

1987

Session Law 87-213

Florida Senate & House of Representatives

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DOCUMENTATION LIST
Chapter 87-213

- ✓1. Joint Legislative Management Committee Legislative Information Division. *History of Legislation, 1987*, pp. 142 and 347 (S.B. 829 and H.B. 1029, respectively).
- ✓2. Senate Bill 829 (1987, original version).
- ✓3. Senate Committee on Commerce. Staff analysis of S B 829, dated April 27, 1987, prepared by M. W. Casteel.
- ✓4. Proposed committee substitute for S B. 829 (1987).
- ✓5. Senate Committee on Commerce Staff analysis of proposed CS/SB 829, dated May 22, 1987, prepared by M W Casteel
- ✓6. Committee substitute for S B. 829 (1987).
- ✓7. Senate Committee on Commerce. Staff analysis of CS/SB 829, dated May 25, 1987, prepared by M. W. Casteel.
- ✓8. House Bill 1029 (1987)
- ✓9. House Committee on Insurance. Staff analysis of H.B. 1029, dated April 20, 1987, prepared by Robert A. Henderson.
- ✓10. *Journal of the Florida House of Representatives*, May 27, 1987, pp. 679-681 (amendments to H.b. 1029).
- ✓11. House Committee on Insurance. [Final] staff analysis of H.B. 1029, dated July 1, 1987, prepared by Robert A. Henderson.
- ✓12. *Laws of Florida, 1987*, vol. I, part 2, pp. 1341-1343 (Chapter 87-213).

Journal
of the
Florida
House of Representatives



Eighty-ninth
Regular Session
since Statehood in 1845
April 7 through June 6, 1987

[Including a record of transmittal of Acts subsequent to sine die adjournment]

Yeas—113

The Chair	Gaffney	King	Rehm
Abrams	Garcia	Langton	Renke
Ascherl	Gardner	Lawson	Rochlin
Bainter	Gonzalez-	Lewis	Rudd
Banjanin	Quevedo	Liberti	Rush
Bankhead	Goode	Lippman	Sample
Bass	Gordon	Locke	Sanderson
Bloom	Grindle	Logan	Sansom
Bronson	Guber	Lombard	Saunders
Burke	Gustafson	Long	Silver
Canady	Gutman	Mackenzie	Simon
Carlton	Hanson	Mackey	Simone
Carpenter	Harden	Martin	Smith
Casas	Hargrett	Martinez	Souto
Clark	Harris	McEwan	Starks
Clements	Hawkins	Meffert	Stone
Cosgrove	Healey	Messersmith	Thomas
Crady	Hill	Metcalf	Titone
Crotty	Hodges	Mitchell	Tobiasen
Dantzler	Holland	Morse	Tobin
Davis	Ireland	Mortham	Trammell
Deutsch	Irvine	Nergard	Troxler
Diaz-Balart	Jamerson	Ogden	Upchurch
Drage	Jennings	Ostrau	Wallace
Dunbar	Johnson, B L	Patchett	Webster
Figg	Johnson, R C	Peeples	Woodruff
Frankel	Jones, C F	Press	Young
Friedman	Jones, D L	Reaves	
Frishe	Kelly	Reddick	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment

CS/HB 277—A bill to be entitled An act relating to transportation-related contracting; amending s 337 11, F S, allowing the Department of Transportation to enter into contracts which combine the design and construction of a road, structure, or a building and appurtenant facilities or equipment, providing factors for determining the best interest of the public; providing procedures for administering design and construction contracts, providing criteria for evaluating contract proposals, requiring certain projects to be in the 5-year transportation plan, setting limit on number of contracts, requiring certain information in an annual report, providing an effective date

—was read the second time by title

Representatives Burnsed and Webster offered the following amendment

Amendment 1—On page 2, line 16, after "(c)" insert. *If at least three responsible proposals are submitted pursuant to a request for proposals, the department may proceed to evaluate the proposals as provided herein.*

Rep Burnsed moved the adoption of the amendment, which was adopted without objection

Representatives Burnsed and Webster offered the following amendment

Amendment 2—On page 2, lines 29-30 and on page 3, lines 1-10, strike all of said lines and insert (d) *The department may conduct a combined design and construction contract demonstration program, not to exceed a total contract amount of \$50 million. Pursuant to this program, the department may award, to the qualified firm or joint venture with the lowest cost and best technical proposal, combined design and construction contracts for projects in the department's current 5-year transportation plan in each of the following project categories*

Resurfacing,

2 Bridge replacement, or new bridge construction,

3 Multi-lane new construction or reconstruction, and

4 Fixed capital outlay and parking garages

Annually, the department shall submit to the transportation committees of the Senate and House of Representatives a report outlining the results obtained from completed combined design and

Rep Burnsed moved the adoption of the amendment, which was adopted without objection

Representatives Burnsed and Webster offered the following title amendment:

Amendment 3—On page 1, lines 14-15, strike "setting limit on number of contracts" and insert authorizing a demonstration program, setting limit on total contract amount

Rep Burnsed moved the adoption of the amendment, which was adopted without objection

On motion by Rep Burnsed, the rules were waived by two-thirds vote and CS/HB 277, as amended, was read the third time by title. On passage, the vote was

Yeas—112

The Chair	Friedman	Kelly	Renke
Abrams	Frishe	King	Rochlin
Arnold	Gaffney	Langton	Rudd
Ascherl	Garcia	Lawson	Rush
Bainter	Glickman	Lewis	Sample
Banjanin	Gonzalez-	Liberti	Sanderson
Bankhead	Quevedo	Lippman	Sansom
Bass	Goode	Locke	Saunders
Bloom	Gordon	Logan	Silver
Bronson	Grindle	Lombard	Simon
Brown	Guber	Long	Simone
Burke	Gustafson	Mackenzie	Smith
Burnsed	Gutman	Mackey	Souto
Canady	Hanson	Martin	Starks
Carlton	Harden	Martinez	Stone
Carpenter	Harris	McEwan	Thomas
Casas	Hawkins	Messersmith	Titone
Clark	Healey	Metcalf	Tobiasen
Clements	Hill	Morse	Tobin
Cosgrove	Hodges	Mortham	Trammell
Crady	Holland	Nergard	Troxler
Crotty	Ireland	Ogden	Upchurch
Davis	Irvine	Ostrau	Wallace
Deutsch	Jamerson	Patchett	Webster
Diaz-Balart	Jennings	Peeples	Woodruff
Drage	Johnson, B L	Press	Young
Dunbar	Johnson, R C	Reaves	
Figg	Jones, C F	Reddick	
Frankel	Jones, D. L.	Rehm	

Nays—None

Votes after roll call

Yeas—Hargrett

So the bill passed, as amended, and was immediately certified to the Senate after engrossment

HB 1029—A bill to be entitled An act relating to uninsured motorist insurance, amending s 627 727, F S, providing that insurance policies providing uninsured motorist coverage may contain a particular policy provision under certain circumstances, providing an effective date

—was read the second time by title

Representatives Ogden, Bainter, C F Jones, McEwan, and Patchett offered the following amendment

Amendment 1—On page 1, line 11, strike everything after the enacting clause and insert:

Section 1. Subsection (9) is added to section 627 727, Florida Statutes, 1986 Supplement, to read

627 727 Motor vehicle insurance, uninsured and underinsured vehicle coverage, insolvent insurer protection —

(9) Insurers may offer policies of uninsured motorist coverage containing policy provisions, in language approved by the department, establishing that if the insured accepts this offer—

(a) The coverage provided as to two or more motor vehicles shall not be added together to determine the limit of insurance coverage available to an injured person for any one accident, except as provided in paragraph (c)

(b) If at the time of the accident the injured person is occupying a motor vehicle, the uninsured motorist coverage available to him is the coverage available as to that motor vehicle

(c) If the injured person is occupying a motor vehicle which is not owned by him or by a family member residing with him, he is entitled to the highest limits of uninsured motorist coverage afforded for any one vehicle as to which he is a named insured or insured family member. Such coverage shall be excess over the coverage on the vehicle he is occupying

(d) The uninsured motorist coverage provided by the policy does not apply to the named insured or family members residing in his household who are injured while occupying any vehicle owned by such insureds for which uninsured motorist coverage was not purchased

(e) If, at the time of the accident the injured person is not occupying a motor vehicle, he is entitled to select any one limit of uninsured motorist coverage for any one vehicle afforded by a policy under which he is insured as a named insured or insured resident of the named insured's household

In connection with the offer authorized by this subsection, insurers shall inform the named insured, applicant, or lessee, on a form approved by the department, of the limitations imposed under this subsection and that such coverage is an alternative to coverage without such limitations. If this form is signed by a named insured, applicant, or lessee, it shall be conclusively presumed that there was an informed, knowing acceptance of such limitations. When the named insured, applicant, or lessee has initially accepted such limitations, such acceptance shall apply to any policy which renews, extends, changes, supersedes, or replaces an existing policy unless the named insured requests deletion of such limitations and pays the appropriate premium for such coverage. Any insurer who provides coverage which includes the limitations provided in this subsection shall file revised premium rates with the department for such uninsured motorist coverage to take effect prior to initially providing such coverage. The revised rates shall reflect the anticipated reduction in loss costs attributable to such limitations but shall in any event reflect a reduction in the uninsured motorist coverage premium of at least 20 percent for policies with such limitations. Such filing shall not increase the rates for coverage which does not contain the limitations authorized by this subsection, and such rates shall remain in effect until the insurer demonstrates the need for a change in uninsured motorist rates pursuant to s 627 0651

Section 2 This act shall take effect October 1, 1987

Rep Ogden moved the adoption of the amendment.

Representatives Gustafson and Frankel offered the following amendment to the amendment

Amendment 1 to Amendment 1—On page 1, lines 14-17, strike everything and insert

Section 1 Subsection (1) of section 627 727, Florida Statutes, 1986 Supplement, is amended, and subsection (9) is added to said section, to read

627.727 Motor vehicle insurance, uninsured and underinsured vehicle coverage; insolvent insurer protection —

(1) No motor vehicle liability insurance policy shall be delivered or issued for delivery in this state with respect to any specifically insured or identified motor vehicle registered or principally garaged in this state unless uninsured motor vehicle coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom. However the coverage required under this section is not applicable when, or to the extent

that, any insured named in the policy rejects the coverage in writing. When a motor vehicle is leased for a period of 1 year or longer and the lessor of such vehicle, by the terms of the lease contract, provides liability coverage on the leased vehicle, the lessee of such vehicle shall have the sole privilege to reject uninsured motorist coverage or to select lower limits than the bodily injury liability limits, regardless of whether the lessor is qualified as a self-insurer pursuant to s 324 171

Unless the named insured, or lessee having the privilege of rejecting uninsured motorist coverage, requests such coverage or requests higher uninsured motorist limits in writing, the coverage or such higher uninsured motorist limits need not be provided in or supplemental to any other policy which renews, extends, changes, supersedes, or replaces an existing policy with the same bodily injury liability limits when the named insured or lessee had rejected the coverage. When the named insured or lessee has initially selected limits of uninsured motorist coverage lower than his bodily injury liability limits, higher limits of uninsured motorist coverage need not be provided in or supplemental to any other policy which renews, extends, changes, supersedes, or replaces an existing policy with the same bodily injury liability limits unless the named insured requests higher uninsured motorist coverage in writing. The rejection or selection of lower limits shall be made on a form approved by the Insurance Commissioner. The form shall fully advise the applicant of the nature of the coverage and shall state that the coverage is equal to bodily injury liability limits unless lower limits are requested or the coverage is rejected. The heading of the form shall be in 12-point bold type and shall state: "You are electing not to purchase certain valuable coverage which protects you and your family or you are purchasing uninsured motorist limits less than your bodily injury liability limits when you sign this form. Please read carefully." If this form is signed by a named insured, it will be conclusively presumed that there was an informed, knowing rejection of coverage or election of lower limits. The insurer shall notify the named insured at least annually of his options as to the coverage required by this section. Such notice shall be part of and attached to the notice of premium, shall provide for a means to allow the insured to request such coverage, and shall be given in a manner approved by the department. Receipt of this notice does not constitute an affirmative waiver of the insured's right to uninsured motorist coverage where the insured has not signed a selection or rejection form. The coverage described under this section shall be over and above, but shall not duplicate, the benefits available to an insured under any workers' compensation law, personal injury protection benefits, disability benefits law, or similar law, under any automobile medical expense coverage, under any motor vehicle liability insurance coverage, or from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or operator for the accident, and such coverage shall cover the difference, if any, between the sum of such benefits and the damages sustained, up to the maximum amount of such coverage provided under this section. The amount of coverage available under this section shall not be reduced by a setoff against any coverage, including liability insurance.

Such coverage shall not inure directly or indirectly to the benefit of any workers' compensation or disability benefits carrier or any person or organization qualifying as a self-insurer under any workers' compensation or disability benefits law or similar law

Rep Frankel moved the adoption of the amendment to the amendment, which was adopted without objection

The question recurred on the adoption of Amendment 1, as amended, which was adopted without objection

Representatives Ogden, Bainter, C F Jones, McEwan, and Patchett offered the following title amendment

Amendment 2—On page 1, lines 1-7, strike all of said lines and insert A bill to be entitled An act relating to uninsured motorist insurance, amending s 627 727, F.S., providing that insurers may offer policies providing uninsured motorist coverage which contain particular policy provisions under certain circumstances, providing an effective date.

Rep Ogden moved the adoption of the amendment, which was adopted without objection.

Representatives Gustafson and Frankel offered the following title amendment.

Amendment 3—On page 1, line 6, after the semicolon, insert requiring notice of coverage options to be attached to the notice of premium and specifying that receipt thereof does not constitute waiver of coverage.

Rep Gustafson moved the adoption of the amendment, which was adopted without objection

On motion by Rep. C. F Jones, the rules were waived by two-thirds vote and HB 1029, as amended, was read the third time by title. On passage, the vote was

Yeas—115

The Chair	Frankel	Johnson, R. C.	Peoples
Abrams	Friedman	Jones, C. F.	Press
Arnold	Frishe	Jones, D. L.	Reaves
Ascherl	Gaffney	Kelly	Reddick
Baunter	Garcia	King	Rehm
Banjanin	Gardner	Langton	Renke
Bankhead	Glickman	Lawson	Rochlin
Bass	Gonzalez-	Lewis	Rudd
Bloom	Quevedo	Liberti	Sample
Bronson	Goode	Lippman	Sanderson
Brown	Gordon	Locke	Sansom
Burke	Grindle	Logan	Saunders
Burnsed	Guber	Lombard	Silver
Canady	Gustafson	Long	Simon
Carlton	Gutman	Mackenzie	Simone
Carpenter	Hanson	Mackey	Smith
Casas	Harden	Martin	Souto
Clark	Hargrett	Martinez	Starks
Clements	Harris	McEwan	Stone
Cosgrove	Hawkins	Meffert	Thomas
Crady	Healey	Messersmith	Tobiasen
Crotty	Hill	Metcalf	Tobin
Dantzler	Hodges	Mitchell	Trammell
Davis	Holland	Morse	Troxler
Deutsch	Ireland	Mortham	Upchurch
Diaz-Balart	Irvine	Nergard	Wallace
Drage	Jamerson	Ogden	Webster
Dunbar	Jennings	Ostrau	Woodruff
Figg	Johnson, B. L.	Patchett	Young

Nays—2

Rush Titone

Votes after roll call

Yeas to Nays—Woodruff

So the bill passed, as amended, and was immediately certified to the Senate after engrossment

HB 43—A bill to be entitled An act relating to education, amending s. 230.645, F.S., exempting dual enrollment and early admission students from certain postsecondary fees; creating s. 233.63, F.S., assigning certain instructional materials to district school boards or community college boards of trustees; requiring free instructional materials for dual enrollment students; amending s. 236.081, F.S., relating to the Florida Education Finance Program, establishing funding formulas for dual enrollment students; amending s. 240.115, F.S., adding an acceleration mechanism, requiring community colleges to offer credit by examination; creating s. 240.116, F.S., establishing legislative intent for articulated acceleration, providing requirements for acceleration mechanisms; creating s. 240.1161, F.S., requiring that superintendents of schools and community college presidents establish articulation agreements, prescribing agreement contents, requiring the inclusion of dual enrollment courses in pupil progression plans; providing for amended agreements; authorizing agreements with universities, providing for Department of Education approval of dual enrollment courses; creating s. 240.1163, F.S., authorizing joint dual

enrollment and advanced placement courses, providing guidelines; providing for funding, providing for the award of postsecondary credit; amending s. 240.117, F.S., requiring entry-level examinations for dual enrollment students, amending s. 240.233, F.S., relating to university admission, revising a cross-reference, to conform, amending s. 240.235, F.S., exempting dual enrollment and early admission students from certain university fees, providing for funding of students; amending s. 240.321, F.S., exempting certain secondary students from certain community college admission requirements, amending s. 240.35, F.S., exempting dual enrollment and early admission students from certain community college fees, directing the Postsecondary Education Planning Commission to study funding formulas for certain articulated acceleration programs; directing the State Board of Education to study exemptions for mathematics and writing skills requirements, directing the State Board of Education to study articulated acceleration opportunities for certain students, repealing chapter 72-313, Laws of Florida, relating to accelerated articulation, providing an effective date

—was read the second time by title

The Committee on Higher Education offered the following amendment

Amendment 1—On page 4, line 24, insert after the period: Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board, however, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials, registration, matriculation and laboratory fees shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university which is located and chartered in Florida, is not-for-profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 246.021 shall be eligible for inclusion in the dual enrollment or early admission program

Rep Liberti moved the adoption of the amendment, which was adopted without objection

The Committee on Higher Education offered the following amendment

Amendment 2—On page 13, line 16, insert after the period School districts may also enter into inter-institutional articulation agreements with eligible independent colleges and universities pursuant to s. 236.081(h)1

Rep. Liberti moved the adoption of the amendment, which was adopted without objection

Representatives Jamerson, Mitchell, and Liberti offered the following amendment:

Amendment 3—On page 4, lines 15-24, strike all language between the periods and insert.

Students enrolled in dual enrollment instruction provided by a vocational-technical center located in the same district as the district in which the student attends secondary school and operated by the school board of that district shall be calculated by the school board as a maximum of one full-time equivalent enrollment for state funding purposes, however, a district school board may report such students as the proportional shares of full-time equivalent enrollments each student generates within the basic secondary program and the vocational program, respectively, up to the one full-time equivalent enrollment maximum for each student. Students enrolled in dual enrollment instruction provided by a vocational-technical center located in a different school district than the district in which the student attends secondary school and operated by the school board of the district in which the vocational-technical center is located may be included in calculations of full-time equivalent memberships for basic programs for grades 9 through 12 by a district school board and may be calculated as the proportional share of full-time equivalent enrollments they generate for the school board conducting the dual enrollment instruction

Vote after roll call.

Yea—Kirkpatrick, Woodson

Yes to Nay—Margolis, Thurman

On motion by Senator Langley, by two-thirds vote HB 1029 was withdrawn from the Committee on Commerce

On motion by Senator Langley—

HB 1029—A bill to be entitled An act relating to uninsured motorist insurance; amending s. 627 727, F.S., providing that insurers may offer policies providing uninsured motorist coverage which contain particular policy provisions under certain circumstances; requiring notice of coverage options to be attached to the notice of premium and specifying that receipt thereof does not constitute waiver of coverage, providing an effective date

—a companion measure, was substituted for CS for SB 829 and read the second time by title

Further consideration of HB 1029 was deferred.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 3 was corrected and approved.

CO-INTRODUCERS

Senator Thomas—SB 1289

VOTES RECORDED

Senator Grant was recorded as voting yea on the following which were considered June 3 Senate Bills 142, 1024, 1201, 1269 and House Bills 483, 501, 685, 1247, 1272, 1345, 1377 and 1384 and nay on Conference Committee Report on CS for CS for HB 1247.

RECESS

On motion by Senator Langley, the Senate recessed at 3.35 p.m. to reconvene at 10:00 a.m., Friday, June 5

FLORIDA LEGISLATURE

***History of Legislation
1987 Regular Session
1987 Special Session A***



prepared by:

Joint Legislative Management Committee

**Legislative Information Division
Capitol Building, Room 826 — 488-4371**

HISTORY OF SENATE BILLS

- S 824 (CONTINUED)**
 05/06/87 SENATE Extension of time granted Committee Appropriations
 05/12/87 SENATE Withdrawn from Appropriations—SJ 280, Placed on Calendar
 05/28/87 SENATE Placed on Special Order Calendar—SJ 452, Iden./Sim House Bill substituted, Laid on Table under Rule. Iden./Sim./Compare Bill passed, refer to CS/HB 656 (Ch 87-192)—SJ 486
- S 825 GENERAL BILL by Margolis (Similar H 1102)**
Traffic Control/Signal Devices, removes from municipal jurisdiction county roads within municipality; provides uniform system for installation, operation & maintenance of traffic control signal devices, requires D.O.T. to adopt procedures for determining need for such devices, specifies responsibility for installation, alteration, operation & maintenance, etc. Amends 316 006, 337 403, creates 316 0748 Effective Date 10/01/87
 04/08/87 SENATE Filed
 04/21/87 SENATE Introduced, referred to Transportation, Finance, Taxation and Claims, Appropriations—SJ 128
 05/01/87 SENATE Extension of time granted Committee Transportation
 05/15/87 SENATE Extension of time granted Committee Transportation
 06/28/87 SENATE Extension of time granted Committee Transportation
 06/06/87 SENATE Died in Committee on Transportation
- S 826 GENERAL BILL by Weinstein (Compare CS/ENG/H 196)**
Private Security Vehicles/Amber Light, authorizes vehicles of licensed private watchman, guard, or patrol agencies to show or display amber lights under certain circumstances Amends 316 2397 Effective Date 10/01/87
 04/08/87 SENATE Filed
 04/21/87 SENATE Introduced, referred to Transportation—SJ 128
 05/01/87 SENATE Extension of time granted Committee Transportation
 05/15/87 SENATE Extension of time granted Committee Transportation
 05/19/87 SENATE On Committee agenda—Transportation, 05/21/87, 2 00 pm, Room-C
 05/21/87 SENATE Comm. Report Favorable with 2 amendment(s) by Transportation, placed on Calendar—SJ 387
 06/06/87 SENATE Died on Calendar, Iden./Sim./Compare Bill passed, refer to CS/HB 196 (Ch 87-157)
- S 827 GENERAL BILL/CS by Economic, Community and Consumer Affairs; Dudley and others (Similar CS/H 453, Compare CS/ENG/S 142, CS/ENG/S 145)**
Local Option Tourist Development Tax, authorizes any county levying tax to elect to collect & administer tax on local basis, authorizes Revenue Dept. to disclose certain information to governing body of county or subcounty district levying local option tax which dept. administers, provides for application of confidentiality & penalty provisions to governing body & its officers & employees Amends 125 0104, 213 053 Effective Date 10/01/87
 04/08/87 SENATE Filed
 04/21/87 SENATE Introduced, referred to Economic, Community and Consumer Affairs, Finance, Taxation and Claims—SJ 128
 05/07/87 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
 05/21/87 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs, On Committee agenda—Economic, Community and Consumer Affairs, 05/25/87, 10 00 am, Room-H
 05/25/87 SENATE Comm Report. CS by Economic, Community and Consumer Affairs—SJ 417
 05/26/87 SENATE CS read first time—SJ 420; Now in Finance, Taxation and Claims—SJ 417, On Committee agenda—Finance, Taxation and Claims, 05/26/87, 2 00 pm, Room-1C—SJ 393; Comm Report Favorable by Finance, Taxation and Claims, placed on Calendar—SJ 417
 06/03/87 SENATE Placed on Consent Calendar—SJ 628, Iden./Sim House Bill substituted, Laid on Table under Rule, Iden./Sim./Compare Bill passed, refer to CS/HB 453 (Ch 87-175), CS/SB 142 (Ch 87-102) & CS/SB 145 (Ch 87-99)—SJ 653
- S 828 GENERAL BILL by Lehtinen (Identical H 793, Similar ENG/H 36, S 98, CS/S 174)**
Youth Employment Experience Program; creates said program & provides for D.N.R. to administer program, provides conservation & public service components, provides for employment of coordinator of Fla. Employment Experience Program, provides program eligibility, length of service, wages & duties, etc Effective Date Upon becoming law
 04/08/87 SENATE Filed
 04/21/87 SENATE Introduced, referred to Natural Resources and Conservation, Appropriations—SJ 129
 06/01/87 SENATE Extension of time granted Committee Natural Resources and Conservation
 05/08/87 SENATE On Committee agenda—Natural Resources and Conservation, 05/12/87, 2 00 pm, Room-H
 05/12/87 SENATE Comm. Report Favorable by Natural Resources and Conservation—SJ 417
 05/13/87 SENATE Now in Appropriations—SJ 293
 05/21/87 SENATE Extension of time granted Committee Appropriations
- S 828 (CONTINUED)**
 06/06/87 SENATE Died in Committee on Appropriations, Iden./Sim./Compare bill passed, refer to HB 36 (Ch. 87-272)
- S 829 GENERAL BILL/CS by Commerce; Crawford (Similar ENG/H 1029)**
Uninsured Motorist Ins./Policies, provides that insurers may offer policies providing uninsured motorist coverage which contain particular policy provisions under certain circumstances Amends 627 727 Effective Date 10/01/87
 04/08/87 SENATE Filed
 04/21/87 SENATE Introduced, referred to Commerce—SJ 129
 04/28/87 SENATE On Committee agenda—Commerce, 04/30/87, 2:00 pm, Room-A—Temporarily postponed
 05/08/87 SENATE Extension of time granted Committee Commerce
 05/21/87 SENATE On Committee agenda—Commerce, 05/25/87, 10:00 am, Room-A
 05/25/87 SENATE Comm Report CS by Commerce, placed on Calendar—SJ 418
 05/27/87 SENATE CS read first time—SJ 420
 06/03/87 SENATE Placed on Special Order Calendar—SJ 625 &—SJ 628
 06/04/87 SENATE Placed on Special Order Calendar—SJ 706 &—SJ 707, Iden./Sim House Bill substituted—SJ 786
 06/05/87 SENATE Laid on Table under Rule, Iden./Sim./Compare Bill passed, refer to HB 1029 (Ch 87-213)—SJ 811
- S 830 GENERAL BILL by Crawford (Identical H 823, Compare ENG/H 1402)**
Insurance/Multiple-Employer Welfare, provides that provisions of law re liability of succeeding insurer apply re insurance provided through multiple-employer welfare arrangement Amends 627 651, 666 Effective Date 10/01/87.
 04/08/87 SENATE Filed
 04/21/87 SENATE Introduced, referred to Commerce—SJ 129
 05/04/87 SENATE On Committee agenda—Commerce, 05/06/87, 2:00 pm, Room-A
 05/06/87 SENATE Comm Report. Favorable by Commerce, placed on Calendar—SJ 272
 06/06/87 SENATE Died on Calendar
- S 831 GENERAL BILL/CS by Commerce; Crawford (Compare ENG/H 595)**
Health Insurance/Home Health Care requires certain group health insurance policies to provide coverage for home health care services, provides conditions & exceptions, etc. Creates 627.6617 Effective Date 10/01/87
 04/08/87 SENATE Filed
 04/21/87 SENATE Introduced, referred to Commerce, Appropriations—SJ 129
 05/07/87 SENATE On Committee agenda—Commerce, 05/11/87, 10:00 am, Room-A
 05/08/87 SENATE Extension of time granted Committee Commerce
 05/11/87 SENATE Comm. Report: CS by Commerce—SJ 293
 05/12/87 SENATE CS read first time—SJ 295, Now in Appropriations—SJ 293
 05/21/87 SENATE Extension of time granted Committee Appropriations
 05/25/87 SENATE Withdrawn from Appropriations—SJ 414, Placed on Calendar
 06/02/87 SENATE Placed on Special Order Calendar—SJ 571, Amendments adopted, Iden./Sim. House Bill substituted—SJ 616, Laid on Table under Rule, Iden./Sim./Compare Bill passed, refer to HB 595 (Ch. 87-262)—SJ 618
- S 832 GENERAL BILL by Crawford (Compare CS/CS/ENG/H 61, H 368, S 1016)**
Tourism Commission, creates said commission, provides for appointment of Tourism Div Director; provides for tourism promotion fee & specifies persons subject to such fee, provides for collection & distribution of such fee & for deduction of service charge from proceeds, repeals provision re Tourism Advisory Council, etc Amends 20 17, 215 22; creates 288 348, 3491-3493, repeals 288.347. Effective Date 07/01/87 or upon becoming law, whichever occurs later.
 04/08/87 SENATE Filed
 04/21/87 SENATE Introduced, referred to Commerce, Finance, Taxation and Claims, Appropriations—SJ 129
 05/08/87 SENATE Extension of time granted Committee Commerce
 05/14/87 SENATE On Committee agenda—Commerce, 05/18/87, 2:00 pm, Room-A—Not considered
 05/25/87 SENATE Extension of time granted Committee Commerce
 06/06/87 SENATE Died in Committee on Commerce
- S 833 GENERAL BILL/CS by Judiciary-Criminal; Crawford (Similar CS/ENG/H 945, H 1080, S 772)**
RICO/Additional Offenses/Liens provides additional predicate constituting "racketeering activity", authorizes counties & municipalities to pay salary of assistant state attorneys in specified circumstances, authorizes Office of State-wide Prosecution or state attorney to apply for RICO lien, provides that once a RICO lien is filed, it constitutes notice of unlawful activity for purposes of subsequent proceedings, etc Amends 895 02, 27 34, 895 05, 06. Effective Date 10/01/87
 04/08/87 SENATE Filed
 04/21/87 SENATE Introduced, referred to Judiciary-Criminal, Appropriations—SJ 129

HISTORY OF HOUSE BILLS

H 1022 (CONTINUED)

04/20/87 HOUSE On Committee agenda—Education, K - 12, 04/22/87, 2 00 pm, 214C, for subreferral
 04/23/87 HOUSE On Committee agenda—Education, K - 12, 04/27/87, 4:30 pm, 214C; for subreferral
 04/27/87 HOUSE Subreferred to Subcommittee on Programs
 06/06/87 HOUSE Died in Committee on Education, K - 12

H 1023 GENERAL BILL by Simon (Compare CS/H 80)

Burglary/Fire & Explosive Damage; provides that a burglary which involves damage by fire or explosives shall be punishable as first degree felony Amends 810.02. Effective Date: 10/01/87.
 04/07/87 HOUSE Filed
 04/13/87 HOUSE Introduced, referred to Criminal Justice, Appropriations -HJ 121
 04/30/87 HOUSE Subreferred to Subcommittee on Crimes, Penalties and Prosecutions
 05/04/87 HOUSE On Committee agenda—Criminal Justice, 05/06/87, 3:30 pm, Morris Hall; for ratification of subreferral
 06/06/87 HOUSE Died in Committee on Criminal Justice

H 1024 GENERAL BILL by Bass; Bloom; Logan; Sanderson and others (Compare H 179, H 205, CS/H 254, H 409, H 419, CS/S 278, CS/S 309, S 384, S 654, S 963, CS/ENG/S 1096)

Civil Liability/Corporation Officers. (THIS BILL COMBINED IN CS/H 254,1024,179,205,419,409) authorizes corporations to indemnify directors, officers, employees, agents & volunteers against liability & related expenses, provides procedure to pay such expenses, provides limitations on such indemnity; provides civil immunity to such persons associated with corporations not for profit, etc. Amends 607 014, 617 028, creates 607 1645.,165 Effective Date 07/01/87 or upon becoming law, whichever occurs later.
 04/07/87 HOUSE Filed
 04/13/87 HOUSE Introduced, referred to Judiciary; Appropriations -HJ 121
 04/24/87 HOUSE Subreferred to Subcommittee on Court Systems, Probate and Consumer Law, On subcommittee agenda—Judiciary, 04/28/87, 1 15 pm, 16 HOB
 04/28/87 HOUSE On Committee agenda—Judiciary, 04/30/87, 8 00 am, 214C
 05/04/87 HOUSE CS combines this bill and 254, 179, 205, 419 & 409, Comm. Report CS by Judiciary -HJ 348; Original bill laid on Table under Rule, refer to combined CS/ HB 254 (Laid on Table), refer to CS/SB 1096 (Ch. 87-245) -HJ 348

H 1025 GENERAL BILL by Sansom and others (Compare H 1194, ENG/H 1339, CS/S 767, CS/ENG/S 799, CS/S 1287)

Schools/Instructional Materials; requires appropriation of sufficient funds annually to ensure certain textbook requirements, requires school districts to spend certain amount of their instructional materials budget on state adopted materials; repeals provision which provides for instructional staff to offer written comments to school principals concerning such materials, etc Amends 233 09, repeals 233 25(3)(b),.46(2). Effective Date Upon becoming law
 04/07/87 HOUSE Filed
 04/13/87 HOUSE Introduced, referred to Education, K - 12; Appropriations -HJ 121
 04/20/87 HOUSE On Committee agenda—Education, K - 12, 04/22/87, 2 00 pm, 214C, for subreferral
 04/23/87 HOUSE On Committee agenda—Education, K - 12, 04/27/87, 4:30 pm, 214C; for subreferral
 04/27/87 HOUSE Subreferred to Subcommittee on Administration and Finance
 06/06/87 HOUSE Died in Committee on Education, K - 12, Iden /Sim / Compare bill passed, refer to CS/SB 799 (Ch 87-329)

H 1026 GENERAL BILL by Glickman (Similar S 290, Compare H 1155)

Subcontractor/Payments; prescribes when payments must be made to subcontractor under certain circumstances, limits amounts that may be withheld by prime contractor from such payments as retainage under certain circumstances, provides for disciplinary actions by licensing boards against contractors that fail to comply with such payment requirements, provides for applicability of act. Amends 489.129,.533 Effective Date 01/01/88
 04/07/87 HOUSE Filed
 04/13/87 HOUSE Introduced, referred to Regulatory Reform, Appropriations -HJ 122
 04/14/87 HOUSE On Committee agenda—Regulatory Reform, 04/16/87, 3 30 pm, Morris Hall, for subreferral—Meeting cancelled
 04/21/87 HOUSE On Committee agenda—Regulatory Reform, 04/23/87, 10:00 am, Morris Hall, for subreferral
 06/06/87 HOUSE Died in Committee on Regulatory Reform

H 1027 GENERAL BILL/CS by Regulatory Reform; C.F. Jones (Compare CS/ENG/S 750)

State Minimum Building Codes, provides for review of state agency interpretations of such codes & for issuance of certain binding opinions by State Board of Building Codes & Standards, limits review of certain interpretations made by State Education Board or State Fire Marshal Amends 553.77. Effective Date: Upon becoming law
 04/07/87 HOUSE Filed

H 1027 (CONTINUED)

04/13/87 HOUSE Introduced, referred to Regulatory Reform -HJ 122; Subreferred to Subcommittee on Business Regulation, On subcommittee agenda—Regulatory Reform, 04/15/87, 1:15 pm, 16 HOB—Temporarily passed
 04/14/87 HOUSE On Committee agenda, pending subcommittee action—Regulatory Reform, 04/16/87, 3 30 pm, Morris Hall—Meeting cancelled
 04/20/87 HOUSE On subcommittee agenda—Regulatory Reform, 04/22/87, 8:00 am, 24 HOB
 04/22/87 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable, with 2 amendments; On Committee agenda, pending subcommittee action—Regulatory Reform, 04/23/87, 10 00 am, Morris Hall
 04/23/87 HOUSE Preliminary Committee Action by Regulatory Reform: Favorable, as a Committee Substitute, to Calendar
 04/30/87 HOUSE Comm Report: CS by Regulatory Reform, placed on Calendar -HJ 330; CS read first time -HJ 329
 06/06/87 HOUSE Died on Calendar

H 1028 GENERAL BILL by C.F. Jones (Similar S 1027)

Lien/Vehicle Title, provides that when vehicle is sold to satisfy lien for towing & storage, purchaser takes title free of encumbrances. Amends 713 78 Effective Date: 10/01/87
 04/07/87 HOUSE Filed
 04/14/87 HOUSE Introduced, referred to Judiciary -HJ 124
 04/28/87 HOUSE Subreferred to Subcommittee on Court Systems, Probate and Consumer Law; On Committee agenda—Judiciary, 04/30/87, 8 00 am, 214C, for ratification of subreferral
 06/06/87 HOUSE Died in Committee on Judiciary

H 1029 GENERAL BILL/ENG by C.F. Jones (Similar CS/S 829)

Uninsured Motorist Ins /Policies; provides that insurers may offer policies providing uninsured motorist coverage which contain particular policy provisions under certain circumstances, requires notice of coverage options to be attached to the notice of premium & specifies that receipt thereof does not constitute waiver of coverage Amends 627 727. Effective Date 10/01/87
 04/07/87 HOUSE Filed
 04/14/87 HOUSE Introduced, referred to Insurance, Appropriations -HJ 124
 04/17/87 HOUSE Subreferred to Subcommittee on Property and Casualty Insurance
 04/21/87 HOUSE On subcommittee agenda—Insurance, 04/21/87, 3:30 pm, 317C, Subcommittee Recommendation pending ratification by full Committee Favorable, On Committee agenda, pending subcommittee action—Insurance, 04/22/87, 3:30 pm, 317C
 04/22/87 HOUSE Preliminary Committee Action by Insurance: Favorable
 04/23/87 HOUSE Comm Report: Favorable by Insurance -HJ 268; Now in Appropriations -HJ 268
 04/29/87 HOUSE Withdrawn from Appropriations -HJ 315, Placed on Calendar
 05/27/87 HOUSE Placed on Special Order Calendar, Read second time -HJ 679, Amendments adopted, Read third time, Passed as amended, YEAS 115 NAYS 2 -HJ 681
 In Messages
 05/28/87 SENATE Received, referred to Commerce -SJ 543
 06/01/87 SENATE Withdrawn from Commerce, Substituted for CS/SB 829; Read second time -SJ 786
 06/05/87 SENATE Placed on Special Order Calendar -SJ 787; Passed, YEAS 38 NAYS 0 -SJ 811
 06/05/87 Ordered enrolled
 06/16/87 Signed by Officers and presented to Governor
 06/30/87 Approved by Governor; Chapter No 87-213

H 1030 GENERAL BILL/CS by Transportation; C.F. Jones; Garcia (Similar S 1026)

Motor Vehicles/Abandoned, defines term "abandoned vehicle" for purposes of removal of such vehicles. Amends 715 05. Effective Date: 10/01/87
 04/07/87 HOUSE Filed
 04/14/87 HOUSE Introduced, referred to Transportation -HJ 124
 04/17/87 HOUSE On Committee agenda—Transportation, 04/21/87, 3 30 pm, 214C, for subreferral
 04/21/87 HOUSE Subreferred to Subcommittee on Highway Safety and Motor Vehicles
 04/23/87 HOUSE On subcommittee agenda—Transportation, 04/27/87, 1:15 pm, 217 HOB
 04/27/87 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable, with 1 amendment, On Committee agenda, pending subcommittee action—Transportation, 04/29/87, 1 15 pm, 214C
 04/30/87 HOUSE Preliminary Committee Action by Transportation Favorable, as a Committee Substitute, to Calendar
 05/04/87 HOUSE Comm Report CS by Transportation, placed on Calendar -HJ 348, CS read first time -HJ 347
 06/06/87 HOUSE Died on Calendar

H 1031 GENERAL BILL by Kelly; Tobin; Lippman (Similar H 396, CS/S 250)

By Senator Crawford

This publication was produced at a
 rate cost of 1.5 cents per page
 for the information of members of the
 legislature and the public.

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A bill to be entitled
 An act relating to uninsured motorist
 insurance; amending section 627.727, F.S.;
 providing policies providing uninsured motorist
 coverage may contain certain provisions
 pertaining to stacking such coverage; providing
 an effective date.

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

Section 1. Subsection (9) is added to section 627.727,
 Florida Statutes, 1986 Supplement, to read:

627.727 Motor vehicle insurance; uninsured and
 underinsured vehicle coverage; insolvent insurer protection.--

(9)(a) Any policy providing uninsured motorist
 coverage may contain the following provisions:

1. That the coverages provided as to two or more motor
 vehicles will not be added together to determine the limit of
 coverage available to an injured person for any one accident;

2. If at the time of the accident the injured person
 is occupying a motor vehicle, the uninsured motorist coverage
 available to him is the coverage available as to that motor
 vehicle. However, if he is occupying a motor vehicle which is
 not owned by him or by a family member residing with him, he
 is entitled to uninsured motorist coverage for any one vehicle
 for which he is a named insured or insured family member.

Such coverage shall, however, be off-set by the amount of
 uninsured motorist coverage available to him under the policy
 covering the vehicle in which he was injured;

3. The uninsured motorist coverage provided by the
 policy does not apply to the named insured or family members

1 residing in his household who are injured while occupying any
2 vehicle owned by such insureds for which uninsured motorist
3 coverage was not purchased; and

4 4. If at the time of the accident the injured person
5 is not occupying a motor vehicle, he may select one limit of
6 uninsured motorist coverage for one vehicle afforded by a
7 policy under which he is insured as a named insured or insured
8 resident of the named insured's household.

9 (b) The insurer at the time of the named insured's
10 selection, or rejection of uninsured motorist coverage, shall
11 advise him in writing on a form of his right to purchase an
12 endorsement deleting the policy provisions authorized in this
13 section, at his written request and upon payment of an
14 appropriate additional premium. If such form is signed by a
15 named insured, it will be conclusively presumed that there was
16 an informed, knowing rejection of such endorsement.

17 (c) All forms and policy language provided under this
18 subsection are subject to approval by the department.

19 Section 2. This act shall take effect October 1, 1987.

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25 SENATE SUMMARY

26 Provides for optional stacking of uninsured motorists
27 coverage in automobile insurance policies.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Casteel/MWC</u>	<u>Fort</u> <i>FFS</i>	1. <u>COM</u>	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Insurance-Stacking

BILL NO. AND SPONSOR:

SB 829 by
Senator Crawford

I. SUMMARY:

A. Present Situation:

Section 627.4132, F.S., is the so-called "anti-stacking law." It prohibits insurance coverage on two or more motor vehicles from being "stacked" or added together. This law was originally enacted by the Legislature in 1976. The statute was enacted in response to case law that allowed uninsured motorist coverage on two or more vehicles to be combined if an insured was covered under those policies and was involved in an accident involving any one of the vehicles covered. In 1980, the statute was amended to exempt uninsured motorist (UM) coverage from the application of the statute. The exemption had the effect of practically repealing the statute since it was originally aimed at uninsured motorist coverage. Thus, an insured with two automobiles who has purchased UM coverage with limits of \$100,000 per person and \$200,000 per accident (100/200) is actually afforded limits of 200/400.

The stacking rule means that such stacked limits apply to what the courts call "Class I insureds." Thus, the named insured and relatives residing with the named insured, wherever injured and under whatever circumstances, and others who are insureds under the named insured's UM coverage (those injured while occupying the named insured's vehicle) are "Class II insureds" and subject to the limits applicable to the automobile in which the accident occurred. However, case law exists which holds that stacking does not apply for the owners of a closely held corporation or to an employee, where a corporation was the named insured.

The purpose of uninsured motorist coverage is to allow a person to obtain insurance to protect himself from being injured by an uninsured person. Underinsured motorist coverage only applies to situations where the insured's coverage exceeds the amount of liability coverage held by the tortfeasor.

The "stacking" term has been inappropriately used by many people when different policies issued to different types of insureds both apply. A vehicle owner with UM, when a passenger in the vehicle of another motorist with UM, is entitled to coverage under both policies. Such is in accordance with each policy's terms; not "stacking" as ordered by the courts.

B. Effect of Proposed Changes:

Section 627.727, F.S., is amended to allow motor vehicle insurance policies to contain a specific provision that uninsured and underinsured coverage will not be added together to determine the limit of coverage for any one accident. The uninsured motorist coverage available to an insured will be the coverage applicable to the vehicle in the accident. However, if an injured person is occupying a vehicle which is not owned

by him or by a family member riding with him, he will be entitled to only the uninsured motorist coverage for any vehicle as to which he is a named insured or insured family member. Uninsured motorist coverage will be off-set by any coverage available to the injured person under a policy covering the vehicle in which he was injured. Uninsured motorist coverage will not apply to any vehicle for which such insurance is not specifically purchased.

If an injured person is not occupying a motor vehicle, he can select the limit of uninsured motorist coverage for any vehicle covered by a policy for which he is insured.

In addition, the bill requires the insurer to advise the named insured of his right to purchase uninsured motorist coverage which can be "stacked." The insurer must advise the insured on a form approved by the Department of Insurance in connection with the selection or rejection of uninsured motorist coverage. The insured will have the right to purchase an endorsement deleting the "anti-stacking" policy provision. To obtain the "stacked" coverage the insured must make a written request and possibly pay an additional premium.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The following amounts represent the current 12 month premiums charged for persons insured by the Florida Joint Underwriting Association for uninsured motorist coverage:

	<u>10/20</u>	<u>15/30</u>	<u>25/50</u>	<u>50/100</u>	<u>100/300</u>
<u>Dade County:</u>					
Single Auto Policy	228	339	417	493	579
Multi-Auto Policy-per auto	387	443	493	565	627
<u>Broward and Palm Beach Counties:</u>					
Single Auto Policy	85	126	155	183	215
Multi-Auto Policy-per auto	144	165	183	210	233
<u>Remainder of State:</u>					
Single Auto Policy	78	116	143	169	198
Multi-Auto Policy-per auto	133	152	169	193	215

Persons who do not want to "stack" uninsured motorist coverage should have a lower premium than they pay now. Persons who want to "stack" uninsured motorist coverage will be able to obtain the coverage by signing a form illustrating their election for such coverage. It is indeterminable at this time if premiums will increase for consumers who elect to "stack" uninsured motorist coverage.

B. Government:

The department will review policy forms which contain an optional stacking provision. Representatives from the department have advised that no additional costs will be incurred by this review process.

III. COMMENTS:

This bill is not similar to the anti-stacking bills filed in recent years. The prior bills did not allow the consumer the option to buy stacked coverage, as SB 829 provides, they simply were anti-stacking bills.

REVISED: _____

BILL NO. SB 829

DATE: April 27, 1987

Page 3

IV. AMENDMENTS:

None.

1 A bill to be entitled
2 An act relating to uninsured motorist
3 insurance; amending s. 627.727, F.S.; providing
4 that insurers may offer policies providing
5 uninsured motorist coverage which contain
6 particular policy provisions under certain
7 circumstances; providing an effective date.
8
9 Be It Enacted by the Legislature of the State of Florida:
10
11 Section 1. Subsection (9) is added to section 627.727,
12 Florida Statutes, 1986 Supplement, to read:
13 627.727 Motor vehicle insurance; uninsured and
14 underinsured vehicle coverage; insolvent insurer protection.--
15 (9) Insurers may offer policies of uninsured motorist
16 coverage containing policy provisions, in language approved by
17 the department, establishing that:
18 (a) The coverage provided as to two or more motor
19 vehicles shall not be added together to determine the limit of
20 insurance coverage available to an injured person for any one
21 accident.
22 (b) If at the time of the accident the injured person
23 is occupying a motor vehicle, the uninsured motorist coverage
24 available to him is the coverage available as to that motor
25 vehicle. However, if the injured person is occupying a motor
26 vehicle which is not owned by him or by a family member
27 residing with him, he is entitled to the highest limits of
28 uninsured motorist coverage afforded for any one vehicle as to
29 which he is a named insured or insured family member. Such-
30 coverage shall, however, be off-set by the amount of uninsured
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1 | motorist coverage available to the injured person under the
2 | policy covering the vehicle in which he was injured.

3 | (c) The uninsured motorist coverage provided by the
4 | policy does not apply to the named insured or family members
5 | residing in his household who are injured while occupying any
6 | vehicle owned by such insureds for which uninsured motorist
7 | coverage was not purchased.

8 | (d) If, at the time of the accident the injured person
9 | is not occupying a motor vehicle, he is entitled to select any
10 | one limit of uninsured motorist coverage for any one vehicle
11 | afforded by a policy under which he is insured as a named
12 | insured or insured resident of the named insured's household.

13 |
14 | In connection with the offer authorized by this subsection,
15 | insurers shall inform the named insured, applicant, or lessee,
16 | on a form approved by the department, of the limitations
17 | imposed under this subsection. If this form is signed by a
18 | named insured, applicant, or lessee, it shall be conclusively
19 | presumed that there was an informed, knowing acceptance of
20 | such limitations. When the named insured, applicant, or
21 | lessee has initially accepted such limitations, such
22 | acceptance shall apply to any policy which renews, extends,
23 | changes, supersedes, or replaces an existing policy unless the
24 | named insured requests deletion of such limitations and pays
25 | the appropriate premium for such coverage. Any insurer who
26 | provides coverage which includes the limitations provided in
27 | this subsection shall file revised premium rates with the
28 | department for uninsured motorist coverage to take effect
29 | prior to providing such coverage. The revised rates shall
30 | reflect the anticipated reduction in loss costs attributable
31 | to such limitations and shall reflect a reduction in the

1 premium of at least 10 percent. Such filing shall not
2 increase the rates for coverage previously in effect which
3 does not contain the limitations authorized by this
4 subsection, and such rates shall remain in effect until the
5 insurer demonstrates the need for a change in uninsured
6 motorist rates pursuant to s. 627.0651.

7 Section 2. This act shall take effect October 1, 1987.

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

18/1682

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Casteel MWC</u>	Fort <u>[Signature]</u>	1. <u>COM</u>	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Insurance-Stacking

BILL NO. AND SPONSOR:

PCS/SB 829 by Commerce and Senator Crawford

I. SUMMARY:

A. Present Situation:

Section 627.4132, F.S., is the so-called "anti-stacking law." It prohibits insurance coverage on two or more motor vehicles from being "stacked" or added together. This law was originally enacted by the Legislature in 1976. The statute was enacted in response to case law that allowed uninsured motorist coverage on two or more vehicles to be combined if an insured was covered under those policies and was involved in an accident involving any one of the vehicles covered. In 1980, the statute was amended to exempt uninsured motorist (UM) coverage from the application of the statute. The exemption had the effect of practically repealing the statute since it was originally aimed at uninsured motorist coverage. Thus, an insured with two automobiles who has purchased UM coverage with limits of \$100,000 per person and \$200,000 per accident (100/200) is actually afforded limits of 200/400.

The stacking rule means that such stacked limits apply to what the courts call "Class I insureds." Thus, the named insured and relatives residing with the named insured, wherever injured and under whatever circumstances, and others who are insureds under the named insured's UM coverage (those injured while occupying the named insured's vehicle) are "Class II insureds" and subject to the limits applicable to the automobile in which the accident occurred. However, case law exists which holds that stacking does not apply for the owners of a closely held corporation or to an employee, where a corporation was the named insured.

The purpose of uninsured motorist coverage is to allow a person to obtain insurance to protect himself from being injured by an uninsured person. Underinsured motorist coverage only applies to situations where the insured's coverage exceeds the amount of liability coverage held by the tortfeasor.

The "stacking" term has been inappropriately used by many people when different policies issued to different types of insureds both apply. A vehicle owner with UM, when a passenger in the vehicle of another motorist with UM, is entitled to coverage under both policies. Such is in accordance with each policy's terms; not "stacking" as ordered by the courts.

B. Effect of Proposed Changes:

Section 627.727, F.S., is amended to allow insurers to offer policies of uninsured motorist coverage containing specific policy provisions that uninsured and underinsured coverage will not be added together to determine the limit of coverage for any one accident. The uninsured motorist coverage available to an insured will be the coverage applicable to the vehicle in the accident. However, if an injured person is occupying a

vehicle which is not owned by him or by a family member riding with him, he will be entitled to the highest limits of uninsured motorist coverage for any vehicle as to which he is a named insured or insured family member. Uninsured motorist coverage will be off-set by any coverage available to the injured person under a policy covering the vehicle in which he was injured. Uninsured motorist coverage will not apply to any vehicle for which such insurance is not specifically purchased.

If an injured person is not occupying a motor vehicle, he can select the limit of uninsured motorist coverage for any vehicle covered by a policy for which he is insured.

In addition, the bill provides that in connection with the offer to sell non-stacked uninsured motorist coverage, that the insurer shall inform the named insured, applicant or lessee, on a form approved by the department, of the limitations imposed under s. 627.727, F.S., as amended. If the named insured, applicant, or lessee signs such form, it is conclusively presumed that there was an informed, knowing acceptance of such limitations. Once the named insured, applicant, or lessee has initially accepted such limitations, such acceptance shall apply to any policy which renews, extends, charges, supercedes, or replaces an existing policy unless the named insured requests deletion of such limitations and pays the appropriate premium for such coverage.

Finally, the bill provides that any insurer providing coverage including non-stacked uninsured motorist coverage shall file revised premium rates with the department for such coverage prior to providing the coverage. The revised rates shall reflect the anticipated reduction in loss costs attributable to non-stacked coverage and shall reflect a reduction in the premium of at least 10 percent. The filing shall not increase the rates for coverage previously in effect (stacked coverage) and such rates shall remain in effect until the insurer demonstrates the need for a change in uninsured motorist rates pursuant to s. 627.0651, F.S. (Making and use of rates for motor vehicle insurance).

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The following amounts represent the current 12 month premiums charged for persons insured by the Florida Joint Underwriting Association for uninsured motorist coverage:

	<u>10/20</u>	<u>15/30</u>	<u>25/50</u>	<u>50/100</u>	<u>100/300</u>
<u>Dade County:</u>					
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Single Auto Policy	78	116	143	169	198
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Persons who do not want to "stack" uninsured motorist coverage should have a lower premium than they pay now. Persons who want to "stack" uninsured motorist coverage will be able to

obtain the coverage. It is indeterminable at this time if premiums will increase for consumers who elect to "stack" uninsured motorist coverage.

B. Government:

The department will review policy forms which contain an optional non-stacking provision. Representatives from the department have advised that no additional costs will be incurred by this review process.

III. COMMENTS:

This bill is not similar to the anti-stacking bills filed in recent years. The prior bills did not allow the consumer the option to buy stacked coverage, as PCS/SB 829 provides, they simply were anti-stacking bills.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Casteel MWC</u>	<u>Fort</u> <i>[Signature]</i>	1. <u>COM</u>	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Insurance-Stacking

BILL NO. AND SPONSOR:

PCS/SB 829 by Commerce and Senator Crawford

I. SUMMARY:

A. Present Situation:

Section 627.4132, F.S., is the so-called "anti-stacking law." It prohibits insurance coverage on two or more motor vehicles from being "stacked" or added together. This law was originally enacted by the Legislature in 1976. The statute was enacted in response to case law that allowed uninsured motorist coverage on two or more vehicles to be combined if an insured was covered under those policies and was involved in an accident involving any one of the vehicles covered. In 1980, the statute was amended to exempt uninsured motorist (UM) coverage from the application of the statute. The exemption had the effect of practically repealing the statute since it was originally aimed at uninsured motorist coverage. Thus, an insured with two automobiles who has purchased UM coverage with limits of \$100,000 per person and \$200,000 per accident (100/200) is actually afforded limits of 200/400.

The stacking rule means that such stacked limits apply to what the courts call "Class I insureds." Thus, the named insured and relatives residing with the named insured, wherever injured and under whatever circumstances, and others who are insureds under the named insured's UM coverage (those injured while occupying the named insured's vehicle) are "Class II insureds" and subject to the limits applicable to the automobile in which the accident occurred. However, case law exists which holds that stacking does not apply for the owners of a closely held corporation or to an employee, where a corporation was the named insured.

The purpose of uninsured motorist coverage is to allow a person to obtain insurance to protect himself from being injured by an uninsured person. Underinsured motorist coverage only applies to situations where the insured's coverage exceeds the amount of liability coverage held by the tortfeasor.

The "stacking" term has been inappropriately used by many people when different policies issued to different types of insureds both apply. A vehicle owner with UM, when a passenger in the vehicle of another motorist with UM, is entitled to coverage under both policies. Such is in accordance with each policy's terms; not "stacking" as ordered by the courts.

B. Effect of Proposed Changes:

Section 627.727, F.S., is amended to allow insurers to offer policies of uninsured motorist coverage containing specific policy provisions that uninsured and underinsured coverage will not be added together to determine the limit of coverage for any one accident. The uninsured motorist coverage available to an insured will be the coverage applicable to the vehicle in the accident. However, if an injured person is occupying a

vehicle which is not owned by him or by a family member riding with him, he will be entitled to the highest limits of uninsured motorist coverage for any vehicle as to which he is a named insured or insured family member. Uninsured motorist coverage will be off-set by any coverage available to the injured person under a policy covering the vehicle in which he was injured. Uninsured motorist coverage will not apply to any vehicle for which such insurance is not specifically purchased.

If an injured person is not occupying a motor vehicle, he can select the limit of uninsured motorist coverage for any vehicle covered by a policy for which he is insured.

In addition, the bill provides that in connection with the offer to sell non-stacked uninsured motorist coverage, that the insurer shall inform the named insured, applicant or lessee, on a form approved by the department, of the limitations imposed under s. 627.727, F.S., as amended. If the named insured, applicant, or lessee signs such form, it is conclusively presumed that there was an informed, knowing acceptance of such limitations. Once the named insured, applicant, or lessee has initially accepted such limitations, such acceptance shall apply to any policy which renews, extends, charges, supercedes, or replaces an existing policy unless the named insured requests deletion of such limitations and pays the appropriate premium for such coverage.

Finally, the bill provides that any insurer providing coverage including non-stacked uninsured motorist coverage shall file revised premium rates with the department for such coverage prior to providing the coverage. The revised rates shall reflect the anticipated reduction in loss costs attributable to non-stacked coverage and shall reflect a reduction in the premium of at least 10 percent. The filing shall not increase the rates for coverage previously in effect (stacked coverage) and such rates shall remain in effect until the insurer demonstrates the need for a change in uninsured motorist rates pursuant to s. 627.0651, F.S. (Making and use of rates for motor vehicle insurance).

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The following amounts represent the current 12 month premiums charged for persons insured by the Florida Joint Underwriting Association for uninsured motorist coverage:

	<u>10/20</u>	<u>15/30</u>	<u>25/50</u>	<u>50/100</u>	<u>100/300</u>
<u>Dade County:</u>					
Single Auto Policy	228	339	417	493	579
Multi-Auto Policy-per auto	387	443	493	565	627
<u>Broward and Palm Beach Counties:</u>					
Single Auto Policy	85	126	155	183	215
Multi-Auto Policy-per auto	144	165	183	210	233
<u>Remainder of State:</u>					
Single Auto Policy	78	116	143	169	198
Multi-Auto Policy-per auto	133	152	169	193	215

Persons who do not want to "stack" uninsured motorist coverage should have a lower premium than they pay now. Persons who want to "stack" uninsured motorist coverage will be able to

obtain the coverage. It is indeterminable at this time if premiums will increase for consumers who elect to "stack" uninsured motorist coverage.

B. Government:

The department will review policy forms which contain an optional non-stacking provision. Representatives from the department have advised that no additional costs will be incurred by this review process.

III. COMMENTS:

This bill is not similar to the anti-stacking bills filed in recent years. The prior bills did not allow the consumer the option to buy stacked coverage, as PCS/SB 829 provides, they simply were anti-stacking bills.

IV. AMENDMENTS:

None.

By the Committee on Commerce and Senator Crawford

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

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A bill to be entitled
An act relating to uninsured motorist
insurance; amending s 627.727, F.S.; providing
that insurers may offer policies providing
uninsured motorist coverage which contain
particular policy provisions under certain
circumstances; providing an effective date.

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

Section 1. Subsection (9) is added to section 627.727,
Florida Statutes, 1986 Supplement, to read:

627.727 Motor vehicle insurance; uninsured and
underinsured vehicle coverage; insolvent insurer protection --

(9) Insurers may offer policies of uninsured motorist
coverage containing policy provisions, in language approved by
the department, establishing that:

(a) If the insured accepts this offer, the coverage
provided as to two or more motor vehicles shall not be added
together to determine the limit of insurance coverage
available to an injured person for any one accident, except as
provided in paragraph (b).

(b) If at the time of the accident the injured person
is occupying a motor vehicle, the uninsured motorist coverage
available to him is the coverage available as to that motor
vehicle. However, if the injured person is occupying a motor
vehicle which is not owned by him or by a family member
residing with him, he is entitled to the highest limits of
uninsured motorist coverage afforded for any one vehicle as to
which he is a named insured or insured family member.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Casteel MWC</u>	Fort <u>PHS</u>	1. <u>COM</u>	<u>Fav/CS</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Insurance-Stacking

BILL NO. AND SPONSOR:

CS/SB 829 by Commerce and
Senator Crawford

I. SUMMARY:

A. Present Situation:

Section 627.4132, F.S., is the so-called "anti-stacking law." It prohibits insurance coverage on two or more motor vehicles from being "stacked" or added together. This law was originally enacted by the Legislature in 1976. The statute was enacted in response to case law that allowed uninsured motorist coverage on two or more vehicles to be combined if an insured was covered under those policies and was involved in an accident involving any one of the vehicles covered. In 1980, the statute was amended to exempt uninsured motorist (UM) coverage from the application of the statute. The exemption had the effect of practically repealing the statute since it was originally aimed at uninsured motorist coverage. Thus, an insured with two automobiles who has purchased UM coverage with limits of \$100,000 per person and \$200,000 per accident (100/200) is actually afforded limits of 200/400.

The stacking rule means that such stacked limits apply to what the courts call "Class I insureds." Thus, the named insured and relatives residing with the named insured, wherever injured and under whatever circumstances, and others who are insureds under the named insured's UM coverage (those injured while occupying the named insured's vehicle) are "Class II insureds" and subject to the limits applicable to the automobile in which the accident occurred. However, case law exists which holds that stacking does not apply for the owners of a closely held corporation or to an employee, where a corporation was the named insured.

The purpose of uninsured motorist coverage is to allow a person to obtain insurance to protect himself from being injured by an uninsured person. Underinsured motorist coverage only applies to situations where the insured's coverage exceeds the amount of liability coverage held by the tortfeasor.

The "stacking" term has been inappropriately used by many people when different policies issued to different types of insureds both apply. A vehicle owner with UM, when a passenger in the vehicle of another motorist with UM, is entitled to coverage under both policies. Such is in accordance with each policy's terms; not "stacking" as ordered by the courts.

B. Effect of Proposed Changes:

Section 627.727, F.S., is amended to allow insurers to offer policies of uninsured motorist coverage containing specific policy provisions that uninsured and underinsured coverage will not be added together to determine the limit of coverage for any one accident. The uninsured motorist coverage available to an insured will be the coverage applicable to the vehicle in the accident. However, if an injured person is occupying a

vehicle which is not owned by him or by a family member riding with him, he will be entitled to the highest limits of uninsured motorist coverage for any vehicle as to which he is a named insured or insured family member. Uninsured motorist coverage will not apply to any vehicle for which such insurance is not specifically purchased.

If an injured person is not occupying a motor vehicle, he can select the limit of uninsured motorist coverage for any vehicle covered by a policy for which he is insured.

In addition, the bill provides that in connection with the offer to sell non-stacked uninsured motorist coverage, that the insurer shall inform the named insured, applicant or lessee, on a form approved by the department, of the limitations imposed under s. 627.727, F.S., as amended. If the named insured, applicant, or lessee signs such form, it is conclusively presumed that there was an informed, knowing acceptance of such limitations. Once the named insured, applicant, or lessee has initially accepted such limitations, such acceptance shall apply to any policy which renews, extends, charges, supercedes, or replaces an existing policy unless the named insured requests deletion of such limitations and pays the appropriate premium for such coverage.

Finally, the bill provides that any insurer providing coverage including non-stacked uninsured motorist coverage shall file revised premium rates with the department for such coverage prior to providing the coverage. The revised rates shall reflect the anticipated reduction in loss costs attributable to non-stacked coverage and shall reflect a reduction in the premium of at least 20 percent. The filing shall not increase the rates for coverage previously in effect (stacked coverage) and such rates shall remain in effect until the insurer demonstrates the need for a change in uninsured motorist rates pursuant to s. 627.0651, F.S. (Making and use of rates for motor vehicle insurance).

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The following amounts represent the current 12 month premiums charged for persons insured by the Florida Joint Underwriting Association for uninsured motorist coverage:

	<u>10/20</u>	<u>15/30</u>	<u>25/50</u>	<u>50/100</u>	<u>100/300</u>
<u>Dade County:</u>					
Single Auto Policy	228	339	417	493	579
Multi-Auto Policy-per auto	387	443	493	565	627
<u>Broward and Palm Beach Counties:</u>					
Single Auto Policy	85	126	155	183	215
Multi-Auto Policy-per auto	144	165	183	210	233
<u>Remainder of State:</u>					
Single Auto Policy	78	116	143	169	198
Multi-Auto Policy-per auto	133	152	169	193	215

Persons who do not want to "stack" uninsured motorist coverage should have a lower premium than they pay now. Persons who want to "stack" uninsured motorist coverage will be able to obtain the coverage. It is indeterminable at this time if

premiums will increase for consumers who elect to "stack" uninsured motorist coverage.

B. Government:

The department will review policy forms which contain an optional non-stacking provision. Representatives from the department have advised that no additional costs will be incurred by this review process.

III. COMMENTS:

This bill is not similar to the anti-stacking bills filed in recent years. The prior bills did not allow the consumer the option to buy stacked coverage, as PCS/SB 829 provides, they simply were anti-stacking bills.

IV. AMENDMENTS:

None.

By Representative (F Jones

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A bill to be entitled
An act relating to uninsured motorist
insurance; amending s. 627.727, F.S., providing
that insurance policies providing uninsured
motorist coverage may contain a particular
policy provision under certain circumstances;
providing an effective date.

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

Section 1. Subsection (9) is added to section 627.727,
Florida Statutes, 1986 Supplement, to read:

627.727 Motor vehicle insurance; uninsured and
underinsured vehicle coverage, insolvent insurer protection.--

(9) Any policy providing uninsured motorist coverage
may contain a policy provision, in language approved by the
department, establishing that,

(a) The coverage provided as to two or more motor
vehicles shall not be added together to determine the limit of
insurance coverage available to an injured person for any one
accident.

(b) If at the time of the accident the injured person
is occupying a motor vehicle, the uninsured motorist coverage
available to him is the coverage available as to that motor
vehicle. However, if the injured person is occupying a motor
vehicle which is not owned by him or by a family member
residing with him, he may be entitled to uninsured motorist
coverage afforded for any one vehicle as to which he is a
named insured or insured family member. Such coverage shall,
however, be off-set by the amount of uninsured motorist

This publication was produced at an average cost of 15 cents per
single page in compliance with the Rules and for the information
of members of the Legislature and the public.

STORAGE NAME: 87h1029in0

Date: 04/20/87

Revised: _____

Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON INSURANCE
STAFF ANALYSIS

11 1080

BILL #: HB 1029

RELATING TO: Uninsured Motorist Insurance/Policies

SPONSOR(S): Representative C. F. Jones

EFFECTIVE DATE: October 1, 1987

COMPANION BILL(S): SB 829

OTHER COMMITTEES OF REFERENCE: (1) Appropriations

(2) _____

I. SUMMARY

The bill provides that insurance policies may contain a provision that coverage on two or more vehicles will not be added together. This provision will apply to uninsured and underinsured motor vehicle coverage.

The present law, s. 627.4132, is the so-called "anti-stacking law." It prohibits insurance coverage on two or more motor vehicles from being "stacked" or added together. This law was originally enacted by the Legislature in 1976. The statute was enacted in response to case law that allowed uninsured motorist coverage on two or more vehicles to be combined if an insured was covered under those policies and was involved in an accident involving any one of the vehicles covered. In 1980, the statute was amended to exempt uninsured motorist coverage from the application of the statute. The exemption had the effect of practically repealing the statute since it was originally aimed at uninsured motorist coverage.

The purpose of uninsured motorist coverage is to allow a person to obtain insurance to protect himself from being injured by an uninsured person. Underinsured motorist coverage only applies to situations where the insured's coverage exceeds the amount of liability coverage held by the tort feisor.

The bill will allow motor vehicle insurance policies to contain a specific provision that uninsured and underinsured coverage will not be added together to determine the limit of coverage for any one accident. The uninsured motorist coverage available to an insured will be the coverage applicable to the vehicle in the accident. However, if an injured person is occupying a vehicle which is not owned by him or by a family member riding with him, he will be entitled to only the uninsured motorist coverage for any vehicle as to which he is a named insured or insured family member. Uninsured

motorist coverage will be off-set by any coverage available to the injured person under a policy covering the vehicle in which he was injured. Uninsured motorist coverage will not apply to any vehicle for which it is not specifically purchased.

If an injured person is not occupying a motor vehicle, he can select the limit of uninsured motorist coverage for any vehicle covered by a policy for which he is insured.

The bill also requires the insurer to advise the named insured of his right to purchase uninsured motorist coverage which can be "stacked." The insurer must advise the insured on a form approved by the department in connection with the selection or rejection of uninsured motorist coverage. The insured will have the right to purchase an endorsement deleting the "anti-stacking" policy provision. To obtain the "stacked" coverage the insured must make a written request and pay an additional premium.

II. ECONOMIC IMPACT

A. Public

The Florida Joint Underwriting Association has advised that the following amounts represent the current 12-month premium charged for uninsured motorist coverage:

	10/20	15/30	25/50	50/100	100/300
Dade County:					
Single Auto Policy	228	339	417	493	579
Multi-Auto Policy — per auto	387	443	493	565	627
Broward and Palm Beach Counties:					
Single Auto Policy	85	126	155	183	215
Multi-Auto Policy — per auto	144	165	183	210	233
Remainder of State					
Single Auto Policy	78	116	143	169	198
Multi-Auto Policy — per auto	133	152	169	193	215

Persons who do not want to "stack" uninsured motorist coverage should have a lower premium than they pay now. Persons who want to "stack" uninsured motorist coverage can do so at an additional premium than what they currently pay.

B. Government

The Department of Insurance will review policy forms which contain an optional stacking provision. The department has advised that its present staff will be able to perform this review process.

III. STATE COMPREHENSIVE PLAN IMPACT
None

IV. COMMENTS
None

V. AMENDMENTS
None

VI. PREPARED BY: Robert A. Henderson *RAH*

VII. STAFF DIRECTOR: Jose A. Diez-Arquelles *JAD*

Date: 04/20/87
Revised:
Final: 07/01/87

HOUSE OF REPRESENTATIVES
COMMITTEE ON INSURANCE
STAFF ANALYSIS

19 1680

BILL #: HB 1029

RELATING TO: Uninsured Motorist Insurance/Policies

SPONSOR(S): Representative C. F. Jones

EFFECTIVE DATE: October 1, 1987

COMPANION BILL(S): CS/SB 829

OTHER COMMITTEES OF REFERENCE: (1) Appropriations

(2)

I. SUMMARY

The bill provides that insurance policies may contain a provision that coverage on two or more vehicles will not be added together. This provision will apply to uninsured and underinsured motor vehicle coverage.

The present law, s. 627.4132, is the so-called "anti-stacking law." It prohibits insurance coverage on two or more motor vehicles from being "stacked" or added together. This law was originally enacted by the Legislature in 1976. The statute was enacted in response to case law that allowed uninsured motorist coverage on two or more vehicles to be combined if an insured was covered under those policies and was involved in an accident involving any one of the vehicles covered. In 1980, the statute was amended to exempt uninsured motorist coverage from the application of the statute. The exemption had the effect of practically repealing the statute since it was originally aimed at uninsured motorist coverage.

The purpose of uninsured motorist coverage is to allow a person to obtain insurance to protect himself from being injured by an uninsured person. Underinsured motorist coverage only applies to situations where the insured's coverage exceeds the amount of liability coverage held by the tort feisor.

The bill will allow motor vehicle insurance policies to contain a specific provision that uninsured and underinsured coverage will not be added together to determine the limit of coverage for any one accident. The uninsured motorist coverage available to an insured will be the coverage applicable to the vehicle in the accident. However, if an injured person is occupying a vehicle which is not owned by him or by a family member riding with him, he will be entitled to only the uninsured motorist coverage for any vehicle as to which he is a named insured or insured family member. Uninsured

motorist coverage will be off-set by any coverage available to the injured person under a policy covering the vehicle in which he was injured. Uninsured motorist coverage will not apply to any vehicle for which it is not specifically purchased.

If an injured person is not occupying a motor vehicle, he can select the limit of uninsured motorist coverage for any vehicle covered by a policy for which he is insured.

The bill also requires the insurer to advise the named insured of his right to purchase uninsured motorist coverage which can be "stacked." The insurer must advise the insured on a form approved by the department in connection with the selection or rejection of uninsured motorist coverage. The insured will have the right to purchase an endorsement deleting the "anti-stacking" policy provision. To obtain the "stacked" coverage the insured must make a written request and pay an additional premium.

II. ECONOMIC IMPACT

A. Public

The Florida Joint Underwriting Association has advised that the following amounts represent the current 12-month premium charged for uninsured motorist coverage:

Persons who do not want to "stack" uninsured motorist coverage should have a lower premium than they pay now. Persons who want to "stack" uninsured motorist coverage can do so at an additional premium than what they currently pay.

B. Government

The Department of Insurance will review policy forms which contain an optional stacking provision. The department has advised that its present staff will be able to perform this review process.

III. STATE COMPREHENSIVE PLAN IMPACT

None

IV. COMMENTS

The bill, as amended, was passed by the Legislature and has been approved by the Governor.

V. AMENDMENTS

Four amendments were adopted on the House Floor.

The first amendment authorizes insurers to offer policies of uninsured motorist coverage which contain provisions regarding nonstacked coverage. The amendment also provides that a person who chooses the nonstacked coverage and who is injured in a vehicle not owned by him or a family member residing with him is entitled to the highest limits of uninsured motorist coverage afforded for any one vehicle as to which he is a named insured or insured family member. The nonstacked coverage will be excess over the coverage on the vehicle the insured is occupying. The insurers must inform the insured of the limitations of the nonstacked coverage on a form approved by the Department of Insurance. If the form is signed by the insured it will be presumed that there was an informed acceptance of the coverage. Acceptance by the insured of the coverage will apply to replacement policies unless the insured requests different coverage and pays the appropriate premium. Insurers which provide nonstacked coverage must file rates with the department prior to providing the coverage. The rates must reflect a reduction in uninsured motorist coverage premiums of at least 20 percent. Rates for existing uninsured motorist policies are unaffected.

The second amendment requires that the annual notice furnished by insurers regarding uninsured motorist coverage options be attached to the notice of premium. This amendment also provides that receipt of the notice does not constitute an affirmative waiver of the insured's right to uninsured motorist coverage where the insured has not signed a selection or rejection form.

The third and fourth amendments were title amendments.

VI. PREPARED BY: Robert A. Henderson

VII. STAFF DIRECTOR: Jose A. Diez-Arquelles

**GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
TENTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968**

**During the Regular Session
April 7, 1987 through June 6, 1987
and the Special Session
February 4, 1987**



Volume I, Part Two

**Published by Authority of Law
Under Direction of the**

**JOINT LEGISLATIVE MANAGEMENT
COMMITTEE**

TALLAHASSEE

1987

(2) The City of St. Petersburg, the Board of County Commissioners of Pinellas County, and all other governmental entities are authorized to cooperate with the Board of Regents in establishing this institution. The acquisition and donation of lands, buildings, and equipment for use of the St. Petersburg branch of the University of South Florida are hereby authorized and shall be deemed to be for a public purpose. The City of St. Petersburg is authorized to exercise the power of eminent domain to acquire lands, buildings, and equipment for use of the St. Petersburg branch of the University of South Florida, regardless of whether such lands, buildings, and equipment are located in a community redevelopment area.

Section 28. This act shall take effect July 1, 1987.

Approved by the Governor June 30, 1987.

Filed in Office Secretary of State June 30, 1987.

CHAPTER 87-213

House Bill No. 1029

An act relating to uninsured motorist insurance; amending s. 627.727, F.S.; providing that insurers may offer policies providing uninsured motorist coverage which contain particular policy provisions under certain circumstances; requiring notice of coverage options to be attached to the notice of premium and specifying that receipt thereof does not constitute waiver of coverage; providing an effective date.

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

Section 1. Subsection (1) of section 627.727, Florida Statutes, 1986 Supplement, is amended, and subsection (9) is added to said section, to read:

627.727 Motor vehicle insurance, uninsured and underinsured vehicle coverage; insolvent insurer protection.--

(1) No motor vehicle liability insurance policy shall be delivered or issued for delivery in this state with respect to any specifically insured or identified motor vehicle registered or principally garaged in this state unless uninsured motor vehicle coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom. However, the coverage required under this section is not applicable when, or to the extent that, any insured named in the policy rejects the coverage in writing. When a motor vehicle is leased for a period of 1 year or longer and the lessor of such vehicle, by the terms of the lease contract, provides liability coverage on the leased vehicle, the lessee of such vehicle shall have the sole privilege to reject uninsured motorist coverage or to select lower limits than the bodily injury liability limits, regardless of whether the lessor is qualified as a self-insurer pursuant to s. 324.171. Unless the named insured, or lessee having the privilege of rejecting uninsured motorist coverage, requests such coverage or

requests higher uninsured motorist limits in writing, the coverage or such higher uninsured motorist limits need not be provided in or supplemental to any other policy which renews, extends, changes, supersedes, or replaces an existing policy with the same bodily injury liability limits when the named insured or lessee had rejected the coverage. When the named insured or lessee has initially selected limits of uninsured motorist coverage lower than his bodily injury liability limits, higher limits of uninsured motorist coverage need not be provided in or supplemental to any other policy which renews, extends, changes, supersedes, or replaces an existing policy with the same bodily injury liability limits unless the named insured requests higher uninsured motorist coverage in writing. The rejection or selection of lower limits shall be made on a form approved by the Insurance Commissioner. The form shall fully advise the applicant of the nature of the coverage and shall state that the coverage is equal to bodily injury liability limits unless lower limits are requested or the coverage is rejected. The heading of the form shall be in 12-point bold type and shall state: "You are electing not to purchase certain valuable coverage which protects you and your family or you are purchasing uninsured motorist limits less than your bodily injury liability limits when you sign this form. Please read carefully." If this form is signed by a named insured, it will be conclusively presumed that there was an informed, knowing rejection of coverage or election of lower limits. The insurer shall notify the named insured at least annually of his options as to the coverage required by this section. Such notice shall be part of an attached to the notice of premium, shall provide for a means to allow the insured to request such coverage, and shall be given in a manner approved by the department. Receipt of this notice does not constitute an affirmative waiver of the insured's right to uninsured motorist coverage where the insured has not signed a selection or rejection form. The coverage described under this section shall be over and above, but shall not duplicate, the benefits available to an insured under any workers' compensation law, personal injury protection benefits, disability benefits law, or similar law; under any automobile medical expense coverage; under any motor vehicle liability insurance coverage; or from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or operator for the accident; and such coverage shall cover the difference, if any, between the sum of such benefits and the damages sustained, up to the maximum amount of such coverage provided under this section. The amount of coverage available under this section shall not be reduced by a setoff against any coverage, including liability insurance. Such coverage shall not inure directly or indirectly to the benefit of any workers' compensation or disability benefits carrier or any person or organization qualifying as a self-insurer under any workers' compensation or disability benefits law or similar law.

(9) Insurers may offer policies of uninsured motorist coverage containing policy provisions, in language approved by the department, establishing that if the insured accepts this offer:

(a) The coverage provided as to two or more motor vehicles shall not be added together to determine the limit of insurance coverage available to an injured person for any one accident, except as provided in paragraph (c).

(b) If at the time of the accident the injured person is occupying a motor vehicle, the uninsured motorist coverage available to him is the coverage available as to that motor vehicle.

(c) If the injured person is occupying a motor vehicle which is not owned by him or by a family member residing with him, he is entitled to the highest limits of uninsured motorist coverage afforded for any one vehicle as to which he is a named insured or insured family member. Such coverage shall be excess over the coverage on the vehicle he is occupying.

(d) The uninsured motorist coverage provided by the policy does not apply to the named insured or family members residing in his household who are injured while occupying any vehicle owned by such insureds for which uninsured motorist coverage was not purchased.

(e) If, at the time of the accident the injured person is not occupying a motor vehicle, he is entitled to select any one limit of uninsured motorist coverage for any one vehicle afforded by a policy under which he is insured as a named insured or insured resident of the named insured's household.

In connection with the offer authorized by this subsection, insurers shall inform the named insured, applicant, or lessee, on a form approved by the department, of the limitations imposed under this subsection and that such coverage is an alternative to coverage without such limitations. If this form is signed by a named insured, applicant, or lessee, it shall be conclusively presumed that there was an informed, knowing acceptance of such limitations. When the named insured, applicant, or lessee has initially accepted such limitations, such acceptance shall apply to any policy which renews, extends, changes, supersedes, or replaces an existing policy unless the named insured requests deletion of such limitations and pays the appropriate premium for such coverage. Any insurer who provides coverage which includes the limitations provided in this subsection shall file revised premium rates with the department for such uninsured motorist coverage to take effect prior to initially providing such coverage. The revised rates shall reflect the anticipated reduction in loss costs attributable to such limitations but shall in any event reflect a reduction in the uninsured motorist coverage premium of at least 20 percent for policies with such limitations. Such filing shall not increase the rates for coverage which does not contain the limitations authorized by this subsection, and such rates shall remain in effect until the insurer demonstrates the need for a change in uninsured motorist rates pursuant to s. 627.0651.

Section 2. This act shall take effect October 1, 1987.

Approved by the Governor June 30, 1987.

Filed in Office Secretary of State June 30, 1987.

CHAPTER 87-214

House Bill No. 1034

An act relating to motor vehicle racing events; amending s. 549.08, F.S.; providing conditions for the issuance of a permit to conduct a racing event on a public highway or street or in a public park; providing for restoration of

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

18/1082

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Casteel MWC</u>	Fort <u>MS</u>	1. <u>COM</u>	<u>Fav/CS</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Insurance-Stacking

BILL NO. AND SPONSOR:

CS/SB 829 by Commerce and Senator Crawford

I. SUMMARY:

A. Present Situation:

Section 627.4132, F.S., is the so-called "anti-stacking law." It prohibits insurance coverage on two or more motor vehicles from being "stacked" or added together. This law was originally enacted by the Legislature in 1976. The statute was enacted in response to case law that allowed uninsured motorist coverage on two or more vehicles to be combined if an insured was covered under those policies and was involved in an accident involving any one of the vehicles covered. In 1980, the statute was amended to exempt uninsured motorist (UM) coverage from the application of the statute. The exemption had the effect of practically repealing the statute since it was originally aimed at uninsured motorist coverage. Thus, an insured with two automobiles who has purchased UM coverage with limits of \$100,000 per person and \$200,000 per accident (100/200) is actually afforded limits of 200/400.

The stacking rule means that such stacked limits apply to what the courts call "Class I insureds." Thus, the named insured and relatives residing with the named insured, wherever injured and under whatever circumstances, and others who are insureds under the named insured's UM coverage (those injured while occupying the named insured's vehicle) are "Class II insureds" and subject to the limits applicable to the automobile in which the accident occurred. However, case law exists which holds that stacking does not apply for the owners of a closely held corporation or to an employee, where a corporation was the named insured.

The purpose of uninsured motorist coverage is to allow a person to obtain insurance to protect himself from being injured by an uninsured person. Underinsured motorist coverage only applies to situations where the insured's coverage exceeds the amount of liability coverage held by the tortfeasor.

The "stacking" term has been inappropriately used by many people when different policies issued to different types of insureds both apply. A vehicle owner with UM, when a passenger in the vehicle of another motorist with UM, is entitled to coverage under both policies. Such is in accordance with each policy's terms; not "stacking" as ordered by the courts.

B. Effect of Proposed Changes:

Section 627.727, F.S., is amended to allow insurers to offer policies of uninsured motorist coverage containing specific policy provisions that uninsured and underinsured coverage will not be added together to determine the limit of coverage for any one accident. The uninsured motorist coverage available to an insured will be the coverage applicable to the vehicle in the accident. However, if an injured person is occupying a

vehicle which is not owned by him or by a family member riding with him, he will be entitled to the highest limits of uninsured motorist coverage for any vehicle as to which he is a named insured or insured family member. Uninsured motorist coverage will not apply to any vehicle for which such insurance is not specifically purchased.

If an injured person is not occupying a motor vehicle, he can select the limit of uninsured motorist coverage for any vehicle covered by a policy for which he is insured.

In addition, the bill provides that in connection with the offer to sell non-stacked uninsured motorist coverage, that the insurer shall inform the named insured, applicant or lessee, on a form approved by the department, of the limitations imposed under s. 627.727, F.S., as amended. If the named insured, applicant, or lessee signs such form, it is conclusively presumed that there was an informed, knowing acceptance of such limitations. Once the named insured, applicant, or lessee has initially accepted such limitations, such acceptance shall apply to any policy which renews, extends, charges, supercedes, or replaces an existing policy unless the named insured requests deletion of such limitations and pays the appropriate premium for such coverage.

Finally, the bill provides that any insurer providing coverage including non-stacked uninsured motorist coverage shall file revised premium rates with the department for such coverage prior to providing the coverage. The revised rates shall reflect the anticipated reduction in loss costs attributable to non-stacked coverage and shall reflect a reduction in the premium of at least 20 percent. The filing shall not increase the rates for coverage previously in effect (stacked coverage) and such rates shall remain in effect until the insurer demonstrates the need for a change in uninsured motorist rates pursuant to s. 627.0651, F.S. (Making and use of rates for motor vehicle insurance).

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The following amounts represent the current 12 month premiums charged for persons insured by the Florida Joint Underwriting Association for uninsured motorist coverage:

	<u>10/20</u>	<u>15/30</u>	<u>25/50</u>	<u>50/100</u>	<u>100/300</u>
<u>Dade County:</u>					
Single Auto Policy	228	339	417	493	579
Multi-Auto Policy-per auto	387	443	493	565	627
<u>Broward and Palm Beach Counties:</u>					
Single Auto Policy	85	126	155	183	215
Multi-Auto Policy-per auto	144	165	183	210	233
<u>Remainder of State:</u>					
Single Auto Policy	78	116	143	169	198
Multi-Auto Policy-per auto	133	152	169	193	215

Persons who do not want to "stack" uninsured motorist coverage should have a lower premium than they pay now. Persons who want to "stack" uninsured motorist coverage will be able to obtain the coverage. It is indeterminable at this time if

premiums will increase for consumers who elect to "stack" uninsured motorist coverage.

B. Government:

The department will review policy forms which contain an optional non-stacking provision. Representatives from the department have advised that no additional costs will be incurred by this review process.

III. COMMENTS:

This bill is not similar to the anti-stacking bills filed in recent years. The prior bills did not allow the consumer the option to buy stacked coverage, as PCS/SB 829 provides, they simply were anti-stacking bills.

IV. AMENDMENTS:

None.

BILL VOTE SHEET

(VS-87: File with Secretary of Senate)

BILL NO. SB 829

COMMITTEE ON Commerce

DATE May 25, 1987

FINAL ACTION:

TIME 10 a.m. - 1 p.m.

Favorably with amendments

PLACE Room "A", S.O.B.

Favorably with Committee Substitute

OTHER COMMITTEE REFERENCES:
(In order shown)

Unfavorably

OTHER: Temporarily Passed

Reconsidered

Not Considered

THE VOTE WAS:

FINAL BILL VOTE		SENATORS	Gordon for CS									
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
	x	W.D. Childers	W									
	x	Crenshaw	I									
		Deratany	T									
x		Gordon	H									
x		Hair	O									
	x	Langley	U									
x		Scott	T									
x		Thomas VICE CHAIRMAN										
	x	Barron CHAIRMAN	O									
x		Jennings	B									
			J									
			E									
			C									
			T									
			I									
			O									
			N									
5	4	TOTAL	x									
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay

(Attach additional page if necessary)

Please Complete: The key sponsor appeared (x)
 A Senator appeared ()
 Sponsor's aide appeared ()
 Other appearance (x)

BILL VOTE SHEET

(VS-87: File with Secretary of Senate)

BILL NO. SB 829

COMMITTEE ON Commerce

DATE May 25, 1987

FINAL ACTION: 14 31

TIME 10 a.m. - 1 p.m.

Favorably with amendments

PLACE Room "A"

Favorably with Committee Substitute

OTHER COMMITTEE REFERENCES:
(In order shown)

Unfavorably WJ

OTHER: Temporarily Passed

Reconsidered

Not Considered

THE VOTE WAS:

FINAL BILL VOTE		SENATORS	<i>125 Sub</i>		<i>125 Sub</i>		<i>10 P</i>		<i>10 to 20</i>		<i>10 to 20</i>	
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
	<input checked="" type="checkbox"/>	W.D. Childers										
	<input checked="" type="checkbox"/>	Crenshaw										
<input checked="" type="checkbox"/>		Deratany										
<input checked="" type="checkbox"/>		Gordon										
<input checked="" type="checkbox"/>		Hair										
	<input checked="" type="checkbox"/>	Langley										
<input checked="" type="checkbox"/>		Scott										
<input checked="" type="checkbox"/>		Thomas										
	<input checked="" type="checkbox"/>	VICE CHAIRMAN Barron										
<input checked="" type="checkbox"/>		CHAIRMAN Jennings										
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	TOTAL	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

(Attach additional page if necessary)

Please Complete: The key sponsor appeared ()
 A Senator appeared ()
 Sponsor's aide appeared ()
 Other appearance ()

SB 229

SENATE COMMITTEE AMENDMENT

No. _____
(favorably)

HB _____

The Committee on Conservation recommended the following amendment which was moved by Senator Johnson and adopted: _____ and failed: _____

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Amendment

On page 3, line 1, strike

10

Johnson

and insert.

20

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined are additions.

* Amendment No. _____, taken up by committee: Adopted *

* Offered by _____ Failed *

(Amendment No. _____ Adopted _____ Failed _____ Date __/__/__)

HB _____

The Committee on Commerce recommended the following

amendment which was moved by Senator _____ and adopted:
and failed:

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Amendment

On page 1, line 18, strike
✓ 1 21 the period

and insert:

on line 18 - If the insured accepts this offer,
on line 21 - except as provided in paragraph (b)

CODING: Words in ~~stuck through~~ type are deletions from existing law, words underlined are additions.

* Amendment No. _____, taken up by committee: Adopted *
* Offered by _____ Failed *

(Amendment No. _____ Adopted ___ Failed ___ Date ___/___/___)

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Casteel/MWC</u>	<u>Fort</u> <i>PS</i>	1. <u>COM</u>	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

18 1682

SUBJECT:

Insurance-Stacking

BILL NO. AND SPONSOR:

SB 829 by
Senator Crawford

I. SUMMARY:

A. Present Situation:

Section 627.4132, F.S., is the so-called "anti-stacking law." It prohibits insurance coverage on two or more motor vehicles from being "stacked" or added together. This law was originally enacted by the Legislature in 1976. The statute was enacted in response to case law that allowed uninsured motorist coverage on two or more vehicles to be combined if an insured was covered under those policies and was involved in an accident involving any one of the vehicles covered. In 1980, the statute was amended to exempt uninsured motorist (UM) coverage from the application of the statute. The exemption had the effect of practically repealing the statute since it was originally aimed at uninsured motorist coverage. Thus, an insured with two automobiles who has purchased UM coverage with limits of \$100,000 per person and \$200,000 per accident (100/200) is actually afforded limits of 200/400.

The stacking rule means that such stacked limits apply to what the courts call "Class I insureds." Thus, the named insured and relatives residing with the named insured, wherever injured and under whatever circumstances, and others who are insureds under the named insured's UM coverage (those injured while occupying the named insured's vehicle) are "Class II insureds" and subject to the limits applicable to the automobile in which the accident occurred. However, case law exists which holds that stacking does not apply for the owners of a closely held corporation or to an employee, where a corporation was the named insured.

The purpose of uninsured motorist coverage is to allow a person to obtain insurance to protect himself from being injured by an uninsured person. Underinsured motorist coverage only applies to situations where the insured's coverage exceeds the amount of liability coverage held by the tortfeasor.

The "stacking" term has been inappropriately used by many people when different policies issued to different types of insureds both apply. A vehicle owner with UM, when a passenger in the vehicle of another motorist with UM, is entitled to coverage under both policies. Such is in accordance with each policy's terms; not "stacking" as ordered by the courts.

B. Effect of Proposed Changes:

Section 627.727, F.S., is amended to allow motor vehicle insurance policies to contain a specific provision that uninsured and underinsured coverage will not be added together to determine the limit of coverage for any one accident. The uninsured motorist coverage available to an insured will be the coverage applicable to the vehicle in the accident. However, if an injured person is occupying a vehicle which is not owned

by him or by a family member riding with him, he will be entitled to only the uninsured motorist coverage for any vehicle as to which he is a named insured or insured family member. Uninsured motorist coverage will be off-set by any coverage available to the injured person under a policy covering the vehicle in which he was injured. Uninsured motorist coverage will not apply to any vehicle for which such insurance is not specifically purchased.

If an injured person is not occupying a motor vehicle, he can select the limit of uninsured motorist coverage for any vehicle covered by a policy for which he is insured.

In addition, the bill requires the insurer to advise the named insured of his right to purchase uninsured motorist coverage which can be "stacked." The insurer must advise the insured on a form approved by the Department of Insurance in connection with the selection or rejection of uninsured motorist coverage. The insured will have the right to purchase an endorsement deleting the "anti-stacking" policy provision. To obtain the "stacked" coverage the insured must make a written request and possibly pay an additional premium.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The following amounts represent the current 12 month premiums charged for persons insured by the Florida Joint Underwriting Association for uninsured motorist coverage:

	<u>10/20</u>	<u>15/30</u>	<u>25/50</u>	<u>50/100</u>	<u>100/300</u>
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Persons who do not want to "stack" uninsured motorist coverage should have a lower premium than they pay now. Persons who want to "stack" uninsured motorist coverage will be able to obtain the coverage by signing a form illustrating their election for such coverage. It is indeterminable at this time if premiums will increase for consumers who elect to "stack" uninsured motorist coverage.

B. Government:

The department will review policy forms which contain an optional stacking provision. Representatives from the department have advised that no additional costs will be incurred by this review process.

III. COMMENTS:

This bill is not similar to the anti-stacking bills filed in recent years. The prior bills did not allow the consumer the option to buy stacked coverage, as SB 829 provides, they simply were anti-stacking bills.

REVISED: _____

BILL NO. SB 829

DATE: April 27, 1987

Page 3

IV. AMENDMENTS:

None.