues, upon receipt of reasonable proof of such loss and the amount of expenses and loss incurred which are covered by the policy issued under this act.

(a) An insurer may require written notice to be given as soon as practicable after an accident involving a motor vehicle with respect to which the policy affords the security required by this act.

(b) Personal injury protection insurance benefits shall be overdue if not paid within thirty (30) days after
the insurer receives reasonable proof of the fact of a covered loss and of the amount of same. If reasonable proof is not furnished to the insurer as to the entire claim, any partial amount supported by reasonable proof is overdue if not paid within thirty (30) days after such proof is received by the insurer. Any part or all of the remainder of the claim that is subsequently supported by reasonable proof is overdue if not paid within thirty (30) days after such proof is received by the insurer. For the purpose of calculating the extent to which any benefits are overdue, payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope, or, if not so posted, on the date of delivery.

(c) All overdue payments shall bear simple interest at the rate of ten per cent (10%) per annum.

(d) Any person suffering bodily injury while an occupant of a motor vehicle shall claim personal injury protection benefits from insurance in the following order of priority:

1. By the insurer of owners or registrants of the motor vehicle involved in the accident;
2. By the insurer of operators of motor vehicles involved in the accident;
3. By the insurer of the victim's own automobile liability insurance policy under uninsured vehicle coverage or insolvent insurer protection, or a liability policy under which said victim would otherwise be covered, which provides personal injury protection benefits.

(e) Any person suffering bodily injury while not an occupant of a motor vehicle shall claim personal injury protection benefits from insurance in the following order of priority:

1. By the insurer of owners or registrants of the motor vehicle involved in the accident;
2. By the insurer of operators of motor vehicles involved in the accident;
3. By the insurer of the victim's own automobile liability insurance policy under uninsured vehicle coverage or insolvent insurer protection, or a liability policy under which said victim would otherwise be covered, which provides personal injury protection benefits.

(5) Charges for treatment of injured persons; disputes.--

Any physician, hospital, clinic, or other person or institution lawfully rendering treatment to an injured person for a bodily injury covered by personal injury protection insurance may charge only a reasonable amount for the products, services, and accommodations rendered. In no event, however, may such a charge be in excess of the amount the person or institution customarily charges for like products, services, and accommodations in cases involving no insurance.

(6) Discovery of facts about an injured person; disputes.--

(a) Every employer shall, if a request is made by an insurer providing personal injury protection benefits under this act against whom a claim has been made, furnish
forthwith, in a form approved by the department of insurance, a sworn statement of the earnings since the time of the bodily injury and for a reasonable period before the injury, of the person upon whose injury the claim is based.

(b) Every physician, hospital, clinic, or other medical institution providing, before or after bodily injury upon which a claim for personal injury protection insurance benefits is based, any products, services, or accommodations in relation to that or any other injury, or in relation to a condition claimed to be connected with that or any other injury, shall, if requested to do so by the insurer against whom the claim has been made, furnish forthwith a written report of the history, condition, treatment, and dates and costs of such treatment of the injured person, and produce forthwith and permit the inspection and copying of his or its records regarding such history, condition, treatment, and dates and costs of treatment.

(c) In the event of any dispute regarding an insurer's right to discovery of facts about an injured person's earnings or about his history, condition, treatment, and dates and costs of such treatment, the insurer may petition a court of competent jurisdiction to enter an order permitting such discovery. The order may be made only on motion for good cause shown and upon notice to all persons having an interest, and it shall specify the time, place, manner, conditions, and scope of the discovery. Such court may, in order to protect against annoyance, embarrassment, or oppression, as justice requires, enter an order refusing discovery or specifying conditions of discovery and may order payments of costs and expenses of the proceeding; including reasonable fees for the appearance of attorneys at the proceedings, as justice requires.

(7) Mental and physical examination of injured person; reports.—

(a) Whenever the mental or physical condition of an injured person covered by personal injury protection insurance benefits is material to any claim that has been or may be made for past or future personal injury protection insurance benefits, such person shall, upon request of an insurer, submit to mental or physical examination by a physician or physicians. Personal protection insurers are authorized to include reasonable provisions in personal injury protection insurance policies for mental and physical examination of those claiming personal injury protection insurance benefits.

(b) If requested by the person examined, a party causing an examination to be made shall deliver to him a copy of every written report concerning the examination rendered by an examining physician, at least one of which reports must set out his findings and conclusions in detail. After such request and delivery, the party causing the examination to be made is entitled upon request to receive from the person examined every written report available to him (or his representative) concerning any examination, previously or thereafter made, of the same mental or physical condition. By requesting and obtaining a report of the examination so ordered or by taking the deposition
of the examiner, the person examined waives any privilege he may have, in relation to the claim for benefits, regarding the testimony of every other person who has examined or may thereafter examine him in respect of the same mental or physical condition.

Section 8. Tort exemption; limitation on right to damages.--

(1) Every owner, registrant, operator or occupant of a motor vehicle to which the benefits described in subsection (1) of section 7 apply, who may be otherwise liable in tort, and any other person or organization legally responsible for his acts or omissions, is hereby exempted from tort liability for damages because of bodily injury, sickness, disease or death arising out of the ownership, maintenance or use of such motor vehicle in this state to the extent that benefits are payable under any automobile liability policy or other adequate security providing benefits described in subsection (1) of section 7.

(2) In any action of tort brought against the owner, registrant, operator or occupant of a motor vehicle to which the benefits described in subsection (1) of section 7 apply, or against any person or organization legally responsible for his acts or omissions, alleging damages caused by an accident in this state arising out of the ownership, maintenance or use of such motor vehicle, a plaintiff may recover damages for pain, suffering, mental anguish and inconvenience only if such injured person sustains or incurs loss or injury in excess of seven thousand five hundred dollars ($7,500) in benefits payable under this act, unless the injury consists, in whole or in part, of permanent disfigurement, loss of a body member, permanent injury within a reasonable degree of medical probability, or death.

Section 9. If any provision of this act, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application. To this end the provisions of this act are declared to be severable.

Section 10. This act shall become effective January 1, 1972.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This act may be cited and known as the "Florida automobile reparation reform act."

Section 2. Purpose.--The purpose of this act is to require medical, surgical, funeral and disability insurance benefits to be provided under private passenger motor vehicle policies that provide bodily injury and property damage liability insurance, or other security, for private passenger motor vehicles registered in this state and, with respect to automobile accidents, a limitation on the right to claim damages for pain, suffering and inconvenience. Benefits shall be payable under this act without regard to fault. Benefits shall not be payable under this act to nonresidents and this act shall not diminish their rights to claim damages in tort, except for those nonresidents who are required by section 6 to provide security for the payment of benefits under this act and except when a passenger of an insured motor vehicle under this act.

Section 3. Definitions.--As used in this act:

1. "Motor vehicle" means any private passenger motor vehicle of the following types designed for use on public roads and required to be registered and licensed and not used as a public or livery conveyance nor rented to others:
   (a) A four-wheel private passenger or station wagon type automobile; or,
   (b) An automobile of the truck type with a load capacity of 1,500 pounds or less, not used for wholesale
or retail delivery, other than farming or deliveries incidental to the owner's or registrant's occupation as a craftsman or as an installer or repairer of furnishings or equipment.

(c) A motorcycle, as defined in subsection (22) of Section 317.001, Florida Statutes.

(2) "Owner" means a person who holds the legal title to a motor vehicle, or in the event a motor vehicle is the subject of a security agreement or lease with option to purchase with the debtor or lessee having the right to possession, then the debtor or lessee shall be deemed the owner for the purposes of this act.

(3) "Named insured" means a person, usually the owner of a vehicle, identified in a policy by name as the insured under that policy.

(4) "Relative residing in the same household" means a relative of any degree by blood or by marriage, who usually makes his home in the same family unit, whether or not temporarily living elsewhere.

Section 4. Registration of vehicles and required security.--

(1) Every owner or registrant of a motor vehicle required to be registered and licensed in this state shall maintain security as defined by subsection (2) of this section in effect continuously throughout the registration or licensing period.

(2) Such security shall be provided by one of the following methods:

(a) Security by insurance may be provided with respect to such motor vehicle by an insurance policy deliv-
operator and each owner of any motor vehicle, shall con-

(2) Any person who gives information required in
a report or otherwise as provided for in this act, knowing
or having reason to believe that such information is false,
or who shall forge, or, without authority, sign any
evidence of proof of security, or who files or offers for
filing any such evidence of proof, knowing or having reason
to believe that it is forged or signed without authority,
shall, upon conviction, be punished by fine not to exceed
one thousand dollars ($1,000) or imprisonment not to
exceed one (1) year, or by both such fine and imprisonment.

(3) This act does not apply to any motor vehicle
owned by the state or by a political subdivision of the
state, nor to any motor vehicle owned by the federal
government.

Section 6. Operation of a motor vehicle illegal
without security; penalties.--

(1) Any owner or registrant of a motor vehicle
with respect to which security is required under sub-
section (1) of section 4 who operates such motor
vehicle or permits it to be operated in this state with-
out having in full force and effect security complying
with the terms of said subsection (1) of section 4 shall,
upon conviction, be guilty of a misdemeanor. Any other
person who operates such a motor vehicle upon a public
road in this state with the knowledge that the owner or
registrant does not have such security in full force and
effect shall, upon conviction, be guilty of a misdemeanor.

Each person convicted of a misdemeanor under this section
shall have his operator's license and, if an owner or
registrant, his registration revoked and may be fined not
less than one hundred dollars ($100) nor more than five
hundred dollars ($500) or may be imprisoned for not more
than one (1) year or both.

(2) Any motor vehicle liability insurance policy
which provides security required pursuant to subsection
(2) of section 4 shall also be deemed to comply with the
applicable limits of liability required under the financial
responsibility or compulsory laws of any other state.

(3) A nonresident owner or operator of a private
passenger motor vehicle not required to be registered or
licensed in this state, whether operated or not and
physically present within this state for more than thirty
(30) days during the preceding three hundred sixty-five
(365) days, shall not operate or permit such motor vehicle
to be operated in this state unless such owner or operator
has in effect security for payment of benefits required
by this act. In the event that such nonresident owner or
operator of a motor vehicle as defined by this act is
involved in a motor vehicle accident in this state prior to
securing the security required under this act, such nonre-
residence shall be precluded from maintaining as a plaintiff
any action in tort, except to the extent this his loss
under paragraph (1)(a) of section 7 exceeds three thousand
five hundred dollars ($3,500) or unless the injury consists,
in whole or in part, of permanent disfigurement, loss of a
body member, permanent injury within a reasonable degree of
medical probability, permanent loss of a bodily function
or death.
Section 7. Required personal injury protection

benefits; exclusions; priority.--

(1) Every insurance policy complying with the security requirements of subsection (1) of section 4 shall provide personal injury protection in the form of minimum medical, surgical, funeral and disability benefits to the named insured, members of his family resident in the same household, any person operating a vehicle covered by such policy with the express or implied consent of the insured, guest passengers, resident pedestrians or residents riding a bicycle who are not owners under this act and who are not otherwise entitled to benefits under this act who are injured by the insured motor vehicle, or where the insured or members of his family resident in the same household are injured by a motor vehicle while riding a bicycle or while pedestrians, to a limit of seven thousand five hundred dollars ($7,500) for loss sustained by any such person as a result of bodily injury as follows:

(a) Medical and surgical benefits: all reasonable expenses for necessary medical, surgical, X-ray, dental and medical rehabilitative services, including prosthetic devices, and necessary ambulance, hospital and professional nursing services. Such benefits shall include reasonable nonmedical and necessary remedial treatment and services recognized or permitted under the laws of the state.

(b) Disability benefits: eighty-five percent (85%) of any loss of gross income per individual, from inability to work due to injury sustained by the injured person, plus all expenses reasonably incurred in obtaining from others not members of the injured person's household, ordinary and necessary services in lieu of those that, had he not been injured, the injured person would have performed without income for the benefit of his household. All disability benefits payable under this provision shall be paid not less than every two weeks.

(c) Funeral, burial or cremation benefits: funeral, burial or cremation expenses in an amount not to exceed one thousand dollars ($1,000) per individual.

(2) Any insurer may exclude benefits:

(a) Payable under any workmen's compensation laws.

(b) For the person named as insured under the policy and members of his family residing in the same household, if the injury is sustained in an accident while occupying a motor vehicle not described in such policy or while riding a motorcycle or bicycle or as a pedestrian injured by said vehicle which is owned by such person and uninsured, or which is insured under any other policy providing the benefits described in subsection (1) of section 7.

(c) To any injured person, if such person's conduct contributed to his injury under any of the following circumstances:

1. Causing injury to himself intentionally;
2. While under the influence of alcohol or narcotic drugs;
3. While committing a felony or seeking to avoid lawful apprehension or arrest by a law enforcement officer.
(3) Insurer's rights of reimbursement and indemnity

(a) No subtraction from personal protection

insurance benefits will be made because of the value
of a claim in tort based on the same bodily injury, but
after recovery is realized upon such a tort claim, a
subtraction will be made to the extent of the recovery,
exclusive of reasonable attorneys' fees and other reason-able expenses incurred in effecting the recovery. If
personal protection insurance benefits have already been
received, the claimant shall repay to the insurer or
insurers out of the recovery a sum equal to the benefits
received, but not more than the recovery exclusive of
reasonable attorneys' fees and other reasonable expenses
incurred in effecting the recovery. The insurer or
insurers shall have a lien on the recovery to this extent.
No recovery by an injured person or his estate for loss
suffered by him will be subtracted in calculating benefits
due a dependent after the death, and no recovery by a
dependent for loss suffered by the dependent after the
death will be subtracted in calculating benefits due the
injured person except as provided in paragraph (c) of sub-
section (1) of section 7.

(b) Indemnity from one paying in tort without regard
for rights of insurer having reimbursement interest.--A
personal protection insurer with a right of reimbursement
under this section, if suffering loss from inability to
collect such reimbursement out of a payment received by a
claimant upon a tort claim is entitled to indemnity from
one who, with notice of the insurer's interest, made such
a payment to the claimant without making the claimant and
the insurer joint payees as their interests may appear, or
without obtaining the insurer's consent to a different
method of payment.

(4) Benefits due from an insurer under this act
shall be primary and be due and payable as loss accrues,
upon receipt of reasonable proof of such loss and the
amount of expenses and loss incurred which are covered
by the policy issued under this act.

(a) An insurer may require written notice to be
given as soon as practicable after an accident involving
a motor vehicle with respect to which the policy affords
the security required by this act.

(b) Personal injury protection insurance benefits
shall be overdue if not paid within thirty (30) days after
the insurer receives reasonable proof of the fact of a
covered loss and of the amount of same. If reasonable
proof is not furnished to the insurer as to the entire
claim, any partial amount supported by reasonable proof is
overdue if not paid within thirty (30) days after such
proof is received by the insurer. Any part or all of the
remainder of the claim that is subsequently supported by
reasonable proof is overdue if not paid within thirty (30)
days after such proof is received by the insurer. For the
purpose of calculating the extent to which any benefits
are overdue, payment shall be treated as being made on the
date a draft or other valid instrument which is equivalent
to payment was placed in the United States mail in a
properly addressed, postpaid envelope, or, if not so
posted, on the date of delivery.
(c) All overdue payments shall bear simple interest at the rate of ten per cent (10%) per annum.

(d) Any person suffering bodily injury while an occupant of a motor vehicle involved in an accident shall claim personal injury protection benefits from insurance in the following order of priority:

1. From the insurer of the owner or registrant of the motor vehicle in which he was an occupant;
2. From the insurer of the operator of the motor vehicle involved in which he was an occupant;
3. From the insurer of the victim's own automobile liability insurance policy under uninsured vehicle coverage or insolvent insurer protection, or a liability policy under which said victim would otherwise be covered, which provides personal injury protection benefits.

(e) Any person suffering bodily injury while not an occupant of a motor vehicle involved in an accident shall claim personal injury protection benefits from insurance in the following order of priority:

1. From the insurer of the owner or registrant of the motor vehicle inflicting the injury;
2. From the insurer of the operator of the motor vehicle inflicting the injury;
3. From the insurer of the operator of the victim's own automobile liability insurance policy under uninsured vehicle coverage or insolvent insurer protection, or a liability policy under which said victim would otherwise be covered, which provides personal injury protection benefits.

(5) Charges for treatment of injured persons.-- Any physician, hospital, clinic, or other person or institution lawfully rendering treatment to an injured person for a bodily injury covered by personal injury protection insurance may charge only a reasonable amount for the products, services, and accommodations rendered. In no event, however, may such a charge be in excess of the amount the person or institution customarily charges for like products, services, and accommodations in cases involving no insurance.

(6) Discovery of facts about an injured person; disputes.--

(a) Every employer shall, if a request is made by an insurer providing personal injury protection benefits under this act against whom a claim has been made, furnish forthwith, in a form approved by the department of insurance, a sworn statement of the earnings since the time of the bodily injury and for a reasonable period before the injury, of the person upon whose injury the claim is based.

(b) Every physician, hospital, clinic, or other medical institution providing, before or after bodily injury upon which a claim for personal injury protection insurance benefits is based, any products, services, or accommodations in relation to that or any other injury, or in relation to a condition claimed to be connected with that or any other injury, shall, if requested to do so by the insurer against whom the claim has been made, furnish forthwith a written report of the history, condition, treatment, and dates and costs of such treatment of the injured person, and produce forthwith and permit the
inspection and copying of his or its records regarding such history, condition, treatment, and dates and costs of treatment.

(c) In the event of any dispute regarding an insurer's right to discovery of facts about an injured person's earnings or about his history, condition, treatment, and dates and costs of such treatment, the insurer may petition a court of competent jurisdiction to enter an order permitting such discovery. The order may be made only on motion for good cause shown and upon notice to all persons having an interest, and it shall specify the time, place, manner, conditions, and scope of the discovery. Such court may, in order to protect against annoyance, embarrassment, or oppression, as justice requires, enter an order refusing discovery or specifying conditions of discovery and may order payments of costs and expenses of the proceeding, including reasonable fees for the appearance of attorneys at the proceedings, as justice requires.

(7) Mental and physical examination of injured person: reports.--

(a) Whenever the mental or physical condition of an injured person covered by personal injury protection is material to any claim that has been or may be made for past or future personal injury protection insurance benefits, such person shall, upon request of an insurer, submit to mental or physical examination by a physician or physicians. Personal protection insurers are authorized to include reasonable provisions in personal injury protection insurance policies for mental and physical examination of those claiming personal injury protection insurance benefits.

(b) If requested by the person examined, a party causing an examination to be made shall deliver to him a copy of every written report concerning the examination rendered by an examining physician, at least one of which reports must set out his findings and conclusions in detail. After such request and delivery, the party causing the examination to be made is entitled upon request to receive from the person examined every written report available to him (or his representative) concerning any examination, previously or thereafter made, of the same mental or physical condition. By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the person examined waives any privilege he may have, in relation to the claim for benefits, regarding the testimony of every other person who has examined or may thereafter examine him in respect of the same mental or physical condition.

Section 8. Tort exemption; limitation on right to damages.--

(1) Every owner, registrant, operator or occupant of a motor vehicle to which the benefits described in subsection (1) of section 7 apply, who may be otherwise liable in tort, and any other person or organization legally responsible for his acts or omissions, is hereby exempted from tort liability for damages because of bodily injury, sickness, disease or death arising out of the ownership, maintenance or use of such motor vehicle in this state to the extent that benefits are payable under any automobile liability policy or other adequate security providing benefits described in subsection (1) of section 7.
(2) In any action of tort brought against the
owner, registrant, operator or occupant of a motor vehicle
to which the benefits described in subsection (1) of sec-
tion 7 apply, or against any person or organization legally
responsible for his acts or omissions, alleging damages
caused by an accident in this state arising out of the
ownership, maintenance or use of such motor vehicle, a
plaintiff may recover damages for pain, suffering, mental
anguish and inconvenience only to the extent that the bene-
fits payable to such injured person under paragraph (1)(a)
of section 7 exceed three thousand five hundred dollars
($3,500), unless the injury consists, in whole or in part,
of permanent disfigurement, loss of a body member, perma-
nent injury within a reasonable degree of medical prob-
ability, permanent loss of a bodily function, or death.
Any person who is entitled to receive free medical and
surgical benefits by reason of governmental service shall
be deemed in compliance with the requirements of this sub-
section upon a showing that the medical treatment received
has an equivalent value of at least three thousand five
hundred dollars ($3,500).

Section 9. (1) The owner of a motor vehicle as
defined in section 3 is not required to maintain security
with respect to property damage to his motor vehicle, but
may elect to purchase either full or basic coverage for
accidental property damage to his motor vehicle.
(2) Every insurer providing security under this
act shall offer the owner either full or basic coverage
for accidental property damage to the insured motor vehicle
as follows:

(a) Full coverage shall provide insurance without
regard to fault for accidents occurring within the United
States of America, its territories or possessions or
Canada.
(b) Basic coverage shall be limited to insurance
against damage caused by the fault of another resulting
from contact between the insured vehicle and a vehicle with
respect to which security is required under this act.
(3) The insurer may include within the terms and
conditions applicable to full or basic coverage such
other provisions as it customarily applies to collision
coverage for private passenger automobiles in other states,
including deductibles without limitation.
(4) Every owner complying with the security re-
quirements of section 4, and any person operating the
insured vehicle with the owner's consent and occupants
of the insured vehicle, shall be exempt from liability
to pay damages because of accidental property damage to
motor vehicles resulting from accidents arising out of the
ownership, operation, maintenance or use of the motor
vehicle. This exemption applies only with respect to
property damage to motor vehicles required to be registered
in this state.

Section 10. Each insurer providing security as re-
quired by this act to any owner shall, at the election of
the owner, issue a policy endorsement, approved as to
content by the department of insurance and subject to such
other reasonable regulations regarding said endorsement as
the department may make after appropriate hearing, which
endorsement shall provide that there shall be deducted from personal protection benefits that would otherwise be or become due to the policyholder alone or to the policyholder and relatives residing in his household, an amount of either two hundred and fifty dollars ($250), five hundred dollars ($500) or one thousand dollars ($1,000), again as the policyholder elects, said amount to be deducted from the amounts otherwise due each person subject to the deduction. Any person electing such an endorsement or subject to such an endorsement as a result of the policyholder's election shall have no right to claim or to recover any amount so deducted from any owner, registrant, operator or occupant of a motor vehicle or any person or organization legally responsible for any such person's acts or omissions who is made exempt from tort liability by this act.

Section 11. The department of insurance shall adopt rules and regulations necessary to implement the provisions of this act.

Section 12. If any provision of this act, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application. To this end the provisions of this act are declared to be severable.

Section 13. This act shall become effective January 1, 1972.
SB 315 "CONTINUED"

BUSINESS & ETHICS - SJ 017
5/12/71 SENATE - EXTENSION OF TIME GRANTED COMMITTEE RULES - CALENDAR - PRIVILEGE ON BUSINESS & ETHICS - SJ 0329
5/17/71 SENATE - EXTENSION OF TIME GRANTED COMMITTEE RULES - CALENDAR - PRIVILEGE ON BUSINESS & ETHICS - SJ 0307
5/21/71 SENATE - WITHDRAWN FROM RULES - CALENDAR - PRIVILEGE ON BUSINESS & ETHICS - NAYS AND MEASURES WITHDRAWN FROM FURTHER CONSIDERATION - SJ 0485

SB 316 GENERAL BILL, BY ROYD AND OTHERS
PROVIDES FOR A DELAY UNTIL THE BEGINNING OF THE FISCAL YEAR 1. THE IMPLEMENTATION OF CERTAIN SPECIFIED PROVISIONS OF LAW WHICH WOULD RESULT IN THE ADJUSTMENT OF APPROPRIATION PROGRAM FUNDS.
4/6/71 SENATE - INTRODUCED, REFERRED TO PUBLIC SCHOOLS - SJ 0025
4/20/71 SENATE - EXTENSION OF TIME GRANTED COMMITTEE PUBLIC SCHOOLS - SJ 0131
4/27/71 SENATE - COMM., REPORTED UNFAVORABLE, Laid on Table Under Rule by Public Schools - SJ 0180

SB 317 GENERAL BILL, BY RISHEP AND OTHERS
PROVIDES APPROPRIATION TO DEPT., OF GENERAL SERVICES FOR THE DEPT., OF AGRICULTURE AND CONSUMER SERVICES, DIV. OF PLANT INDUSTRY, TO BE EXPENDED FOR CONSTRUCTION OF A FUMIGATION BUILDING AT GAINESVILLE.
4/6/71 SENATE - INTRODUCED, REFERRED TO AGRICULTURE, NAYS AND MEAS - SJ 0025; COM., REPORTED UNFAVORABLE, Laid ON TABLE UNDER RULE BY AGRICULTURE - SJ 0050

SB 318 GENERAL BILL, BY KELL AND OTHERS (COMPANION HB 0232) (IDENTICAL SB 0052)
AMENDS SECS., 40.06 AND 40.11., F.S., RELATING TO TRANSCRIPTION, PRESERVATION AND CERTIFICATION OF JURY LISTS TO PERMIT USE OF ELECTRONIC DATA PROCESSING EQUIPMENT; AMENDS SECS., 40.23, F.S., ETC.
4/6/71 SENATE - INTRODUCED, REFERRED TO JUDICIARY-CIVIL - SJ 0025; COM., REPORTED FAVORABLE WITH AMENDS., PLACED ON CALENDAR BY JUDICIARY-CIVIL - SJ 0050
5/14/71 SENATE - PASSED AS AMENDED; YEAS 041, NAYS 001; SJ 0381. CONSIDERED, COMPANION HOUSE BILL SUBSTITUTED; LAID ON TABLE UNDER RULE, COMPANION OR SIMILAR BILL PASSED - SJ 0384

SB 319 GENERAL BILL, B. LEVIS, G.
REPEALS SEC., 524.030, F.S., WHICH EXEMPTS DOMESTIC INSURERS FROM PAYING THE TAX ON INSURANCE PREMIUMS AND ASSESSMENT IMPOSED UNDER SECS., 524.0307 AND 624.0308, F.S.
4/6/71 SENATE - INTRODUCED, REFERRED TO COMMERCE - SJ 0025; COM., REPORTED UNFAVORABLE, Laid ON TABLE UNDER RULE BY COMMERCE - SJ 0050

SB 320 GENERAL BILL, BY GEEB (COMPANION HB 0322)
REQUIRES NO-FAULT REPARATION INSURANCE AND MOTOR VEHICLE LIABILITY INSURANCE AND LIMITS MOTOR LIABILITY, REPEALS CM.S., 324, AND CERTAIN SECTIONS OF CM.S., 624 AND 627 IN CONFORM TO REPEAL OF CM.S., 324.
4/6/71 SENATE - INTRODUCED, REFERRED TO COMMERCE - SJ 0025
4/20/71 SENATE - EXTENSION OF TIME GRANTED COMMITTEE COMMERCE - SJ 0130
5/4/71 SENATE - EXTENSION OF TIME GRANTED COMMITTEE COMMERCE - SJ 0234
5/11/71 SENATE - EXTENSION OF TIME GRANTED COMMITTEE COMMERCE - SJ 0321
5/20/71 SENATE - WITHDRAWN FROM COMMITTEE WITHDRAWN FROM FURTHER CONSIDERATION - SJ 0442

SB 321 GENERAL BILL, BY "MCCLAIN"
AMENDS CM.S., 40.33, F.S., TO PROHIBIT CERTAIN MATERIALS FROM BEING PLACED IN CITRUS
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7/7/71  

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O. MEIGS BRIDGE.
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4/13/71 HOUSE-- COMMITTEE REPORT FAVORABLE, PLACED ON CALENDAR BY TRANSPORTATION
--HJ 0007
4/19/71 HOUSE-- ADOPTED --HJ 0214
4/20/71 SENATE-- RECEIVED, REFERRED TO GOVERNMENTAL EFFICIENCY --SJ 0139
4/27/71 SENATE-- COMMITTEE REPORT FAVORABLE, PLACED ON CALENDAR BY GOVERNMENTAL
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4/30/71 HOUSE-- SIGNED BY OFFICERS AND FILED WITH SECRETARY OF STATE --HJ 0343

60 GENERAL BILL, BY STURRIS

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4/06/71 HOUSE-- COMMITTEE REPORT FAVORABLE, PLACED ON CALENDAR BY CRIMINAL
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4/26/71 SENATE-- RECEIVED, REFERRED TO JUDICIARY --CRIMINAL --SJ 0191
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6/04/71 HOUSE-- CONCURRED; PASSED AS AMENDED YEAS 034 NAYS 000
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6/28/71 APPROVED BY GOVERNOR 06/28/71

61 GENERAL BILL, BY REFVES (COMPANION SB 0130)

AMENDS SECS. 100, 001, 100, 090, 011) F.S., AS AMENDED BY CH. 69-1745, LAWS UF
FLA., TO CHANGE PRIMARY ELECTION DATES FROM SEPTEMBER TO MAY.
4/06/71 HOUSE-- INTRODUCED, REFERRED TO ELECTIONS --HJ 0007
6/04/71 HOUSE-- DIED IN COMMITTEE

62 GENERAL BILL, BY NJ SPUCKER

WITHDRAWN.
4/06/71 HOUSE-- WITHDRAWN PRIOR TO INTRODUCTION --HJ 0007

63 GENERAL BILL, BY KERSHAW AND OTHERS (COMPANION SB 0197) (SIMILAR HB 0026,
SB 0185)

REPEALS CH. 70-260, LAWS UF FLA., RELATING TO FISHING LICENSES FOR PERSONS
FISHING WITH CAGE PILES IN THEIR HOME COUNTIES, ETC.
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5/14/71 HOUSE-- COMMITTEE REPORT UNFAVORABLE, LAID ON TABLE UNDER RULE BY NATURAL
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64 JOINT RESOLUTION, BY REFVES (COMPANION SJR 0154) (SIMILAR HB 1889)

PROPOSES AMENDMENT TO ART. III, SEC. 3 OF THE CONSTITUTION TO PRESCRIBE THE
LENGTH OF, AND NATURE OF BUSINESS THAT MAY BE TRANSACTED AT REGULAR SESSIONS OF
THE LEGISLATURE.
4/06/71 HOUSE-- INTRODUCED, REFERRED TO JUDICIARY --HJ 0007
6/06/71 HOUSE-- DIED IN COMMITTEE

65 GENERAL BILL, BY DAVIS

PROVIDES FOR UNFAVORABLE INSURANCE AND OTHER INSURANCE FOR MOTOR VEHICLES;
REQUIRES BENEFITS PAIDABLE AS LOSS ACCRUES; ETC.
4/06/71 HOUSE-- INTRODUCED, REFERRED TO INSURANCE --HJ 0007
6/04/71 HOUSE-- DIED IN COMMITTEE

66 GENERAL BILL, BY DAVIS

CONTINUES IN STATE LAW.


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GENERAL BILL, BY CRAIG PROVIDES FOR NONFAULT BASIC PROTECTION AND OTHER INSURANCE FOR MOTOR VEHICLES, REPEALS CHS. 324, F.S., AND CREATES SEC. 320.021, F.S., 4/06/71 HOUSE- INTRODUCED, REFERRED TO BUSINESS REGULATION - SJ 0019 6/04/71 HOUSE- DIED IN COMMITTEE

168

GENERAL BILL, BY MELVIN AND OTHERS (SIMILAR SB 0752) REPEALS SEC. 2 OF CH. 70-273, LAWS OF FLA., RELATING TO THE ASSIGNMENT BY A CONDOMINIUM ASSOCIATION OF RIGHTS AND RESPONSIBILITIES WITH RESPECT TO MAINTENANCE, MANAGEMENT AND OPERATION CONTRACTS, 4/06/71 HOUSE- INTRODUCED, REFERRED TO GOVERNMENTAL EFFICIENCY - SJ 0144 4/06/71 HOUSE- DIED IN COMMITTEE

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GENERAL BILL, BY MELVIN AND OTHERS AMENDS SEC. 370.041(2), F.S., TO MAKE IT UNLAWFUL FOR ANY PURPOSE TO REMOVE OR ERADICATE SEA OATS OR SEA GRAPES FROM PUBLIC LAND OR PRIVATE LAND WITHOUT THE CONSENT OF THE OWNER OF SUCH LAND, 4/06/71 HOUSE- INTRODUCED, REFERRED TO GOVERNMENTAL EFFICIENCY - SJ 0144 4/06/71 HOUSE- DIED IN COMMITTEE

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GENERAL BILL, BY MELVIN AND OTHERS AMENDS SEC. 370.041(2), F.S., TO MAKE IT UNLAWFUL FOR ANY PURPOSE TO REMOVE OR ERADICATE SEA OATS OR SEA GRAPES FROM PUBLIC LAND OR PRIVATE LAND WITHOUT THE CONSENT OF THE OWNER OF SUCH LAND, 4/06/71 HOUSE- INTRODUCED, REFERRED TO GOVERNMENTAL EFFICIENCY - SJ 0144 4/06/71 HOUSE- DIED IN COMMITTEE

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GENERAL BILL, BY MELVIN REQUIRES ALL FEDERAL, STATE, OR PRIVATE AGENCIES, COLLEGES, ETC., ENGAGED IN RESEARCH PROJECTS WHOLLY OR PARTIALLY FINANCED BY STATE FUNDS, TO FILE AN ANNUAL REPORT PRIOR TO COMMENCING SUCH PROJECT, 4/06/71 HOUSE- INTRODUCED, REFERRED TO GOVERNMENTAL EFFICIENCY - SJ 0144 4/12/71 HOUSE- DIED IN COMMITTEE
HB 316 CONTINUED
6/04/71 HOUSE INTRODUCED, REFERRED TO NATURAL RESOURCES, APPROPRIATIONS 
6/04/71 HOUSE DIED IN COMMITTEE

HB 317 GENERAL BILL, BY EARLE AND OTHERS (COMPANION SB 0290)
REPEALS PARTS I AND II OF CH. 374 WHICH PROVIDE FOR THE CREATION AND OPERATION
OF THE CROSS FLORIDA BARGF CANAL AUTHORITY.
4/06/71 HOUSE INTRODUCED, REFERRED TO NATURAL RESOURCES, APPROPRIATIONS
6/04/71 HOUSE DIED IN COMMITTEE

HB 318 GENERAL BILL, BY REDMAN (SIMILAR SB 0272, HB 0703)
ADDS SEC. 372.57(1)(b), F.S., WHICH EXEMPTS FLORIDA RESIDENT MILITARY PERSONNEL
FROM REQUIREMENTS OF OBTAINING LICENSES TO FISH, HUNT, ETC., WHILE ON LEAVE FOR
A 30 DAY PERIOD OR LESS.
4/06/71 HOUSE INTRODUCED, REFERRED TO FINANCE AND TAXATION, APPROPRIATIONS
6/04/71 HOUSE DIED IN COMMITTEE

HB 319 GENERAL BILL, BY KENNELLY
ADDS SEC. 624.0223(8), F.S., TO REQUIRE INSURERS TO FILE WITH DEPT. OF INSURANCE
WITH THEIR ANNUAL STATEMENT, A COPY OF THEIR FEDERAL INCOME TAX RETURNS FOR THE
PREVIOUS YEAR, ETC.
4/06/71 HOUSE INTRODUCED, REFERRED TO INSURANCE 
6/04/71 HOUSE DIED IN COMMITTEE

HB 320 GENERAL BILL, BY KENNELLY
DIRECTS INSURANCE DEPT, TO DEVELOP PROGRAM OF STATE AUTOMOBILE INSURANCE
OFFERING PUBLIC LIABILITY COVERAGE WITH LIMITS OF 10/20/5 AS REQUIRED BY THE
FINANCIAL RESPONSIBILITY ACT FOR A MAXIMUM ANNUAL PREMIUM.
4/06/71 HOUSE INTRODUCED, REFERRED TO INSURANCE 
6/04/71 HOUSE DIED IN COMMITTEE

HB 321 GENERAL BILL, BY KENNELLY
REQUIRES COMPANIES INSURING REAL PROPERTY TO USE STANDARD PUBLISHED RATE
APPLYING TO THE COUNTY OR LARGER AREA.
4/06/71 HOUSE INTRODUCED, REFERRED TO INSURANCE 
6/04/71 HOUSE DIED IN COMMITTEE

HB 322 GENERAL BILL, BY KENNELLY (COMPANION SB 0320)
REQUIRES NO-FAULT REPARATION INSURANCE AND MOTOR VEHICLE LIABILITY INSURANCE
AND LIMITS TORT LIABILITY TO REPEALS CH. 324 AND CERTAIN SECS. OF CHS. 624 AND
627, F.S.
4/06/71 HOUSE INTRODUCED, REFERRED TO INSURANCE 
6/04/71 HOUSE DIED IN COMMITTEE

HB 323 GENERAL BILL, BY KENNELLY (COMPANION SB 0211)
INSURANCE RATES AMENDS CERTAIN SECS. OF FLORIDA STATUTES AS THEY EXISTED PRIOR
TO THEIR REPEAL IN 1967, FOR THE PURPOSE OF REPUBLISHING THE NOW CALLED CALIFORNIA
PLAN.
4/06/71 HOUSE INTRODUCED, REFERRED TO INSURANCE 
6/04/71 HOUSE DIED IN COMMITTEE

HB 324 GENERAL BILL, BY KENNELLY
AMENDS SEC. 624.004(11)(b), F.S., DEFINING LIABILITY INSURANCE, TO ELIMINATE AN
AUTOMOBILE LIABILITY INSURER'S OBLIGATION TO REIMBURSE IN DAMAGES FOR HARM.
4/06/71 HOUSE INTRODUCED, REFERRED TO INSURANCE 
6/04/71 HOUSE DIED IN COMMITTEE
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5/13/71 HOUSE- REFERRED TO EDUCATION -MJ 0514
6/24/71 HOUSE- DIED IN COMMITTEE

5/23/71 HOUSE- CABINETS, REPT. FAVORABLE WITH AMEND., BY BUSINESS REGULATION -MJ 0056
4/28/71 HOUSE- COMM. REPT., COMM. SUB., PLACED ON CALENDAR BY APPOINTMENTS -MJ 0310
4/30/71 HOUSE- ALT. IN TABLE UNFR. RULE; COMMITTEE SUBSTITUTE SUBSTITUTED; COMMITTEE SUBSTITUTE PASSED AS AMENDED YEA 088 NAY 000 -MJ 0330
5/10/71 SENATE- RECEIVED, REFERRED TO AGRICULTURE; JUDICIARY-CRIMINAL -SJ 0230
5/25/71 SENATE- COMM. REPT., FAVORABLE BY AGRICULTURE; NOW IN JUDICIARY-CRIMINAL -SJ 0309
5/25/71 SENATE- COMM. REPT., FAVORABLE WITH AMEND., PLACED ON CALENDAR BY JUDICIARY-CRIMINAL -SJ 0511
6/04/71 HOUSE- PREFERRED ON SENATE CALENDAR UPON ADOPTION

118 691 GENERAL BILL, BY KENNELLY (SIMILAR SB 1281) AMENDS SECS. 520, 353(3) AND 659, 181, RELATING TO REVOLVING ACCOUNTS AND TO BANK LOANS AND CREDIT CARDS, 4/06/71 HOUSE- INTRODUCED, REFERRED TO BUSINESS REGULATION -MJ 0056
6/04/71 HOUSE- DIED IN COMMITTEE

118 692 GENERAL BILL, BY NO SPONSOR WITHDRAWN 4/06/71 HOUSE- INTRODUCTION PRIOR TO INTRODUCTION -MJ 0056

693 GENERAL BILL, BY COMMUNITY AFFAIRS AMENDS SEC. 125, 01, TO PROVIDE FOR THE POWERS AND DUTIES OF THE LEGISLATIVE AND GOVERNING BODIES OF COUNTIES AND PROVIDE FOR POWERS OF BOARDS OF COUNTY COMMISSIONERS, 4/06/71 HOUSE- INTRODUCED, PLACED ON CALENDAR -MJ 0056
4/13/71 HOUSE- PASSED AS AMENDED YEA 110 NAY 002 -MJ 0150
4/19/71 SENATE- RECEIVED, REFERRED TO GOVERNMENTAL EFFICIENCY -SJ 0109
4/20/71 SENATE- COMM. REPT., FAVORABLE; PLACED ON CALENDAR BY GOVERNMENTAL EFFICIENCY -SJ 0129
4/29/71 SENATE- PASSED; YEA 036 NAY 001 -SJ 0297
4/30/71 HOUSE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR -MJ 0363
5/03/71 APPRUVED BY GOVERNOR 05/03/71 -MJ 0390

694 JOINT RESOLUTION, BY COMMUNITY AFFAIRS PROPOSED AMENDMENT TO ART. VIII, SEC. 2 OF THE CONSTITUTION PROVIDING HOME RULE TO MUNICIPALITIES, 4/06/71 HOUSE- INTRODUCED, PLACED ON CALENDAR -MJ 0056
4/13/71 HOUSE- AMENDMENT ADOPTED; FAILED TO PASS YEA 020 NAY 088 -MJ 0152

695 GENERAL BILL, BY CRAIG PROVIDES THAT MINIMUM MEDICAL AND DISABILITY COVERAGE BE INCLUDED IN CERTAIN AUTOMOBILE INSURANCE POLICIES, 4/06/71 HOUSE- INTRODUCED, REFERRED TO INSURANCE -MJ 0056
6/04/71 HOUSE- DIED IN COMMITTEE
HB 1818 GENERAL BILL, BY POORBAUGH AND OTHERS
AMENDS SEC. 551.12 TO PROVIDE FOR WINTER AND SUMMER JAI-ALAI SEASONS AND THE NUMBER OF OPERATIONAL DAYS ALLOCATED TO EACH.
5/04/71 HOUSE- INTRODUCED, REFERRED TO GENERAL LEGISLATION, FINANCE AND TAXATION, APPROPRIATIONS -HJ 0376
6/04/71 HOUSE- DIED IN COMMITTEE

HB 1819 GENERAL BILL, BY WILSON AND OTHERS
AMENDS SEC. 171.04(1) TO PROVIDE THAT UNINCORPORATED TRACTS OF LAND CONTAINING 10 OR MORE REGISTERED ELECTORS SHALL NOT BE ANNEXED IN SUCH A WAY AS TO CREATE AN ENCLAVE OF UNINCORPORATED TERRITORY WITHIN THE ANNEXING TOWN.
5/04/71 HOUSE- INTRODUCED, REFERRED TO COMMUNITY AFFAIRS -HJ 0376
5/21/71 HOUSE- COMM. REPRT: FAVORABLE PLACED ON CALENDAR BY COMMUNITY AFFAIRS -HJ 0666
6/02/71 HOUSE- PASSED: YEAS 094 NAYS 003 -HJ 1009
6/03/71 SENATE- RECEIVED; REFERRED TO GOVERNMENTAL EFFICIENCY -SJ 0795
6/04/71 HOUSE- PREFILED; IN SENATE COMMITTEE UPON ADJOURNMENT

HB 1820 GENERAL BILL, BY INSURANCE (SIMILAR SB 0335)
REPEALS SEC. 320.59 PERTAINING TO THE LIABILITY OF THE OWNER OR OPERATOR OF A MOTOR VEHICLE TO A GUEST PASSENGER.
5/04/71 HOUSE- INTRODUCED, PLACED ON CALENDAR -HJ 0377
5/19/71 HOUSE- PASSED: YEAS 064 NAYS 034 -HJ 0605
5/20/71 SENATE- RECEIVED; PLACED ON CALENDAR -SJ 0440
6/04/71 HOUSE- PREFILED; ON SENATE CALENDAR UPON ADJOURNMENT

HB 1821 GENERAL BILL, BY INSURANCE
REQUIRES MOTOR VEHICLE NO-FAULT REPARATION INSURANCE AND LIABILITY INSURANCE UP TO CERTAIN LIMITS AND LIMITING TORT LIABILITY.
5/04/71 HOUSE- INTRODUCED, PLACED ON CALENDAR -HJ 0377
5/18/71 HOUSE- AMENDMENTS ADOPTED -HJ 0584
5/19/71 HOUSE- PASSED AS AMENDED: YEAS 076 NAYS 036 -HJ 0603
5/21/71 SENATE- RECEIVED; REFERRED TO COMMERC -SJ 0453
5/25/71 SENATE- COMM. REPRT: FAVORABLE WITH AMEND.: PLACED ON CALENDAR BY COMMERC -SJ 0510; PASSED AS AMENDED: YEAS 042 NAYS 000 -SJ 0520
5/26/71 HOUSE- REFUSED TO CONCOURS REQUESTS SENATE RECONCIL APPOINT CONF. COMM -HJ 0724
5/26/71 SENATE- REFUSED TO RECONCILE, CONFERENCE COMMITTEE REQUESTED; CONFERENCE COMMITTEE APPOINTED -SJ 0552
5/26/71 HOUSE- CONFERENCE COMMITTEE APPOINTED -HJ 0779
6/03/71 SENATE- CONFERENCE COMMITTEE REPORT ADOPTED; PASSED: YEAS 036 NAYS 011 -SJ 0779
6/04/71 HOUSE- CONFERENCE COMMITTEE REPORT ADOPTED; PASSED: YEAS 086 NAYS 020
6/08/71 HOUSE- SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR 06/07/71
6/24/71 RECOMM. LAW WITHOUT APPROVAL 06/24/71

HB 1822 GENERAL BILL, BY INSURANCE (SIMILAR HR 0276, SB 0226)
AMENDS SEC. 627.0851(1) TO PROVIDE THAT UNINSURED MOTORIST COVERAGE SHALL BE IN AN AMOUNT OF UP TO 100% OF THE LIABILITY INSURANCE PURCHASED BY THE INSURED.
5/04/71 HOUSE- INTRODUCED, PLACED ON CALENDAR -HJ 0377
5/19/71 HOUSE- PASSED AS AMENDED: YEAS 098 NAYS 001 ; RECONSIDERED: INDEFINITELY POSTPONED; COMPANION OR SIMILAR BILL PASSED -HJ 0606

HB 1823 GENERAL BILL, BY STEVENS
AMENDS SEC. 165.25 TO PROVIDE FOR THE VOLUNTARY RETIREMENT OF CERTAIN ELECTED OFFICERS.
5/04/71 HOUSE- INTRODUCED, REFERRED TO COMMUNITY AFFAIRS, APPROPRIATIONS -HJ CONTINUED ON NEXT PAGE
A bill to be entitled
An act relating to private passenger motor vehicle insurance or security; providing definitions; requiring motor vehicle no-fault reparation insurance and liability insurance up to certain limits and limiting tort liability; providing for approval of such policies by the department of insurance; providing that proof of security and financial responsibility by an owner or operator of a motor vehicle involved in an accident must be shown as a prerequisite to ownership, registration, licensing, and operation of motor vehicles in this state and providing that failure to provide proof of such security shall result in revocation of registration and license and providing that failure to provide and maintain such security shall be illegal and a misdemeanor, specifying penalties; providing for payment of certain specified benefits and that same are due when loss accrues; providing for priority of payment of benefits; providing for tort exemptions and limitation on damages; providing no-fault property protection; providing for certain deductibles; providing an effective date.
other provisions as it customarily applies to collision coverage for private passenger automobiles in other states, including deductibles without limitation.

(4) Every owner complying with the security requirements of section 4, and any person operating the insured vehicle with the owner's consent and occupants of the insured vehicle, shall be exempt from liability to pay damages because of accidental property damage to motor vehicles resulting from accidents arising out of the ownership, operation, maintenance or use of the motor vehicle. This exemption applies only with respect to property damage to motor vehicles required to be registered in this state.

Section 10. Each insurer providing security as required by this act to any owner shall, at the election of the owner, issue a policy endorsement, approved as to content by the department of insurance and subject to such other reasonable regulations regarding said endorsement as the department may make after appropriate hearing, which endorsement shall provide that there shall be deducted from personal protection benefits that would otherwise be or become due to the policyholder alone or to the policyholder and relatives residing in his household, an amount of either two hundred and fifty dollars ($250), five hundred dollars ($500) or one thousand dollars ($1,000), again as the policyholder elects, said amount to be deducted from the amounts otherwise due each person subject to the deduction. Any person electing such an endorsement or subject to such an endorsement as a result of the policy-
holder's election shall have no right to claim or to re-
cover any amount so deducted from any owner, registrant,
operator or occupant of a motor vehicle or any person or
organization legally responsible for any such person's
acts or omissions who is made exempt from tort liability
by this act.

Section 11. The department of insurance shall adopt
rules and regulations necessary to implement the provisions
of this act.

Section 12. If any provision of this act, or the
application thereof to any person or circumstances is held
invalid, such invalidity shall not affect other provisions
or applications of this act which can be given effect
without the invalid provision or application. To this
end the provisions of this act are declared to be
severable.

Section 13. This act shall become effective
January 1, 1972.
A bill to be entitled
An act relating to private passenger motor vehicle insurance or security; defining private passenger motor vehicle; requiring no-fault reparation insurance motor vehicle liability insurance up to certain limits and limiting tort liability; providing for approval of such policies by the department of insurance; providing that proof of security and financial responsibility by an owner or operator of a private passenger motor vehicle involved in an accident must be shown as a prerequisite to ownership, registration, licensing, and operation of private passenger motor vehicles in this state and providing that failure to provide proof of such security shall result in revocation of registration and license and providing that failure to provide and maintain such security shall be illegal and a misdemeanor, specifying penalties; providing for payment of certain specified benefits and that same are due when loss accrues; providing for priority of payment of benefits; providing for tort exemptions and limitation on damages; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Purpose.--The purpose of this act is to require medical, surgical, funeral and disability insurance benefits to be provided under private passenger motor vehicle policies that provide bodily injury and property damage liability insurance, or other security, for private passenger motor vehicles registered in this state and, with respect to automobile accidents, a limitation on the right to claim damages for pain, suffering and inconvenience. Benefits shall be payable under this act without regard to fault.

Section 2. Registration of vehicles and required security.--

(1) The following security shall be required for registered and licensed private passenger motor vehicles in this state:

(a) The owner or registrant, if an individual or relatives resident in the same household, of a private passenger motor vehicle required to be registered and licensed in this state shall maintain security as defined by subsection (2) in effect continuously throughout the registration or licensing period.

(b) Private passenger motor vehicle defined: Any vehicle of the following types designed for use on public highways and required to be registered and licensed and not used as a public or livery conveyance nor rented to others:

1. A four-wheel private passenger or station wagon type automobile; or,

2. An automobile of the truck type with a load capacity of 1,500 pounds or less not used for wholesale or
retail delivery, other than farming or deliveries incidental to the owner's or registrant's occupation as a craftsmen or as an installer or repairer of furnishings or equipment.

(2) Such security shall be provided by one of the following methods:

(a) Security by insurance may be provided with respect to such private passenger motor vehicle by an insurance policy delivered or issued for delivery in this state by an authorized or eligible insurer as otherwise defined in this code, which qualifies as evidence of automobile liability insurance under chapter 324, Florida Statutes, which is known as "the financial responsibility law" and which also includes provision for payment of the benefits described in section 5(1). Any such policy of liability insurance covering private passenger motor vehicles registered or licensed in this state and any policy of insurance represented or sold as providing the security required hereunder for registered and licensed private passenger motor vehicles under this chapter shall be deemed to provide insurance for the payment of such benefits; or

(b) Security may be provided with respect to any private passenger motor vehicle by any other method approved by the department of highway safety and motor vehicles as affording security equivalent to that afforded by a policy of insurance, provided proof of such security is filed and continuously maintained with said department throughout the private passenger motor vehicle's registration or licensing period. The person filing such
security shall have all of the obligations and rights of an insurer under this chapter.

Section 3. Proof of security necessary to registration; notice to insured of security requirements on cancellation; revocation and surrender of registration; penalties for failure to surrender registration.--

(1) No motor vehicle as defined in section 2(1) shall be registered or licensed in this state unless the owner at the time of registration shows proof of security as required by section 2(2). Proof of security shall be evidenced by a policy of insurance or certificate of financial security bond or a financial security deposit or by qualification as a self-insurer, as these terms are defined and described in chapter 324, Florida Statutes. The owner of each registered or licensed private passenger motor vehicle shall maintain proof of security continuously throughout the period of registration or licensing provided that when insurance is the type of proof of such security such insurance policy need not be written for a period coterminous with the registration or license year. When such insurance with respect to such motor vehicle is terminated by cancellation or failure to renew, the owner shall forthwith surrender the registration certificate and license plates of the vehicle to the department of highway safety and motor vehicles unless other proof of security is maintained in compliance with this act.

(2) No contract or policy of insurance or renewal thereof shall be terminated by cancellation or failure to renew by the insurer except in the manner provided by
section 627.0852, Florida Statutes. Every such notice of
termination for any cause whatsoever sent to the insured
pursuant to said statute shall include on the face of the
notice a statement that security and proof of same is
required to be maintained continuously throughout the
registration or license period and that operation of a
private passenger motor vehicle without maintaining such
proof of security is, upon conviction, a misdemeanor.

Upon the termination of insurance by cancellation or failure
to renew, notice of such cancellation or termination shall
be mailed by the insurer to the department of highway
safety and motor vehicles not later than twenty (20) days
following the effective date of such cancellation or other
termination.

(3) The department of highway safety and motor
vehicles, upon receipt of evidence that proof of security
for any such motor vehicle registered in this state is no
longer in effect, shall revoke the registration and license
of such vehicle and such revocation shall continue until
proof of security for said motor vehicle is presented to
the department.

(4) Failure of an owner to deliver the certificate
of registration and registration plates issued by the
department of highway safety and motor vehicles, after
revocation thereof as provided in this act, shall, upon
conviction, constitute a misdemeanor.

(5) The provisions of chapter 324, Florida Statutes,
which pertain to the method of giving and maintaining
proof of financial responsibility and which govern and
define a motor vehicle liability policy shall apply to filing and maintaining proof of security or financial responsibility required by this act. It is intended that the provisions of chapter 324, Florida Statutes, relating to proof of financial responsibility required of each operator and each owner of any motor vehicle, other than a private passenger motor vehicle as defined in section 2(1) of this act, involved in an accident, and relating to nonpayment of a judgment as defined in sections 324.111 through 324.131, Florida Statutes, shall continue in full force and effect.

(6) Any person who gives information required in a report or otherwise as provided for in this act, knowing or having reason to believe that such information is false, or who shall forge, or, without authority, sign any evidence of proof of security, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall, upon conviction, be punished by fine not to exceed one thousand dollars ($1,000) or imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(7) This act does not apply to any motor vehicle owned by the state or by a political subdivision of the state, nor to any motor vehicle owned by the federal government.

(8) The department of highway safety and motor vehicles shall administer and enforce the provisions of this act relating to registration and licensing of motor vehicles and may make necessary rules and regulations for its administration.
Section 4. Operation of a motor vehicle illegal without security; penalties.--

(1) Any owner or registrant of a motor vehicle with respect to which security is required under section 2(1) who operates such motor vehicle or permits it to be operated upon a public highway in this state without having in full force and effect security complying with the terms of said section 2(1) shall, upon conviction, be guilty of a misdemeanor. Any other person who operates such a motor vehicle upon a public highway in this state with the knowledge that the owner or registrant does not have such security in full force and effect shall, upon conviction, be guilty of a misdemeanor. Each person convicted of a misdemeanor under this section shall have his operator's license and, if an owner or registrant, his registration revoked and may be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or may be imprisoned for not more than one (1) year or both.

(2) Any private passenger motor vehicle liability insurance policy which provides security required pursuant to section 2(2) shall also be deemed to comply with the applicable limits of liability required under the financial responsibility or compulsory laws of any other state.

(3) Any resident of this state who suffers bodily injury as a result of a motor vehicle accident which occurs outside this state, and who has such coverage and security in compliance with this act, may elect to claim and secure the benefits provided hereunder or said person may elect
to reject such benefits by giving notice in writing as soon as practicable to his own insurer. Such election shall be irrevocable.

(4) A nonresident owner or operator of a private passenger motor vehicle not required to be registered or licensed in this state, whether operated or not and physically present within this state for more than thirty (30) days during the preceding three hundred sixty-five (365) days, shall not operate or permit such private passenger motor vehicle to be operated in this state unless such owner or operator has in effect security for payment of benefits required by this act. In the event that such nonresident owner or operator of a motor vehicle as defined by this act is involved in a motor vehicle accident in this state prior to securing the security required under this act, such nonresident shall be precluded from maintaining as a plaintiff any action in tort, except to the extent that his net economic loss exceeds five thousand dollars ($5,000) or unless the injury consists, in whole or in part, of permanent disfigurement, loss of a body member, permanent injury within a reasonable degree of medical probability, or death.

Section 5. Required personal injury protection benefits and effect on certain plans; exclusions; tort exemption.--

(1) Every insurance policy providing the security required under section 2(1) shall provide personal injury protection benefits in the form of minimum medical, surgical, funeral and disability benefits to the person named as
insured thereunder and members of his family resident in the same household, and any person operating said vehicle with the consent, express or implied, of the owner or registrant, suffering bodily injury as a result of a motor vehicle accident or occurrence, guest passengers injured while occupying the insured motor vehicle and persons injured while riding a bicycle or motorcycle or pedestrians injured by the insured motor vehicle, to a limit of at least five thousand dollars ($5,000) for net loss sustained by any such person as a result of bodily injury as follows:

(a) Medical and surgical benefits: Reasonable expenses for necessary medical, surgical, X-ray and dental services, including prosthetic devices, and necessary ambulance, hospital, professional nursing services, incurred within one (1) year from the date of the automobile accident.

(b) Disability benefits: Seventy-five per cent (75%) of any loss of gross income not exceeding five hundred dollars ($500) per month per individual, from inability to work due to injury actually sustained by the injured person, plus all expenses reasonably incurred in obtaining from others, not members of the injured person's household, ordinary and necessary services in lieu of those that, had he not been injured, the injured person would have performed without income for the benefit of his household. Such benefits shall not be payable for the first fifteen (15) days of the disability; provided however, that if the bodily injury results in disability of
more than fifteen (15) days, benefits shall be allowed from the date of commencement of the disability. All disability benefits payable under this provision shall be paid not less than biweekly.

(c) Funeral, burial or cremation benefits: Funeral burial or cremation expenses incurred within a period of one (1) year from and after the date of the accident, in an amount not to exceed five hundred dollars ($500) per individual; provided that such benefits shall be payable in addition to the five thousand dollar ($5,000) limitation set forth in section 5(1).

(2) Any insurer may exclude benefits:
(a) Payable under any workmen's compensation laws.
(b) For the person named as insured under the policy and members of his family residing in the same household or operators with the consent of the owner, express or implied, if the injury is sustained in an accident while occupying a motor vehicle not described in such policy or while riding a motorcycle or bicycle or as a pedestrian injured by said vehicle which is owned by such person and uninsured, or which is insured under any other policy providing the benefits described in section 5(1);
(c) To any injured person if such person's conduct contributed to his injury under any of the following circumstances:
1. Causing injury to himself intentionally;
2. While under the influence of alcohol or narcotic drugs;
3. While committing a felony or seeking to avoid lawful apprehension or arrest by a law enforcement officer.

(3) Insurer's rights of reimbursement and indemnity:

(a) No subtraction from personal protection insurance benefits will be made because of the value of a claim in tort based on the same accidental bodily injury, but after recovery is realized upon such a tort claim, a subtraction will be made to the extent of the recovery, exclusive of reasonable attorneys' fees and other reasonable expenses incurred in effecting the recovery. If personal protection insurance benefits have already been received, the claimant shall repay to the insurer or insurers out of the recovery a sum equal to the benefits received, but not more than the recovery exclusive of reasonable attorneys' fees and other reasonable expenses incurred in effecting the recovery. The insurer or insurers shall have a lien on the recovery to this extent. No recovery by an injured person or his estate for loss suffered by him will be subtracted in calculating benefits due a dependent after the death, and no recovery by a dependent for loss suffered by the dependent after the death will be subtracted in calculating benefits due the injured person except as provided in section 5(1)(c) of this act.

(b) Indemnity from one paying in tort without regard for rights of insurer having reimbursement interest.--A personal protection insurer with a right of reimbursement under this section, if suffering loss from inability to collect such reimbursement out of a payment received by a
claimant upon a tort claim is entitled to indemnity from
one who, with notice of the insurer's interest, made such
a payment to the claimant without making the claimant and
the insurer joint payees as their interests may appear, or
without obtaining the insurer's consent to a different
method of payment.

(4) Benefits due from an insurer under this act
shall be primary and be due and payable as loss accrues,
upon receipt of reasonable proof of such loss and the
amount of expenses and loss incurred which are covered
by the policy issued under this act.

(a) An insurer may require written notice to be
given as soon as practicable after an accident involving
a motor vehicle with respect to which the policy affords
the security required by this act.

(b) Personal injury protection insurance benefits
shall be overdue if not paid within thirty (30) days after
the insurer receives reasonable proof of the fact of a
covered loss and of the amount of same. If reasonable
proof is not furnished to the insurer as to the entire
claim, any partial amount supported by reasonable proof is
overdue if not paid within thirty (30) days after such
proof is received by the insurer. Any part or all of the
remainder of the claim that is subsequently supported by
reasonable proof is overdue if not paid within thirty (30)
days after such proof is received by the insurer. For the
purpose of calculating the extent to which any benefits
are overdue, payment shall be treated as being made on the
date a draft or other valid instrument which is equivalent
to payment was placed in the United States mail in a properly addressed, postpaid envelope, or, if not so posted, on the date of delivery.

(c) All overdue payments shall bear simple interest at the rate of ten per cent (10%) per annum.

(d) Any person suffering bodily injury while an occupant of a private passenger motor vehicle shall claim personal injury protection benefits from insurance in the following order of priority:

1. By the insurer of owners or registrants of the motor vehicle involved in the accident;
2. By the insurer of operators of motor vehicles involved in the accident;
3. By the insurer of the victim's own automobile liability insurance policy, or a liability policy under which said victim would otherwise be covered, which provides personal injury protection benefits.

(e) Any person suffering bodily injury while not an occupant of a private passenger motor vehicle shall claim personal injury protection benefits from insurance in the following order of priority:

1. By the insurer of owners or registrants of the motor vehicle involved in the accident;
2. By the insurer of operators of motor vehicles involved in the accident;
3. By the insurer of the victim's own automobile liability insurance policy, or a liability policy under which said victim would otherwise be covered, which provides personal injury protection benefits.
(5) Charges for treatment of injured persons.--
Any physician, hospital, clinic, or other person or insti­
tution lawfully rendering treatment to an injured person
for a bodily injury covered by personal injury protection
insurance, and any person or institution providing rehabil­
itative occupational training following such an injury,
may charge only a reasonable amount for the products, ser­
vices, and accommodations rendered. In no event, however,
may such a charge be in excess of the amount the person or
institution customarily charges for like products, services,
and accommodations in cases involving no insurance.

(6) Discovery of facts about an injured person;
disputes.--
(a) Every employer shall, if a request is made by
an insurer providing personal injury protection benefits
under this act against whom a claim has been made, furnish
forthwith, in a form approved by the department of insur­
ance, a sworn statement of the earnings since the time of
the bodily injury and for a reasonable period before the
injury, of the person upon whose injury the claim is based.

(b) Every physician, hospital, clinic, or other
medical institution providing, before or after bodily
injury upon which a claim for personal injury protection
insurance benefits is based, any products, services, or
accommodations in relation to that or any other injury, or
in relation to a condition claimed to be connected with
that or any other injury, shall, if requested to do so by
the insurer against whom the claim has been made, furnish
forthwith a written report of the history, condition,
treatment, and dates and costs of such treatment of the
injured person, and produce forthwith and permit the
inspection and copying of his or its records regarding
such history, condition, treatment, and dates and costs of
treatment.

(c) In the event of any dispute regarding an
insurer's right to discovery of facts about an injured
person's earnings or about his history, condition, treat-
ment, and dates and costs of such treatment, the insurer
may petition a court of competent jurisdiction to enter an
order permitting such discovery. The order may be made
only on motion for good cause shown and upon notice to all
persons having an interest, and it shall specify the time,
place, manner, conditions, and scope of the discovery.
Such court may, in order to protect against annoyance,
embarrassment, or oppression, as justice requires, enter
an order refusing discovery or specifying conditions of
discovery and may order payments of costs and expenses of
the proceeding, including reasonable fees for the appearance
of attorneys at the proceedings, as justice requires.

(7) Mental and physical examination of injured
person; reports.--

(a) Whenever the mental or physical condition of an
injured person covered by personal injury protection is
material to any claim that has been or may be made for
past or future personal injury protection insurance
benefits, such person shall, upon request of an insurer,
submit to mental or physical examination by a physician or
physicians. Personal protection insurers are authorized
to include reasonable provisions in personal injury protection insurance policies for mental and physical examination of those claiming personal injury protection insurance benefits.

(b) If requested by the person examined, a party causing an examination to be made shall deliver to him a copy of every written report concerning the examination rendered by an examining physician, at least one of which reports must set out his findings and conclusions in detail. After such request and delivery, the party causing the examination to be made is entitled upon request to receive from the person examined every written report available to him (or his representative) concerning any examination, previously or thereafter made, of the same mental or physical condition. By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the person examined waives any privilege he may have, in relation to the claim for benefits, regarding the testimony of every other person who has examined or may thereafter examine him in respect of the same mental or physical condition.

Section 6. Tort exemption; limitation on right to damages.--

(1) Every owner, registrant, operator or occupant of a motor vehicle to which the benefits described in section 5(1) apply who may be otherwise liable in tort, and any other person or organization legally responsible for his acts or omissions, is hereby exempted from tort liability for damages because of bodily injury, sickness, •
disease or death arising out of the ownership, maintenance
or use of such motor vehicle in this state to the extent
that benefits are payable under any automobile liability
policy or other adequate security providing benefits
described in section 5(1).

(2) In any action of tort brought against the
owner, registrant, operator or occupant of a motor vehicle
to which the benefits described in section 5(1) apply, or
against any person or organization legally responsible for
his acts or omissions, alleging damages caused by an
accident in this state arising out of the ownership,
maintenance or use of such motor vehicle, a plaintiff may
recover damages for pain, suffering, mental anguish and
inconvenience only if such injured person sustains or
incurs loss or injury in excess of five thousand dollars
($5,000) in benefits payable under this act, unless the
injury consists, in whole or in part, of permanent dis-
figurement, loss of a body member, permanent injury within
a reasonable degree of medical probability, or death.

Section 7. This act shall become effective
January 1, 1972.
A bill to be entitled

An act relating to private passenger motor
vehicle insurance or security; providing
definitions; requiring motor vehicle no-fault
reparation insurance and liability insurance
up to certain limits and limiting tort lia-
bility; providing for approval of such
policies by the department of insurance;
providing that proof of security and fi-
nancial responsibility by an owner or
operator of a motor vehicle involved in
an accident must be shown as a prerequi-
site to ownership, registration, licens-
ing, and operation of motor vehicles in
this state and providing that failure
to provide proof of such security shall
result in revocation of registration and
license and providing that failure to pro-
vide and maintain such security shall be
illegal and a misdemeanor, specifying
penalties; providing for payment of cer-
tain specified benefits and that same
are due when loss accrues; providing for
priority of payment of benefits; providing
for tort exemptions and limitation on
damages; providing no-fault property pro-
tection; providing for certain deductibles;
providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This act may be cited and known as the "Florida automobile reparations reform act."

Section 2. Purpose.--The purpose of this act is to require medical, surgical, funeral and disability insurance benefits to be provided under private passenger motor vehicle policies that provide bodily injury and property damage liability insurance, or other security, for private passenger motor vehicles registered in this state and, with respect to automobile accidents, a limitation on the right to claim damages for pain, suffering and inconvenience. Benefits shall be payable under this act without regard to fault. Benefits shall not be payable under this act to nonresidents and this act shall not diminish their rights to claim damages in tort, except for those nonresidents who are required by section 6 to provide security for the payment of benefits under this act and except when a passenger of an insured motor vehicle under this act.

Section 3. Definitions.--As used in this act:

(1) "Motor vehicle" means any private passenger motor vehicle of the following types designed for use on public roads and required to be registered and licensed and not used as a public or livery conveyance nor rented to others:

(a) A four-wheel private passenger or station wagon type automobile; or,

(b) An automobile of the truck type with a load capacity of 1,500 pounds or less, not used for wholesale
or retail delivery, other than farming or deliveries incidental to the owner's or registrant's occupation as a craftsman or as an installer or repairer of furnishings or equipment.

(c) A motorcycle, as defined in subsection (22) of Section 317.011, Florida Statutes.

(2) "Owner" means a person who holds the legal title to a motor vehicle, or in the event a motor vehicle is the subject of a security agreement or lease with option to purchase with the debtor or lessee having the right to possession, then the debtor or lessee shall be deemed the owner for the purposes of this act.

(3) "Named insured" means a person, usually the owner of a vehicle, identified in a policy by name as the insured under that policy.

(4) "Relative residing in the same household" means a relative of any degree by blood or by marriage, who usually makes his home in the same family unit, whether or not temporarily living elsewhere.

Section 4. Registration of vehicles and required security.--

(1) Every owner or registrant of a motor vehicle required to be registered and licensed in this state shall maintain security as defined by subsection (2) of this section in effect continuously throughout the registration or licensing period.

(2) Such security shall be provided by one of the following methods:

(a) Security by insurance may be provided with respect to such motor vehicle by an insurance policy deliv-
ered or issued for delivery in this state by an authorized
or eligible insurer as otherwise defined in this code,
which qualifies as evidence of automobile or motor vehicle
liability insurance under chapter 324, Florida Statutes,
which is known as "the financial responsibility
law", except as modified to provide the benefits and ex-
emptions contained in this act. Any such policy
of liability insurance covering motor vehicles registered
or licensed in this state and any policy of insurance
represented or sold as providing the security required
hereunder for registered and licensed motor vehicles under
this chapter shall be deemed to provide insurance for the
payment of such benefits; or
(b) Security may be provided with respect to any
motor vehicle by any other method approved by the depart-
ment of insurance as affording security equivalent to that
afforded by a policy of insurance, provided such security
is continuously maintained throughout the motor vehicle's
registration or licensing period. The person filing such
security shall have all of the obligations and rights of
an insurer under this act.
(3) An owner of a motor vehicle with respect to
which security is required by this act who fails to have
such security in effect at the time of an accident shall
be personally liable for the payment of benefits under
sections 4 and 7. Such an owner shall have all of the
rights and obligations of an insurer under this act.
Section 5. Proof of security; security requirements;
penalties.
(1) The provisions of chapter 324, Florida Statutes, which pertain to the method of giving and maintaining proof of financial responsibility, and which govern and define a motor vehicle liability policy, shall apply to filing and maintaining proof of security or financial responsibility required by this act. It is intended that the provisions of chapter 324, Florida Statutes, relating to proof of financial responsibility required of each operator and each owner of any motor vehicle, shall continue in full force and effect.

(2) Any person who gives information required in a report or otherwise as provided for in this act, knowing or having reason to believe that such information is false, or who shall forge, or, without authority, sign any evidence of proof of security, or who files or offers for filing any such evidence of proof, knowing or having reason to believe that it is forged or signed without authority, shall, upon conviction, be punished by fine not to exceed one thousand dollars ($1,000) or imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(3) This act does not apply to any motor vehicle owned by the state or by a political subdivision of the state, nor to any motor vehicle owned by the federal government.

Section 6. Operation of a motor vehicle illegal without security; penalties.--

(1) Any owner or registrant of a motor vehicle with respect to which security is required under subsection (1) of section 4 who operates such motor
vehicle or permits it to be operated in this state without having in full force and effect security complying with the terms of said subsection (1) of section 4 shall, upon conviction, be guilty of a misdemeanor. Any other person who operates such a motor vehicle upon a public road in this state with the knowledge that the owner or registrant does not have such security in full force and effect shall, upon conviction, be guilty of a misdemeanor.

Each person convicted of a misdemeanor under this section shall have his operator's license and, if an owner or registrant, his registration revoked and may be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or may be imprisoned for not more than one (1) year or both.

(2) Any motor vehicle liability insurance policy which provides security required pursuant to subsection (2) of section 4 shall also be deemed to comply with the applicable limits of liability required under the financial responsibility or compulsory laws of any other state.

(3) A nonresident owner or operator of a private passenger motor vehicle not required to be registered or licensed in this state, whether operated or not and physically present within this state for more than thirty (30) days during the preceding three hundred sixty-five (365) days, shall not operate or permit such motor vehicle to be operated in this state unless such owner or operator has in effect security for payment of benefits required by this act. In the event that such nonresident owner or operator of a motor vehicle as defined by this act is
involved in a motor vehicle accident in this state prior to
securing the security required under this act, such non-
resident shall be precluded from maintaining as a plaintiff
any action in tort, except to the extent this his loss
under paragraph (1)(a) of section 7 exceeds three thousand
five hundred dollars ($3,500) or unless the injury consists
in whole or in part, of permanent disfigurement, loss of a
body member, permanent injury within a reasonable degree of
medical probability, permanent loss of a bodily function
or death.

Section 7. Required personal injury protection
benefits; exclusions; priority.--

(1) Every insurance policy complying with the
security requirements of subsection (1) of section 4 shall
provide personal injury protection providing for payment
of all reasonable expenses incurred for necessary medical,
surgical, x-ray, dental and rehabilitative services, in-
cluding prosthetic devices, necessary ambulance, hospital,
nursing services, funeral and disability benefits to the
named insured, members of his family resident in the same
household, any person operating a vehicle covered by such
policy with the express or implied consent of the insured,
guest passengers, resident pedestrians or residents riding
a bicycle who are not owners under this act and who are
not otherwise entitled to benefit under this act who are
injured by the insured motor vehicle, or where the insured
or members of his family resident in the same household
are injured by a motor vehicle while riding a bicycle or
while pedestrians, to a limit of seven thousand five
hundred dollars ($7,500) for loss sustained by any such
person as a result of bodily injury as follows:

(a) Medical benefits: all reasonable expenses for
necessary medical, surgical, x-ray, dental and rehabilita-
tive services, including prosthetic devices, necessary
ambulance, hospital and nursing services. Such benefits
shall include also, necessary remedial treatment and
services recognized and permitted under the laws of the
state for an injured person who relies upon spiritual
means through prayer alone for healing in accordance with
his religious beliefs.

(b) Disability benefits: eighty-five percent
(85%) of any loss of gross income per individual, from
inability to work due to injury sustained by the injured
person, plus all expenses reasonably incurred in obtaining
from others not members of the injured person's house-
hold, ordinary and necessary services in lieu of those
that, had he not been injured, the injured person would have
performed without income for the benefit of his household.
All disability benefits payable under this provision shall
be paid not less than every two weeks.

(c) Funeral, burial or cremation benefits: funeral,
burial or cremation expenses in an amount not to exceed one
thousand dollars ($1,000) per individual.

(2) Any insurer may exclude benefits:

(a) Payable under any workmen's compensation laws.

(b) For the person named as insured under the
policy and members of his family residing in the same
household, if the injury is sustained in an accident while
occupying a motor vehicle not described in such policy or
while riding a motorcycle or bicycle or as a pedestrian
injured by said vehicle which is owned by such person and
uninsured, or which is insured under any other policy pro-
viding the benefits described in subsection (1) of section
7.

(c) To any injured person, if such person's conduct
contributed to his injury under any of the following
circumstances:

1. Causing injury to himself intentionally;
2. While under the influence of alcohol or narcotic
drugs;
3. While committing a felony or seeking to avoid
lawful apprehension or arrest by a law enforcement officer.

(3) Insurer's rights of reimbursement and indemnity

(a) No subtraction from personal protection
insurance benefits will be made because of the value
of a claim in tort based on the same bodily injury, but
after recovery is realized upon such a tort claim, a
subtraction will be made to the extent of the recovery,
exclusive of reasonable attorneys' fees and other reason-
able expenses incurred in effecting the recovery. If
personal protection insurance benefits have already been
received, the claimant shall repay to the insurer or
insurers out of the recovery a sum equal to the benefits
received, but not more than the recovery exclusive of
reasonable attorneys' fees and other reasonable expenses
incurred in effecting the recovery. The insurer or
insurers shall have a lien on the recovery to this extent.
No recovery by an injured person or his estate for loss suffered by him will be subtracted in calculating benefits due a dependent after the death, and no recovery by a dependent for loss suffered by the dependent after the death will be subtracted in calculating benefits due the injured person except as provided in paragraph (c) of subsection (l) of section 7.

(b) Indemnity from one paying in tort without regard for rights of insurer having reimbursement interest.--A personal protection insurer with a right of reimbursement under this section, if suffering loss from inability to collect such reimbursement out of a payment received by a claimant upon a tort claim is entitled to indemnity from one who, with notice of the insurer's interest, made such a payment to the claimant without making the claimant and the insurer joint payees as their interests may appear, or without obtaining the insurer's consent to a different method of payment.

(4) Benefits due from an insurer under this act shall be primary and be due and payable as loss accrues, upon receipt of reasonable proof of such loss and the amount of expenses and loss incurred which are covered by the policy issued under this act.

(a) An insurer may require, written notice to be given as soon as practicable after an accident involving a motor vehicle with respect to which the policy affords the security required by this act.

(b) Personal injury protection insurance benefits shall be overdue if not paid within thirty (30) days after
the insurer receives reasonable proof of the fact of a
covered loss and of the amount of same. If reasonable
proof is not furnished to the insurer as to the entire
claim, any partial amount supported by reasonable proof is
overdue if not paid within thirty (30) days after such
proof is received by the insurer. Any part or all of the
remainder of the claim that is subsequently supported by
reasonable proof is overdue if not paid within thirty (30)
days after such proof is received by the insurer. For the
purpose of calculating the extent to which any benefits
are overdue, payment shall be treated as being made on the
date a draft or other valid instrument which is equivalent
to payment was placed in the United States mail in a
properly addressed, postpaid envelope, or, if not so
posted, on the date of delivery.

(c) All overdue payments shall bear simple interest
at the rate of ten per cent (10%) per annum.

(d) Any person suffering bodily injury while an
occupant of a motor vehicle involved in an accident shall
claim personal injury protection benefits from insurance
in the following order of priority:

1. From the insurer of the owner or registrant of
the motor vehicle in which he was an occupant;

2. From the insurer of the operator of the motor
vehicle involved in which he was an occupant;

3. From the insurer of the victim's own automobile
liability insurance policy under uninsured vehicle coverage
or insolvent insurer protection, or a liability policy
under which said victim would otherwise be covered, which
provides personal injury protection benefits.
(e) Any person suffering bodily injury while not an occupant of a motor vehicle involved in an accident shall claim personal injury protection benefits from insurance in the following order of priority:

1. From the insurer of the owner or registrant of the motor vehicle inflicting the injury;
2. From the insurer of the operator of the motor vehicle inflicting the injury;
3. From the insurer of the operator of the victim's own automobile liability insurance policy under uninsured vehicle coverage or insolvent insurer protection, or a liability policy under which said victim would otherwise be covered, which provides personal injury protection benefits.

(5) Charges for treatment of injured persons. -- Any physician, hospital, clinic, or other person or institution lawfully rendering treatment to an injured person for a bodily injury covered by personal injury protection insurance may charge only a reasonable amount for the products, services, and accommodations rendered. In no event, however, may such a charge be in excess of the amount the person or institution customarily charges for like products, services, and accommodations in cases involving no insurance.

(6) Discovery of facts about an injured person; disputes. --

(a) Every employer shall, if a request is made by an insurer providing personal injury protection benefits under this act against whom a claim has been made, furnish
forthwith, in a form approved by the department of insur-
ance, a sworn statement of the earnings since the time of
the bodily injury and for a reasonable period before the
injury, of the person upon whose injury the claim is based.

(b) Every physician, hospital, clinic, or other
medical institution providing, before or after bodily
injury upon which a claim for personal injury protection
insurance benefits is based, any products, services; or
accommodations in relation to that or any other injury, or
in relation to a condition claimed to be connected with
that or any other injury, shall, if requested to do so by
the insurer against whom the claim has been made, furnish
forthwith a written report of the history, condition,
treatment, and dates and costs of such treatment of the
injured person, and produce forthwith and permit the
inspection and copying of his or its records regarding
such history, condition, treatment, and dates and costs of
treatment.

(c) In the event of any dispute regarding an
insurer's right to discovery of facts about an injured
person's earnings or about his history, condition, treat-
ment, and dates and costs of such treatment, the insurer
may petition a court of competent jurisdiction to enter an
order permitting such discovery. The order may be made
only on motion for good cause shown and upon notice to all
persons having an interest, and it shall specify the time,
place, manner, conditions, and scope of the discovery.
Such court may, in order to protect against annoyance,
embarrassment, or oppression, as justice requires, enter
an order refusing discovery or specifying conditions of
discovery and may order payments of costs and expenses of
the proceeding, including reasonable fees for the appearance
of attorneys at the proceedings, as justice requires.

(7) Mental and physical examination of injured
person; reports.--

(a) Whenever the mental or physical condition of an
injured person covered by personal injury protection is
material to any claim that has been or may be made for
past or future personal injury protection insurance
benefits, such person shall, upon request of an insurer,
submit to mental or physical examination by a physician or
physicians. Personal protection insurers are authorized
to include reasonable provisions in personal injury
protection insurance policies for mental and physical
examination of those claiming personal injury protection
insurance benefits.

(b) If requested by the person examined, a party
causing an examination to be made shall deliver to him a
copy of every written report concerning the examination
rendered by an examining physician, at least one of which
reports must set out his findings and conclusions in detail
After such request and delivery, the party causing the
examination to be made is entitled upon request to receive
from the person examined every written report available to
him (or his representative) concerning any examination,
previously or thereafter made, of the same mental or
physical condition. By requesting and obtaining a report
of the examination so ordered or by taking the deposition
of the examiner, the person examined waives any privilege
he may have, in relation to the claim for benefits,
regarding the testimony of every other person who has
examined or may thereafter examine him in respect of the
same mental or physical condition.

Section 8. Tort exemption; limitation on right to
damages.--

(1) Every owner, registrant, operator or occupant of
a motor vehicle to which the benefits described in subsec-
tion (1) of section 7 apply, who may be otherwise liable in
tort, and any other person or organization legally responsi-
ble for his acts or omissions, is hereby exempted from tort
liability for damages because of bodily injury, sickness,
disease or death arising out of the ownership, maintenance
or use of such motor vehicle in this state to the extent
that benefits are payable under any automobile liability
policy or other adequate security providing benefits
described in subsection (1) of section 7.

(2) In any action of tort brought against the
owner, registrant, operator or occupant of a motor vehicle
to which the benefits described in subsection (1) of sec-
tion 7 apply, or against any person or organization legally
responsible for his acts or omissions, alleging damages
caused by an accident in this state arising out of the
ownership, maintenance or use of such motor vehicle, a
plaintiff may recover damages for pain, suffering, mental
anguish and inconvenience only to the extent that the bene-
fits payable to such injured person under paragraph (1)(a)
of section 7 exceed three thousand five hundred dollars
($3,500), unless the injury consists, in whole or in part, of permanent disfigurement, loss of a body member, permanent injury within a reasonable degree of medical probability, permanent loss of a bodily function, or death. Any person who is entitled to receive free medical and surgical benefits by reason of governmental service shall be deemed in compliance with the requirements of this subsection upon a showing that the medical treatment received has an equivalent value of at least three thousand five hundred dollars ($3,500).

Section 9. (1) The owner of a motor vehicle as defined in section 3 is not required to maintain security with respect to property damage to his motor vehicle, but may elect to purchase either full or basic coverage for accidental property damage to his motor vehicle.

(2) Every insurer providing security under this act shall offer the owner either full or basic coverage for accidental property damage to the insured motor vehicle as follows:

(a) Full coverage shall provide insurance without regard to fault for accidents occurring within the United States of America, its territories or possessions or Canada.

(b) Basic coverage shall be limited to insurance against damage caused by the fault of another resulting from contact between the insured vehicle and a vehicle with respect to which security is required under this act.

(3) The insurer may include within the terms and conditions applicable to full or basic coverage such
other provisions as it customarily applies to collision
coverage for private passenger automobiles in other states,
including deductibles without limitation.

(4) Every owner complying with the security re-
quirements of section 4, and any person operating the
insured vehicle with the owner's consent and occupants
of the insured vehicle, shall be exempt from liability
to pay damages because of accidental property damage to
motor vehicles resulting from accidents arising out of the
ownership, operation, maintenance or use of the motor
vehicle. This exemption applies only with respect to
property damage to motor vehicles required to be registered
in this state.

Section 10. Each insurer providing security as re-
quired by this act to any owner shall, at the election of
the owner, issue a policy endorsement, approved as to
content by the department of insurance and subject to such
other reasonable regulations regarding said endorsement as
the department may make after appropriate hearing, which
endorsement shall provide that there shall be deducted from
personal protection benefits that would otherwise be or
become due to the policyholder alone or to the policyholder
and relatives residing in his household, an amount of
either two hundred and fifty dollars ($250), five hundred
dollars ($500) or one thousand dollars ($1,000), again as
the policyholder elects, said amount to be deducted from
the amounts otherwise due each person subject to the
deduction. Any person electing such an endorsement or
subject to such an endorsement as a result of the policy-
holder's election shall have no right to claim or to recover any amount so deducted from any owner, registrant, operator or occupant of a motor vehicle or any person or organization legally responsible for any such person's acts or omissions who is made exempt from tort liability by this act.

Section 11. The department of insurance shall adopt rules and regulations necessary to implement the provisions of this act.

Section 12. If any provision of this act, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application. To this end the provisions of this act are declared to be severable.

Section 13. This act shall become effective January 1, 1972.
A bill to be entitled
An act relating to private passenger motor vehicle insurance or security; providing definitions; requiring no-fault reparation insurance motor vehicle liability insurance up to certain limits and limiting tort liability; providing for approval of such policies by the department of insurance; providing that proof of security and financial responsibility by an owner or operator of a motor vehicle involved in an accident must be shown as a prerequisite to ownership, registration, licensing, and operation of motor vehicles in this state and providing that failure to provide proof of such security shall result in revocation of registration and license and providing that failure to provide and maintain such security shall be illegal and a misdemeanor, specifying penalties; providing for payment of certain specified benefits and that same are due when loss accrues; providing for priority of payment of benefits; providing for tort exemptions and limitation on damages; providing no-fault property protection; providing for certain deductions; providing an effective date.

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

Section 1. Short title.--This act may be cited and known as the "Florida automobile reparation reform act."

Section 2. Purpose.--The purpose of this act is to require medical, surgical, funeral and disability insurance benefits to be provided under private passenger motor vehicle policies that provide bodily injury and property damage liability insurance, or other security, for private passenger motor vehicles registered in this state and, with respect to automobile accidents, a limitation on the right to claim damages for pain, suffering and inconvenience. Benefits shall be payable under this act without regard to fault. Benefits shall not be payable under this act to nonresidents and this act shall not diminish their rights to claim damages in tort, except for those nonresidents who are required by section 6 to provide security for the payment of benefits under this act and except when a passenger of an insured motor vehicle under this act.

Section 3. Definitions.--As used in this act:

(1) "Motor vehicle" means any private passenger motor vehicle of the following types designed for use on public roads and required to be registered and licensed and not used as a public or livery conveyance nor rented to others:

(a) A four-wheel private passenger or station wagon type automobile; or,

(b) An automobile of the truck type with a load capacity of 1,500 pounds or less, not used for wholesale
(2) In any action of tort brought against the owner, registrant, operator or occupant of a motor vehicle to which the benefits described in subsection (1) of section 7 apply, or against any person or organization legally responsible for his acts or omissions, alleging damages caused by an accident in this state arising out of the ownership, maintenance or use of such motor vehicle, a plaintiff may recover damages for pain, suffering, mental anguish and inconvenience only to the extent that the benefits payable to such injured person under paragraph (1) (a) of section 7 exceed three thousand five hundred dollars ($3,500), unless the injury consists, in whole or in part, of permanent disfigurement, loss of a body member, permanent injury within a reasonable degree of medical probability, permanent loss of a bodily function, or death.

Any person who is entitled to receive free medical and surgical benefits by reason of governmental service shall be deemed in compliance with the requirements of this subsection upon a showing that the medical treatment received has an equivalent value of at least three thousand five hundred dollars ($3,500).

Section 9. (1) The owner of a motor vehicle as defined in section 3 is not required to maintain security with respect to property damage to his motor vehicle, but may elect to purchase either full or basic coverage for accidental property damage to his motor vehicle.

(2) Every insurer providing security under this act shall offer the owner either full or basic coverage for accidental property damage to the insured motor vehicle as follows:

(a) Full coverage shall provide insurance without regard to fault for accidents occurring within the United States of America, its territories or possessions or Canada.

(b) Basic coverage shall be limited to insurance against damage caused by the fault of another resulting from contact between the insured vehicle and a vehicle with respect to which security is required under this act.

(3) The insurer may include within the terms and conditions applicable to full or basic coverage such other provisions as it customarily applies to collision coverage for private passenger automobiles in other states, including deductibles without limitation.

(4) Every owner complying with the security requirements of section 4, and any person operating the insured vehicle with the owner's consent and occupants of the insured vehicle, shall be exempt from liability to pay damages because of accidental property damage to motor vehicles resulting from accidents arising out of the ownership, operation, maintenance or use of the motor vehicle. This exemption applies only with respect to property damage to motor vehicles required to be registered in this state.

Section 10. Each insurer providing security as required by this act to any owner shall, at the election of the owner, issue a policy endorsement, approved as to content by the department of insurance and subject to such other reasonable regulations regarding said endorsement as the department may make after appropriate hearing, which
endorsement shall provide that there shall be deducted from
personal protection benefits that would otherwise be or
become due to the policyholder alone or to the policyholder
and relatives residing in his household, an amount of
either two hundred and fifty dollars ($250), five hundred
dollars ($500) or one thousand dollars ($1,000), again as
the policyholder elects, said amount to be deducted from
the amounts otherwise due each person subject to the
deduction. Any person electing such an endorsement or
subject to such an endorsement as a result of the policy­
holder's election shall have no right to claim or to re­
cover any amount so deducted from any owner, registrant,
operator or occupant of a motor vehicle or any person or
organization legally responsible for any such person's
acts or omissions who is made exempt from tort liability
by this act.

Section 11. The department of insurance shall adopt
rules and regulations necessary to implement the provisions
of this act.

Section 12. If any provision of this act, or the
application thereof to any person or circumstances is held
invalid, such invalidity shall not affect other provisions
or applications of this act which can be given effect
without the invalid provision or application. To this
end the provisions of this act are declared to be
severable.

Section 13. This act shall become effective
January 1, 1972.
House Bill No. 65
Subject: Insurance - Automobile No-fault Plan

Requires the maintenance of personal protection, property protection and residual liability insurance, or other approved security, for registration of a motor vehicle or for operation of one for more than 30 days within the state. Provides misdemeanor penalty of not less than $100 nor more than $500 and/or imprisonment up to one year for violation.

Personal protection insurance pays for accidental body injury, where loss arises out of the ownership, operation or use of a motor vehicle, without regard to fault. Provides for: Payment without limit of allowable medical and rehabilitative costs; funeral expenses up to $1,000; work loss (loss of income) up to a maximum of $750 per month, less a 15% deduction for income tax advantage; and loss to survivors not exceeding $750 per month for their loss of tangible economic value and expenses incurred for loss of services. Provides for monthly payment of benefits as loss accrues. Enumerates those people who are not entitled to personal protection insurance benefits as: (1) a person in unlawful possession of a vehicle involved in an accident; (2) a non-resident of this state whose car is not registered here and who is not insured by a certified insurer; or (3) an owner or registrant of a vehicle with respect to which required security was not in effect. Allows insurer to subtract from benefits payable the amount of the tort claim the insured receives. Property protection coverage may not exceed $1,000,000 for loss in a single accident to tangible personal property other than automobile and property owned by the insured, spouse or related household members.

Residual liability insurance covers bodily injury and property damage occurring outside the state by providing liability coverage equivalent to that required by the financial responsibility laws of that state. Exempts persons complying with this act from tort liability arising from motor vehicle accidents wherever Florida law determines liability.

Provides that benefits become payable as loss accrues. Sets a statute of limitations period for personal protection insurance of one year from the date of accident or date of most recent expense or loss incurred. Allows for claimant's reasonable attorney's fees to be added to benefits recovered for the insurer's unreasonable refusal or delay in making payments. An attorney's fee may be offset against benefits due or may be charged against the claimant for the filing of a fraudulent or excessive claim. Provides for mental and physical examinations of injured persons and for rehabilitative treatment and occupational training where appropriate.
House Bill No. 65 (Continued)

Requires personal and property protection insurers to make available collision and upset insurance covering motor vehicles owned by the insured. Requires licensed insurers to certify that their out-of-state resident insureds shall be subject to personal and property protection for injury or damage within the state. Provides for an assigned claims bureau and plan organized and maintained by insurers and approved by the Department of Insurance. The bureau will fairly allocate claims to member insurers to pay losses where no personal protection insurance is applicable or is identifiable.

House Bill No. 168

By: Craig

Creates the First Party Insurance Immediate Benefits Act. Repeals Chapter 324, F. S., and subsections 624.0324(1)(t) and 627.1012(3), F. S., relating to financial responsibility of owners and operators of motor vehicles. Amends Chapter 320, F. S., adding Section 320.0201 to compel owners, prior to motor registration, to obtain and maintain: 1) a basic protection plan; 2) one of the two forms of dual option coverage; 3) liability insurance with limits of not less than $15,000 per person up and a total of $30,000 per accident. Requires surrender of registration certificate and license plates upon termination of the required insurance. Violation a misdemeanor punishable by fine of $100 to $500 and/or imprisonment up to one year.

Provides for the availability of optional added protection plans but the minimum required basic protection plan pays to the insured, occupants of his automobile and pedestrians, a maximum of $15,000 per person up to a total of $150,000 per accident, regardless of fault for net economic loss incurred as a result of injury or death arising out of the operation of a motor vehicle and consisting of all medical and other necessary expenses and loss of work income, subject to deductions as follows: 1) benefits payable because of the injury from sources other than basic or added protection insurance. Life insurance proceeds, gratuities, or payments discharging familial obligations of support are not deductible; 2) $100 or 10% of income loss, whichever is greater; and 3) a maximum of 15% of income loss. This deduction represents the income tax advantage accruing from the receipt of nontaxable insurance proceeds. Benefits are subject to the following maximums: 1) $750 monthly limit for work loss; 2) $500 limit for funeral and burial expenses; and 3) a hospital room limitation equal to the customary charge for semiprivate accommodations.
House Bill No. 168 (Continued)

Requires insurers to offer as added protection coverage benefits for pain and inconvenience and permits insurers to reduce or eliminate deductibles and exclusions and to increase limits. Requires insurers to offer basic protection insurance with increased deductibles.

Requires the election of one of two forms of property damage dual option insurance. Both forms provide liability coverage to property of others, other than a motor vehicle covered by property damage dual option insurance. The nonfault option pays for damage to the insured vehicle regardless of fault. The liability option pays for such damage if the insured is entitled to recover from another on a liability theory.

Prescribes procedure where more than one insurance policy covers one accident. Prescribes procedure for multiple claims. Provides for monthly recovery of benefit payment procedures. Does not limit tort recovery except where preempted by basic benefit recovery and does not affect present actions of recovery for pain and injury in excess of $5,000 or recovery for all other loss in excess of $10,000. Adopts methods provided by Rules of Civil Procedure for ascertaining extent of injury, determining types of treatment for rehabilitation, and other methods of discovery of facts about the injured person. Judicial review of appealable orders or judgments prescribed in detail.

Requires insurers to adopt assigned claims plan and organize bureau to formulate assigned claims plan. Authorizes Commissioner of Insurance to approve assigned risks plans as

House Bill No. 322
Subject: Motor Vehicle Insurance
By: Kennelly
Reference: Insurance

Repeals Chapter 324, F. S., which requires that proof of financial responsibility be shown by an owner or operator of a motor vehicle involved in an accident.

Requires the maintenance of first-party no-fault basic reparation insurance for registration or for operation of a motor vehicle for more than 30 days within the state. First-party no-fault insurance pays for accidental bodily injury, where loss arises out of the ownership, operation or use of a motor vehicle, without regard to fault. The benefits payable under the minimum coverage policy include: (1) full reimbursement of medical expenses, including rehabilitation costs; (2) reimbursement for lost earnings or up to $750 per month; (3) survivor's benefits of up to $750 per month; (4) funeral expenses not exceeding $500; and (5) compensation for permanent medical impairment according to a specific schedule.
House Bill No. 322 (Continued)

Exempts an insured motorist from tort liability in an amount up to $25,000 for personal injury damages, but requires that an insured party be answerable for payment of tort judgments for out-of-state accidents and for amounts beyond the exemptions provided in this proposal. Provides for the indemnification of insurance companies through tort recoveries up to the amount of benefits paid to the insured. Those not entitled to no-fault reparation benefits are:

(1) a person in unlawful possession of a vehicle involved in an accident; (2) a person injured while engaging in the business of servicing or repairing vehicles; or (3) a person who is injured while intentionally causing or attempting to cause injury to himself or others.

Authorizes insurance companies to offer optional added reparation coverage supplemental to the basic reparation coverage. Subjects policies offered by insurance companies to the approval of the Department of Insurance. Provides that benefits become payable as loss accrues.

Allows a three-year statute of limitations from date of accident within which a civil action may be started against an insurer. Provides for mental and physical examinations of injured persons and for rehabilitative treatment and occupational training where appropriate.

Establishes an assigned claims bureau and plan to be organized and maintained by insurers and approved by the Department of Insurance. The bureau shall fairly allocate claims to member insurers to pay losses where no basic reparation insurance is applicable or is identifiable.

Provides for a $300 fine or imprisonment for 90 days or both for failure to obtain and maintain the required insurance.

Companion to Senate Bill No. 320. Identical to 1971 Senate Bill No. 2-B.
Requires private passenger, nonfleet, automobile liability insurance policies to provide a minimum of $2,000 coverage for medical expenses incurred within 12 months of an automobile accident by the named insured, household family members, and passengers of the insured vehicle. Permits insurers to offer such medical payments coverage with deductibles not exceeding $250.

Requires all automobile liability policies to contain disability benefits coverage insuring 85% of loss of work income up to $500 per month beginning 30 days after date of accident and continuing for a maximum of 52 weeks. Permits exclusion of benefits where the injured person contributed to his injury in specified ways. Requires reduction in the amount a court awards by the amount of medical or disability benefits received. Requires an insurer of an insured legally liable to another to reimburse such person's insurer for payments made under this section. Allows an insurer to be subrogated to any right its insured may have against a non-insured.

Requires mandatory arbitration of claims for amounts up to $3,000. Establishes a procedure for such arbitration to be decided by a panel of three members of The Florida Bar. Eliminates contributory negligence as a bar to the recovery of damages in death or injury to persons or property, but provides for comparative negligence to diminish the amount of recovery. Allows recovery to the person whose negligence is less than the defendant's. Apportions the liability of joint tortfeasors according to the degree of negligence each contributed to the injury. Limits pain, suffering and inconvenience damages to an amount equal to 50% of reasonable medical expenses up to $500. Pain and suffering damages are allowed up to an amount equaling reasonable medical expenses if $500 or more. These limitations do not apply in cases of death, disfigurement, dismemberment or permanent loss of bodily functions.

Limits contingency attorney's fees to 25% of the amount recovered. Permits application for increased attorney's fee, if merited. Advanced payments to the claimant not to be used in evidence against the defendant or his insurer.
House Bill No. 695 (Continued)

Allows insurer credit for advanced payments from the amount a court awards a claimant. Reduces the amount of lost earnings damage awards by 15% as an income tax setoff.

Provides a penalty of at least $500 or up to ten years imprisonment for engaging in fraudulent claims practices involving amounts of $100 or more. If the amount of the claim is less than $100, the penalty is limited to a fine of not more than $500 or a maximum of one year imprisonment. Prohibits cancellation of private passenger automobile policies in effect for more than 60 days except for nonpayment of premium, loss of driver's license or registration. Requires 20 days written notice to the insured prior to the date of cancellation, except ten days notice is permitted cancellations based on nonpayment of premium. Allows the insured to request the reason for cancellation.
**FLORIDA HOUSE OF REPRESENTATIVES**

TALLAHASSEE

COMMITTEE ON INSURANCE

William M. Gillespie  
*Chairman*

Kenneth H. MacKay, Jr.  
*Vice Chairman*

Room 228, Holland Building  
Tallahassee, Florida 32304  
Telephone 224-1277

**SUBCOMMITTEE ON CASUALTY & OTHER RELATED INSURANCE**

Wednesday, April 21, 1971  
Room 235 Holland Building  
7:30 P.M.

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<tr>
<th>BILL NO.</th>
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<td>HB 65</td>
<td>No Fault, Motor Vehicle Liability Insurance</td>
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<td>HB 168</td>
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<td>HB 695</td>
<td>No Fault, Motor Vehicle Liability Insurance</td>
<td>Craig</td>
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</tbody>
</table>

In addition the Subcommittee will consider other No Fault proposals not introduced; also other subject matter within the purview of the Subcommittee.

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Bill Birchfield  
Gwen Sawyer Cherry  
A. H. Craig  
Harold G. Featherstone

Robert C. Hartnett  
Roy L. Hess  
Joseph G. Kennelly, Jr.  
Dennis McDonald

Miley Miers  
Walter Sims  
Russell E. Sykes  
Fred Tittle

Ed S. Whitson, Jr.  
George Williamson
FLORIDA HOUSE OF REPRESENTATIVES
TALLAHASSEE

COMMITTEE ON INSURANCE

William M. Gillespie
Chairman

Kenneth H. MacKay, Jr.
Vice Chairman

Tuesday, April 27, 1971
8:00 A.M. - 9:30 A.M. - Room 202 Holland Building
7:30 P.M. - Room 235 Holland Building

AGENDA

CONSIDERATION OF THE PROPOSED COMMITTEE SUBSTITUTE ON NO-FAULT INSURANCE.
MEMORANDUM

TO: House Insurance Committee
FROM: Kenneth H. MacKay, Jr.
RE: Subcommittee Bill on No-Fault Insurance

Attached is the proposed subcommittee bill on no-fault insurance.

This bill is to be considered next Tuesday, and I call your attention to the following provisions:

1. Mandatory first party insurance up to $7500 (Section 7, page 9)
2. Exemption from tort liability up to $7500, except for specified severe cases (Section 8, page 17)
3. Funeral benefits, up to $1000 (Section 7, page 10)
4. The bill does not change existing law concerning physical damage or property protection, and the basic policy limits under the Financial Responsibility Law remain at "10/20/5"
5. This insurance is to be compulsory (Section 5, page 4)

This bill is part of a package prepared by the subcommittee. The other bills are designed to repeal the Guest Passenger Statute, and repeal the doctrine of contributory negligence.

We urge you to become familiar with the attached no-fault legislation prior to Tuesday's meeting.

Bill Birchfield
Robert C. Hartnett
Miley Miers
Gwen Sawyer Cherry
Roy L. Hess
Walter Sims
Ed S. Whitson, Jr.
A. H. Craig
Joseph G. Kennelly, Jr.
Russell E. Sykes
George Williamson
Harold G. Featherstone
Dennis McDonald
Fred Tittle
offered the following amendment:

On page 15 & 16, line __________ strike

Section 10. Each insurer providing security as required by this act to any owner shall, at the election of the owner, issue a policy endorsement, approved as to content by the department of insurance and subject to such other reasonable regulations regarding said endorsement as the department may make after appropriate hearing, which endorsement shall provide that there shall be deducted from personal protection benefits that would otherwise be or become due to the policyholder alone or to the policyholder and relatives residing in his household, an amount of either two hundred fifty and fifty dollars ($250), five hundred dollars ($500) or

one thousand dollars ($1,000), again as the policyholder elects, said amount to be deducted from the amounts otherwise due each person subject to the deduction. Any person electing such an endorsement or subject to such an endorsement as a result of the policyholder's election shall have no right to claim or to recover any amount so deducted from any owner, registrant, operator or occupant of a motor vehicle or any person or organization legally responsible for any such person's acts or omissions who is made exempt from tort liability by this act.

Section 11. The department of insurance shall adopt rules and regulations necessary to implement the provisions of this act.

Section 12. If any provision of this act, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application. To this end the provisions of this act are declared to be severable.

Section 13. This act shall become effective January 1, 1972,

Mr. ______________________ moved the adoption of the amendment,

which was adopted. which failed of adoption.
The Committee on Insurance

offered the following amendment:

On page 15 & 16, strike Sections 9 and 10 and insert the following:

Section 9. (1) The owner of a motor vehicle as defined in Section 3 is not required to maintain security with respect to property damage to his motor vehicle, but may elect to purchase either full or basic coverage for accidental property damage to his motor vehicle.

(2) Every insurer providing security under this act shall offer the owner either full or basic coverage for accidental property damage to the insured motor vehicle as follows:

(a) Full coverage shall provide insurance without regard to fault for accidents occurring within the United States of America, its territories or possessions or Canada.

(b) Basic coverage shall be limited to insurance against damage caused by the fault of another resulting from contact between the insured vehicle and a vehicle with respect to which security is required under this act.

(3) The insurer may include within the terms and conditions applicable to full or basic coverage such other provisions as it customarily applies to collision coverage for private passenger automobiles in other states, including deductibles without limitation.

(4) Every owner complying with the security requirements of Section 4, and any person operating the insured vehicle with the owner's consent and occupants of the insured vehicle, shall be exempt from liability to pay damages because of accidental property damage to motor vehicles resulting from accidents arising out of the ownership, operation, maintenance or use of the motor vehicle. This exemption applies only with respect to property damage to motor vehicles required to be registered in this state.

Mr. _______________________ moved the adoption of the amendment, which was adopted. which failed of adoption.

Form H-39
Journals
of the
House of Representatives

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For Sessions commencing on November 17, 1970,
January 27, 1971, April 6, 1971, June 9, 1971

[Stamp]
Representative Rish changed his vote from Yea to Nay.

So the bill passed. On motion by Mr. Harris, the rules were waived and the bill was ordered immediately certified to the Senate.

HB 1291—A bill to be entitled An act relating to school depositories, withdrawals from depositories; amending §237.32(3), Florida Statutes, by providing transfer of funds from one county depository to another or within the same depository by direction signed by the superintendent or his designee; providing an effective date.

—was taken up and read the second time by title.

On motion by Mr. Harris, the rules were waived and HB 1291 was read the third time by title. On passage, the vote was:

Yeas—110

Mr. Speaker
Alvare
Baumgartner
Birchfield
Blackburn
Brown
Burke
Calwell
Chapman
Cherry
Clark, David
Clark, Dick
Clark, J. R.
Conway
Crabtree
Craig
Cranie
Curleath
D'Alemberte
Danahy
Dixon
Dubin
Earle
Elmore
Featherstone
Firestone
Fleece
Forbes
Johnson
Hector
Hess
Hodes
Hollingsworth
Holloway
Johnson
Jones
Kennelly
Kershaw
Lane
Libertore
Matthews, H.
McDonald
Melvin
Nays—11

Representative Tucker was recorded as voting Yea and Representative Rish changed his vote from Yea to Nay.

So the bill passed. On motion by Mr. Harris, the rules were waived and the bill was ordered immediately certified to the Senate.

HB 1821—A bill to be entitled An act relating to private passenger motor vehicle insurance or security; providing definitions; requiring motor vehicle no-fault reparation insurance and liability insurance up to certain limits and limiting tort liability; providing for approval of such policies by the department of insurance; providing that proof of security and financial responsibility by an owner or operator of a motor vehicle involved in an accident must be shown as a prerequisite to ownership, registration, licensing, and operation of motor vehicles in this state and providing that failure to provide proof of such security shall result in revocation of registration and license and providing that failure to provide and maintain such security shall be illegal and a misdemeanor, specifying penalties; providing for payment of certain specified benefits and that same are due when loss accrues; providing for priority of payment of benefits; providing for tort exemptions and limitations on damages; providing no-fault property protection; providing for certain deductibles; providing an effective date.

Recess

On motion by Mr. Dubbin, the House recessed at 1:35 P.M. to reconvene at 1:45 P.M. or upon the call of the Speaker.

Reconvened

The House was called to order by the Speaker at 1:45 P.M. A quorum was present.

Continuation of Consideration of the Special Order

HB 1821 was taken up on second reading.

The Committee on Rules & Calendar offered the following amendment:

On page 7, lines 5 and 6, strike “three thousand five hundred dollars ($3,500)” and insert the following: one thousand five hundred dollars ($1,500)

Mr. Dubbin moved the adoption of the amendment, which was adopted.

The Committee on Rules & Calendar offered the following amendment:

On page 15, line 29, and on page 16, line 1, strike “three thousand five hundred dollars ($3,500)” and insert the following: one thousand five hundred dollars ($1,500)

Mr. Dubbin moved the adoption of the amendment, which was adopted.

The Committee on Rules & Calendar offered the following amendment:

On page 16, lines 9 and 10, strike “three thousand five hundred dollars ($3,500)” and insert the following: one thousand five hundred dollars ($1,500)

Mr. Dubbin moved the adoption of the amendment, which was adopted.

The Committee on Rules & Calendar offered the following amendment:

On page 18, line 7, strike all of section 11 and insert the following:

Section 11. Implementation of this act—

(1) The department of insurance shall adopt rules and regulations necessary to implement the provisions of this act.
(2) Notwithstanding any other provision of law, all insurers that issue insurance coverage under the provisions of this act shall comply with the following provisions:

(a) Within ninety (90) days from the effective date of this act, each insurer shall review its existing manual of classifications, rules, rates and rating plans and file its proposed manual, rules, rates and rating plans with the department for approval;

(b) Within ninety (90) days from the date of filing by such insurer the department may either approve or disapprove the filing. If no action is taken by the department within ninety (90) days, the filing shall be deemed approved; and

(c) If the department approves the filing, or the filing otherwise becomes effective, the manual, rules, rates and rating plans shall take effect upon the effective date of sections one through ten of this act. If the department disapproves the filing the insurer shall revert to the rate in effect on the effective date of this act. If, however, the insurer appeals the order of disapproval, it may use the rates filed; provided, that it enters into a legally binding agreement with the department to secure the repayment to the insurer's policyholders of the difference between the insurer's proposed rate and that in effect on the effective date of this act. In addition to the repayment of the difference in premium, the company shall pay to the insured the legal rate of interest on the money returned.

The provisions of this subsection shall not apply to those insurers that file a rate more than 16% below the rates in effect on the effective date of this act.

Mr. Dubbin moved the adoption of the amendment.

Pending consideration thereof—

Representative Dubbin offered the following substitute amendment:

On page 18, line 7, strike all of section 11 and insert the following: Section 11. Implementation of this act. —

(1) The department of insurance shall adopt rules and regulations necessary to implement the provisions of this act.

(2) Notwithstanding any other provision of law, all insurers that issue insurance coverage under the provisions of this act shall comply with the following provisions:

(a) Within ninety (90) days from the effective date of this act, each insurer shall review its existing manual of classifications, rules, rates and rating plans and file its proposed manual, rules, rates and rating plans with the department for approval;

(b) Within ninety (90) days from the date of filing by such insurer the department may either approve, disapprove, or otherwise modify the filing. If no action is taken by the department within ninety (90) days, the filing shall be deemed approved; and

(c) If the department approves the filing or approves the filing as modified, or the filing otherwise becomes effective, the manual, rules, rates and rating plans shall take effect upon the effective date of sections one through ten of this act. If the department disapproves the filing without modification, the insurer shall revert to the rate in effect on the effective date of this act. If, however, the insurer appeals the order of disapproval or other modification, it may use the rates filed; provided, that it enters into a legally binding agreement with the department to secure the repayment to the insurer's policyholders of the difference between the insurer's proposed rate and that in effect on the effective date of this act. In addition to the repayment of the difference in premium, the company shall pay to the insured the legal rate of interest on the money returned.

The provisions of paragraphs (b) and (c) of this subsection shall not apply to those insurers filing a rate more than fifteen percent (15%) below the rates in effect on the effective date on this act.

Mr. Dubbin moved the adoption of the substitute amendment.

Pending consideration thereof—

Representative Featherstone offered the following amendment to the substitute amendment:

In Section 11 (b) after “insurer the department” insert the following; in accordance with the hearing provisions of Chapter 627.081,

Mr. Featherstone moved the adoption of the amendment to the substitute amendment, which was adopted.

The question recurred on the adoption of the substitute amendment, as amended, which was adopted.

The Committee on Rules & Calendar offered the following amendment:

On page 18, line 17, strike all of section 13 and insert the following: Section 13. This act shall become effective July 1, 1971; provided, however the provisions of sections one through ten of this act shall not become effective until January 1, 1972.

Mr. Dubbin moved the adoption of the amendment, which was adopted.

Representative Reed offered the following amendment:

On page 6, lines 23 and 24, strike “thirty (30)” and insert the following: ninety (90)

Mr. Reed moved the adoption of the amendment.

Pending consideration thereof—

Representative Featherstone offered the following substitute amendment:

On page 6, line 20, strike all of paragraph (3) and insert the following: (3) This act shall not apply to a non-resident owner or operator of a private passenger motor vehicle not required to be registered or licensed in this state whether operated or not.

Mr. Featherstone moved the adoption of the substitute amendment, which failed of adoption.

The question recurred on the adoption of the amendment, which was adopted.

Representative Reed offered the following amendment:

On page 7, between lines 10 and 11, insert a new subsection (a), as follows:

(a) The division of hotels and restaurants shall require of all lodging establishments regulated by it that a notice to tourists —non-residents explaining this section be conspicuously placed in each lodging unit.

Mr. Reed moved the adoption of the amendment, which failed of adoption. The vote was:

Yeas—45

Burke Harlee Murphy Sykes
Chapman Hazelton Nichols Thomas
Clark, David Johnson Poorbaugh Tillman
Crabtree Kennelly Reed Tubbs
Culbreath Libertoire Rish Tucker
Earle Martinez Byals Whitson
Fleece Matthews, H. Santora Williamson
Forbes Mattox Seasums Wilson
Gibson McDonald Shaw Yancey
Glisson Melvin Shreve
Gorman Mooney Sims
Grizzle Moudry Spicola

Nays—58

Mr. Speaker Baumgartner Caldwell Craig
Alvarez Birchfield Clark, Dick Crane
Andrews Blackburn Clark, J.R. D'Alemberte
Baker Brown Conway Danehy
Representative Martinez offered the following amendment:

On page 2, lines 22 through 80, and on page 8, lines 1 through 6 strike all of Subsection (1) and insert the following:

(1) "Motor vehicle" means any motor vehicle as defined by Florida Statute 824.021 (1).

Mr. Martinez moved the adoption of the amendment, which failed of adoption. The vote was:

Yeas-87
Baumgartner Gibson Murphy Spicola
Chatman Gorman Nichols Thomas
Clar ,David Grizzle Poorbaugh Tillman
Craig Hazelton Reed Whitson
Danahy Hodes Rish Williams
Earle Martinez Robinson, J. W. Yancey
Fleece Matthews, H. Ysais
Forbes McDonald Santora
Gallen Moudry Sims

Nays-64
Mr. Speaker Gaulter Gilmont Matthews, H. Sants
Alvares Gillespie Mixson Sweeny
Andrews Glisson Nease Thomas
Baker Grainger Nergard Tobin
Blackburn Grailer Ogdens Tobin
Brown Harris Mixson Tittle
Burke Henton Mooney Turlington
Caldwell Hecter Nergard Walker
Clark,J. R. Hollingsworth Poole Westberry
Craig Holloway Renick Westberry
D' Alemberte Jones Sackett Wolfson
Dixon Kennelly Savage Woodward
Dubbin Kershaw Seessums Zinkil

Representatives Reeves and Winn were recorded as voting Nay.

Representative Ogden offered the following amendment;

On page 12, line 21, strike "a"

Mr. Ogden moved the adoption of the amendment, which was adopted.

Representative Ogden offered the following amendment:

On page 8, lines 12 and 13, strike "eighty-five percent (85%)" and insert the following: seventy percent (70%)

Mr. Ogden moved the adoption of the amendment.

Pending consideration thereof—

Representative Wolfson offered the following substitute amendment:

On page 8, lines 12 and 13, strike "eighty-five percent (85%)" and insert the following: one hundred percent (100%)

Mr. Wolfson moved the adoption of the substitute amendment.

Pending consideration thereof—

Representative Whitson offered the following amendment to the substitute amendment: Strike "one hundred percent (100%)" and insert the following: one hundred percent (100%) of any loss of gross income and loss of earning capacity

Mr. Whitson moved the adoption of the amendment to the substitute amendment, which failed of adoption. The vote was:

Yeas—43
Baumgartner Forbes Libertore Ryals
Blackburn Galien Martinez Santors
Caldwell Gibson Matthews, H. Shreve
Clark, David Gorman Mattox Sima
Clark, Dick Grizzle McDonald Spicola
Craig Harlee Mooney Sykes
Culbreat Hazelton Murphy Tillman
D’Alemberte Hazelton Nichols Tubbs
Earle Johnson Poorbaugh Whitson
Featherstone Kennelly Powell Yancey
Fleece Kershaw Robinson, J. W. Yancey

Nays-56
Mr. Speaker Gautier Milburn Stevens
Alvares Gillespie Mixson Sweeny
Andrews Glisson Nease Thomas
Baker Grainger Nergard Tobin
Blackburn Grailer Ogdens Tobin
Brown Harris Mixson Tittle
Burke Hoden Redman Turlington
Clark, J. R. Hollingsworth Reed Walker
Conway Holloway Renick Westberry
Craane Jones Sackett Whitworth
Danahy Lancaster Savage Wilson
Dixon Lane Sessums Winn
Dubbin Mackay Singleton Wolfson
Fulford Melvin Smith Woodward

Representative Tucker was recorded as voting Yea.

Representative Whitson offered the following amendment to the substitute amendment:

After "one hundred percent (100%)" insert the following: of any loss of gross income and loss of earning capacity (unless such benefits are deemed not includable in gross income for federal income tax purposes, in which event such benefits shall be limited to eighty-five percent (85%))

Mr. Whitson moved the adoption of the amendment to the substitute amendment, which was adopted.

The question recurred on the adoption of the substitute amendment, as amended, which was adopted.

Representative Ogden offered the following amendment:

On page 6, line 11, strike "may" and insert the following: shall

Mr. Ogden moved the adoption of the amendment.

Pending consideration thereof—

Representative Craig offered a substitute amendment to strike everything after the enacting clause and insert the text of SB 1020.

Mr. Craig moved the adoption of the substitute amendment. Pending consideration thereof—

The absence of a quorum was suggested. A quorum of 99 Members was present.

The question recurred on the adoption of the substitute amendment, which failed of adoption. The vote was:
Representative Shreve was recorded as voting Yea.

Mr. Crabtree moved that the House reconsider the vote by which the substitute amendment was adopted. Mr. Blackburn moved that the motion to reconsider be laid on the table, which was not agreed to. The question recurred on the motion to reconsider, which was agreed to.

The question recurred on the adoption of the substitute amendment. Pending consideration thereof—

Representative Crabtree offered the following amendment to the substitute amendment:

Strike "and registration"

Mr. Crabtree moved the adoption of the amendment to the substitute amendment, which failed of adoption.

The question recurred on the adoption of the substitute amendment, which was adopted.

Mr. Dubbin moved that the rules be waived and debate on each issue, with the exception of final passage, be limited to three minutes per side, which was not agreed to by two-thirds vote. The vote was:

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Representative Sykes was recorded as voting Yea. Representative Reeves was recorded as voting Yea and Representative Sykes was recorded as voting Nay.

On motion by Mr. Gautier, the House agreed to waive the rules and dispense with printing of the substitute amendment in the Journal, because of its length.

The question recurred on the adoption of the amendment offered by Mr. Ogden.

PENDING CONSIDERATION THEREOF—

Representative Blackburn offered the following substitute amendment:

On page 6, line 3, strike the comma, and strike all of lines 4 through 14 and insert the following: have his operator's license and registration revoked.

Mr. Blackburn moved the adoption of the substitute amendment, which was adopted. The vote was:

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Mr. Blackburn moved the adoption of the substitute amendment, which was adopted. The vote was:

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<td>Mr. Speaker</td>
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Representative Sessums offered the following amendment:

On page 8, strike all of line 26 and reletter subsequent paragraphs accordingly.

Mr. Sessums moved the adoption of the amendment, which was adopted.

Representative Sessums offered the following amendment:

On page 11, strike all of lines 1 through 9 and insert the following: the insurer is furnished written notice of the fact of a covered loss and of the amount of same. If such written notice is not furnished to the insurer as to the entire claim, any partial amount supported by written notice is overdue if not paid within thirty (30) days after such written notice is furnished to the insurer. Any part or all of the remainder of the claim that is subsequently supported by written notice is overdue if not paid within thirty (30) days after such written notice is furnished to the insurer; provided, however, that any payment shall not be deemed overdue where the insurer has reasonable proof to establish that the insurer is not responsible.
Yeas-97
ed by the Senate amendment. The vote was:

The question recurred on the passage of HB 2505, as amended by the Senate amendment. The vote was:

Yeas—97

Mr. Speaker         
Alvarez             
Andrews             
Baker               
Baumgartner        
Birchfield          
Blackburn           
Brown               
Burke               
Chapman             
Cherry             
Clark, David        
Clark, Dick         
Clark, J. R.        
Conway              
Crabtree            
Craig               
Crane               
Culbreath           
D'Alemberge         
Dixon               
Earle               
Emore               

Mr. Speaker         
Cherry             
Alvarez             
Clark, David        
Andrews             
Clark, Dick         
Baker               
Baumgartner        
Birchfield          
Brown               
Burke               
Chapman             

Harris                
McDonald            
Sackett             
Tucker              
Henderson            
Miera               
Savage              
Tate                
Hazelton             
Milburn             
Sha Lay             
Tyrell              
Hector               
Mooney              
Shreve              
Walker              
Hodes                 
Moudry              
Sims               
Westberry           
Holloway             
Nease               
Spicola            
Whitworth           
Johnson              
Nгерgard            
Stevens            
Williams            
Johnson, Nicholas    
Nichols             
Sweeney          
Williams            
Kennelly             
Ogden               
Sykes               
Winn               
Kershaw             
Powell              
Tillman              
Wolfson            
Libertore            
Redman             
Tillman              
Yancey             
MacKay              
Reed              
Tittle              
Zinkil

By the Conference Committee on HB 1821—A bill to be entitled An act relating to private passenger motor vehicle insurance or security; providing definitions; requiring motor vehicle no-fault reparation insurance and liability insurance up to certain limits and limiting tort liability; providing for approval of such policies by the department of insurance; providing that proof of security and financial responsibility by an owner or operator of a motor vehicle involved in an accident must be shown as a prerequisite to ownership, registration, licensing, and operation of motor vehicles in this state and providing that failure to provide proof of such security shall result in revocation of registration and license; providing for payment of certain specified benefits and that same are due when loss accrues; providing for priority of payment of benefits; providing for tort exemptions and limitation on damages; providing no-fault property protection; providing for certain deductibles; providing that the department shall adopt rules and regulations necessary to implement this act; providing that insurers file proposed manual, rules, rates and rating plans with the department for approval; providing that insurers shall adopt a rate no more than fifteen percent (15%) below the rates in effect as of the effective date of this act; providing for severability; providing an effective date.

and has passed—

By the Conference Committee on HB 1821—

CCS for HB 1821—A bill to be entitled An act relating to motor vehicle insurance; providing definitions; requiring security by motor vehicle owners; requiring motor vehicle no-fault reparation insurance and liability insurance up to certain limits and limiting tort liability; providing penalties for failure to show proof of security; providing personal injury protection benefits; providing for priority of payment of benefits; providing for tort exemptions and limitation on damages; providing no-fault property protection; providing for certain deductibles; providing for subrogation; providing that the department shall adopt rules and regulations necessary to implement this act; providing rights of residents; providing that insurers file proposed manual, rules, rates and rating plans with the department for approval; providing that insurers shall make certain rate reductions; providing for severability; providing an effective date.
Conference Committee Report on HB 1821

On motion by Mr. MacKay, the House took up the following Report of the Conference Committee on HB 1821.

Tallahassee, Florida
June 3, 1971

Honorables Jerry Thomas
President of the Senate
Honorable Richard A. Pettigrew
Speaker of the House of Representatives

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate Amendment to House Bill No. 1821, same being—

A bill to be entitled

An act relating to private passenger motor vehicle insurance or security; providing definitions; requiring motor vehicle no-fault reparation insurance and liability insurance up to certain limits and limiting tort liability; providing for approval of such policies by the department of insurance; providing that proof of security and financial responsibility by an owner or operator of a motor vehicle involved in an accident must be shown as a prerequisite to ownership, registration, licensing, and operation of motor vehicles in this state and providing that failure to provide proof of such security shall result in revocation of registration and license; providing for payment of certain specified benefits and that same are due when loss accrues; providing for priority of payment of benefits; providing for tort exemptions and limitation on damages; providing no-fault property protection; providing for certain deductibles; providing that the department shall adopt rules and regulations necessary to implement this act; providing that insurers file proposed manual, rules, rates and rating plans with the department for approval; providing that insurers shall adopt a rate more than fifteen percent (15%) below the rates in effect as of the effective date of this act; providing for severability; providing an effective date.

Having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

1. That the Senate recede from its amendment to House Bill No. 1821;
2. That the Senate and House of Representatives adopt the Conference Committee Substitute for House Bill No. 1821, attached hereto, and by reference made part of this report;
3. That the Senate and the House of Representatives pass Conference Committee Substitute for House Bill No. 1821.

SUMMARY

H.B. 1821 as Amended by the Senate

1. Coverage is optional.
2. Applies only to bodily injury, medical, funeral and disability benefits.
3. Total maximum coverage, medical, funeral and disability, $10,000.
4. Tort liability from first dollar up.
5. Permits subrogation.
6. Requires prior approval of rates.

CCS for HB 1821—A bill to be entitled An act relating to motor vehicle insurance; providing definitions; requiring security by motor vehicle owners: requiring motor vehicle no-fault reparation insurance and liability insurance up to certain limits and limiting tort liability; providing penalties for failure to show proof of security; providing personal injury protection benefits; providing for priority of payment of benefits; providing for tort exemptions and limitation on damages; providing no-fault property protection; providing for certain deductibles; providing for subrogation; providing that the department shall adopt rules and regulations necessary to implement this act; providing rights of residents; providing that insurers file proposed manual, rules, rates and rating plans with the department for approval; providing that insurers shall make certain rate reductions; providing for severability; providing an effective date.

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

Section 1. Short title.—This act may be cited and known as the "Florida automobile reparation reform act."

Section 2. Purpose.—The purpose of this act is to require medical, surgical, funeral and disability insurance benefits to be provided without regard to fault under motor vehicle policies that provide bodily injury and property damage liability insurance, or other security, for motor vehicles registered in this state, and with respect to motor vehicle accidents, a limitation on the right to claim damages for pain, suffering, mental anguish and inconvenience.

Section 3. Definitions.—As used in this act:

1. "Motor vehicle" means a sedan, station wagon or jeep type vehicle not used as a public livery conveyance for passengers and includes any other four-wheel motor vehicle used as a utility automobile and a pickup or panel truck which is not used primarily in the occupation, profession or business of the insured.

2. "Owner" means a person who holds the legal title to a motor vehicle, or in the event a motor vehicle is the subject of a security agreement or lease with option to purchase with the debtor or lessee having the right to possession, then the debtor or lessee shall be deemed the owner for the purposes of this act.

3. "Named insured" means a person, usually the owner of a vehicle, identified in a policy by name as the insured under the policy.

4. "Relative residing in the same household" means a relative of any degree by blood or by marriage, who usually makes his home in the same family unit, whether or not temporarily living elsewhere.

Section 4. Required security.—

1. Every owner or registrant of a motor vehicle required to be registered and licensed in this state shall maintain security as required by subsection (5) of this section in effect continuously throughout the registration or licensing period.

2. Every nonresident owner or registrant of a motor vehicle which, whether operated or not, has been physically present...
within this state for more than ninety (90) days during the preceding three hundred sixty-five (365) days, shall thereafter maintain security as defined by subsection (3) of this section in effect continuously throughout the period such motor vehicle remains within this state.

(3) Such security shall be provided by one of the following methods:

(a) Security by insurance may be provided with respect to such motor vehicle by an insurance policy delivered or issued for delivery in this state by an authorized or eligible insurer as herein defined in this code, which qualifies as evidence of automobile or motor vehicle liability insurance under chapter 324, Florida Statutes, "the financial responsibility law", except as modified to provide the benefits and exemptions contained in this act. Any such policy of liability insurance covering motor vehicles registered or licensed in this state and any policy of insurance represented or sold as providing the security required hereunder for registered and licensed motor vehicles under this act shall be deemed to provide insurance for the payment of such benefits; or

(b) Security may be provided with respect to any motor vehicle by any other method approved by the department of insurance as affording security equivalent to that afforded by a policy of insurance, provided such security is continuously maintained throughout the motor vehicle's registration or licensing period. The person filing such security shall have all of the obligations and rights of an insurer under this act.

(4) An owner of a motor vehicle with respect to which security is required by this act who fails to have such security in effect at the time of an accident shall have no immunity from tort liability, and be personally liable for the payment of benefits under Section 7. With respect to such benefits, such an owner shall have all of the rights and obligations of an insurer under this act.

Section 5. Proof of security; security requirements; penalties.—

(1) The provisions of chapter 324, Florida Statutes, which pertain to the method of giving and maintaining proof of financial responsibility, and which govern and define a motor vehicle liability policy, shall apply to filing and maintaining proof of security or financial responsibility required by this act. It is intended that the provisions of chapter 324, Florida Statutes, relating to proof of financial responsibility required of each operator and each owner of any motor vehicle, shall continue in full force and effect.

(2) Any person who gives information required in a report or otherwise as provided for in this act, knowing or having reason to believe that such information is false, or who shall fail to give information, or who fails to sign the policy, or who files or offers for filing any such evidence of proof, knowing or having reason to believe that it is forged or signed without authority, shall, upon conviction, be punished by fine not to exceed five thousand dollars ($5,000) or imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

(3) This act does not apply to any motor vehicle owned by the state or by a political subdivision of the state, nor to any motor vehicle owned by the federal government.

Section 5A. Subsection (2) of section 5 of this act is created to read:

Section 5. Proof of security; security requirements; penalties.—

(2) Any person who gives information required in a report or otherwise as provided for in this act, knowing or having reason to believe that such information is false or who shall forge, or, without authority, sign any evidence of proof of security, or who files or offers for filing any such evidence of proof, knowing or having reason to believe that it is forged or signed without authority, shall be guilty of a misdemeanor of the first degree, punishable as provided in sections 775.082 or 775.083.

Section 5B. In the event CS for HB 935, introduced in the 1971 regular session of the legislature is enacted into law, subsection (2) of section 5 of this act will stand repealed and be omitted from the Florida Statutes. In the event CS for HB 935 is not enacted into law, section 5 of this act will stand repealed and be omitted from the Florida Statutes.

Section 6. Operation of a motor vehicle illegal without security; penalties.—

(1) Any owner or registrant of a motor vehicle with respect to which security is required under subsection (1) or (2) of section 4 who operates his motor vehicle or permits it to be operated in this state without having in full force and effect security complying with the terms of said subsection (1) or (2) of section 4 shall have his operator's license and registration revoked.

(2) Any motor vehicle liability insurance policy which provides security required pursuant to subsection (3) of section 4 shall also be deemed to comply with the applicable limits of liability required under the financial responsibility or compulsory laws of any other state.

Section 7. Required personal injury protection benefits; exclusions; priority.—

(1) Every insurance policy complying with the security requirements of section 4 shall provide personal injury protection providing for payment of all reasonable expenses incurred for necessary medical, surgical, x-ray, dental and rehabilitative services, including prosthetic devices, necessary ambulance, hospital, nursing services, funeral and disability benefits to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in such motor vehicle and other persons struck by such motor vehicle and suffering bodily injury while not an occupant of a motor vehicle or motorcycle, all as specifically provided in subsection (2) and paragraph (d) of subsection (4) of this section, to a limit of five thousand dollars ($5,000) for loss sustained by any such person as a result of bodily injury, sickness, disease or death arising out of the ownership, maintenance or use of a motor vehicle as follows:

(a) Medical benefits: all reasonable expenses for necessary medical, surgical, x-ray, dental and rehabilitative services, including prosthetic devices, necessary ambulance, hospital and nursing services. Such services shall include necessary remedial treatment and services recognized and permitted under the laws of the state for an injured person who relies upon spiritual means through prayer alone for healing in accordance with his religious beliefs.

(b) Disability benefits: one hundred percent (100%) of any loss of gross income and loss of earning capacity per individual, unless such benefits are deemed not includable in gross income for federal income tax purposes, in which event such benefits shall be limited to eighty-five percent (85%), from inability to work proximately caused by the injury sustained by the injured person, plus all expenses reasonably incurred in obtaining from others ordinary and necessary services in lieu of those that, but for the injury, the injured person would have performed without income for the benefit of his household. All disability benefits payable under this provision shall be paid not less than every two weeks.

(c) Funeral, burial or cremation benefits: funeral, burial or cremation expenses in an amount not to exceed one thousand dollars ($1,000) per individual.

(2) Any insurer may exclude benefits:

(a) For injury sustained by the named insured and relatives residing in the same household while occupying another motor vehicle owned by the named insured and not insured under the policy, or for injury sustained by any person operating the insured motor vehicle without the express or implied consent of the insured.

(b) To any injured person, if such person's conduct contributed to his injury under any of the following circumstances:

1. Causing injury to himself intentionally;
2. Convicted of driving while under the influence of alcohol or narcotic drugs to the extent that his driving faculties are impaired;
3. While committing a felony.

(3) Insurer's rights of reimbursement and indemnity:

(a) No subtraction from personal protection insurance benefits will be made because of the value of a claim in tort based on the same bodily injury, but after recovery is realized upon
such a tort claim, a subtraction shall be made to the extent of the recovery, exclusive of reasonable attorneys' fees and other reasonable expenses incurred in effecting the recovery, but only to the extent that the recovered sum has been credited against benefits from the tortfeasor or his insurers. If personal protection insurance benefits have already been received, the insured or insurer or insured is entitled to subtract from the recovery a sum equal to the benefits received, but not more than the recovery exclusive of reasonable attorneys' fees and other reasonable expenses incurred in effecting the recovery, except as provided in paragraph (c) of subsection (1) of section 7. The insurer or insurers shall have a lien on the recovery to or for the benefit of such injured person except as provided in paragraph (c) of subsection (1) of section 7. (b) The insurer shall be entitled to reimbursement of any payments made under the provisions of subsection (3) of this section based upon such equitable distribution of the amount recovered as the court may determine less the pro rata share of all court costs expended by the plaintiff in the prosecution of the suit to recover such amount against a third-party tortfeasor including a reasonable attorney's fee for the plaintiff's attorney. The proration of the reimbursement shall be made by the trial court, and the suit for recovery is recovered in the third-party action against the tortfeasor upon application therefor and notice to the carrier. (c) Indemnity from one paying in tort without regard for rights of insurer having reimbursement interest.—A personal protection insurer with a right of reimbursement under this section shall have the right to collect such reimbursement out of a payment received by a claimant upon a tort claim is entitled to indemnity from one who, with notice of the insurer's interest, made such a payment to the claimant without making the claimant and the insurer joint payees as their interests may appear, or without obtaining the insurer's consent to a different method of payment. (d) In the event an injured party or his legal representative is entitled to bring suit against a third-party tortfeasor under the provisions of subsection (1) of section 7, the insurer of such injured party, upon giving thirty (30) days notice of the same to the injured party or his legal representative, shall have the right to bring suit against such third party, in its own name or in the name of the injured person or his legal representative, to recover the amount of the benefits paid pursuant to the provisions of section 7 of this act or to the extent of the benefits of the injured person, provided, however, that the insuror or the injured person is entitled to recover from each of the other insurers an equitable pro rata share of the benefits paid and expenses incurred in processing the claim. (e) If two or more insurers are liable to pay personal injury protection benefits for the same injury to any one person the maximum payable shall be as specified in subsection (1) of section 7, and any insurer paying the benefits shall be entitled to recover from each of the other insurers an equitable pro rata share of the benefits paid and expenses incurred in processing the claim. (f) Charges for treatment of injured persons.—Any physician, hospital, clinic, or other person or institution lawfully rendering treatment to an injured person for a bodily injury caused by personal injury protection insurance may charge only a reasonable amount for the products, services, and accommodations rendered. In no event, however, may such a charge be in excess of the amount the person or institution customarily charges for like products, services, and accommodations in cases involving no insurance. (g) Discovery of facts about an injured person; disputes.— (a) Every employer shall, if a request is made by an insurer providing personal injury protection benefits under this act against whom a claim has been made, furnish forthwith, in a form approved by the department of insurance, a sworn statement of the earnings since the time of the bodily injury and for a reasonable period before the injury, of the person upon whose injury the claim is based. (b) Every physician, hospital, clinic, or other medical institution providing, before or after bodily injury upon which a claim for personal injury protection insurance benefits is based, any products, services, or accommodations in relation to that or any other bodily injury or, in relation to a condition claimed to be connected with that or any other injury, shall, if requested to do so by the insurer against whom the claim has been made, furnish forthwith a written report of the history, condition, treatment, and dates and costs of such treatment of the injured person, and produce forthwith and permit the inspection and copying of his or its records regarding such history, condition, treatment, and dates and costs of treatment. The person responsible for such records shall pay all reasonable costs connected therewith. (c) In the event of any dispute regarding an insurer's right to discovery of facts about an injured person's earnings or
about his history, condition, treatment, and dates and costs of such treatment, the insurer may petition a court of competent jurisdiction to enter an order permitting such discovery. The order may be made only on motion for good cause shown and upon notice to all persons having an interest, and it shall specify the time, place, manner, conditions, and scope of the discovery. Such court may, in order to protect against annoyance, embarrassment, or oppression, as justice requires, enter an order refusing such discovery or specifying conditions of discovery and may order payments of costs and expenses of the proceeding, including reasonable fees for the appearance of attorneys at the proceedings, as justice requires.

(e) The injured person shall be furnished upon demand a copy of all information obtained by the insurer under the provisions of this section, and shall pay a reasonable charge, if required by the insurer.

(7) Mental and physical examination of injured person; reports.

(a) Whenever the mental or physical condition of an injured person cannot by personal injury protection insurance benefits, such person shall, upon request of an insurer, submit to mental or physical examination at the insurer's expense. Such examination shall be conducted in the closest proximity to the injured person's residence. Personal protection insurers are authorized to include reasonable provisions in personal injury protection insurance policies for mental and physical examination of those claiming personal injury protection insurance benefits.

(b) If requested by the person examined, a party causing an examination to be made shall deliver to him a copy of every written report concerning the examination rendered by an examining physician, at least one of which reports must set out his findings and conclusions in detail. After such request and delivery, the party causing the examination to be made is entitled upon request to receive from the person examined every written report available to him (or his representative) concerning any examination, previously or thereafter made, of the same mental or physical condition. By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the person examined waives any privilege he may have, in relation to the claim for benefits, regarding the testimony of every other person who has examined or may thereafter examine him in respect of the same mental or physical condition.

(8) With respect to any dispute under the provisions of this act between the insured and the insurer, the provisions of section 627.0127, Florida Statutes, shall apply.

Section 8. Tort exemption; limitation on right to damages.

(1) Every owner, registrant, operator or occupant of a motor vehicle with respect to which security has been provided as required by this act, and every person or organization legally responsible for his acts or omissions, is hereby exempted from tort liability for damages because of accidental property damage to motor vehicles arising out of the ownership, operation, maintenance or use of such motor vehicle in this state to the extent that the benefits described in subsection (1) of section 7 are payable for such injury, or would be payable but for any exclusion or deductible authorized by this act exceeding five hundred and fifty dollars ($550), and the insurer of an owner electing not to purchase insurance with respect to property damage shall not be applicable as to a motor vehicle damaging a parked vehicle.

(2) In any action of tort brought against the owner, registrant, operator or occupant of a motor vehicle with respect to which security has been provided as required by this act, or against any person or organization legally responsible for his acts or omissions, a plaintiff may recover damages in tort for pain, suffering, mental anguish and inconvenience because of bodily injury, sickness or disease arising out of the ownership, maintenance, operation or use of such motor vehicle only in the event that the benefits which are payable for such injury under paragraph (a) of subsection (1) of section 7 or which would be payable but for any exclusion or deductible authorized by this act exceeding five hundred and fifty dollars ($550), and the insurer or owner who has elected to purchase full or basic collision coverage for his motor vehicle shall have the right, if the damage to such motor vehicle exceeds the above amount, to recover the amount of the benefits it has paid and, in behalf of its insured, any deductible amount from the insurer of the owner, registrant, operator or occupant of a motor vehicle causing such damage. The issues of liability in such a case and the amount of recovery to be decided shall be determined by agreement between the insurers involved, or if they fail to agree by arbitration.

Section 10. Each insurer providing security as required by this act shall offer the owner either full or basic coverage for accidental property damage to the insured motor vehicle as follows:

(a) Full coverage shall provide insurance without regard to fault for accidental property damage to the insured motor vehicle as follows:

[(1) The owner of a motor vehicle as defined in section 3 is not required to maintain security with respect to liability damage to his motor vehicle that may occur in the state if he purchases either full or basic coverage for accidental property damage to his motor vehicle.]

(2) Basic coverage shall be limited to insurance against damage caused by the fault of another resulting from contact between the insured vehicle and a vehicle with respect to which security is required under this act.

(3) The insurer may include within the term and condition described as full or basic collision coverage, other provisions as it customarily applies to collision coverage for private passenger automobiles in other states, including deductibles without limitation.

(4) Every owner, registrant, operator or occupant of a motor vehicle with respect to which security has been provided as required by this act, and every person or organization legally responsible for the acts or omissions of such an owner, registrant, operator or occupant, is hereby exempted from tort liability for damages because of accidental property damage to motor vehicles arising out of the ownership, operation, maintenance or use of such motor vehicle in this state, provided that a person shall not be exempt from such liability if he was operating the motor vehicle without the express or implied consent of its owner or an insured under the owner's policy or if his willful and wanton misconduct was the proximate cause of the accident. This exemption shall not apply to property damage to motor vehicles subject to this act but shall not be applicable as to a motor vehicle damaged a parked vehicle.

(5) Notwithstanding paragraph (4) above, an owner who has elected not to purchase insurance with respect to property damage to his motor vehicle may maintain an action of tort therefor against the owner, registrant, operator or occupant of a motor vehicle causing such damage if such damage exceeds five hundred and fifty dollars ($550), and the insurer of an owner who has elected to purchase full or basic collision coverage for his motor vehicle shall have the right, if the damage to such motor vehicle exceeds the above amount, to recover the amount of the benefits it has paid and, in behalf of its insured, any deductible amount from the insurer of the owner, registrant, operator or occupant of a motor vehicle causing such damage. The issues of liability in such a case and the amount of recovery to be decided shall be determined by agreement between the insurers involved, or if they fail to agree by arbitration.

Section 11. Each insurer providing security as required by this act to any owner shall, at the election of the owner, issue a policy endorsement, approved as to content by the department of insurance and subject to such other reasonable regulations regarding said endorsement as the department may make...
At a Special Session of the Legislature, convened by proclamation of His Excellency, Claude R. Kirk, Jr., Governor of Florida, under the proclamation hereinafter set forth, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida
The motion by Senator Weissenborn on May 24 to reconsider the vote by which—

HB 668—A bill to be entitled An act relating to hotels and restaurants; amending §§509.091, 509.211 (6) (1) and (7), 509.221 (3), 509.241 (2) (a), (3) and (4), and 509.292; deleting obsolete references to the hotel commissioner and deputy hotel commissioner; deleting obsolete reference to the code of national fire underwriters; providing for the use of green lights at fire escape openings; deleting obsolete screen requirements; deleting obsolete reference to food service establishments; stating that licenses are not transferable from one place or individual to another; deleting the license application grace period; including misrepresentation of oleomargarine, fruit and fruit juice under existing penalty provision for misrepresenting seafood and seafood products; repealing §509.231 relating to notice for butter substitutes; and providing an effective date.

—as amended passed on May 21, was taken up and adopted; and the Senate reconsidered the vote.

On motion by Senator Weissenborn the following amendment was adopted by two-thirds vote:

On page 6, line 28, section 7, add a new Section 7 to read:

Section 7. Section 509.303, Florida Statutes is created to read:

509.303 Enforcement of certain fire safety regulations.—
(1) This section shall be applicable to all public lodgings of two or more stories as herein specified without regard to classification of types of public housing for licensing purposes.
(2) Fire safety regulations for "institutional occupancies" as defined in pamphlet 101 (Life Safety Code Standards, 1970 edition) of the National Fire Protection Association, shall apply in all public lodgings of two or more stories used for the lodging or boarding of four (4) or more persons who are incapable of self preservation, except that the state fire marshal shall have the authority to waive or set time extensions for those requirements the application of which, in his judgement, would be clearly impractical and where a reasonable degree of life safety is not involved.
(3) "Incapable of self preservation" shall mean, when used in this section, persons who, by reason of advanced age or decline in health, or because of physical infirmity or mental impairment are incapacitated to the extent of being incapable of independent living.
(4) The state fire marshal, with the cooperation of the division of hotels and restaurants, shall determine what public lodgings are covered by this section and the enforcement of the fire regulations prescribed herein, including inspection of public lodgings shall be effectuated by the division of hotels and restaurants and the division of the state fire marshal. Compliance herewith by all public lodgings determined to be governed hereunder shall be a condition for licensing by the division of hotels and restaurants.
(5) Representatives of the Division of hotels and restaurants and the division of the state fire marshal may, at any reasonable hour, enter any building or premises for the purposes of making any inspection or investigation which they deem necessary in order to carry out the provisions of this section.

On motion by Senator Weissenborn the following amendment was adopted:

In title, line 22 thereof, after "substitutes" insert: creating 509.303, Florida Statutes, providing that fire safety regulations for institutional occupancy, as defined in pamphlet 101 (Life Safety Code Standards, 1970 edition) of The National Fire Protection Association shall apply to all public lodgings of two or more stories that are inhabited by four (4) or more persons incapable of self-preservation; providing for inspection and enforcement by the division of hotels and restaurants and the division of the state fire marshal; providing for waiver and extension of time with reference to compliance with fire regulations; requiring division of state fire marshal to determine applicability of section to public lodgings; providing that compliance herewith is a condition for licensing of all public lodgings governed hereunder, providing for an appropriation; and finalizing.

On motion by Senator Weissenborn, HB 668 as further amended was read by title, passed and certified to the House. The vote was:

Yeas—5
Nays—2

Mr. President Daniel Knopke
Arnold de la Parte Lane
Barrow Graham Lewis (43rd)
Beaufort Gunter McClain
Bell Haverfield Myers
Bishop Henderson Ott
Boyd Johnson (29th) Plante
Brantley Johnson (34th) Pope
Broxson Karl Poston

Childers Lewis (33rd) Sayler
Ducker

Yeas—34
Nays—5

Mr. President Daniel Knopke
Arnold de la Parte Lane
Barrow Graham Lewis (43rd)
Beaufort Gunter McClain
Bell Haverfield Myers
Bishop Henderson Ott
Boyd Johnson (29th) Plante
Brantley Johnson (34th) Pope
Broxson Karl Poston

Childers Lewis (33rd) Sayler
Ducker

Yeas—38
Nays—2

Mr. President de la Parte Karl
Arnold Ducker Knopke
Barrow Fincher Lane
Beaufort Graham Lewis (33rd)
Bell Gunter Lewis (43rd)
Bishop Haverfield McClain
Boyd Henderson Myers
Broxson Horne Ott
Childers Johnson (29th) Plante
Daniel Johnson (34th) Poston

Yeas—5
Nays—2

Brantley Pope

UNFINISHED BUSINESS

CS for SB 921—A bill to be entitled An act relating to district school taxation; amending section 236.25, Florida Statutes, as amended by chapter 70-401, Laws of Florida, to authorize district school boards to levy a district school tax of ten (10) mills and authorizing additional necessary millage for specified purposes, and such millage as may be authorized by a vote of the electorate; approving, ratifying and confirming all ad valorem taxes levied or collected for the support of public schools prior to the effective date hereof; repealing the statutory form of Article XII, Section 8 of the Constitution of 1888; repealing Section 236.221, Florida Statutes, as amended by section 8 of chapter 70-94, Laws of Florida; providing a severability clause; providing an effective date.

Was taken up with a pending amendment by Senator Scarborough which was withdrawn.

On motion by Senator Broxson, CS for SB 921 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—54
Nays—5

Mr. President Daniel Knopke
Arnold de la Parte Lane
Barrow Graham Lewis (43rd)
Beaufort Gunter McClain
Bell Haverfield Myers
Bishop Henderson Ott
Boyd Johnson (29th) Plante
Brantley Johnson (34th) Pope
Broxson Karl Poston

Childers Lewis (33rd) Sayler
Ducker

Notice having been given pursuant to Rule 4.14, on motion by Senator Karl, unanimous consent was obtained to take up out of order—

HB 1851—A bill to be entitled An act relating to private passenger motor vehicle insurance or security; requiring motor vehicle no-fault repair insurance and liability insurance to certain limits and limiting tort liability; providing for approval of such policies by the department of insurance; providing that proof of security and financial responsibility by an owner or operator of a motor vehicle involved in an accident must be shown as a prerequisite to ownership, registration, licensing, and operation of motor vehicles; requiring division of state fire marshal to determine applicability of section to public lodgings; providing that compliance herewith is a condition for licensing of all public lodgings governed hereunder, providing for an appropriation; and finalizing.
vehicles in this state and providing that failure to provide proof of such security shall result in revocation of registration and license; providing for payment of certain specified benefits and that same are due when loss accrues; providing for priority of payment of benefits; providing for tort exemptions and limitation on damages; providing no-fault property protection; providing for certain deductibles; providing that the department shall adopt rules and regulations necessary to implement this act; providing that insurers file proposed manual, rules, rates, or forms with the department for approval; providing that insurers shall adopt a rate more than fifteen percent (15%) below the rates in effect as of the effective date of this act; providing for severability; providing an effective date.

Which was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Karl:

On page 2, line 2, strike everything after the enacting clause and insert:

Section 1. Part X of chapter 627, Florida Statutes, is amended by adding section 627.0861, Florida Statutes, to read:

627.0861 Automobile liability insurance; immediate payment under medical and disability benefits coverage.—

(1) On and after November 1, 1971, no insurer shall deliver or issue for delivery in this state any individual liability insurance policy covering liability arising out of the ownership, maintenance, or use of any motor vehicle registered or principally garaged in this state unless coverage is provided in such policy, or supplemental thereto, for benefits and in amounts not less than as follows:

(a) Medical and hospital benefits.—All reasonable and necessary expenses for medical, diagnostic, hospital, dental, surgical, and anesthesia services and for drugs and prosthetic devices incurred within not less than one year after a covered automobile accident and for up to two thousand dollars ($2,000) per individual injured in the accident.

(b) Funeral, burial or cremation benefits.—All reasonable funeral, burial or cremation expenses incurred within a period of not less than one year from and after the date of the accident, in the amount of not less than the lesser of the actual expense incurred or two thousand dollars ($2,000) per individual.

(c) Disability benefits.—Eighty-five percent (85%) of the loss of earning capacity during a period commencing seven (7) days after the date of the accident and not exceeding fifty-two (52) weeks, but subject to a maximum payment of one hundred twenty-five dollars ($125) per week, per individual. In the case of an unemployed individual, such benefits shall consist of expenses, not exceeding twelve dollars ($12.00) per day, per individual, for essential services in lieu of those the injured individual would have performed without income during a period commencing one week after the date of the accident and not exceeding fifty-two (52) weeks. Benefits under this subdivision shall be computed from the date of the accident upon which such benefits are based and shall be paid retroactively to the date of the accident.

(2) A coverage required by this section may exclude benefits to any injured individual covered under the policy whose individual conduct contributed to the injury sustained in any of the following ways:

(a) Causing injury to himself intentionally.

(b) Participation in the theft of the motor vehicle involved.

(c) Operating a motor vehicle in any prearranged speed contest.

(d) Attempting to elude lawful apprehension or arrest by a law enforcement officer.

(e) Operating a motor vehicle in violation of §§317.201 or 186.9978 Florida Statutes.

(3) The coverage required by this section shall extend to the owner of an insured motor vehicle, to members of the owner's family residing in the owner's household, to any individual operating the insured motor vehicle with the express or implied consent of an insured, to an individual operating the insured motor vehicle while a passenger in the insured motor vehicle, and to any individual who is an insured under the policy, while such individual is a pedestrian or bicyclist and is injured by any motor vehicle.

(4) The named insured shall have the right to reject inclusion of the coverage in the policy after the same has been offered to him. Any such rejection shall be in writing signed by the named insured and in such form and terms as has been filed with and theretofore approved by the commissioner as being reasonable and consistent with section 627.0861. The insurer shall retain the signed rejection in its files.

(5) The insurer shall provide reasonable procedure under which it shall make payments of such benefits currently as at date the same accrue, in periodic or other appropriate installments or in full, commencing as immediately as is practicable after the insurer has received notice of the occurrence of such accident and reasonable evidence of the existence and the amount of loss.

(6) "Insurance" as used in this section means a policy of automobile liability insurance delivered or issued for delivery in the state by an authorized insurer.

(a) Insuring a natural person as named insured or one or more related individuals resident of the same household, and

(b) Insuring a private passenger motor vehicle not used as a public or livery conveyance for passengers or rented to others; or insuring any other four-wheeled motor vehicle having a load capacity of fifteen hundred (1500) pounds or less which is not used in the occupation, profession or business of the insured other than farming.

(7) This section shall be liberally construed to effect its intended purpose to mitigate the financial distress of persons involved in automobile accidents, by providing immediate financial assistance in payment of the cost of hospital and medical care or funeral expense or loss of income due to injury received in a motor vehicle accident.

(8) The insurer shall be entitled to subrogation with respect to any payment made under the provisions of this section. Such subrogation shall be limited to the amount paid under the provisions of this section, but may receive credit therefor upon any other payment for the same loss otherwise required to be made under any other provision of the policy.

(9) Nothing contained in this section shall in any way affect any existing or future causes of action, or limit an insured's right to recover, for damages sustained in an automobile accident.

Section 2. Chapter 627, Florida Statutes, is amended by adding a new Part XVI, Florida Statutes, to read:

Part XVI Private Passenger Motor Vehicle Insurance.

627.2001 Short Title.—Part XVI of this chapter shall be referred to as the "Private Passenger Motor Vehicle Insurance Rating Law".

627.2004 Definitions.—

(1) "Motor vehicle insurance".—For the purposes of this part "motor vehicle insurance" means a policy of automobile or motor vehicle insurance delivered or issued for delivery in this state by an authorized insurer:

(a) Insuring a natural person as named insured or one or more related individuals resident of the same household, or both; and

(b) Insuring a motor vehicle of the private passenger or station wagon type which is not used as public or livery conveyance for passengers or rented to others; or insuring any other four-wheeled motor vehicle having a load capacity of