

Florida State University College of Law

## Scholarship Repository

---

Staff Analyses & Legislative Documents

Florida Legislative Documents

---

1997

### Session Law 97-178

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the Law Commons

---

#### Recommended Citation

.

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analyses & Legislative Documents by an authorized administrator of Scholarship Repository. For more information, please contact [efarrell@law.fsu.edu](mailto:efarrell@law.fsu.edu).

# FLORIDA LEGISLATURE

## FINAL LEGISLATIVE BILL INFORMATION

### *1997 Regular Session*

RE: CH 97-178

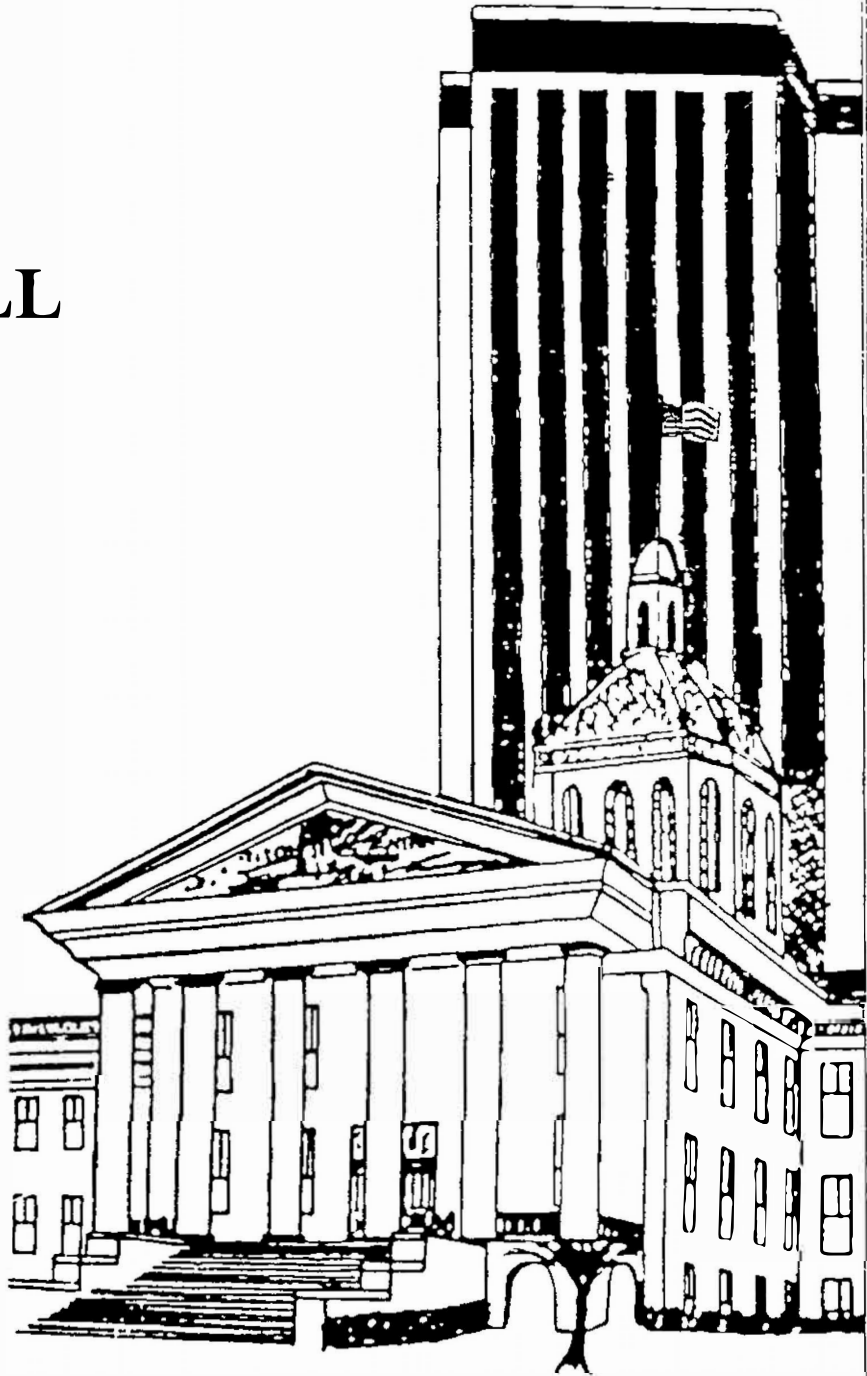
CS/SB 1286 (Passed)

CS/HB 1549 (Similar)

HB 483 (umpire)

SB 814 ( " )

SB 1446 ( " )



prepared by:

**JOINT LEGISLATIVE MANAGEMENT COMMITTEE  
LEGISLATIVE INFORMATION DIVISION**

**Claude Pepper Building, Room 704**

**111 West Madison Street**

**Tallahassee, Florida 32399-1400**

**Telephone (904) 488-4371**

HISTORY OF SENATE BILLS

S 1270 CONTINUED:  
 facilities or additions to existing facilities Amends 395 0163 1055 Effective Date Upon becoming law  
 03/04/97 SENATE Filed  
 03/12/97 SENATE Introduced, referred to Health Care -SJ 00150  
 03/14/97 SENATE On Committee agenda—Health Care, 03/18/97, 9 00 am, Room—EL—Not considered  
 03/21/97 SENATE On Committee agenda—Health Care, 03/25/97, 12 30 pm, Room—EL  
 03/25/97 SENATE Comm Action -Favorable by Health Care -SJ 00277  
 03/26/97 SENATE Placed on Calendar -SJ 00277  
 04/28/97 SENATE Placed on Special Order Calendar -SJ 00709  
 04/29/97 SENATE Placed on Special Order Calendar -SJ 00709, -SJ 00938  
 04/30/97 SENATE Placed on Special Order Calendar -SJ 00938, -SJ 01096  
 05/01/97 SENATE Placed on Special Order Calendar -SJ 00957, -SJ 01096, Read second time -SJ 01294, Amendment pending -SJ 01294  
 05/02/97 SENATE Placed on Special Order Calendar -SJ 01105, Pending amendment adopted -SJ 01596, Amendment(s) adopted -SJ 01596, Amendment pending -SJ 01615, Died on Special Order Calendar

S 1272 GENERAL BILL by Williams  
Plats Subdividing Land, provides for appropriate governing body to have authority to vacate prior plat on its own initiative when it is discovered that developer has caused lands previously platted to be embraced in second plat & when it is discovered that developer has caused lands previously subdivided to be again & subsequently differently subdivided under another plat of same & identical lands or part thereof, etc Amends 177 101 Effective Date Upon becoming law  
 03/04/97 SENATE Filed  
 03/12/97 SENATE Introduced, referred to Community Affairs -SJ 00151  
 05/02/97 SENATE Died in Committee on Community Affairs

S 1274 GENERAL BILL by Williams  
Voluntary Annexation, deletes requirement that legal descriptions of property to be voluntarily annexed be by metes & bounds Amends 171 044 Effective Date Upon becoming law  
 03/04/97 SENATE Filed  
 03/12/97 SENATE Introduced, referred to Community Affairs -SJ 00151  
 05/02/97 SENATE Died in Committee on Community Affairs

S 1276 GENERAL BILL by Williams (Identical H 0963)  
Local Government Planning, amends provision which provides procedures for adoption of local government's comprehensive plan or plan amendment to revise definition of "affected person", removes restriction on alleging new issue as reason to find plan or plan amendment not in compliance in certain administrative pleadings, prohibits any ex parte communication to DCARe comprehensive plan or plan amendment under review by dept, etc Amends Ch 163, 235 193 Effective Date 10/01/1997  
 03/04/97 SENATE Filed  
 03/12/97 SENATE Introduced, referred to Community Affairs, Governmental Reform and Oversight, Ways and Means -SJ 00151  
 05/02/97 SENATE Died in Committee on Community Affairs

S 1278 GENERAL BILL by Williams (Similar H 1947)  
Workers' Comp/Employee Leasing Co., provides for calculation of worker's compensation premiums for clients of employee leasing companies, requires employees leasing companies to maintain & make available specified information, clarifies that contracts between leasing companies & their clients involve sale of insurance Creates 627 0917, amends 626 022 Effective Date 10/01/1997  
 03/04/97 SENATE Filed  
 03/12/97 SENATE Introduced, referred to Banking and Insurance, Commerce and Economic Opportunities -SJ 00151  
 05/02/97 SENATE Died in Committee on Banking and Insurance

S 1280 GENERAL BILL by Williams (Identical H 1363)  
Stormwater Mgmt System/Permitting, provides conditions under which county may remove itself from jurisdiction of water management district re permitting & review of such systems, provides limitation on fees Creates 373 4132 Effective Date 07/01/1997  
 03/04/97 SENATE Filed  
 03/12/97 SENATE Introduced, referred to Community Affairs, Natural Resources -SJ 00151  
 04/09/97 SENATE Withdrawn from Community Affairs, Natural Resources -SJ 00404, Withdrawn from further consideration -SJ 00404

S 1282 GENERAL BILL/CS by Criminal Justice; Burt (Similar H 0455)  
Children/Adult Sanctions, revises specified provisions re community control or commitment of children prosecuted as adults to provide for court to commit child to Juvenile Justice Dept for treatment program until child is age 21 or sooner if discharged by dept, removes provision re court-ordered-plan of community control, removes requirement that decision by court to impose adult sanctions upon certain offenders must be in writing, etc Amends 39 059, reenacts 39 052(3)(a) Effective Date 10/01/1997

S 1282 (CONTINUED):  
 03/04/97 SENATE Filed  
 03/12/97 SENATE Introduced, referred to Children, Families and Seniors, Criminal Justice -SJ 00151  
 03/13/97 SENATE On Committee agenda—Children, Families and Seniors, 03/17/97, 12 00 Noon, Room—A(LL-37)  
 03/17/97 SENATE Comm Action Favorable by Children, Families and Seniors -SJ 00235  
 03/18/97 SENATE Now in Criminal Justice -SJ 00235  
 04/04/97 SENATE On Committee agenda—Criminal Justice, 04/08/97, 9 00 am, Room—A(LL-37)  
 04/08/97 SENATE Comm Action -CS by Criminal Justice -SJ 00462, CS read first time on 04/10/97 -SJ 00464  
 04/10/97 SENATE Placed on Calendar -SJ 00463  
 04/16/97 SENATE Placed on Special Order Calendar -SJ 00500, Read second time -SJ 00490 Amendment(s) failed -SJ 00491  
 04/17/97 SENATE Read third time -SJ 00511, CS passed, YEAS 40 NAYS 0 -SJ 00511, Immediately certified -SJ 00511  
 04/17/97 HOUSE In Messages  
 04/21/97 HOUSE Received -HJ 00660, Placed on Justice Council Calendar -HJ 00660  
 04/24/97 HOUSE Substituted for HB 455 -HJ 00858, Read second time -HJ 00858  
 04/28/97 HOUSE Read third time -HJ 01116, CS passed, YEAS 114 NAYS 0 -HJ 01116  
 04/28/97 SENATE Ordered enrolled -SJ 00721  
 04/30/97 Signed by Officers and presented to Governor -SJ 01103  
 05/16/97 Became Law without Governor's Signature, Chapter No 97-69

S 1284 GENERAL BILL/IST ENG by Childers (Similar H 1975, Compare CS/S 1422)  
Athlete Agents, requires each applicant for licensure as athlete agent to submit full set of fingerprints for purposes of required criminal records check, exempts members of The Florida Bar from regulations imposed on athlete agents Amends 468 453 Effective Date Upon becoming law  
 03/04/97 SENATE Filed  
 03/12/97 SENATE Introduced, referred to Commerce and Economic Opportunities -SJ 00151  
 03/19/97 SENATE Withdrawn from Commerce and Economic Opportunities -SJ 00212, Rereferred to Regulated Industries -SJ 00212  
 03/21/97 SENATE On Committee agenda—Regulated Industries, 03/25/97, 3 30 pm, Room—EL  
 03/25/97 SENATE Comm Action -Favorable by Regulated Industries -SJ 00315  
 03/26/97 SENATE Placed on Calendar -SJ 00315  
 04/16/97 SENATE Placed on Special Order Calendar -SJ 00500, Read second time -SJ 00496, Amendment(s) adopted -SJ 00496, Ordered engrossed -SJ 00496  
 04/17/97 SENATE Read third time -SJ 00517, Passed as amended, YEAS 39 NAYS 0 -SJ 00517, Immediately certified -SJ 00517  
 04/17/97 HOUSE In Messages  
 05/02/97 HOUSE Died in Messages

S 1286 GENERAL BILL/CS/IST ENG by Banking and Insurance; Rossin; Forman (Similar CS/IST ENG/H 1549, Compare H 0483, S 0814, S 1446)  
Motor Vehicle Insurance, (THIS BILL COMBINES S1286,1446) authorizes motor vehicles to offer premium reductions when principal driver of insured vehicle has completed approved driver improvement course, specifies that ads by insurers in language other than English do not modify policy in English, provides that deductibles in policy that provides comp coverage provided to insured by authorized insurer do not apply to motor veh glass deductibles, etc Amends Ch 627, 318 1451 Effective Date 10/01/1997  
 03/04/97 SENATE Filed  
 03/12/97 SENATE Introduced, referred to Banking and Insurance -SJ 00151  
 03/21/97 SENATE On Committee agenda—Banking and Insurance, 03/25/97, 9 00 am, Room—EL  
 03/25/97 SENATE CS combines this bill with 1446, Combined CS additional reference(s) Ways and Means, Comm Action CS by Banking and Insurance -SJ 00363, CS read first time on 04/03/97 -SJ 00375  
 03/28/97 SENATE Now in Ways and Means -SJ 00363  
 04/03/97 SENATE Withdrawn from Ways and Means -SJ 00324, Placed on Calendar  
 04/16/97 SENATE Placed on Special Order Calendar -SJ 00500  
 04/17/97 SENATE Placed on Special Order Calendar -SJ 00500  
 04/24/97 SENATE Placed on Special Order Calendar -SJ 00583, Read second time -SJ 00553, Amendment(s) adopted -SJ 00553, Ordered engrossed -SJ 00554  
 04/25/97 SENATE Read third time -SJ 00613, CS passed as amended, YEAS 36 NAYS 0 -SJ 00613, Immediately certified -SJ 00613  
 04/25/97 HOUSE In Messages  
 04/28/97 HOUSE Received -HJ 01121, Fiscal Responsibility Council in Daily Folder -HJ 01121

## HISTORY OF SENATE BILLS

## S 1286 (CONTINUED)

- 04/29/97 HOUSE Substituted for CS/HB 1549—HJ 01178, Read second and third times—HJ 01178, CS passed, YEAS 118 NAYS 0—HJ 01178
- 04/29/97 SENATE Ordered enrolled—SJ 00956
- 05/14/97 Signed by Officers and presented to Governor
- 05/30/97 Became Law without Governor's Signature, Chapter No 97-178

## S 1288 GENERAL BILL/CS by Community Affairs, Rossin (Similar H 1219, CS/1ST ENG/H 1683, S 1640, Compare H 0685, S 1186, S 1692)

- Local Governments/Special Districts, requires auditor to notify each member of governing body of local gov't entities of certain deteriorating financial conditions, provides that for purposes of ad val tax exemption for gov't units, special districts shall be treated as municipalities, specifies that only Legislature may create independent special district, except as otherwise authorized by law, provides merger & dissolution requirements for special districts, etc Amends FS Effective Date 10/01/1997 except as otherwise provided
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Community Affairs, Rules and Calendar, Ways and Means—SJ 00151
- 03/13/97 SENATE On Committee agenda—Community Affairs, 03/17/97, 3 00 pm, Room-1C(309)
- 03/17/97 SENATE Comm Action CS by Community Affairs—SJ 00236, CS read first time on 03/19/97—SJ 00244
- 03/19/97 SENATE Now in Rules and Calendar—SJ 00236
- 04/03/97 SENATE Withdrawn from Rules and Calendar—SJ 00324, Now in Ways and Means
- 04/14/97 SENATE Withdrawn from Ways and Means—SJ 00472, Placed on Calendar
- 04/29/97 SENATE Placed on Special Order Calendar—SJ 00938, Read second time—SJ 00821, Amendment(s) adopted—SJ 00822, House Bill substituted—SJ 00822, Laid on Table, Iden/Sim/Compare Bill(s) passed, refer to CS/HB 1683 (Ch 97-255), See also HB 685 (Ch 97-111)

## S 1290 GENERAL BILL by Holzendorf

- Relative Caretaker Program, provides legislative intent, directs Children & Family Services Dept to establish & operate Relative Caretaker Program, provides for financial assistance & support services to relatives caring for children, provides for support services for such children's parents, provides eligibility of such children for certain medical coverage & college tuition waivers, provides for funding, limitation, & rules Creates 415 531 Effective Date 10/01/1997
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Children, Families and Seniors, Ways and Means—SJ 00152
- 04/24/97 SENATE Withdrawn from Children, Families and Seniors, Ways and Means—SJ 00535, Withdrawn from further consideration—SJ 00535

## S 1292 GENERAL BILL by Holzendorf (Similar CS/H 1639, Compare CS/H 1637, CS/S 0946)

- Public Records/Domestic Violence, provides exemption from public records requirements for certain personal information about program participants in Address Confidentiality Program for Victims of Domestic Violence, provides for future review & repeal, provides finding of public necessity, shall take effect on effective date of SB 946 or similar legislation enacted during 1997 Regular Session of Legislature Creates 741 465 Effective Date Contingent
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Children, Families and Seniors, Governmental Reform and Oversight—SJ 00152
- 04/10/97 SENATE On Committee agenda—Children, Families and Seniors, 04/14/97, 9 00 am, Room-A(LL-37)
- 04/14/97 SENATE Comm Action Favorable with 2 amendment(s) by Children, Families and Seniors—SJ 00500
- 04/15/97 SENATE Now in Governmental Reform and Oversight—SJ 00500
- 04/16/97 SENATE On Committee agenda—Governmental Reform and Oversight, 04/17/97, 4 00 pm, Room-1C(309)—SJ 00481
- 04/17/97 SENATE Comm Action—Favorable with 1 amendment(s) by Governmental Reform and Oversight—SJ 00584
- 04/18/97 SENATE Placed on Calendar—SJ 00584
- 04/30/97 SENATE Placed on Special Order Calendar—SJ 01096
- 05/01/97 SENATE Placed on Special Order Calendar—SJ 00957, —SJ 01096
- 05/02/97 SENATE Placed on Special Order Calendar—SJ 01105, Died on Special Order Calendar

## S 1294 GENERAL BILL by Holzendorf

- WAGES Program/Surplus Vehicles, directs Children & Family Services Dept to establish program under which certain surplus vehicles may be leased or sold to participants or former participants in WAGES Program, provides requirements & limitations, authorizes certain contracts & agreements, authorizes adoption of rules Creates 414 225 Effective Date 10/01/1997
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Commerce and Economic Opportunities, Children, Families and Seniors, Ways and Means—SJ 00152

## S 1294 (CONTINUED)

- 03/27/97 SENATE Withdrawn from Commerce and Economic Opportunities, Children, Families and Seniors, Ways and Means—SJ 00287, Withdrawn from further consideration—SJ 00287

## S 1296 GENERAL BILL by Holzendorf (Identical H 1329)

- Medical Examiners/Examinations amends provision re examinations, investigations, & autopsies required of medical examiners, requires notification & approval of next of kin if procedure of medical examiner on dead human body; is primarily for purposes of medical research Amends 406 11 Effective Date 07/01/1997
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Criminal Justice—SJ 00152
- 05/02/97 SENATE Died in Committee on Criminal Justice

## S 1298 GENERAL BILL by Campbell

- Health Care/Freedom of Choice, deletes provisions governing recruitment & retention of health care providers in community health purchasing alliance district, provides free choice to subscribers to certain health care plans, & to persons covered under certain health insurance policies or contracts, in selection of specified health care providers, prohibits coercion of provider selection, provides for freedom of choice for dental patients, provides limitations, etc Amends/creates FS Effective Date 10/01/1997
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Health Care, Banking and Insurance, Ways and Means—SJ 00152
- 05/02/97 SENATE Died in Committee on Health Care

## S 1300 GENERAL BILL by McKay

- Public Employment/Severance Pay, prohibits severance pay, as defined, provides exemptions from prohibition Effective Date 07/01/1997
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Governmental Reform and Oversight, Community Affairs, Ways and Means—SJ 00152
- 05/02/97 SENATE Died in Committee on Governmental Reform and Oversight

## S 1302 GENERAL BILL by McKay (Compare CS/1ST ENG/H 0915, CS/CS/2ND ENG/S 1660)

- Ports/Wharfage Charges/Tax Exempt, exempts from taxation portion of guaranteed wharfage charges that are actually paid Amends 212 031 Effective Date 07/01/1997
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Commerce and Economic Opportunities, Ways and Means—SJ 00152
- 05/02/97 SENATE Died in Committee on Commerce and Economic Opportunities, Iden/Sim/Compare Bill(s) passed, refer to CS/HB 915 (Ch 97-221)

## S 1304 GENERAL BILL by McKay (Compare 2ND ENG/H 1165)

- Aggravated Battery, defines "facility", defines offense of aggravated battery by throwing, tossing, or expelling certain fluids or materials on employee of correctional facility of state or local government or secure facility operated & maintained by DOC or Juvenile Justice Dept, so as to cause or attempt to cause such employee to come into contact with fluid or material, provides penalties, etc Creates 784 078 Effective Date 10/01/1997
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Criminal Justice, Ways and Means—SJ 00152
- 04/04/97 SENATE On Committee agenda—Criminal Justice, 04/08/97, 9 00 am, Room-A(LL-37)
- 04/08/97 SENATE Comm Action Favorable with 1 amendment(s) by Criminal Justice—SJ 00449
- 04/09/97 SENATE Now in Ways and Means—SJ 00449
- 04/17/97 SENATE Withdrawn from Ways and Means—SJ 00509, Placed on Calendar
- 04/30/97 SENATE Placed on Special Order Calendar—SJ 01096
- 05/01/97 SENATE Placed on Special Order Calendar—SJ 00957, —SJ 01096
- 05/02/97 SENATE Placed on Consent Calendar—SJ 01843, Read second time—SJ 01328, Amendment(s) failed—SJ 01328, House Bill substituted—SJ 01328, Laid on Table, refer to HB 1165 (Vetoed by Governor)

## S 1306 GENERAL BILL/CS/CS/2ND ENG by Ways and Means, Natural Resources; Latvala, Hargrett (Similar CS/CS/H 1067, Compare 1ST ENG/H 0811, H 0955, 2ND ENG/H 1073, H 1297, 3RD ENG/H 1323, CS/CS/S 1074, S 1110, CS/S 1476, S 1934, S 1936)

- Brownfields Redevelopment Act, (THIS BILL COMBINES S1306 1934) creates said act, provides duties of local government that designates brownfield for rehabilitation & redevelopment, provides for brownfield contamination cleanup criteria, provides eligibility requirements for participation in brownfield rehabilitation, provides for refunds from Economic Development Incentive Account to certain qualified target industry businesses for jobs created in a brownfield, etc Amends FS Effective Date 07/01/1997
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Natural Resources Community Affairs, Ways and Means—SJ 00153



## HISTORY OF HOUSE BILLS

**H 1547 (CONTINUED)**

- 04/09/97 HOUSE On Committee agenda—Civil Justice & Claims (JC), 04/15/97, 4 00 pm, 102—HOB—Not considered
- 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, In House Committee on Civil Justice & Claims (JC), Iden/Sim/Compare Bill(s) passed refer to CS/CS/HB 297 (Ch 97-159)

**H 1549 GENERAL BILL/CS/IST ENG by Financial Services (EIC);**

- Edwards (Similar CS/IST ENG/S 1286, Compare H 0483, S 0814, S 1446)  
Motor Vehicle Insurance, provides for reducing certain motor vehicle insurance premiums for successful completion of specified driver improvement course, provides for certificate of completion, provides for construction of policies, specifies criteria for electronic notice, clarifies deductible provision, authorizes temporary binding of motor vehicle insurance coverage under certain circumstances, etc Amends 318 1451, 627 419, 728, 7288, creates 627 06501, 72951 Effective Date 10/01/1997
- 03/18/97 HOUSE Filed
- 03/19/97 HOUSE Introduced -HJ 00238
- 04/01/97 HOUSE Referred to Financial Services (EIC), Governmental Rules & Regulations (GRC) -HJ 00371
- 04/02/97 HOUSE On Committee agenda—Financial Services (EIC), 04/08/97, 10 30 am, Morris Hall
- 04/08/97 HOUSE Comm Action Unanimously CS by Financial Services (EIC) -HJ 00561
- 04/14/97 HOUSE CS read first time on 04/14/97 -HJ00560, Now in Governmental Rules & Regulations (GRC) -HJ 00561
- 04/23/97 HOUSE Withdrawn from Governmental Rules & Regulations (GRC) -HJ 00670
- 04/24/97 HOUSE Pending Consent Calendar
- 04/25/97 HOUSE Fiscal Responsibility Council in Daily Folder -HJ 01080, Read second time -HJ 01011, Amendment(s) adopted -HJ 01012
- 04/29/97 HOUSE Temporarily postponed, on Third Reading -HJ 01178, Senate Bill substituted, Laid on Table, Iden/Sim/Compare Bill(s) passed, refer to CS/SB 1286 (Ch 97-178) -HJ 01178

**H 1551 GENERAL BILL by Crow; (CO-SPONSORS) Heyman, Ziebarth (Identical S 1712)**

- Motor Vehicle Liability Ins/DUI, requires increased minimum limits of bodily injury coverage after DUI convictions, provides penalty Amends 324 072 Effective Date 10/01/1997
- 03/18/97 HOUSE Filed
- 03/19/97 HOUSE Introduced -HJ 00238
- 04/01/97 HOUSE Referred to Civil Justice & Claims (JC) -HJ 00371
- 04/02/97 HOUSE On Committee agenda—Civil Justice & Claims (JC), 04/06/97, 3 30 pm, 102—HOB—Workshop—Discussed
- 04/04/97 HOUSE On Committee agenda—Civil Justice & Claims (JC), 04/10/97, 2 45 pm, 102—HOB
- 04/10/97 HOUSE Comm Action -Unanimously Favorable with 2 amendment(s) by Civil Justice & Claims (JC) -HJ 00666
- 04/22/97 HOUSE Pending Consent Calendar -HJ 00666
- 04/24/97 HOUSE Available for Consent Calendar
- 04/25/97 HOUSE Placed on Consent Calendar, Temporarily postponed, on Second Reading -HJ 00955, Temporarily postponed, on Second Reading -HJ 00964
- 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, Available for Consent Calendar
- 06/05/97 HOUSE Withdrawn from further consideration

**H 1553 GENERAL BILL by Ziebarth, (CO-SPONSORS) Wasserman Schultz (Similar S 2284)**

- Motor Veh Financial Responsibility, increases financial responsibility limits re bodily injury or death in single accident, requires proof of financial responsibility for bodily injury or death, increases limits for proof of financial responsibility for for-hire transportation vehicle certificates of self-insurance, revises required threshold limit for self-insurers, etc Amends 324 021, 031, 161, 171, 316 646, 627 733, creates 324 023 Effective Date Upon becoming law
- 03/18/97 HOUSE Filed
- 03/19/97 HOUSE Introduced -HJ 00238
- 04/03/97 HOUSE Referred to Financial Services (EIC), Finance & Taxation (FRC) -HJ 00432
- 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, In House Committee on Financial Services (EIC)

**H 1555 GENERAL BILL by Harrington (Identical S 1320)**

- Value Adjustment Boards, revises time for notice to petitioner of scheduled time of appearance before board Amends 194 032 Effective Date Upon becoming law
- 03/18/97 HOUSE Filed
- 03/19/97 HOUSE Introduced -HJ 00238
- 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96 Introduced, not referred

**H 1557 GENERAL BILL/CS by Transportation (EIC), Horan, Murman, (CO-SPONSORS) Brown, Heyman; Silver (Similar CS/IST ENG/S 0876, Compare H 1599, S 1492)**

- License Plates/Marine Turtle Grants, provides for a Sea Turtle & an Adopt Greyhounds license plate, provides for annual use fee, provides for distribution & use of annual use fee, creates marine turtle grants program within DEP Amends 320 08056, 08058, 370 12 Effective Date 07/01/1997
- 03/18/97 HOUSE Filed
- 03/19/97 HOUSE Introduced -HJ 00238
- 04/01/97 HOUSE Referred to Transportation (EIC), Finance & Taxation (FRC), Transportation & Economic Development Appropriations -HJ 00371
- 04/04/97 HOUSE On Committee agenda—Transportation (EIC), 04/10/97, 12 30 pm, 413C
- 04/10/97 HOUSE Comm Action Unanimously CS by Transportation (EIC) -HJ 00595
- 04/16/97 HOUSE CS read first time on 04/16/97 -HJ 00594
- 04/15/97 HOUSE Now in Finance & Taxation (FRC) -HJ 00595
- 04/17/97 HOUSE On Committee agenda—Finance & Taxation (FRC), 04/18/97, 9 00 am, Morris Hall
- 04/18/97 HOUSE Comm Action Favorable with 1 amendment(s) by Finance & Taxation (FRC) -HJ 00667
- 04/21/97 HOUSE Now in Transportation & Economic Development Appropriations -HJ 00667
- 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, In House Committee on Transportation & Economic Development Appropriations
- 05/30/97 HOUSE Withdrawn from Transportation & Economic Development Appropriations, Laid on Table, Iden/Sim/Compare Bill(s) passed, refer to CS/SB 876 (Ch 97-272)

**H 1559 GENERAL BILL by Burroughs; (CO-SPONSORS) Dockery (Identical CS/S 1064)**

- Dry Cleaning Solvent Cleanup, provides legislative intent, clarifies certain rehabilitation liability provisions, provides additional criteria for determining eligibility for rehabilitation, provides additional authority for DEP to consider certain information in determining rehabilitation eligibility, provides for continuing application of certain immunity for real property owners, protects certain immunity for real property owners, etc Amends 376 3078, 308, 313 Effective Date Upon becoming law
- 03/18/97 HOUSE Filed
- 03/19/97 HOUSE Introduced -HJ 00238
- 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, Introduced, not referred

**H 1561 GENERAL BILL/IST ENG by Futch; (CO-SPONSORS) Barreiro (Similar CS/S 1012)**

- Chiropractic Licensure, revises & provides definitions applicable to regulation of chiropractic, eliminates requirement of certification to practice phlebotomy or physiotherapy or to administer proprietary drugs, amends certain provisions re licensure by examination & grounds for disciplinary action, to conform Amends 460 403, 406, 413 Effective Date 07/01/1997
- 03/18/97 HOUSE Filed
- 03/19/97 HOUSE Introduced -HJ 00238
- 04/01/97 HOUSE Referred to Health Care Standards & Regulatory Reform (GSC) -HJ 00371
- 04/11/97 HOUSE On Committee agenda—Health Care Standards & Regulatory Reform (GSC), 04/17/97, 2 15 pm, Morris Hall
- 04/17/97 HOUSE Comm Action -Unanimously Favorable with 2 amendment(s) by Health Care Standards & Regulatory Reform (GSC) -HJ 00667
- 04/22/97 HOUSE Pending Consent Calendar -HJ 00667
- 04/24/97 HOUSE Available for Consent Calendar
- 04/25/97 HOUSE Placed on Consent Calendar, Read second time -HJ 00955, Amendment(s) adopted -HJ 00955, Read third time -HJ 00956, Passed as amended, YEAS 104 NAYS 2 -HJ 00956
- 04/28/97 SENATE In Messages
- 05/01/97 SENATE Received, referred to Health Care -SJ 01303
- 05/02/97 SENATE Withdrawn from Health Care -SJ 01326, Substituted for CS/SB 1012 -SJ 01326, Read second and third times -SJ 01326, Passed, YEAS 40 NAYS 0 -SJ 01326
- 05/02/97 HOUSE Ordered enrolled -HJ 02189
- 05/14/97 Signed by Officers and presented to Governor
- 05/30/97 Became Law without Governor's Signature, Chapter No 97-247

**H 1563 GENERAL BILL/CS by Transportation (EIC), Sindler (Similar CS/S 1442)**

- License Plates/Companion Animals, provides for Fla Companion Animal license plate, provides for annual use fee for such plates, provides for distribution & uses of annual use fee Amends 320 08056, 08058 Effective Date Upon becoming law
- 03/18/97 HOUSE Filed
- 03/19/97 HOUSE Introduced -HJ 00238

## HISTORY OF HOUSE BILLS

## H 477 (CONTINUED)

- 03/20/97 HOUSE On Committee agenda—Business Regulation & Consumer Affairs (EIC), 03/26/97, 3 00 pm, 214C
- 03/26/97 HOUSE Comm Action Unanimously Favorable by Business Regulation & Consumer Affairs (EIC)—HJ 00375
- 03/28/97 HOUSE Now in Governmental Operations (GRC)—HJ 00375
- 04/03/97 HOUSE On Committee agenda—Governmental Operations (GRC), 04/09/97, 1 00 pm, 413C—Cancelled
- 04/09/97 HOUSE On Committee agenda—Governmental Operations (GRC), 04/15/97, 8 30 am, 413C
- 04/15/97 HOUSE Comm Action Favorable by Governmental Operations (GRC)—HJ 00597
- 04/16/97 HOUSE Now in Finance & Taxation (FRC)—HJ 00597
- 04/17/97 HOUSE On Committee agenda—Finance & Taxation (FRC), 04/18/97, 9 00 am, Morris Hall
- 04/18/97 HOUSE Comm Action Favorable with 2 amendment(s) by Finance & Taxation (FRC)—HJ 00700
- 04/23/97 HOUSE Now in General Government Appropriations—HJ 00700
- 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96, In House Committee on General Government Appropriations

## H 479 GENERAL BILL by Kelly; (CO-SPONSORS) Feeney; Mackey; Heyman

Child Custody & Visitation, provides for standing in court re persons who have been awarded temporary custody of minor child for purpose of evaluating what custody arrangements are in best interest of child, redefines term "extended family", provides that grandparents of minor child may bring proceedings in circuit court to determine temporary custody of child under certain circumstances, revises language re action by grandparent for right of visitation. Amends FS Effective Date 10/01/1997

- 02/07/97 HOUSE Prefiled
- 02/21/97 HOUSE Referred to Family Law & Children (JC), Civil Justice & Claims (JC), Children & Family Empowerment (GSC), Rules, Resolutions, & Ethics (PC)
- 03/04/97 HOUSE Introduced, referred to Family Law & Children (JC), Civil Justice & Claims (JC), Children & Family Empowerment (GSC), Rules, Resolutions, & Ethics (PC)—HJ 00076
- 03/13/97 HOUSE Withdrawn from Family Law & Children (JC), Civil Justice & Claims (JC), Children & Family Empowerment (GSC), Rules, Resolutions, & Ethics (PC)—HJ 00179, Filed and not referred—HJ 00179
- 03/17/97 HOUSE Referred to Family Law & Children (JC), Civil Justice & Claims (JC), Children & Family Empowerment (GSC), Rules, Resolutions, & Ethics (PC)—HJ 00239
- 03/25/97 HOUSE Withdrawn from Family Law & Children (JC), Civil Justice & Claims (JC), Children & Family Empowerment (GSC), Rules, Resolutions, & Ethics (PC), Withdrawn from further consideration—HJ 00306

## H 481

- 02/18/97 HOUSE Withdrawn

## H 483 GENERAL BILL by Geller; Ogles, (CO-SPONSORS) Bainter, Stabins; Lawson; Bradley, Feeney (Similar S 0814, Compare CS/1ST ENG/H 1549, CS/1ST ENG/S 1286)

Insurance Rates & Contracts, revises definition re "nonpayment of premium", increases certain allowable per-policy application fees, revises limitations. Amends 627 728, 7295 Effective Date Upon becoming law

- 02/07/97 HOUSE Prefiled
- 02/17/97 HOUSE Referred to Financial Services (EIC), Finance & Taxation (FRC)
- 03/04/97 HOUSE Introduced, referred to Financial Services (EIC), Finance & Taxation (FRC)—HJ 00076
- 05/01/97 HOUSE Withdrawn from Financial Services (EIC), Finance & Taxation (FRC) Withdrawn from further cons. Iden/Sim/Compare Bill(s) passed refer to CS/SB 1286 (Ch 97-178)—HJ 01725

## H 485 GENERAL BILL by Hill; (CO-SPONSORS) Feeney; Ziebarth (Similar 1ST ENG/S 0152)

Controlled Substances, prohibits sale, manufacture, delivery, or possession with intent to sell, manufacture or deliver any controlled substance within specified distance of property used for religious services or property on which specified business enterprises conduct business, prescribes sentencing guideline offense levels. Amends 893 13, 921 0012 Effective Date 10/01/1997

- 02/07/97 HOUSE Prefiled
- 02/17/97 HOUSE Referred to Crime & Punishment (JC), Criminal Justice Appropriations
- 03/04/97 HOUSE Introduced, referred to Crime & Punishment (JC), Criminal Justice Appropriations—HJ 00076
- 03/31/97 HOUSE On Committee agenda—Crime & Punishment (JC), 04/04/97 8 00 am, 21—HOB
- 04/04/97 HOUSE Comm Action Unanimously Favorable with 2 amendment(s) by Crime & Punishment (JC)—HJ 00531
- 04/11/97 HOUSE Now in Criminal Justice Appropriations—HJ 00531

## H 485 (CONTINUED)

- 04/16/97 HOUSE Withdrawn from Criminal Justice Appropriations—HJ 00574
- 04/17/97 HOUSE Pending Consent Calendar
- 04/21/97 HOUSE Available for Consent Calendar
- 04/24/97 HOUSE Placed on Consent Calendar
- 04/25/97 HOUSE Senate Bill substituted, Laid on Table, Iden /Sim / Compare Bill(s) passed, refer to SB 152 (Ch 97-43)—HJ 00901

## H 487 GENERAL BILL/CS/1ST ENG by Financial Services (EIC), Dennis (Identical CS/1ST ENG/S 1402)

Premium Finance Companies/Agreements, revises net worth requirements for applicant for premium finance co license, authorizes surety bond with reduced net worth requirement, requires that such companies maintain Errors & Omissions Coverage & provides exception, revises prohibited acts by premium finance company, requires notification to insured by insurer & premium finance company on canceled insurance contract, amount of any unearned premium & unearned commission, etc Amends Ch 627 Effective Date 05/30/1997

- 02/07/97 HOUSE Prefiled
- 02/17/97 HOUSE Referred to Financial Services (EIC)
- 03/04/97 HOUSE Introduced, referred to Financial Services (EIC)—HJ 00076
- 03/20/97 HOUSE On Committee agenda—Financial Services (EIC), 03/26/97, 3 00 pm, Morris Hall
- 03/26/97 HOUSE Comm Action—Unanimously CS by Financial Services (EIC)—HJ 00493
- 04/09/97 HOUSE CS read first time on 04/09/97—HJ 00486
- 04/10/97 HOUSE Pending Consent Calendar—HJ 00493
- 04/14/97 HOUSE Available for Consent Calendar
- 04/16/97 HOUSE Placed on Consent Calendar, Temporarily postponed, on Second Reading, Available for Consent Calendar
- 04/17/97 HOUSE Placed on Consent Calendar, Read second and third times—HJ 00607, CS passed, YEAS 116 NAYS 0—HJ 00607, Immediately certified—HJ 00647
- 04/17/97 SENATE In Messages
- 04/24/97 SENATE Received, referred to Banking and Insurance—SJ 00600
- 04/25/97 SENATE Withdrawn from Banking and Insurance—SJ 00614, Substituted for CS/SB 1402—SJ 00614, Read second time—SJ 00614, Amendment(s) adopted—SJ 00614, Read third time—SJ 00615, CS passed as amended, YEAS 37 NAYS 0—SJ 00615, Immediately certified—SJ 00615
- 04/25/97 HOUSE In returning messages
- 05/01/97 HOUSE Concurred—HJ 01401, CS passed as amended, YEAS 115 NAYS 0—HJ 01402, Ordered engrossed, then enrolled—HJ 01402
- 05/14/97 Signed by Officers and presented to Governor
- 05/30/97 Became Law without Governor's Signature, Chapter No 97-204

## H 489 GENERAL BILL by Minton, (CO-SPONSORS) Feeney (Identical S 1034)

Ad Valorem Tax/Agricultural Crops, provides that property appraiser, when considering specified use factors applicable to agricultural assessment, may rely on 5-year moving average data for certain crops. Amends 193 461 Effective Date 01/01/1998

- 02/10/97 HOUSE Prefiled
- 02/17/97 HOUSE Referred to Agriculture (GRC), Community Affairs (GRC), Finance & Taxation (FRC)
- 03/04/97 HOUSE Introduced, referred to Agriculture (GRC), Community Affairs (GRC), Finance & Taxation (FRC)—HJ 00076
- 05/02/97 HOUSE Carried over to 1998 Session pursuant to House Rule 96 In House Committee on Agriculture (GRC)

## H 491 GENERAL BILL by Laurent, (CO-SPONSORS) Feeney; Lynn; Argenziano, Putnam; Culp (Identical S 2054, Similar H 1759)

Citizen Support Organizations, clarifies sales & use tax exemption for certain citizen support organizations, provides for partnerships between state & private entities for certain purposes. Amends 212 08, 370 0205 Effective Date 05/30/1997

- 02/10/97 HOUSE Prefiled
- 02/21/97 HOUSE Referred to Water & Resource Management (GRC), General Government Appropriations
- 03/04/97 HOUSE Introduced, referred to Water & Resource Management (GRC), General Government Appropriations—HJ 00076
- 03/05/97 HOUSE On Committee agenda—Water & Resource Management (GRC), 03/11/97, 1 30 pm 102—HOB
- 03/11/97 HOUSE Comm Action Unanimously Favorable by Water & Resource Management (GRC)—HJ 00199
- 03/12/97 HOUSE Now in General Government Appropriations—HJ 00199
- 04/01/97 HOUSE Withdrawn from General Government Appropriations—HJ 00355
- 04/02/97 HOUSE Pending Consent Calendar
- 04/04/97 HOUSE Available for Consent Calendar
- 04/16/97 HOUSE Placed on Consent Calendar, Read second and third times—HJ 00576 Passed YEAS 116 NAYS 0—HJ 00577

## HISTORY OF SENATE BILLS

- S 804 GENERAL BILL by Clary (Compare H 0903, CS/S 0412)**  
Marine Net Fishing, (THIS BILL COMBINED IN CS/S412,140,804) defines terms "netting material" & "net" for constitutional, statutory, & administrative law purposes Amends 370 01 Effective Date 07/01/1997  
 02/21/97 SENATE Prefiled  
 03/04/97 SENATE Introduced, referred to Natural Resources -SJ 00083  
 03/10/97 SENATE On Committee agenda—Natural Resources, 03/12/97, 2 00 pm, Room—A-LL-371  
 03/12/97 SENATE CS combines this bill with 412 & 140, Comm Action CS by Natural Resources -SJ 00236, Original bill laid on Table, refer to combined CS/SB 412 (Died in Senate Ways and Means Committee)
- S 806 GENERAL BILL/CS by Judiciary; Grant (Similar H 0913)**  
Eminent Domain/Acquisitions, provides for written offer of settlement as part of prelitigation notice, requires property owners who intend to claim business damages to provide certain documentation, provides that jury must determine compensation in eminent domain actions, provides for consideration of business damages, provides for determination of compensation in inverse condemnation proceedings, etc Amends 73 0511, 071, 337 271, creates 74 0205, 042 Effective Date 10/01/1997  
 02/21/97 SENATE Prefiled  
 03/04/97 SENATE Introduced, referred to Judiciary, Governmental Reform and Oversight -SJ 00083  
 03/21/97 SENATE On Committee agenda—Judiciary, 03/25/97, 3 30 pm, Room—1C(309)—Not considered  
 03/26/97 SENATE Also referred to Ways and Means -SJ 00269  
 03/28/97 SENATE On Committee agenda—Judiciary, 04/02/97, 2 30 pm, Room—1C(309)  
 04/02/97 SENATE Comm Action CS by Judiciary -SJ 00391, CS read first time on 04/07/97 -SJ 00394  
 04/03/97 SENATE Withdrawn from— Governmental Reform and Oversight, Ways and Means -SJ 00324, Rereferred to— Governmental Reform and Oversight, Transportation, Ways and Means -SJ 00324  
 04/04/97 SENATE Now in Governmental Reform and Oversight -SJ 00391  
 04/10/97 SENATE On Committee agenda—Governmental Reform and Oversight, 04/14/97, 1 00 pm, Room—1C(309)  
 04/14/97 SENATE Comm Action Favorable with 1 amendment(s) by Governmental Reform and Oversight -SJ 00500  
 04/15/97 SENATE Now in Transportation -SJ 00500  
 04/17/97 SENATE Withdrawn from Transportation -SJ 00509, Now in Ways and Means  
 04/25/97 SENATE Withdrawn from Ways and Means -SJ 00604, Placed on Calendar  
 05/02/97 SENATE Died on Calendar
- S 808 GENERAL BILL by Grant (Similar CS/H 0531)**  
Small Business Employment Incentives, provides for issuing tax credit vouchers to small businesses as employment incentives, requires DOR to develop forms & procedures, limits availability of credit vouchers Effective Date 07/01/1997  
 02/21/97 SENATE Prefiled  
 03/04/97 SENATE Introduced, referred to Commerce and Economic Opportunities, Ways and Means -SJ 00083  
 03/06/97 SENATE On Committee agenda—Commerce and Economic Opportunities, 03/10/97, 2 00 pm, Room—EL—Temporarily postponed  
 05/02/97 SENATE Died in Committee on Commerce and Economic Opportunities
- S 810 GENERAL BILL by Grant**  
Health Care Responsibility/AHCA, directs AHCA to convene task force on Fla Health Care Responsibility Act of 1988, provides for membership, specifies topics for task force study, requires report, provides agency duties Effective Date Upon becoming law  
 02/21/97 SENATE Prefiled  
 03/04/97 SENATE Introduced, referred to Health Care -SJ 00083  
 03/14/97 SENATE On Committee agenda—Health Care, 03/18/97, 9 00 am, Room—EL—Not considered  
 03/21/97 SENATE On Committee agenda—Health Care, 03/25/97, 12 30 pm, Room—EL  
 03/25/97 SENATE Comm Action -Favorable with 1 amendment(s) by Health Care -SJ 00277  
 03/26/97 SENATE Placed on Calendar -SJ 00277  
 05/02/97 SENATE Died on Calendar
- S 812 GENERAL BILL by Grant (Compare CS/IST ENGH/H 0117, CS/CS2ND ENGS 1660)**  
Sales Tax/Gasparilla Distance Assn., provides exemption for Gasparilla Distance Classic Association, Inc., in specified circumstances Amends 212 08 Effective Date 07/01/1997  
 02/21/97 SENATE Prefiled  
 03/04/97 SENATE Introduced, referred to Commerce and Economic Opportunities, Ways and Means -SJ 00083
- S 812 (CONTINUED)**  
 05/02/97 SENATE Died in Committee on Commerce and Economic Opportunities
- S 814 GENERAL BILL by Grant; (CO-SPONSORS) Williams; Childers; Cassas, Thomas (Similar H 0483, Compare CS/1ST ENGH/H 1649, CS/1ST ENGS 1286)**  
Motor Vehicle & Casualty Insurance, prescribes notice requirements re non-payment of premiums, revises certain per-policy fees Amends 627 728, 7295 Effective Date Upon becoming law  
 02/21/97 SENATE Prefiled  
 03/04/97 SENATE Introduced, referred to Banking and Insurance -SJ 00083  
 04/11/97 SENATE On Committee agenda—Banking and Insurance, 04/15/97, 9 00 am, Room—EL  
 04/15/97 SENATE Comm Action -Favorable with 2 amendment(s) by Banking and Insurance -SJ 00521  
 04/16/97 SENATE Placed on Calendar -SJ 00521  
 05/02/97 SENATE Died on Calendar, Iden/Sim/Compare Bill(s) passed, refer to CS/SB 1286 (Ch 97-178)
- S 816 GENERAL BILL by Grant**  
Insurance Commissioner, transfers responsibilities of head of DOI from State Treasurer to appointed Insurance Commissioner, transfers responsibility for making appointment, amends specified provisions to conform terminology to change made by act Amends FS Effective Date 07/01/1997  
 02/21/97 SENATE Prefiled  
 03/04/97 SENATE Introduced, referred to Banking and Insurance, Governmental Reform and Oversight, Ways and Means -SJ 00083  
 05/02/97 SENATE Died in Committee on Banking and Insurance
- S 818 GENERAL BILL/CS by Judiciary; Grant; Lee; Dudley (Similar 1ST ENGH/H 1411, Compare H 0931, S 1136, S 1242)**  
Trusts & Estates/Administration, (THIS BILL COMBINES S818,1136,1242) provides statement of rule against perpetuities, authorizes certain corporations to serve as attorney in fact, increases ceiling on funeral expenses, defines term "right of revocation" re order of payment of expenses & obligations of estate, revises provisions re execution requirements for express trusts, provides for application of section, etc Amends Chs 518, 689, 709, 733, 737, 738, 744 Effective Date Upon becoming law except as otherwise provided  
 02/21/97 SENATE Prefiled  
 03/04/97 SENATE Introduced, referred to Judiciary -SJ 00083  
 03/17/97 SENATE On Committee agenda—Judiciary, 03/19/97, 2 00 pm, Room—1C(309)—Temporarily postponed  
 03/21/97 SENATE On Committee agenda—Judiciary, 03/25/97, 3 30 pm, Room—1C(309)—Not considered  
 03/28/97 SENATE On Committee agenda—Judiciary, 04/02/97, 2 30 pm, Room—1C(309)  
 04/02/97 SENATE CS combines this bill with 1136 & 1242, Comm Action -CS by Judiciary -SJ 00392, CS read first time on 04/07/97 -SJ 00395  
 04/04/97 SENATE Placed on Calendar -SJ 00392  
 04/24/97 SENATE Placed on Special Order Calendar -SJ 00583  
 04/25/97 SENATE Placed on Special Order Calendar -SJ 00583  
 04/28/97 SENATE Placed on Special Order Calendar -SJ 00651  
 04/29/97 SENATE Placed on Special Order Calendar -SJ 00709, -SJ 00938  
 04/30/97 SENATE Placed on Special Order Calendar -SJ 00938, -SJ 01096  
 05/01/97 SENATE Placed on Special Order Calendar -SJ 00957, -SJ 01096  
 05/02/97 SENATE Placed on Consent Calendar -SJ 01843, Read second time -SJ 01318, Amendment(s) adopted -SJ 01318, House Bill substituted -SJ 01318, Laid on Table, Iden/Sim / Compare Bill(s) passed, refer to HB 1411 (Ch 97-240)
- S 820 GENERAL BILL by Klein; (CO-SPONSORS) Turner (Identical H 0115)**  
Veterans/ID Card Renewals, eliminates requirement of renewing identification cards, eliminates service charge Amends 295 17 Effective Date 07/01/1997  
 02/21/97 SENATE Prefiled  
 03/04/97 SENATE Introduced, referred to Community Affairs, Ways and Means -SJ 00083  
 03/07/97 SENATE On Committee agenda—Community Affairs, 03/11/97, 9 00 am, Room—1C(309)  
 03/11/97 SENATE Comm Action Favorable by Community Affairs -SJ 00140, Now in Ways and Means -SJ 00140  
 03/19/97 SENATE Withdrawn from Ways and Means -SJ 00212, Placed on Calendar  
 04/03/97 SENATE Placed on Special Order Calendar -SJ 00361  
 04/07/97 SENATE Placed on Special Order Calendar -SJ 00324, House Bill substituted -SJ 00390, Laid on Table, Iden /Sim / Compare Bill(s) passed, refer to HB 115 (Ch 97-14)
- S 822 GENERAL BILL by Klein; (CO-SPONSORS) Forman (Compare 2ND ENGH/H 1367, 2ND ENGH/H 1837, CS/CS/S 0562, S 1960)**  
Dept. of Health/HRS/AHCA/DOC, (THIS BILL COMBINED IN CS/S552 1960,832) authorizes Health Dept. to use certain funds to promote public health provides dept. with greater flexibility in budget expenditures. (CONTINUED ON NEXT PAGE)

## HISTORY OF SENATE BILLS

**S 1430 (CONTINUED)**

- 04/25/97 HOUSE Substituted for HB 829 -HJ 00928, Read second and third times -HJ 00928, Passed, YEAS 111 NAYS 1 -HJ 00928
- 04/25/97 SENATE Ordered enrolled -SJ 00663
- 04/30/97 Signed by Officers and presented to Governor -SJ 01103
- 05/16/97 Became Law without Governor's Signature, Chapter No 97-70

**S 1432 GENERAL BILL/CS by Banking and Insurance, Childers (Similar H 0795, Compare H 0431, S 0264)**

- Florida Title Loan Act, creates said act, provides definitions, requires licensure by Agriculture & Consumer Services Dept to be in business as title loan lender, provides for eligibility for licensure, provides for application, provides for suspension or revocation of license, provides for title loan transaction form, provides for recordkeeping & reporting & safekeeping of property, removes provisions re title loan transactions by secondhand dealers, etc Amends Ch 538 Appropriation \$700,000 Effective Date 10/01/1997 except as otherwise provided
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Banking and Insurance, Ways and Means -SJ 00160
- 04/04/97 SENATE On Committee agenda—Banking and Insurance, 04/08/97, 9 00 am, Room-EL--Not considered
- 04/11/97 SENATE On Committee agenda—Banking and Insurance, 04/15/97, 9 00 am, Room-EL
- 04/15/97 SENATE Comm Action CS by Banking and Insurance -SJ 00521, CS read first time on 04/17/97 -SJ 00523
- 04/17/97 SENATE Now in Ways and Means -SJ 00521
- 04/25/97 SENATE Withdrawn from Ways and Means -SJ 00604, Placed on Calendar
- 04/30/97 SENATE Placed on Special Order Calendar -SJ 01096
- 05/01/97 SENATE Placed on Consent Calendar -SJ 01294, Read second time -SJ 01125, Amendment pending -SJ 01125, Placed on Regular Calendar -SJ 01126
- 05/02/97 SENATE Died on Calendar

**S 1434 GENERAL BILL/CS by Education, Dyer (Compare CS/CS/S 1548) Capital Improvement Millage Reform, (THIS BILL COMBINED IN CS/CS/S1548,CS/S1434) creates "Capital Improvement Millage Reform Act", raises maximum millage school district may levy for capital outlay purposes, authorizes use of additional funds for certain lease-purchase agreements by school districts with high student growth, defines high student growth & provides for calculation, provides expenditure requirement Amends 236 25 Effective Date 07/01/1997**

- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Education, Ways and Means -SJ 00160
- 03/28/97 SENATE On Committee agenda—Education, 04/01/97, 2 30 pm, Room-A(LL-37)--Not considered
- 04/04/97 SENATE On Committee agenda—Education, 04/08/97, 2 00 pm, Room-A(LL-37)
- 04/08/97 SENATE Comm Action CS by Education -SJ 00474, CS read first time on 04/14/97 -SJ 00477
- 04/11/97 SENATE Now in Ways and Means -SJ 00474
- 04/14/97 SENATE On Committee agenda—Ways and Means, 04/16/97, 1 00 pm, Room-EL
- 04/16/97 SENATE CS combines this bill with CS 1548, Comm Action CS/CS by Ways and Means -SJ 00585, Original bill laid on Table, refer to combined CS/CS/SB 1548 (Laid on Table in Senate)

**S 1436 GENERAL BILL by Dyer (Compare 1ST ENG/H 0887)**

- School Board's Tentative Budget, requires inclusion of specified information in advertisement of school board's tentative budget Amends 237 081 Effective Date 07/01/1997
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Education, Ways and Means -SJ 00160
- 05/02/97 SENATE Died in Committee on Education

**S 1438 GENERAL BILL/CS by Ways and Means; Silver; (CO-SPONSORS) Myers, Holzendorf; Rossin, Jenne, Harris; Klein; Sullivan; Burt; Dyer, Diaz-Balart; Turner; McKay; Gutman; Jones; Meadows; Childers; Casas, Horne; Wilhams (Similar CS/1ST ENG/H 1145, Compare CS/CS/2ND ENG/S 1660)**

- Real Property Tax/Sports Franchise, clarifies taxation of improvements to real property, redefines term "new sports franchise", prescribes criteria for certifying applicant as facility for new professional sports franchise, increases number of franchises that may be certified, provides that applicant applying for certification for more than one franchise, after certain date, is required to have contract with LES for hiring of WAGES participants, etc Amends 212 06, 288 1162 Effective Date Upon becoming law
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Commerce and Economic Opportunities Community Affairs Ways and Means -SJ 00160

**S 1438 (CONTINUED)**

- 03/13/97 SENATE On Committee agenda—Commerce and Economic Opportunities, 03/17/97, 12 00 noon, Room-EL
- 03/17/97 SENATE Comm Action Favorable with 2 amendment(s) by Commerce and Economic Opportunities -SJ 00235
- 03/18/97 SENATE Now in Community Affairs -SJ 00235
- 04/17/97 SENATE Withdrawn from Community Affairs -SJ 00509, Now in Ways and Means
- 04/18/97 SENATE On Committee agenda—Ways and Means, 04/23/97, 2 00 pm, Room-EL--Not considered
- 04/24/97 SENATE On Committee agenda—Ways and Means, 04/25/97, 9 00 am, Room-EL
- 04/25/97 SENATE Comm Action -CS by Ways and Means -SJ 00709, CS read first time on 04/28/97 -SJ 00711
- 04/28/97 SENATE Placed on Calendar -SJ 00709
- 05/02/97 SENATE Died on Calendar

**S 1440 GENERAL BILL by Klein (Similar H 0649)**

- Sale of Fireworks, specifies enforcement authority, increases criminal penalties for certain violations, revises registration requirements for manufacturers, distributors, & wholesalers of sparklers or fireworks, provides procedures for cease & desist orders, prohibits sale or delivery of sparklers or fireworks to certain persons, etc Amends Ch 791 Effective Date 10/01/1997
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Commerce and Economic Opportunities, Community Affairs, Ways and Means -SJ 00160
- 03/20/97 SENATE On Committee agenda—Commerce and Economic Opportunities, 03/24/97, 9 30 am, Room-EL--Temporarily postponed
- 03/27/97 SENATE Withdrawn from Commerce and Economic Opportunities, Community Affairs, Ways and Means -SJ 00287, Withdrawn from further consideration -SJ 00287

**S 1442 GENERAL BILL/CS by Transportation; Forman (Similar CS/H 1563)**

- License Plates/Companion Animals, creates Fla Companion Animal license plate, provides for distribution of annual use fees received from sale of such plates Amends 320 08056, 08058 Effective Date 07/01/1997 if enacted by 3/5ths vote of membership of each house of Legislature
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Transportation, Ways and Means -SJ 00161
- 04/11/97 SENATE On Committee agenda—Transportation, 04/15/97, 9 00 am, Room-2C(301)
- 04/15/97 SENATE Comm Action CS by Transportation -SJ 00585, CS read first time on 04/24/97 -SJ 00592
- 04/17/97 SENATE Now in Ways and Means -SJ 00585
- 05/02/97 SENATE Died in Committee on Ways and Means

**S 1444 GENERAL BILL by Grant (Similar H 1581, Compare CS/S 1538) Postsecondary Distance Learning, (THIS BILL COMBINED IN CS/S1538,1444,1702,2014) provides legislative intent, creates Institute on Public Postsecondary Distance Learning, provides for governing board of institute, assigns institute to Fla Gulf Coast Univ for purposes of administration, specifies duties of institute, directs State Board of Community Colleges to establish Fla Community College Distance Learning Consortium, Creates 240 65, 66 Effective Date 07/01/1997**

- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Education, Governmental Reform and Oversight, Ways and Means -SJ 00161
- 04/10/97 SENATE On Committee agenda—Education, 04/14/97, 1 00 pm, Room-A(LL-37)--Temporarily postponed
- 04/15/97 SENATE On Committee agenda—Education, 04/17/97, 4 00 pm, Room-A(LL-37)
- 04/17/97 SENATE CS combines this bill with 1538, 1702 & 2014, Comm Action CS by Education -SJ 00584, Original bill laid on Table, refer to combined CS/SB 1538 (Died in Senate Governmental Reform and Oversight Committee)

**S 1446 GENERAL BILL by Forman (Compare CS/1ST ENG/H 1549, CS/1ST ENG/S 1286)**

- Driver Improvement Course/Insurance, (THIS BILL COMBINED IN CS/S1286,1446) authorizes motor vehicle insurers to offer premium reduction when principal driver of insured vehicle has completed approved driver improvement course, prescribes conditions & limits on such offer, provides for assessment fee to be paid by persons taking such course (Creates 627 065) amends 318 1451 Effective Date 07/01/1997
- 03/04/97 SENATE Filed
- 03/12/97 SENATE Introduced, referred to Banking and Insurance, Ways and Means -SJ 00161
- 03/21/97 SENATE On Committee agenda—Banking and Insurance, 03/25/97, 9 00 am, Room-EL
- 03/25/97 SENATE CS combines this bill with 1286, Comm Action CS by Banking and Insurance -SJ 00363, Original bill laid on Table refer to combined CS/SB 1286 (Ch 97-175)

## CITATOR—BILLS INTRODUCED AND PASSED

(Citator reflects Florida Statute numbers listed in final passed bill—not necessarily final statutory placement. Verify with F.S. tracing tables.)

FLORIDA STATUTE CHAPTER 626 (CONT)		FLORIDA STATUTE CHAPTER 627 (CONT)		FLORIDA STATUTE CHAPTER 627 (CONT)			
626 944	S 770, H 349	S 2142,	627 4301	S 138, H 127	627 6675	<u>S 438(97-102)</u> , H 1967	<u>S 1682(97-179)</u> ,
626 945	<u>S 438(97-102)</u> , H 349	S 2142,	627 4555	<u>S 840(97-292)</u> , H 1943	S 898,	S 274, H 41,	S 1590, H 1925
626 9541	<u>S 438(97-102)</u> ,	S 2196	627 476	<u>S 840(97-292)</u> ,	H 1943	S 274,	H 41
626 9571	<u>S 438(97-102)</u>		627 481	<u>S 416(97-93)</u>		627 6692	<u>S 438(97-102)</u>
626 9581	<u>S 438(97-102)</u>		627 5045	<u>S 840(97-292)</u> , H 1943	S 898,	627.6699	<u>S 438(97-102)</u> , S 848, <u>S 1682(97-179)</u> ,
626 9641	S 286		627 553	<u>S 438(97-102)</u>		S 2304,	S 916, S 1772,
626 988	S 426,	<u>S 438(97-102)</u>	627 555	<u>S 438(97-102)</u>		H 573,	H 453, H 781,
626 989	<u>S 438(97-102)</u> ,	S 1172,	627 560	<u>S 438(97-102)</u>		H 1701,	<u>H 1785(97-166)</u>
	S 2352,	H 1081	627 561	<u>S 438(97-102)</u>		H 1967	
626 9891	S 1172,	H 1081	627 562	<u>S 438(97-102)</u>		627 6785	S 1346,
626 99	<u>S 438(97-102)</u>		627 566	<u>S 438(97-102)</u>		627 679	<u>S 438(97-102)</u>
626 9911	<u>S 416(97-93)</u>		627 567	<u>S 438(97-102)</u>		627 681	<u>S 438(97-102)</u>
626 9912	S 816,	S 1636,	627 568	<u>S 438(97-102)</u>		627 682	S 1346,
	H 1921		627 571	<u>S 438(97-102)</u>		627 6841	<u>S 438(97-102)</u>
626 9913	S 1636,	H 1921	627 6044	<u>S 438(97-102)</u>		627 6843	<u>S 438(97-102)</u>
626 9916	<u>S 416(97-93)</u> ,	S 816	627 619	<u>S 438(97-102)</u>		627 701	<u>S 416(97-93)</u> , <u>S 794(97-55)</u> ,
626 9923	S 1636,	H 1921	627 621	<u>S 438(97-102)</u>		627 7013	<u>S 416(97-93)</u>
626 9924	S 1636,	H 1921	627 624	<u>S 438(97-102)</u>		627 7014	<u>S 416(97-93)</u>
626 993	S 1636,	H 1921	627 6401	<u>S 438(97-102)</u>		627 702	<u>S 438(97-102)</u>
			627 6406	<u>S 1682(97-179)</u> ,	H 1967	627 7051	S 1030,
			627 6416	S 2346,	<u>H 1785(97-166)</u>	627 727	<u>S 438(97-102)</u> ,
			627 6417	<u>S 530(97-48)</u> ,	S 848, S 1150, H 573,	627 7275	<u>S 438(97-102)</u>
			627 64171	<u>S 530(97-48)</u>		627 728	<u>S 438(97-102)</u> ,
			627 64172	<u>S 530(97-48)</u>		627 7286	<u>S 1286(97-178)</u> ,
			627 64175	S 848, H 781	H 453,	H 1549	S 814, H 483,
			627 64185	S 530,	H 689	627 7288	<u>S 1286(97-178)</u> ,
			627 6419	S 138, S 552,	<u>S 530(97-48)</u> , <u>H 37(97-182)</u>	H 1549	S 1816,
			627 64195	S 1890		627 7295	S 814, H 483
			627 6425	<u>S 1682(97-179)</u> ,	H 1967	627 72951	<u>S 1286(97-178)</u> ,
			627 646	<u>S 438(97-102)</u>		627 732	S 28, <u>H 9(97-84)</u>
			627 6471	S 1070,	H 1021	627 733	S 28, S 2284, H 1553
			627 6472	<u>S 244(97-171)</u> ,	S 274, H 41, H 1021	627 736	<u>S 438(97-102)</u> ,
			627 6475	S 1070, H 365,	H 1967	S 1530, S 2172, H 821	S 1326, S 1974, H 727,
			627 6482	<u>S 1682(97-179)</u> ,	H 1967	627 737	<u>S 438(97-102)</u>
			627 64871	<u>S 1682(97-179)</u> ,	H 1967	627 743	S 560,
			627 6488	<u>S 438(97-102)</u>		627 745	S 770
			627 6489	<u>S 1682(97-179)</u> ,	H 1967	627 776	S 2196
			627 651	<u>S 530(97-48)</u> ,	S 848, H 453,	627 828	S 1402, <u>H 487(97-204)</u>
			627 6512	<u>S 1682(97-179)</u> ,	H 1967	627 832	<u>S 438(97-102)</u>
			627 6515	S 274, S 848, S 1682, H 453,	H 1967 <u>S 530(97-48)</u> , S 916, H 41, H 781	627 835	<u>S 438(97-102)</u>
			627 6516	<u>S 438(97-102)</u>		627 836	<u>S 438(97-102)</u>
			627 65615	<u>S 1682(97-179)</u> ,	H 1967	627 837	<u>S 418(97-94)</u>
			627 65625	<u>S 1682(97-179)</u> ,	H 1967	627 839	<u>S 438(97-102)</u>
			627 657	<u>S 438(97-102)</u>		627 840	<u>S 438(97-102)</u>
			627 6571	<u>S 1682(97-179)</u> ,	H 1967	627 8405	S 1402, <u>H 487(97-204)</u>
			627 6574	<u>S 1682(97-179)</u> ,	H 1967	627 841	<u>S 438(97-102)</u> ,
			627 6576	<u>S 1682(97-179)</u> ,	H 1967	627 842	<u>S 438(97-102)</u>
			627 6577	S 1298		627 843	<u>S 438(97-102)</u>
			627 6579	S 2346,	<u>H 1785(97-166)</u>	627 844	<u>S 438(97-102)</u>
			627 659	<u>S 416(97-93)</u>		627 845	<u>S 438(97-102)</u>
			627 6612	<u>S 530(97-48)</u> ,	S 848, H 453, H 781	627 848	<u>S 438(97-102)</u> ,
			627 66121	<u>S 530(97-48)</u>		<u>H 487(97-204)</u>	S 1402,
			627 66122	<u>S 530(97-48)</u>		627 912	<u>S 948(97-273)</u> ,
			627 66125	S 530,	H 689	S 2142, <u>H 1925(97-261)</u> ,	S 1590, <u>H 1357(97-237)</u>
			627 6614	S 848, H 781	H 453,	627 9404	<u>S 1682(97-179)</u> ,
			627 664	<u>S 438(97-102)</u>		627 9407	<u>S 1682(97-179)</u> ,
			627 6643	<u>S 438(97-102)</u>		627 94071	<u>S 1682(97-179)</u> ,
						627 94072	<u>S 1682(97-179)</u> ,
						627 94073	<u>S 1682(97-179)</u> ,
						627 94074	<u>S 1682(97-179)</u> ,
						627 94075	S 1682
						627 944	<u>S 436(97-102)</u> ,
						627 948	<u>S 438(97-102)</u> ,
						627 952	<u>S 438(97-102)</u>
						627 971	<u>S 438(97-102)</u>

(BILLS UNDERLINED HAVE PASSED BOTH CHAMBERS,  
CITATOR INCLUDES COMMITTEE SUBS & AMENDED BILLS

(CONTINUED ON NEXT PAGE

By Senator Rossin

35-991-97

A bill to be entitled

2 An act relating to motor vehicle insurance;  
3 amending s. 627.727, F.S.; providing a  
4 presumption in favor of insurers and their  
5 agents and employees that coverage has been  
6 rejected or reduced by an insured who signs a  
7 form prescribed by the Department of Insurance;  
8 amending s. 627.728, F.S.; providing for  
9 electronic notice of cancellation and  
10 nonrenewals; amending s. 627.7288, F.S.;  
11 providing that deductibles in a policy that  
12 provides comprehensive coverage provided to an  
13 insured by an authorized insurer do not apply  
14 to motor vehicle glass deductibles; creating s.  
15 627.72951, F.S.; permitting temporary binding  
16 of coverage; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Subsection (1) of section 627.727, Florida  
21 Statutes, is amended to read:

22 627.727 Motor vehicle insurance; uninsured and  
23 underinsured vehicle coverage; insolvent insurer protection.--

24 (1) No motor vehicle liability insurance policy which  
25 provides bodily injury liability coverage shall be delivered  
26 or issued for delivery in this state with respect to any  
27 specifically insured or identified motor vehicle registered or  
28 principally garaged in this state unless uninsured motor  
vehicle coverage is provided therein or supplemental thereto  
29 for the protection of persons insured thereunder who are  
30 legally entitled to recover damages from owners or operators  
31



1 of uninsured motor vehicles because of bodily injury,  
2 sickness, or disease, including death, resulting therefrom.  
3 However, the coverage required under this section is not  
4 applicable when, or to the extent that, an insured named in  
5 the policy makes a written rejection of the coverage on behalf  
6 of all insureds under the policy. When a motor vehicle is  
7 leased for a period of 1 year or longer and the lessor of such  
8 vehicle, by the terms of the lease contract, provides  
9 liability coverage on the leased vehicle, the lessee of such  
10 vehicle shall have the sole privilege to reject uninsured  
11 motorist coverage or to select lower limits than the bodily  
12 injury liability limits, regardless of whether the lessor is  
13 qualified as a self-insurer pursuant to s. 324.171. Unless an  
14 insured, or lessee having the privilege of rejecting uninsured  
15 motorist coverage, requests such coverage or requests higher  
16 uninsured motorist limits in writing, the coverage or such  
17 higher uninsured motorist limits need not be provided in or  
18 supplemental to any other policy which renews, extends,  
19 changes, supersedes, or replaces an existing policy with the  
20 same bodily injury liability limits when an insured or lessee  
21 had rejected the coverage. When an insured or lessee has  
22 initially selected limits of uninsured motorist coverage lower  
23 than his bodily injury liability limits, higher limits of  
24 uninsured motorist coverage need not be provided in or  
25 supplemental to any other policy which renews, extends,  
26 changes, supersedes, or replaces an existing policy with the  
27 same bodily injury liability limits unless an insured requests  
28 higher uninsured motorist coverage in writing. The rejection  
29 or selection of lower limits shall be made on a form approved  
30 by the Insurance Commissioner. The form shall fully advise  
31 the applicant of the nature of the coverage and shall state



that the coverage is equal to bodily injury liability limits  
2 unless lower limits are requested or the coverage is rejected.  
3 The heading of the form shall be in 12-point bold type and  
4 shall state: "You are electing not to purchase certain  
5 valuable coverage which protects you and your family or you  
6 are purchasing uninsured motorist limits less than your bodily  
7 injury liability limits when you sign this form. Please read  
8 carefully." If this form is signed by a named insured, it  
9 will be conclusively presumed that there was an informed,  
10 knowing rejection of coverage or election of lower limits on  
11 behalf of all insureds. Such presumption applies in favor of  
12 the insurer and its agents and its employees. The insurer  
13 shall notify the named insured at least annually of his  
14 options as to the coverage required by this section. Such  
15 notice shall be part of, and attached to, the notice of  
16 premium, shall provide for a means to allow the insured to  
17 request such coverage, and shall be given in a manner approved  
18 by the department. Receipt of this notice does not constitute  
19 an affirmative waiver of the insured's right to uninsured  
20 motorist coverage where the insured has not signed a selection  
21 or rejection form. The coverage described under this section  
22 shall be over and above, but shall not duplicate, the benefits  
23 available to an insured under any workers' compensation law,  
24 personal injury protection benefits, disability benefits law,  
25 or similar law; under any automobile medical expense coverage;  
26 under any motor vehicle liability insurance coverage; or from  
27 the owner or operator of the uninsured motor vehicle or any  
28 other person or organization jointly or severally liable  
together with such owner or operator for the accident; and  
30 such coverage shall cover the difference, if any, between the  
31 sum of such benefits and the damages sustained, up to the

35-991-97

1 maximum amount of such coverage provided under this section.  
2 The amount of coverage available under this section shall not  
3 be reduced by a setoff against any coverage, including  
4 liability insurance. Such coverage shall not inure directly  
5 or indirectly to the benefit of any workers' compensation or  
6 disability benefits carrier or any person or organization  
7 qualifying as a self-insurer under any workers' compensation  
8 or disability benefits law or similar law.

9 Section 2. Subsection (12) of section 627.728, Florida  
10 Statutes, 1996 Supplement, is amended to read:

11 627.728 Cancellations; nonrenewals.--

12 (12) No later than 10 business days after termination  
13 of a policy subject to this section, the insurer must send  
14 written or electronic notice of the termination to all holders  
15 of liens on the subject vehicle, which lienholders are known  
16 to the insurer. Electronic notice is valid only by prior  
17 agreement between the insurer and the lienholder.

18 Section 3. Section 627.7288, Florida Statutes, is  
19 amended to read:

20 627.7288 Comprehensive coverage; deductible not to  
21 apply to motor vehicle glass.--The deductible provisions of  
22 any policy of motor vehicle insurance, delivered or issued in  
23 this state by an authorized or eligible insurer, providing  
24 comprehensive coverage or combined additional coverage shall  
25 not be applicable to damage to the windshield of any motor  
26 vehicle covered under such policy.

27 Section 4. Section 627.72951, Florida Statutes, is  
28 created to read:

29 627.72951 Temporary binding  
30 permitted.--Notwithstanding any other provision of law, an  
31 insurer may temporarily bind coverage on a vehicle for a

eriod not to exceed 3 business days without first collecting  
2 premium, if the policyholder has coverage on another vehicle  
3 with the same insurer or insurer group.

4 Section 5. This act shall take effect October 1, 1997.

6 \*\*\*\*\*

7 SENATE SUMMARY

8 Provides a presumption in favor of insurers and their  
9 agents and their employees that coverage has been  
10 rejected or reduced by an insured who signs a form  
11 prescribed by the Department of Insurance. Provides for  
12 electronic notice of cancellation and nonrenewals.  
13 Provides that deductibles in a policy that provides  
14 comprehensive coverage provided to an insured by an  
authorized insurer do not apply to motor vehicle glass  
deductibles. Permits temporary binding of coverage on a  
motor vehicle not to exceed 3 business days under certain  
conditions.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
30  
31



1           Section 1. Section 627.06501, Florida Statutes, is  
2 created to read:

3           627.06501 Insurance discounts for certain persons  
4 completing driver improvement course.--

5           (1) Any rate, rating schedule, or rating manual for  
6 the liability, personal injury protection, and collision  
7 coverages of a motor vehicle insurance policy filed with the  
8 department may provide for an appropriate reduction in premium  
9 charges as to such coverages when the principal operator on  
10 the covered vehicle has successfully completed a driver  
11 improvement course approved and certified by the Department of  
12 Highway Safety and Motor Vehicles which is effective in  
13 reducing crash or violation rates, or both, as determined  
14 pursuant to s. 318.1451(5). Any discount, not to exceed 10  
15 percent, used by an insurer is presumed to be appropriate  
16 unless credible data demonstrates otherwise.

17           (2) The premium reduction authorized by this section  
18 shall be effective for an insured for a 3-year period after  
19 successful completion of the approved course, except that the  
20 insurer may require, as a condition of maintaining the  
21 reduction, that the insured:

22           (a) Not be involved in an accident for which the  
23 insured is at fault; and

24           (b) Not be convicted of or plead guilty or nolo  
25 contendere to a moving traffic violation.

26           (3) The organization offering the course shall, upon a  
27 person's successful completion of the course, issue the person  
28 a certificate that the person may use to qualify for the  
29 premium discount authorized by this section.

30           (4) This section does not apply if the driver  
31 improvement course is taken in lieu of a court appearance for

1 a traffic infraction as provided for in s. 318.14(9). However,  
2 the five-election restriction enumerated in that section is  
3 not applicable to taking the course for the purposes of  
4 receiving insurance premium reductions.

5 Section 2. Subsection (4) of section 318.1451, Florida  
6 Statutes, is amended to read:

7 318.1451 Driver improvement schools.--

8 (4) In addition to a regular course fee, an assessment  
9 fee in the amount of \$2.50 shall be collected by the school  
10 from each person who elects to attend a course, as it relates  
11 to ss. 318.14(9), 322.0261, ~~and~~ 322.291, and 627.06501, which  
12 shall be remitted to the Department of Highway Safety and  
13 Motor Vehicles and deposited in the Highway Safety Operating  
14 Trust Fund to administer this program and to fund the general  
15 operations of the department.

16 Section 3. Subsection (8) is added to section 627.419,  
17 Florida Statutes, 1996 Supplement, to read:

18 627.419 Construction of policies.--

19 (8) If an insurer or licensee advertises an insurance  
20 policy in a language other than English, the advertisements  
21 shall not be construed to modify or change the insurance  
22 policy written in English, provided that the advertisement  
23 clearly states that the policy written in English controls in  
24 the event of a dispute and that the insurance policy language  
25 may differ from the representations contained in the  
26 advertisement. Nothing in this subsection shall affect the  
27 provisions of s. 626.9541 relating to misrepresentations and  
28 false advertising of insurance policies.

29 Section 4. Paragraph (c) of subsection (1) and  
30 subsection (12) of section 627.728, Florida Statutes, 1996  
31 Supplement, are amended to read:

1           627.728 Cancellations; nonrenewals.--  
2           (1) As used in this section, the term:  
3           (c) "Nonpayment of premium" means failure of the named  
4 insured to discharge when due any of his obligations in  
5 connection with the payment of premiums on a policy or any  
6 installment of such premium, whether the premium is payable  
7 directly to the insurer or its agent or indirectly under any  
8 premium finance plan or extension of credit, or failure to  
9 maintain membership in an organization if such membership is a  
10 condition precedent to insurance coverage. "Nonpayment of  
11 premium" also means the failure of a financial institution to  
12 honor an insurance applicant's check after delivery to a  
13 licensed agent for payment of a premium, even if the agent has  
14 previously delivered or transferred the premium to the  
15 insurer; further, if the dishonored check represents the  
16 initial premium payment, the contract shall be void ab initio  
17 unless the nonpayment is cured within 5 days after actual  
18 notice by United States postal proof of mailing or by  
19 registered or certified mail is sent to ~~received by~~ the  
20 applicant, and if the contract is void, any premium received  
21 by the insurer from a third party shall be refunded to that  
22 party in full. If a dishonored check is made payable to the  
23 insurer, the insurer may cancel the policy in accordance with  
24 paragraph (3)(a).

25           (12) No later than 10 business days after termination  
26 of a policy subject to this section, the insurer must send  
27 written or electronic notice of the termination to all holders  
28 of liens on the subject vehicle, which lienholders are known  
29 to the insurer. Electronic notice is valid only by prior  
30 agreement between the insurer and the lienholder.  
31



1           Section 5. Section 627.7288, Florida Statutes, is  
2 amended to read:

3           627.7288 Comprehensive coverage; deductible not to  
4 apply to motor vehicle glass.--The deductible provisions of  
5 any policy of motor vehicle insurance, delivered or issued in  
6 this state by an authorized or eligible insurer, providing  
7 comprehensive coverage or combined additional coverage shall  
8 not be applicable to damage to the windshield of any motor  
9 vehicle covered under such policy.

10          Section 6. Section 627.72951, Florida Statutes, is  
11 created to read:

12          627.72951 Temporary binding  
13 permitted.--Notwithstanding any other provision of law, an  
14 insurer may temporarily bind coverage on a vehicle for a  
15 period not to exceed 3 business days without first collecting  
16 premium, if the policyholder has coverage on another vehicle  
17 with the same insurer or insurer group.

18          Section 7. This act shall take effect October 1, 1997.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3                                   SB's 1286 and 1446  
4                   Adds a provision that if an insurer or licensee advertises an  
5                   insurance policy in a language other than English, the  
6                   advertisements shall not be construed to modify or change the  
7                   insurance policy written in English, provided that a  
8                   disclosure to this effect is made.  
9                   Adds provisions that allow motor vehicle insurers to send  
10                  notice of cancellation due to a bad check by U.S. postal proof  
11                  of mailing or by registered mail, in addition to certified  
12                  mail, and providing that the 5-day time period for the  
13                  applicant to cure non-payment runs from mailing rather than  
14                  receipt.  
15                  Adds a provision that an insurer may cancel a policy for  
16                  non-payment due to a bad check by providing notice 10 days  
17                  prior to cancellation, rather than voiding the policy  
18                  retroactive to the first day of coverage.  
19                  Strikes the provisions that related to the effect of the  
20                  signed rejection of coverage for uninsured motorists coverage.  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31



### III. Effect of Proposed Changes:

**Section 1** creates s 627 06501, F S , to allow (but not require) motor vehicle insurers to provide an appropriate reduction in premiums for liability, personal injury protection, and collision coverages, when the principal operator on the covered vehicle has successfully completed a driver improvement course approved and certified by the Department of Highway Safety and Motor Vehicles which is effective in reducing crash or violation rates, as determined pursuant to s. 318 1451(5), F S

The bill provides that any discount up to 10 percent used by an insurer is presumed to be appropriate (implying that any such discount must be approved by the Department of Insurance), unless credible data demonstrates otherwise

The premium discount must be effective for a 3-year period, except that the insurer may require that the insured not be involved in an at-fault accident, and not be convicted of, or plead guilty or nolo contendere to, a moving traffic violation The discount allowed by this section would not apply to a driver improvement course taken in lieu of a court appearance for a traffic infraction as provided for in s 318 14(9), F S

The bill does not affect s 627 0652, F S , which currently requires motor vehicle insurers to provide an appropriate reduction in premium (a discount) when the principal operator on the covered vehicle is 55 years of age or older and has successfully completed a motor vehicle accident prevention course approved by the DHSMV Any discount used by an insurer is presumed to be appropriate unless credible data demonstrates otherwise The current statute provides standards for approval of such courses by DHSMV, including the reasonableness of the fee The current law authorizes DHSMV to establish the minimum number of hours necessary for completion of a course

There is no other statute that specifically relates to premium discounts for driver improvement courses If an insurer desires to provide a discount for drivers under age 55 who complete driver improvement courses, the insurer has the burden of demonstrating to the department, in its rate filing, that such discount is justified and would not result in a rate that is excessive, inadequate, or unfairly discriminatory, under the standards of the motor vehicle insurance rating law, s 627 0651, F S

**Section 2** amends s 318 1451, F S , to require that a driver improvement school collect a \$2 50 fee from each person who elects to attend the course, as it relates to obtaining a premium discount from an insurer pursuant to s 627 06501, as created by Section 1 of the bill Currently, this fee must be collected by driver improvement schools from each person who elects to attend a course as it relates to specified statutes that allow persons cited for certain traffic infractions to elect to attend a driver improvement course in lieu of having points assessed on their driver's license

Currently, this section requires that DHSMV approve the courses of all driver improvement schools, as the courses relate to those statutes that apply to persons cited for certain traffic infractions, and directs DHSMV to perform studies of the courses to determine their effectiveness on crash and violation rates and to report its finding to the Legislature by October 1, 1997

**Section 3** amends s 627 419, F S , relating to construction of policies, to add provisions relating to advertisements in a language other than English The bill provides that if an insurer or licensee advertises an insurance policy in a language other than English, the advertisements shall not be construed to modify or change the insurance policy written in English, provided that the advertisement clearly states that the English-language policy controls in the event of a dispute and the insurance policy language may differ from the representations contained in the advertisement The bill also provides that nothing in these new provisions affect the provisions of s 626.9541, F S , relating to misrepresentations and false advertising Therefore, if an advertisement is determined to be a misrepresentation of what the policy actually provides, it would still be a violation of the Unfair Insurance Trade Practice provisions relating to misrepresentations, and the insurer would still be subject to a fine or other penalty

**Section 4** amends s 627 728, F S , relating to cancellation and nonrenewal of motor vehicle insurance policies Currently, s 627 728(12), F S , requires an insurer to send written notice to all lienholders known to the insurer within 10 business days after termination of a policy The bill provides that electronic notice may be provided, if there is a prior agreement between the insurer and the lienholder to do so

Currently, s 627 728(1) provides that an insurer is permitted to cancel a policy for non-payment of premium, defined to include failure of a financial institution to honor a check (a bad check for insufficient funds) If the dishonored check represents the initial premium payment, the contract shall be void ab initio (retroactive to the first day of coverage) unless the nonpayment is cured within 5 days after actual notice by certified mail is received by the applicant The bill changes this 5-day notice requirements to allow the insurer to use United State postal proof of mailing or registered mail, in addition to certified mail Also, the applicant would have to cure the non-payment within 5 days after the notice is "sent to" rather than "received by" the applicant, indicating that the 5 days begins to run the day the notice is mailed, which effectively reduces the notice period by a day or two, depending on the time period for delivery

The bill also provides that if a dishonored check is made payable to the insurer, the insurer "may" cancel the policy in accordance with paragraph (3)(a), which provides for 10 days notice prior to cancellation, rather than the contract being voided "ab initio" retroactive to the first day of coverage This would give the insurer the option to cancel a policy prospectively, rather than retroactively, in the case of a bad check

**Section 5** amends s 627 7288, F S , relating to deductibles not applying to damage to the windshield Current law prohibits a motor vehicle insurer from applying the deductible provisions of any policy providing comprehensive coverage or combined additional coverage to damage to the windshield of any motor vehicle covered under the policy The bill provides that this

provision applies only to policies of insurance that are delivered or issued for delivery in this state by an authorized or eligible insurer. This appears to be a clarification of current law by clearly limiting applicability to policies issued in Florida. The reference to an "eligible" insurer would apparently include surplus lines insurers determined by the department to be eligible to issue surplus lines policies in Florida, as well as authorized insurers that have a certificate of authority issued in Florida.

**Section 6** creates s. 627.72951, F.S., authorizing insurers to temporarily bind coverage on a vehicle for a period not to exceed 3 business days without first collecting any premium, if the policyholder has coverage on another vehicle with the same insurer or insurer group. The current law includes a prohibition against providing "free insurance" in s. 626.9541(1)(n), F.S., which apparently prohibits a binder from being issued without collecting a premium.

**Section 7** provides an effective date of October 1, 1997.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions.**

None

##### **B. Public Records/Open Meetings Issues**

None

##### **C. Trust Funds Restrictions**

None

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues**

Persons taking driver improvement courses for the purpose of obtaining a premium discount would be assessed a \$2.50 fee in addition to the regular course fee.

##### **B. Private Sector Impact**

Express legislative authority for insurers to provide a discount, presumed reasonable if not in excess of 10 percent, for persons completing a driver improvement course, may encourage greater utilization of such discounts. This would benefit both persons taking such courses and the driver improvement schools.

Motor vehicle insurers are likely to save costs of mailing due to the authorization to provide electronic notice of policy termination to known lienholders. Insurers may also save costs of mailing when a policy is canceled due to a bad check, by allowing for postal proof of mailing or registered mail, rather than certified mail.

Policyholders may have a shorter time period to cure nonpayment due to a bad check since the 5 days to cure the non-payment would run from the date of mailing rather than the date of receipt. However, policyholders may benefit by not having the policy canceled retroactively to the first day of coverage, since insurers would be permitted to cancel prospectively, 10 days after notice is sent to the policyholder.

**C Government Sector Impact**

DHSMV may experience additional costs in approving driver improvement schools and administering the certifications provided to persons completing such courses, but such costs should be offset by the \$2.50 fee that must be paid to DHSMV (and deposited in the Highway Safety Operating Trust Fund), collected by the driving school from persons taking driver improvement courses in order to obtain a premium discount.

**VI. Technical Deficiencies:**

None

**VII. Related Issues:**

None

**VIII. Amendments:**

None





# Journal of the Senate

Number 17—Regular Session

Thursday, April 24, 1997

## CONTENTS OF TODAY'S JOURNAL

Bills on Third Reading	536
Call to Order	532 543
Co-Sponsors	603
Committee Substitutes, First Reading	586
Enrolling Reports	603
Executive Appointment Reports	585
Executive Appointments	599
House Messages, Final Action	603
House Messages, First Reading	599
Introduction and Reference of Bills	585
Messages From the Governor	599
Motions	536
Motions Relating to Committee Meetings	535
Motions Relating to Committee Reference	535
Point of Order	542
Reports of Committees	583
Resolutions	532
Senate Pages	603
Special Order Calendar	538, 543

[See end of Journal for Bill Action Summary]

## ADOPTION OF RESOLUTIONS

At the request of Senator Thomas—

By Senator Thomas—

**SR 2332**—A resolution commending the Maranatha Christian Academy Patriots Basketball Team of Tallahassee and Coaches Pete Johnson and Bob Wilkinson for winning the 1997 Class 2A National Association of Christian Athletes Boys Basketball Championship

WHEREAS, on Friday, March 14, 1997, in Dayton, Tennessee, the Maranatha Christian Academy Patriots boys varsity basketball team won the 1997 Class 2A National Association of Christian Athletes (NACA) Basketball Championship by defeating Faith Christian of Glassboro, New Jersey by a score of 89 to 35 and

WHEREAS, this was the first national basketball tournament attended by the Patriots in the twenty years of the school's existence, and

WHEREAS, the Patriots posted a 25-3 record for the 1996-1997 season, and

WHEREAS, the Patriots defeated Success Christian School of Jacksonville, Florida, by a score of 79 to 61 to win the Florida Christian League Division I State Championship, and

WHEREAS, the Patriots defeated Bethel Assembly Christian Academy of Windsor, North Carolina, 97 to 67, and Shekinah Christian School of Plain City, Ohio, 70 to 69 on their way to the title game, and

WHEREAS, although MCA has only 20 boys in high school, five MCA players (John Catledge, Matt Hendrith, David Ivarson, Jonathan Overholser, and Dan Smith) earned NACA All-American recognition, and

WHEREAS, Patriots senior forward David Ivarson reached 1,000 high school career rebounds in the Patriots homecoming game on February 21, and 2,000 high school career points in the NACA title game, and was named tournament Most Valuable Player, and

WHEREAS, the 1997 championship was a total team effort reflecting a season of dedicated practice and concentrated effort by all members of the team, but giving all glory to God, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida*

That the Florida Senate joins the friends, parents, students, and teachers of Maranatha Christian Academy in Tallahassee in congratulating each member of the Patriots varsity basketball team, Head Coach Pete Johnson, and Assistant Coach Bob Wilkinson for their accomplishments in winning the 1997 Class 2A National Association of Christian Athletes Boys Basketball Championship

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Coach Pete Johnson, Coach Bob Wilkinson, Administrator Don Roehl, and each member of the Maranatha Christian Academy Patriots Varsity Basketball Team as a tangible token of the sentiments of the Florida Senate

—SR 2332 was introduced, read and adopted by publication

## CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40

Madam President	Crist	Holzendorf	Meadows
Bankhead	Dantzler	Horne	Myers
Bronson	Diaz-Balart	Jenne	Ostalciewicz
Brown-Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowan	Harris	McKay	Williams

## PRAYER

The following prayer was offered by Senator Meadows

O King of kings and Lord of lords, at whose throne the weak shall be made strong, and the unjust shall be judged, pour out your grace upon us

We pray for your divine guidance as we seek ways to better serve you and the citizens we represent. Keep us from the arrogance of power

Enable us to be an instrument of love, fostering good will and peace, so that others following may also be blessed

In your holy name we pray Amen

## PLEDGE

of Senate Pages, Blake Bailey of Tallahassee and Matthew Crawford of Cocoa, led the Senate in the pledge of allegiance to the flag of the United States of America

degree, punishable as provided in s 775 082 s 775 083 or s 775 084 For purposes of this paragraph, the term "potentially lethal projectile" includes any projectile launched from any firearm, bow, crossbow or similar tensile device This section shall not apply to any governmental agent or employee acting within the scope of his or her official duties

Section 4 This act shall take effect October 1, 1997

And the title is amended as follows

Delete everything before the enacting clause insert A bill to be entitled An act relating to wildlife creating s 372 7015, F S, providing a fine for the illegal taking or killing of wildlife or game, providing for the disposition of the fine, creating s 372 7016, F S, establishing a "Voluntary Authorized Hunter Identification Program", providing that persons who hunt on private land enrolled in the program must have identification and authorization available while hunting when demanded by law enforcement officers, providing definitions, providing penalties for violations, amending s 810 09, F S, providing that unauthorized persons shooting lethal projectiles across private land are guilty of trespassing, providing definitions, providing penalties, providing an effective date

Senator Ostalkiewicz moved the following amendment to Amendment 1 which was adopted

Amendment 1A—On page 1 line 26, after "season" insert while violating chapter 810

The Committee on Criminal Justice recommended the following amendment to Amendment 1 which was moved by Senator Ostalkiewicz and adopted

Amendment 1B—On page 3, line 10, delete "72 hours" and insert 7 days

Amendment 1 as amended was adopted

Pursuant to Rule 4 19, SB 1652 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading

Consideration of CS for SB 444 was deferred

On motion by Senator Lee, by two-thirds vote—

CS for SB 1646—A bill to be entitled An act relating to the Underground Facility Damage Prevention and Safety Act, amending s 556 101, F S, revising legislative intent, amending s 556 102, F S, revising definitions, amending s 556 103, F S, requiring membership in a specified corporation, requiring a report, amending s 556 104, F S, requiring participation in a specified system, providing exceptions, amending s 556 105, F S, providing an exception to the notification requirement, amending s 556 106, F S, revising liability of an excavator to nonmember operators, amending s 556 110, F S, providing for monthly assessments for operating costs, exempting member operators from certain assessments under certain circumstances, providing an effective date

—was read the second time by title On motions by Senator Lee, by two-thirds vote CS for SB 1646 was read the third time by title, passed and immediately certified to the House The vote on passage was

Yeas—38

Bankhead	Diaz-Balart	Jenne	Ostalkiewicz
Bronson	Dudley	Jones	Rossin
Brown-Waite	Dyer	Kirkpatrick	Scott
Burt	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	
Dantzler	Horne	Myers	

Nays—None

Vote after roll call

Yea—Madam President, Campbell

On motion by Senator Meadows by two-thirds vote HB 9 was withdrawn from the Committees on Banking and Insurance and Education

On motions by Senator Meadows, by two-thirds vote—

HB 9—A bill to be entitled An act relating to motor vehicle insurance, amending s 627 732, F S, including motor vehicles used as public school transportation in the definition of "motor vehicle" for insurance purposes, amending s 627 733, F S, providing an exemption from a requirement to maintain certain financial security, providing an effective date

—a companion measure, was substituted for SB 28 and by two-thirds vote read the second time by title On motions by Senator Meadows, by two-thirds vote HB 9 was read the third time by title, passed and immediately certified to the House The vote on passage was

Yeas—39

Bankhead	Dantzler	Horne	Mvers
Bronson	Diaz-Balart	Jenne	Ostalkiewicz
Brown Waite	Dudley	Jones	Rossin
Burt	Dyer	Kirkpatrick	Scott
Campbell	Forman	Klein	Silver
Casas	Grant	Kurth	Sullivan
Childers	Gutman	Latvala	Thomas
Clary	Hargrett	Lee	Turner
Cowin	Harris	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

Vote after roll call

Yea—Madam President

On motion by Senator Rossin—

CS for SB's 1286 and 1446—A bill to be entitled An act relating to insurance, creating s 627 06501, F S, authorizing motor vehicle insurers to offer premium reductions when the principal driver of an insured vehicle has completed an approved driver improvement course, prescribing conditions and limits on such offer, amending s 318 1451, F S, providing for an assessment fee to be paid by persons taking such a course, amending s 627 419, F S, specifying that advertisements by insurers in a language other than English do not modify a policy in English, providing limitations, amending s 627 727, F S, providing a presumption in favor of insurers and their agents and employees that coverage has been rejected or reduced by an insured who signs a form prescribed by the Department of Insurance, amending s 627 728, F S, providing for electronic notice of cancellation and nonrenewals, allowing notice of cancellation by postal proof of mailings, amending s 627 7288, F S, providing that deductibles in a policy that provides comprehensive coverage provided to an insured by an authorized insurer do not apply to motor vehicle glass deductibles, creating s 627 72951, F S, permitting temporary binding of coverage, providing an effective date

—was read the second time by title

Senator Rossin moved the following amendments which were adopted

Amendment 1—On page 3, lines 22-26, delete those lines and insert policy written in English The advertisement must disclose that the policy written in English controls in the event of a dispute and that statements contained in the advertisement do not necessarily, as a result of possible linguistic differences, reflect the contents of the policy written in English Nothing in this subsection shall affect the

Amendment 2—On page 4, lines 17-20, delete those lines and insert unless the nonpayment is cured within the earlier of 5 days after actual notice by certified mail is received by the applicant or 15 days after notice is sent to the applicant by certified mail or registered mail and if the contract is void any premium received

**Amendment 3**—On page 5, line 6 delete “or eligible”

Pursuant to Rule 4 19, CS for SB's 1286 and 1446 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading

On motion by Senator Rossin, by two-thirds vote CS for HB 1001 was withdrawn from the Committee on Banking and Insurance

On motions by Senator Rossin, by two-thirds vote—

**CS for HB 1001**—A bill to be entitled An act relating to insurance, creating s 626 7355, F S , providing for temporary customer representative's licenses, specifying qualifications, limiting use of such licenses, specifying responsibility for acts of the licensee, requiring submission of certain information, limiting functions of licensees, specifying term of license, prohibiting renewability, requiring appointment, authorizing administrative actions against licensees providing an effective date

—a companion measure, was substituted for CS for SB 990 and by two-thirds vote read the second time by title

Pursuant to Rule 4 19, CS for HB 1001 was placed on the calendar of Bills on Third Reading

On motion by Senator Childers, by two-thirds vote CS for HB 549 was withdrawn from the Committee on Banking and Insurance

On motions by Senator Childers, by two-thirds vote—

**CS for HB 549**—A bill to be entitled An act relating to warranty companies, amending s 634 011, F S , redefining the term “motor vehicle” with respect to motor vehicle service agreement companies, amending s 634 121, F S , authorizing such service agreement companies to limit both the time period within which a consumer may transfer the agreement and the number of transfers permissible, amending s 634 301, F S , providing a definition, amending s 634 312, F S , providing for a required element of home warranty contracts, creating s 634 331, F S , providing that a home warranty may provide coverage of residential property listed for sale prior to the sale of such property under certain circumstances, amending s 634 406, F S , revising language with respect to financial requirements, providing an effective date

—a companion measure, was substituted for CS for SB 920 and by two-thirds vote read the second time by title

Pursuant to Rule 4 19, CS for HB 549 was placed on the calendar of Bills on Third Reading

On motion by Senator Hargrett—

**CS for SB 1402**—A bill to be entitled An act relating to premium finance companies and agreements, amending s 627 828, F S , revising the net worth requirements for an applicant for a premium finance company license, authorizing a surety bond with a reduced net worth requirement, requiring that premium finance companies maintain Errors and Omissions Coverage and providing an exception, amending s 627 8405, F S , revising prohibited acts by a premium finance company, amending s 627 848, F S , requiring unearned premiums on a canceled insurance contract to be refunded by a premium finance company to the insured in the case of personal lines insurance and to the insured or agent or both for the benefit of the insured in the case of commercial insurance, providing an effective date

—was read the second time by title

Senator Hargrett moved the following amendment

**Amendment 1 (with title amendment)**—On page 6, line 25 through page 7, line 4, delete those lines and insert

(e) Whenever an insurance contract is canceled in accordance with this section, the insurer shall promptly return the unpaid balance due under the finance contract, up to the gross amount available upon the

cancellation of the policy to the premium finance company and any remaining unearned premium to the agent or the insured or both for the benefit of the insured or insureds *The insurer shall notify the insured and the agent of the amount of unearned premium returned to the premium finance company and the amount of unearned commission held by the agent The premium finance company within 15 days shall notify the insured and the agent of the amount of unearned premium including any of the unearned commission used to settle the finance contract and any amount of money due the insured that is being held by the agent Within 15 days of receipt of notification from the premium finance company, the agent shall return such amount including any unearned commission to the insured or with the written approval of the insured apply such amount to the purchase of other insurance products regulated by the department The department may adopt rules necessary to implement the provisions of this subsection*

And the title is amended as follows

On page 1, lines 12-17, delete those lines and insert 627 848, F S , requiring notification to the insured by the insurer and premium finance company on a canceled insurance contract the amount of any unearned premium and unearned commission due to the insured after satisfaction of the contract,

Senator Hargrett moved the following amendment to Amendment 1 which was adopted

**Amendment 1A**—On page 1, line 29 through page 2 line 1, delete those lines and insert *the amount of unearned premium Within 15 days of receipt of notification from the*

**Amendment 1** as amended was adopted

Pursuant to Rule 4 19, CS for SB 1402 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading

On motion by Senator Grant—

**CS for SB 908**—A bill to be entitled An act relating to surplus lines insurance, amending s 626 921, F S , creating a nonprofit association named the “Florida Surplus Lines Service Office”, providing findings, requiring surplus lines agents to be members of the association, providing duties, requiring the office to collect a service fee from surplus lines agents, providing for a board of governors providing for appointment of board members, requiring a plan of operation to be submitted to the Department of Insurance, requiring the department to conduct examinations of the association, providing for limitations of liability for the association under certain circumstances, amending s 626 931, F S , requiring surplus lines agents, foreign insurers, and alien insurers to file a quarterly report with the Florida Surplus Lines Service Office, amending s 626 932, F S , requiring surplus lines agents to pay a surplus lines tax to the office, requiring the service office to remit the taxes and interest to the department within a specified time, excluding from the term “premium” a service fee, creating s 626 9325, F S , imposing a service fee on premiums charged for surplus lines insurance, requiring surplus lines agents to collect the fee and pay the fee to the office, requiring interest under certain circumstances, providing for application, specifying use of such fees, providing definitions, amending s 626 918, F S , revising surplus and trust fund requirements for alien surplus lines insurers, lowering surplus requirements for surplus lines insurers meeting certain conditions, providing for severability, providing an effective date

—was read the second time by title

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Grant and adopted

**Amendment 1**—On page 6, line 25 through page 7 line 2, delete those lines and insert

(7) *There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member or its agents or employees, agents or employees of the association, members of the board of governors of the association, or the department or its representatives, for any action taken by them in the performance of their duties or responsibilities under*

Florida House of Representatives - 1997

By Representative Edwards

1 A bill to be entitled

2 An act relating to motor vehicle insurance;  
3 amending s. 318.1451, F.S.; providing for  
4 imposing an assessment fee for an additional  
5 driver improvement course; creating s. 627.065,  
6 F.S.; providing for reducing certain motor  
7 vehicle insurance premiums for successful  
8 completion of a specified driver improvement  
9 course; providing criteria and limitations;  
10 providing for a certificate of completion;  
11 providing application; amending s. 627.727,  
12 F.S.; specifying application of a presumption;  
13 amending s. 627.728, F.S.; specifying criteria  
14 for electronic notice; amending s. 627.7288,  
15 F.S.; clarifying a deductible provision;  
16 creating s. 627.72951, F.S.; authorizing  
17 temporary binding of motor vehicle insurance  
18 coverage under certain circumstances; providing  
19 an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:22  
23 Section 1. Subsection (4) of section 318.1451, Florida  
24 Statutes, is amended to read:

25 318.1451 Driver improvement schools.--

26 (4) In addition to a regular course fee, an assessment  
27 fee in the amount of \$2.50 shall be collected by the school  
28 from each person who elects to attend a course, as it relates  
29 to ss. 318.14(9), 322.0261, and 322.291, and 627.065, which  
30 shall be remitted to the Department of Highway Safety and  
31 Motor Vehicles and deposited in the Highway Safety Operating

1 Trust Fund to administer this program and to fund the general  
2 operations of the department.

3 Section 2 Section 627.065, Florida Statutes, is  
4 created to read:

5 627.065 Insurance discounts for persons completing  
6 driver improvement course.--

7 (1) Any rates, rating schedules, or rating manuals for  
8 the liability, personal injury protection, and collision  
9 coverages of a motor vehicle insurance policy filed with the  
10 department may provide for an appropriate reduction in premium  
11 charges as to such coverages when the principal operator on  
12 the covered vehicle has successfully completed a driver  
13 improvement course approved and certified by the Department of  
14 Highway Safety and Motor Vehicles which is effective in  
15 reducing crash or violation rates pursuant to the provisions  
16 of s. 318.1451(5). Any discount, not to exceed 10 percent,  
17 used by an insurer is presumed to be appropriate unless  
18 credible data demonstrates otherwise.

19 (2) The premium reduction authorized by this section  
20 shall be effective for an insured for a 3-year period after  
21 successful completion of the approved course, except that the  
22 insurer may require, as a condition of maintaining the  
23 discount, that the insured:

24 (a) Not be involved in an accident for which the  
25 insured is at fault.

26 (b) Not be convicted of or plead guilty or nolo  
27 contendere to a moving traffic violation.

28 (3) The organization offering the course shall, upon a  
29 person's successful completion of the course, issue the person  
30 a certificate the person may use to qualify for the premium  
31 discount authorized by this section.

519-144A-97

1           (4) This section does not apply if the driver  
2 improvement course is taken in lieu of a court appearance for  
3 a traffic infraction as provided for in s. 318.14(9).  
4 However, the five election restrictions enumerated in said  
5 section shall not apply for purposes of receiving insurance  
6 discounts.

7           Section 3. Subsection (1) of section 627.727, Florida  
8 Statutes, is amended to read:

9           627.727 Motor vehicle insurance; uninsured and  
10 underinsured vehicle coverage; insolvent insurer protection.--

11           (1) No motor vehicle liability insurance policy which  
12 provides bodily injury liability coverage shall be delivered  
13 or issued for delivery in this state with respect to any  
14 specifically insured or identified motor vehicle registered or  
15 principally garaged in this state unless uninsured motor  
16 vehicle coverage is provided therein or supplemental thereto  
17 for the protection of persons insured thereunder who are  
18 legally entitled to recover damages from owners or operators  
19 of uninsured motor vehicles because of bodily injury,  
20 sickness, or disease, including death, resulting therefrom.  
21 However, the coverage required under this section is not  
22 applicable when, or to the extent that, an insured named in  
23 the policy makes a written rejection of the coverage on behalf  
24 of all insureds under the policy. When a motor vehicle is  
25 leased for a period of 1 year or longer and the lessor of such  
26 vehicle, by the terms of the lease contract, provides  
27 liability coverage on the leased vehicle, the lessee of such  
28 vehicle shall have the sole privilege to reject uninsured  
29 motorist coverage or to select lower limits than the bodily  
30 injury liability limits, regardless of whether the lessor is  
31 qualified as a self-insurer pursuant to s. 324.171. Unless an

519-144A-97

1 insured, or lessee having the privilege of rejecting uninsured  
2 motorist coverage, requests such coverage or requests higher  
3 uninsured motorist limits in writing, the coverage or such  
4 higher uninsured motorist limits need not be provided in or  
5 supplemental to any other policy which renews, extends,  
6 changes, supersedes, or replaces an existing policy with the  
7 same bodily injury liability limits when an insured or lessee  
8 had rejected the coverage. When an insured or lessee has  
9 initially selected limits of uninsured motorist coverage lower  
10 than his bodily injury liability limits, higher limits of  
11 uninsured motorist coverage need not be provided in or  
12 supplemental to any other policy which renews, extends,  
13 changes, supersedes, or replaces an existing policy with the  
14 same bodily injury liability limits unless an insured requests  
15 higher uninsured motorist coverage in writing. The rejection  
16 or selection of lower limits shall be made on a form approved  
17 by the Insurance Commissioner. The form shall fully advise  
18 the applicant of the nature of the coverage and shall state  
19 that the coverage is equal to bodily injury liability limits  
20 unless lower limits are requested or the coverage is rejected.  
21 The heading of the form shall be in 12-point bold type and  
22 shall state: "You are electing not to purchase certain  
23 valuable coverage which protects you and your family or you  
24 are purchasing uninsured motorist limits less than your bodily  
25 injury liability limits when you sign this form. Please read  
26 carefully." If this form is signed by a named insured, it  
27 will be conclusively presumed that there was an informed,  
28 knowing rejection of coverage or election of lower limits on  
29 behalf of all insureds. Such presumption shall apply in favor  
30 of the insurer, its agents, and employees. The insurer shall  
31 notify the named insured at least annually of his options as



519-144A-97

1 to the coverage required by this section. Such notice shall  
2 be part of, and attached to, the notice of premium, shall  
3 provide for a means to allow the insured to request such  
4 coverage, and shall be given in a manner approved by the  
5 department. Receipt of this notice does not constitute an  
6 affirmative waiver of the insured's right to uninsured  
7 motorist coverage where the insured has not signed a selection  
8 or rejection form. The coverage described under this section  
9 shall be over and above, but shall not duplicate, the benefits  
10 available to an insured under any workers' compensation law,  
11 personal injury protection benefits, disability benefits law,  
12 or similar law; under any automobile medical expense coverage;  
13 under any motor vehicle liability insurance coverage; or from  
14 the owner or operator of the uninsured motor vehicle or any  
15 other person or organization jointly or severally liable  
16 together with such owner or operator for the accident; and  
17 such coverage shall cover the difference, if any, between the  
18 sum of such benefits and the damages sustained, up to the  
19 maximum amount of such coverage provided under this section.  
20 The amount of coverage available under this section shall not  
21 be reduced by a setoff against any coverage, including  
22 liability insurance. Such coverage shall not inure directly  
23 or indirectly to the benefit of any workers' compensation or  
24 disability benefits carrier or any person or organization  
25 qualifying as a self-insurer under any workers' compensation  
26 or disability benefits law or similar law.

27 Section 4. Subsection (12) of section 627.728, Florida  
28 Statutes, 1996 Supplement, is amended to read:

29 627.728 Cancellations; nonrenewals.--

30 (12) No later than 10 business days after termination  
31 of a policy subject to this section, the insurer must send

1 written or electronic notice of the termination to all holders  
2 of liens on the subject vehicle, which lienholders are known  
3 to the insurer. Electronic notice is valid only by prior  
4 agreement between the insurer and the lienholder.

5 Section 5. Section 627.7288, Florida Statutes, is  
6 amended to read:

7 627.7288 Comprehensive coverage; deductible not to  
8 apply to motor vehicle glass.--The deductible provisions of  
9 any policy of motor vehicle insurance, delivered or issued in  
10 this state by an authorized or eligible insurer, providing  
11 comprehensive coverage or combined additional coverage shall  
12 not be applicable to damage to the windshield of any motor  
13 vehicle covered under such policy.

14 Section 6. Section 627.72951, Florida Statutes, is  
15 created to read:

16 627.72951 Temporary binding permitted.--An insurer may  
17 temporarily bind coverage on a vehicle for a period not to  
18 exceed 3 business days without first collecting premium.  
19 provided the policyholder has coverage on another vehicle with  
20 the same insurer or insurer group.

21 Section 7. This act shall take effect October 1, 1997.

22 \*\*\*\*\*

23  
24 HOUSE SUMMARY

25 Provides for reducing premiums for liability, personal  
26 injury protection, and collision coverage upon successful  
27 completion of a driver improvement course approved and  
28 certified by the Department of Highway Safety and Motor  
29 Vehicles which is effective in reducing crash or  
30 violation rates. Provides for temporary binding of motor  
31 vehicle insurance coverage. See bill for details.

**STORAGE NAME** h1549.fs  
**DATE** April 3, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
FINANCIAL SERVICES  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 1549  
**RELATING TO:** Motor Vehicle Insurance  
**SPONSOR(S)** Representative Edwards  
**STATUTE(S) AFFECTED:** Sections 318 1451, 627 065, 627 727, 627.728, 627 7288,  
627 72951, F S  
**COMPANION BILL(S)** CS/S1286, S1446 (C)  
**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE**  
(1) FINANCIAL SERVICES  
(2) GOVERNMENTAL RULES & REGULATIONS  
(3)  
(4)  
(5)

---

**I SUMMARY**

HB 1549 provides

- Insurance discounts for persons who successfully complete a driver improvement course approved and certified by the Department of Highway Safety and Motor Vehicles Discounts, if any, would be no more than 10 percent as determined by individual insurance companies Driver improvement schools would collect, for each student taking a course for a motor vehicle insurance discount, a \$2 50 assessment fee in addition to a regular course fee
- The signed rejection of uninsured motorist (UM) coverage creates a presumption of knowing rejection that operates in favor of the insurer, its agents, and employees
- Electronic notice of the termination of a policy between an insurer and a lienholder is acceptable provided that such notice is previously agreed upon
- The suspension of any comprehensive insurance deductible, when repairing a damaged motor vehicle windshield, shall not apply with respect to policies issued or delivered outside of Florida
- An insurer may bind a vehicle for no more than 3 business days without first collecting premiums, if the insured already holds coverage on another vehicle with the same insurer

There is no significant fiscal impact upon state or local government

This act shall take effect on October 1, 1997

II SUBSTANTIVE RESEARCH

A. PRESENT SITUATION.

See Section-By-Section Research (II D )

B EFFECT OF PROPOSED CHANGES

See Section-By-Section Research (II D )

C APPLICATION OF PRINCIPLES

1 Less Government

a Does the bill create, increase or reduce, either directly or indirectly

(1) any authority to make rules or adjudicate disputes?

No

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No

(3) any entitlement to a government service or benefit?

No

b If an agency or program is eliminated or reduced

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable

(2) what is the cost of such responsibility at the new level/agency?

Not applicable

(3) how is the new agency accountable to the people governed?

Not applicable

2 Lower Taxes

- a Does the bill increase anyone's taxes?

Not applicable

- b. Does the bill require or authorize an increase in any fees?

Not applicable

- c Does the bill reduce total taxes, both rates and revenues?

Not applicable

- d Does the bill reduce total fees, both rates and revenues?

Not applicable

- e Does the bill authorize any fee or tax increase by any local government?

Not applicable

3 Personal Responsibility.

- a Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable

4. Individual Freedom

- a Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

The bill allows persons to take a driver improvement course, approved and certified by the Department of Highway Safety and Motor Vehicles, for the opportunity to decrease their motor vehicle insurance costs

- b Does the bill prohibit, or create new government interference with, any presently lawful activity?

The bill provides for possible motor vehicle insurance discounts if certain requirements are met. Such discounts are currently a lawful option for insurance companies.

5 Family Empowerment

- a If the bill purports to provide services to families or children.

- (1) Who evaluates the family's needs?

Not applicable

- (2) Who makes the decisions?

Not applicable

- (3) Are private alternatives permitted?

Not applicable

- (4) Are families required to participate in a program?

Not applicable

- (5) Are families penalized for not participating in a program?

Not applicable

- b Does the bill directly affect the legal rights and obligations between family members?

Not applicable

- c If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority?

Not applicable

- (1) parents and guardians?

Not applicable

(2) service providers?

Not applicable

(3) government employees/agencies?

Not applicable

#### D SECTION-BY-SECTION RESEARCH

**Section 1.** Amends s 318 1451, F.S., adding s 627.065, F.S (the proposed legislation in section 2 of HB 1549), to the various statutes for which driver improvement schools collect a \$2 50 assessment fee in addition to a regular course fee

**Section 2.** Driver improvement courses are designed to improve driver safety performance Driver improvement courses may be required by law in connection with certain traffic violations or voluntarily taken in order to mitigate the penalties associated with some traffic infractions Persons age 55 or older who successfully complete a certified driver improvement course receive a mandatory discount on their motor vehicle insurance rates The amount of discount is set by each insurance company and presumed to be appropriate unless credible data demonstrates otherwise Discounts may remain in effect for up to 3 years provided the insured is not culpable in an accident, or does not plead guilty or nolo contendere to a moving traffic violation Insurance companies are currently able to offer discounts for the completion of a driver improvement course as they are able to offer discounts for younger, student drivers who have taken a driver education class or maintained a particular grade point average

The bill creates s 627 065, F S , codifying the authority of insurance companies to give a motor vehicle insurance discount to all persons who successfully complete a driver improvement course that is approved and certified by the Department of Highway Safety and Motor Vehicles Discounts could not exceed 10 percent and would be presumed to be appropriate unless credible data demonstrates otherwise. Discounts could remain in effect for up to 3 years provided the insured was not culpable in an accident, did not plead guilty to a moving traffic violation, or plead nolo contendere to a moving traffic violation A driver improvement course taken in lieu of penalties resulting from a traffic infraction would not be considered for any motor vehicle insurance discount. Likewise, the five lifetime options a person may use to take a driver improvement course in lieu of traffic infraction penalties (s 318 14(9), F S ) would not be affected by courses taken for a motor vehicle insurance discount

**Section 3.** Section 3 relates to uninsured motorist (UM) coverage which provides payment for bodily injury to the insured caused by an uninsured or underinsured negligent driver Under current law, motor vehicle insurers are required by s 627 727, F S , to offer UM coverage to insureds up to the same limits as the bodily injury liability coverage limits purchased If UM coverage is rejected and the form rejecting the mandatory offer of UM coverage is signed by the named insured, then "it will be conclusively presumed that there was an informed, knowing rejection of coverage or election of lower limits on behalf of all insureds " According to decisions of the First and Third District Courts of Appeal in Florida, the conclusive presumption applies as between the insured and the insurer (i e , a signed rejection form means that the insurer

is not required to provide coverage even if the insured claims that he did not knowingly reject the coverage), but does not protect the agent from a subsequent action for negligence. See Adams v Aetna Casualty and Surety Co., 574 So 2d 1142 (Fla 1st DCA 1991), review dismissed, 581 So 2d 1307 (Fla 1991), and Russell v Kaylan, 651 So 2d 1310 (Fla 3d DCA 1995)

The bill amends s 627.727, F S , providing that the presumption is conclusive with respect to the insurer and, except in cases of fraud or misrepresentation, is conclusive with respect to the insurer's agents, brokering agents, customer representatives, and service representatives. The effect of this change would be to immunize an agent or representative from any tort action arising out of rejection of UM coverage if the agent has obtained the rejection form signed by the named insured, unless the complaint alleges fraud or misrepresentation.

**Section 4.** Currently, an insurer must send notice of the termination of a motor vehicle policy to all holders of liens on a subject vehicle, and known to the insurer, within 10 days of the termination date.

The bill amends s 627.728, F S , allowing electronic notification if there is a previous agreement between the insurer and any lienholder that such notice may be in electronic form.

**Section 5.** Currently, the deductible provisions of any motor vehicle insurance policy providing comprehensive coverage or combined additional coverage are not applicable to damage to the windshield of an insured motor vehicle.

The bill amends s 627.7288, F S , restricting this deductible suspension to policies delivered or issued in this state by an authorized or eligible insurer.

**Section 6.** An insurer cannot currently issue a private passenger motor vehicle insurance binder unless the insurer has collected at least 2 months' premiums from the insured. A binder may only be issued if the insured is renewing or replacing a policy or binder currently written by the same insurer.

The bill creates s 627.72951, F S , allowing an insurer to temporarily bind any vehicle for no more than 3 days without collecting a premium, provided that the insured has another vehicle insured by the same insurer.

**Section 7.** This act would take effect October 1, 1997.

### III FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

#### A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS

##### 1. Non-recurring Effects

None



2 Recurring Effects

None

3 Long Run Effects Other Than Normal Growth

None

4 Total Revenues and Expenditures

None

B FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE

1 Non-recurring Effects

None

2 Recurring Effects

None

3 Long Run Effects Other Than Normal Growth

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR

1 Direct Private Sector Costs

Persons will pay the costs for any driver improvement course in which they enroll.

2 Direct Private Sector Benefits

Persons who successfully complete a driver improvement course which is certified and approved by the Department of Highway Safety and Motor Vehicles may receive discounted motor vehicle insurance rates of up to 10 percent

3 Effects on Competition, Private Enterprise and Employment Markets.

Companies which offer driver improvement courses may experience increased enrollment

D FISCAL COMMENTS

IV CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION

A APPLICABILITY OF THE MANDATES PROVISION

B REDUCTION OF REVENUE RAISING AUTHORITY

C REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES

V COMMENTS

VI AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES

VII SIGNATURES

COMMITTEE ON FINANCIAL SERVICES

Prepared by

Legislative Research Director.

\_\_\_\_\_  
Eric E Johnson

\_\_\_\_\_  
Stephen T. Hogge

By the Committee on Financial Services and Representative  
Edwards

1 A bill to be entitled

2 An act relating to motor vehicle insurance;  
3 creating s. 627.06501, F.S.; providing for  
4 reducing certain motor vehicle insurance  
5 premiums for successful completion of a  
6 specified driver improvement course; providing  
7 criteria and limitations; providing for a  
8 certificate of completion; providing  
9 application; amending s. 318.1451, F.S.;  
10 providing for imposing an assessment fee for an  
11 additional driver improvement course; amending  
12 s. 627.419, F.S.; providing for the  
13 construction of policies; amending s. 627.728,  
14 F.S.; providing for policy cancellations;  
15 providing a time period to cure nonpayment;  
16 specifying criteria for electronic notice;  
17 amending s. 627.7288, F.S.; clarifying a  
18 deductible provision; creating s. 627.72951,  
19 F.S.; authorizing temporary binding of motor  
20 vehicle insurance coverage under certain  
21 circumstances; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Section 627.06501, Florida Statutes, is  
26 created to read:

27 627.06501 Insurance discounts for certain persons  
28 completing driver improvement course.--

29 (1) Any rate, rating schedule, or rating manual for  
30 the liability, personal injury protection, and collision  
31 coverages of a motor vehicle insurance policy filed with the

614-110-97

1 department may provide for an appropriate reduction in premium  
2 charges as to such coverages when the principal operator on  
3 the covered vehicle has successfully completed a driver  
4 improvement course approved and certified by the Department of  
5 Highway Safety and Motor Vehicles which is effective in  
6 reducing crash or violation rates, or both, as determined  
7 pursuant to s. 318.1451(5). Any discount, not to exceed 10  
8 percent, used by an insurer is presumed to be appropriate  
9 unless credible data demonstrates otherwise.

10 (2) The premium reduction authorized by this section  
11 shall be effective for an insured for a 3-year period after  
12 successful completion of the approved course, except that the  
13 insurer may require, as a condition of maintaining the  
14 reduction, that the insured:

15 (a) Not be involved in an accident for which the  
16 insured is at fault; and

17 (b) Not be convicted of or plead guilty or nolo  
18 contendere to a moving traffic violation.

19 (3) The organization that offered the course shall,  
20 upon a person's successful completion of the course, issue the  
21 person a certificate that the person may use to qualify for  
22 the premium discount authorized by this section.

23 (4) This section does not apply if the driver  
24 improvement course is taken in lieu of a court appearance for  
25 a traffic infraction as provided for in s. 318.14(9).  
26 However, the five-election restriction enumerated in that  
27 section is not applicable to taking the course for the  
28 purposes of receiving insurance premium reductions.

29 Section 2. Subsection (4) of section 318.1451, Florida  
30 Statutes, is amended to read:

31 318.1451 Driver improvement schools.--

1 (4) In addition to a regular course fee, an assessment  
2 fee in the amount of \$2.50 shall be collected by the school  
3 from each person who elects to attend a course, as it relates  
4 to ss. 318.14(9), 322.0261, and 322.291, and 627.06501, which  
5 shall be remitted to the Department of Highway Safety and  
6 Motor Vehicles and deposited in the Highway Safety Operating  
7 Trust Fund to administer this program and to fund the general  
8 operations of the department.

9 Section 3. Subsection (8) is added to section 627.419,  
10 Florida Statutes, 1996 Supplement, to read:

11 627.419 Construction of policies.--

12 (8) If an insurer or licensee advertises an insurance  
13 policy in a language other than English, the advertisements  
shall not be construed to modify or change the insurance  
policy written in English, provided that the advertisement  
16 clearly states that the policy written in English controls in  
17 the event of a dispute and that the insurance policy language  
18 may differ from the representations contained in the  
19 advertisement. Nothing in this subsection shall affect the  
20 provisions of s. 626.9541 relating to misrepresentations and  
21 false advertising of insurance policies.

22 Section 4. Paragraph (c) of subsection (1) and  
23 subsection (12) of section 627.728, Florida Statutes, 1996  
24 Supplement, are amended to read:

25 627.728 Cancellations; nonrenewals.--

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

27 (c) "Nonpayment of premium" means failure of the named  
28 insured to discharge when due any of his obligations in  
29 connection with the payment of premiums on a policy or any  
30 installment of such premium, whether the premium is payable  
31 directly to the insurer or its agent or indirectly under any

614-110-97

1 premium finance plan or extension of credit, or failure to  
2 maintain membership in an organization if such membership is a  
3 condition precedent to insurance coverage. "Nonpayment of  
4 premium" also means the failure of a financial institution to  
5 honor an insurance applicant's check after delivery to a  
6 licensed agent for payment of a premium, even if the agent has  
7 previously delivered or transferred the premium to the  
8 insurer; further, if the dishonored check represents the  
9 initial premium payment, the contract shall be void ab initio  
10 unless the nonpayment is cured within the earlier of 5 days  
11 after actual notice by certified mail is received by the  
12 applicant or 15 days after notice is sent to the applicant by  
13 certified mail or registered mail, and if the contract is  
14 void, any premium received by the insurer from a third party  
15 shall be refunded to that party in full. If a dishonored check  
16 is made payable to the insurer, the insurer may cancel the  
17 policy in accordance with paragraph (3)(a).

18 (12) No later than 10 business days after termination  
19 of a policy subject to this section, the insurer must send  
20 written or electronic notice of the termination to all holders  
21 of liens on the subject vehicle; which lienholders are known  
22 to the insurer. Electronic notice is valid only by prior  
23 agreement between the insurer and the lienholder.

24 Section 5. Section 627.7288, Florida Statutes, is  
25 amended to read:

26 627.7288 Comprehensive coverage; deductible not to  
27 apply to motor vehicle glass.--The deductible provisions of  
28 any policy of motor vehicle insurance, delivered or issued in  
29 this state by an authorized or eligible insurer, providing  
30 comprehensive coverage or combined additional coverage shall  
31

614-110-97

1 not be applicable to damage to the windshield of any motor  
2 vehicle covered under such policy.

3 Section 6. Section 627.72951, Florida Statutes, is  
4 created to read:

5 627.72951 Temporary binding  
6 permitted.--Notwithstanding any other provision of law, an  
7 insurer may temporarily bind coverage on a vehicle for a  
8 period not to exceed 3 business days without first collecting  
9 premium, if the policyholder has coverage on another vehicle  
10 with the same insurer or insurer group.

11 Section 7. This act shall take effect October 1, 1997.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

STORAGE NAME h1549s1z fs  
DATE May 2, 1997

\*\*CS/1ST ENG/SB 1286 (COMPANION) PASSED\*\*  
\*\*SEE FINAL ACTION SECTION\*\*

HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
FINANCIAL SERVICES  
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT

BILL # CS/HB 1549, 1ST ENGROSSED  
RELATING TO Motor Vehicle Insurance  
SPONSOR(S) Committee on Financial Services and Representative Edwards  
STATUTE(S) AFFECTED Sections 627.06501, 318.1451, 627 419, 627 728, 627 7288,  
627 72951, F S  
COMPANION BILL(S). CS/1ST ENG/SB 1286 (s), HB 0483 (c), SB0814 (c), SB 1446 (c)  
ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE  
(1) FINANCIAL SERVICES YEAS 12 NAYS 0  
(2) GOVERNMENTAL RULES & REGULATIONS (W/D)  
(3)  
(4)  
(5)

---

I. SUMMARY

CS/HB 1549 provides:

- Insurance discounts for persons who successfully complete a driver improvement course approved and certified by the Department of Highway Safety and Motor Vehicles Discounts, if any, would be no more than 10 percent as determined by individual insurance companies. Driver improvement schools would collect, for each student taking a course for a motor vehicle insurance discount, a \$2 50 assessment fee in addition to a regular course fee. The assessment fee would be deposited into the Highway Safety Operating Trust Fund
- For nonpayment of an initial premium, a policy could be canceled within the earlier of 5 days after notice is received by an applicant, or 15 days after notice is sent to the applicant If a dishonored check is made payable to an insurer, then the insurer could cancel a policy with at least 10 days notice instead of 5 days after the actual notice is received.
- An insurer who advertises in a language other than English would have to disclose in the advertisement that the policy written in English will control in the event of a linguistic misunderstanding between the representations in the advertisement and the provisions of the policy.
- Electronic notice of the termination of a policy between an insurer and a lienholder is acceptable provided that such notice is previously agreed upon.
- The suspension of any comprehensive insurance deductible, when repairing a damaged motor vehicle windshield, shall not apply with respect to policies issued or delivered outside of Florida.
- An insurer may bind a vehicle for no more than 3 business days without first collecting premiums, if the insured already holds coverage on another vehicle with the same insurer

There is no significant fiscal impact upon state or local government

This act shall take effect on October 1, 1997



II SUBSTANTIVE RESEARCH:

A PRESENT SITUATION

See Section-By-Section Research (II D.)

B. EFFECT OF PROPOSED CHANGES

See Section-By-Section Research (II D ).

C APPLICATION OF PRINCIPLES

1. Less Government:

a Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable

2 Lower Taxes

- a Does the bill increase anyone's taxes?

Not applicable

- b Does the bill require or authorize an increase in any fees?

Not applicable.

- c. Does the bill reduce total taxes, both rates and revenues?

Not applicable.

- d Does the bill reduce total fees, both rates and revenues?

Not applicable

- e Does the bill authorize any fee or tax increase by any local government?

Not applicable

3 Personal Responsibility:

- a Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable

4 Individual Freedom

- a Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

The bill allows persons to take a driver improvement course, approved and certified by the Department of Highway Safety and Motor Vehicles, for the opportunity to decrease their motor vehicle insurance costs.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

The bill provides for possible motor vehicle insurance discounts if certain requirements are met. Such discounts are currently a lawful option for insurance companies.

5. Family Empowerment:

a. If the bill purports to provide services to families or children.

(1) Who evaluates the family's needs?

Not applicable

(2) Who makes the decisions?

Not applicable.

(3) Are private alternatives permitted?

Not applicable

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

Not applicable

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

Not applicable

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable

(3) government employees/agencies?

Not applicable

#### D SECTION-BY-SECTION RESEARCH

**Section 1.** Driver improvement courses are designed to improve driver safety performance. Driver improvement courses may be required by law in connection with certain traffic violations or voluntarily taken in order to mitigate the penalties associated with some traffic infractions. Persons age 55 or older who successfully complete a certified driver improvement course receive a mandatory discount on their motor vehicle insurance rates. The amount of discount is set by each insurance company and presumed to be appropriate unless credible data demonstrates otherwise. Discounts may remain in effect for up to 3 years provided the insured is not culpable in an accident, or does not plead guilty or nolo contendere to a moving traffic violation. Insurance companies are currently able to offer discounts for the completion of a driver improvement course as they are able to offer discounts for younger, student drivers who have taken a driver education class or maintained a particular grade point average.

The bill creates s 627.06501, F.S., codifying the authority of insurance companies to give a motor vehicle insurance discount to all persons who successfully complete a driver improvement course that is approved and certified by the Department of Highway Safety and Motor Vehicles. Discounts could not exceed 10 percent and would be presumed to be appropriate unless credible data demonstrates otherwise. Discounts could remain in effect for up to 3 years provided the insured was not culpable in an accident, did not plead guilty to a moving traffic violation, or plead nolo contendere to a moving traffic violation. A driver improvement course taken in lieu of penalties resulting from a traffic infraction would not be considered for any motor vehicle insurance discount. Likewise, the five lifetime options a person may use to take a driver improvement course in lieu of traffic infraction penalties (s 318.14(9), F.S.) would not be affected by courses taken for a motor vehicle insurance discount.

**Section 2.** Amends s 318.1451, F.S., adding s 627.06501, F.S. (the proposed legislation in section 1), to the various statutes for which driver improvement schools collect a \$2.50 assessment fee in addition to a regular course fee. The assessment fee would be deposited into the Highway Safety Operating Trust Fund.

**Section 3.** Amends s 627.419, F.S., to provide that if an insurer advertises an insurance policy in a language other than English, then the advertisement must state that the insurance policy written in English controls in the event of a linguistic misunderstanding regarding the provisions of the policy.

**Section 4.** Currently, if an insurance policy holder fails to pay an initial insurance premium to an insurance agent, then the insurance agent will cancel the policy within 5 days of the applicant's receipt of the notice via certified mail. The bill amends s 627.728, F.S., to provide insurance agents the right to cancel a policy because of an unpaid initial premium within the earlier of 5 days after the actual notice of cancellation by certified mail is received by the applicant, or 15 days after notice is sent to the applicant by certified or registered mail. If a dishonored check is made payable to the insurer, the insurer could cancel the policy in accordance with s 627.728(3)(a), F.S.,

allowing the policy holder a minimum of 10 days notice to cure the situation before cancellation would take effect

Currently, an insurer must send notice of the termination of a motor vehicle policy to all holders of liens on a subject vehicle, which are known to the insurer, within 10 days of the termination date. The bill amends s 627 728, F S., allowing electronic notification if there is a previous agreement between the insurer and any lienholder that such notice may be in electronic form

**Section 5.** Currently, the deductible provisions of any motor vehicle insurance policy providing comprehensive coverage or combined additional coverage are not applicable to damage to the windshield of an insured motor vehicle

The bill amends s 627 7288, F S., restricting this deductible suspension to policies delivered or issued in this state by an authorized or eligible insurer.

**Section 6.** An insurer cannot currently issue a private passenger motor vehicle insurance binder unless the insurer has collected at least 2 months' premiums from the insured. A binder may only be issued if the insured is renewing or replacing a policy or binder currently written by the same insurer

The bill creates s 627 72951, F S., allowing an insurer to temporarily bind any vehicle for no more than 3 days without collecting a premium, provided that the insured has another vehicle insured by the same insurer.

**Section 7.** This act would take effect October 1, 1997.

### III FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

#### A FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1 Non-recurring Effects.

None.

2 Recurring Effects

None

3 Long Run Effects Other Than Normal Growth.

None

4 Total Revenues and Expenditures:

None

B FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE

1 Non-recurring Effects

None

2 Recurring Effects

None

3 Long Run Effects Other Than Normal Growth:

None

C DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR

1. Direct Private Sector Costs

Persons will pay the costs for any driver improvement course in which they enroll

2 Direct Private Sector Benefits:

Persons who successfully complete a driver improvement course which is certified and approved by the Department of Highway Safety and Motor Vehicles may receive discounted motor vehicle insurance rates of up to 10 percent

3. Effects on Competition, Private Enterprise and Employment Markets

Companies which offer driver improvement courses may experience increased enrollment

D FISCAL COMMENTS.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION.

A. APPLICABILITY OF THE MANDATES PROVISION.

B REDUCTION OF REVENUE RAISING AUTHORITY.

C REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES.

V. COMMENTS

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Financial Services adopted the bill as a Committee Substitute. The Committee Substitute differs from the original bill as follows:

- the language providing that a signed rejection of uninsured motorist coverage creates a presumption of knowing rejection, which operates in favor of the insurer, its agents, and employees, is removed;
- if there is a misrepresentation of an insurance policy in an advertisement in a language other than English, then the insurance policy written in English will control and not be changed or modified by any claims in the advertisement. However, the advertisement must contain a statement stating that the policy written in English controls in the event of a dispute; and,
- insurance agents would have the right to cancel a policy because of an unpaid initial premium within the earlier of 5 days after the actual notice of cancellation by certified mail is received by the applicant, or 15 days after notice is sent to the applicant by certified or registered mail. If a dishonored check is made payable to the insurer, the insurer could cancel the policy in accordance with s 627.728(3)(a), F.S., allowing the policy holder a minimum of 10 days notice to cure the situation before cancellation would take effect.

VII FINAL ACTION:

The House laid CS/1ST ENG /HB 1549 on the table on April 29, 1997 in order to take up CS/1ST ENG./SB 1286 which was the identical senate companion bill CS/1ST ENG./SB 1286 was passed by the House on April 29, 1997

VIII SIGNATURES

COMMITTEE ON FINANCIAL SERVICES

Prepared by

Legislative Research Director.

Eric E Johnson

Stephen T Hogge

STORAGE NAME h1549s1z fs

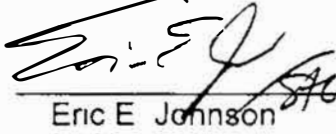
DATE May 2, 1997

PAGE 9

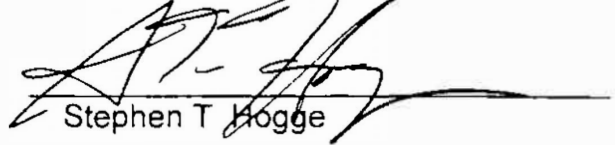
**FINAL RESEARCH PREPARED BY COMMITTEE ON FINANCIAL SERVICES**

Prepared by

Legislative Research Director



Eric E. Johnson



Stephen T. Hogge



By Representative Geller

1 A bill to be entitled

2 An act relating to insurance; amending s.  
3 627.728, F.S ; revising a definition; amending  
4 s. 627.7295, F.S ; increases certain allowable  
5 per-policy application fees; revising  
6 limitations; providing an effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10 Section 1. Paragraph (c) of subsection (1) of section  
11 627.728, Florida Statutes, 1996 Supplement, is amended to  
12 read:

13 627.728 Cancellations; nonrenewals.--

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

15 (c) "Nonpayment of premium" means failure of the named  
16 insured to discharge when due any of his obligations in  
17 connection with the payment of premiums on a policy or any  
18 installment of such premium, whether the premium is payable  
19 directly to the insurer or its agent or indirectly under any  
20 premium finance plan or extension of credit, or failure to  
21 maintain membership in an organization if such membership is a  
22 condition precedent to insurance coverage. "Nonpayment of  
23 premium" also means the failure of a financial institution to  
24 honor an insurance applicant's check after delivery to a  
25 licensed agent for payment of a premium, even if the agent has  
26 previously delivered or transferred the premium to the  
27 insurer; further, if the dishonored check represents the  
28 initial premium payment, the contract shall be void ab initio  
29 unless the nonpayment is cured within 5 days after actual  
30 notice by United States postal proof of mailing or by  
31 certified or registered mail is received by the applicant, and

139-232A-97

1 if the contract is void, any premium received by the insurer  
 2 from a third party shall be refunded to that party in full.  
 3 If a dishonored check is made payable to the insurer, the  
 4 insurer may cancel the policy in accordance with paragraph  
 5 (3)(a).

6 Section 2. Subsection (5) of section 627.7295, Florida  
 7 Statutes, 1996 Supplement, is amended to read:

8 627.7295 Motor vehicle insurance contracts.--

9 (5) A licensed general lines agent may charge a  
 10 per-policy application fee not to exceed \$25 \$40 to cover the  
 11 administrative costs of the agent associated with selling the  
 12 motor vehicle insurance policy if ~~the policy covers only~~  
 13 ~~personal-injury-protection-coverage-as-provided-by-s-627:736~~  
 14 ~~and-property-damage-liability-coverage-as-provided-by-s-~~  
 15 ~~627:7295-and-if-no-other-insurance-is-sold-or-issued-in~~  
 16 ~~conjunction-with-or-collateral-to-the-policy.~~ The per-policy  
 17 fee shall be fully earned and shall be separate and distinct  
 18 from, and shall not be included in the calculation of, the  
 19 aggregate per-policy fee permitted in s. 626.7451(11) must be  
 20 ~~a-component-of-the-insurer's-rate-filing-and-may-not-be~~  
 21 ~~charged-by-an-agent-unless-the-fee-is-included-in-the-filing.~~  
 22 ~~The-fee-is-not-considered-part-of-the-premium-except-for~~  
 23 ~~purposes-of-the-department's-review-of-expense-factors-in-a~~  
 24 ~~filing-made-pursuant-to-s-627:862:~~

25 Section 3. This act shall take effect upon becoming a  
 26 law.

27 \*\*\*\*\*

28 HOUSE SUMMARY

29  
 30 Revises criteria relating to cancellation of insurance  
 31 due to nonpayment of premiums. Revises criteria for  
 charging a per-policy application fee for administrative  
 costs. Provides a fee increase. See bill for details.

139-232A-97

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

---

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

---

By Senators Grant, Williams, Childers, Casas and Thomas

13-296-97

1                                   A bill to be entitled  
2           An act relating to motor vehicle and casualty  
3           insurance; amending s. 627.728, F.S.;  
4           prescribing notice requirements relating to  
5           nonpayment of premiums; amending s. 627.7295,  
6           F.S.; revising certain per-policy fees;  
7           providing an effective date.  
8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11           Section 1. Paragraph (c) of subsection (1) of section  
12 627.728, Florida Statutes, 1996 Supplement, is amended to  
13 read:

14           627.728 Cancellations; nonrenewals.--  
15           (1) As used in this section, the term:  
16           (c) "Nonpayment of premium" means failure of the named  
17 insured to discharge when due any of his obligations in  
18 connection with the payment of premiums on a policy or any  
19 installment of such premium, whether the premium is payable  
20 directly to the insurer or its agent or indirectly under any  
21 premium finance plan or extension of credit, or failure to  
22 maintain membership in an organization if such membership is a  
23 condition precedent to insurance coverage. "Nonpayment of  
24 premium" also means the failure of a financial institution to  
25 honor an insurance applicant's check after delivery to a  
26 licensed agent for payment of a premium, even if the agent has  
27 previously delivered or transferred the premium to the  
28 insurer; further, if the dishonored check represents the  
29 initial premium payment, the contract shall be void ab initio  
30 unless the nonpayment is cured within 5 days after ~~actual~~  
31 notice by United States postal proof of mailing or certified

1 or registered mail is sent to received by the applicant, and  
2 if the contract is void, any premium received by the insurer  
3 from a third party shall be refunded to that party in full. If  
4 the dishonored check is payable to the insurer, the insurer  
5 may cancel the policy pursuant to paragraph (3)(a).

6 Section 2. Subsection (5) of section 627.7295, Florida  
7 Statutes, 1996 Supplement, is amended to read:

8 627.7295 Motor vehicle insurance contracts.--  
9 (5) A licensed general lines agent may charge a  
10 per-policy application fee not to exceed \$25 ~~\$40~~ to cover the  
11 administrative costs of the agent associated with selling the  
12 motor vehicle insurance policy. The fee shall be fully earned  
13 and separate and distinct from, and may not be included in,  
14 the calculation of the aggregate per-policy fee under s.  
15 ~~626.7451(11) if the policy covers only personal injury~~  
16 ~~protection coverage as provided by s. 627.736 and property~~  
17 ~~damage liability coverage as provided by s. 627.7275 and if no~~  
18 ~~other insurance is sold or issued in conjunction with or~~  
19 ~~collateral to the policy. The per policy fee must be a~~  
20 ~~component of the insurer's rate filing and may not be charged~~  
21 ~~by an agent unless the fee is included in the filing.--The fee~~  
22 ~~is not considered part of the premium except for purposes of~~  
23 ~~the department's review of expense factors in a filing made~~  
24 ~~pursuant to s. 627.062.~~

25 Section 3. This act shall take effect upon becoming a  
26 law.

27 \*\*\*\*\*

28 SENATE SUMMARY

29 Revises provisions related to motor vehicle and casualty  
30 insurance. Revises certain provisions related to notice  
31 required when a policyholder's premium payment check is  
dishonored. Increases certain per-policy fees charged by  
general agents.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below )

Date April 13, 1997 Revised 4/15/97 \_\_\_\_\_

Subject Motor Vehicles and Casualty Insurance

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1	<u>Deffenbaugh</u>	<u>Deffenbaugh</u>	<u>BI</u>	<u>Fav/2 amendments</u>
2	_____	_____	_____	_____
3	_____	_____	_____	_____
4	_____	_____	_____	_____
5	_____	_____	_____	_____

**I. Summary:**

SB 814 addresses two motor vehicle insurance issues (1) cancellation of a policy due to payment of the initial premium with a check that is dishonored, and (2) per-policy fees allowed to be charged by general lines insurance agents

Currently, if a dishonored check represents the initial premium payment, the policy is canceled retroactively to the first day of coverage, unless the nonpayment is cured within 5 days after actual notice by certified mail is received by the applicant. The bill changes this 5-day notice requirement to allow the insurer to use United States postal proof of mailing or registered mail, in addition to certified mail. Also, the applicant would have to cure the non-payment within 5 days after the notice is "sent to" rather than "received by" the applicant, indicating that the 5 days begins to run the day the notice is mailed, which effectively reduces the notice period by a day or two, depending on the time period for delivery. The bill also gives the insurer the option, in the case of an initial premium paid with a dishonored check, to cancel the policy prospectively (10 days after the notice), rather than retroactively to the first day of coverage.

The bill increases from \$10 to \$25 the amount of the fee that a general lines agent may collect to cover administrative costs of the agent associated with selling a motor vehicle insurance policy. It removes the limitation that the fee may be charged only for a policy providing only personal injury protection and property damage liability. It allows an agent to charge the fee, regardless of whether the insurer includes the fee in its rate filing, and eliminates consideration by the department of the impact of the fee in determining whether an insurer's expenses (and premiums) are excessive. The bill allows this \$25 fee to be charged in addition to the \$25 policy fee that a managing general agent may charge pursuant to s 626 7541(11), F S

This bill substantially amends sections 627 728 and 627 7295 of the Florida Statutes

## II. Present Situation:

### *Cancellations; Nonrenewals (Section 1)*

Currently, s 627 728(2), F S , provides that a motor vehicle insurer is permitted to cancel a policy for reasons specified in the statute, including non-payment of premium. At least 10-days notice of cancellation is required for cancellation due to nonpayment of premium, compared to the 45-days notice that is otherwise required, [s 627 728(3)] United States postal proof of mailing or certified or registered mailing of the 10-day (or 45-day) notice of cancellation constitutes sufficient proof of notice, [s 627 728(5)]

The definition of *non-payment of premium* includes failure of a financial institution to honor a check (due to insufficient funds) If the dishonored check represents the initial premium payment, the contract *shall be void ab initio*, meaning the effective date of the cancellation is retroactive to the first day of coverage. This is an exception to the requirement that the effective date of cancellation be 10 days after the notice that otherwise applies for cancellation due to non-payment of premium. However, the current law further provides that retroactive cancellation for a bad check does not apply if the nonpayment is cured within 5 days after actual notice by *certified mail is received by* the applicant, [s 627 728(1)(c), F S ] This effectively requires the insurer to use certified mail to notify an applicant of retroactive cancellation of a policy due to a bad check, rather than other forms of mailing that otherwise constitute sufficient proof of notice of cancellation pursuant to subsection (5), i e , U S. postal proof of mailing or registered mail

The current law described above providing for retroactive cancellation when the initial premium payment is made by a dishonored check, states that the contract *shall* be void ab initio unless the non-payment is cured within 5 days. This indicates that the insurer has no discretion and *must* retroactively cancel the policy under this circumstance.

### *Per-policy fees charged by general lines agents (Section 2)*

Section 627 7295, F S , authorizes a general lines insurance agent to charge a per-policy fee of up to \$10 when selling a motor vehicle policy that provides only personal injury protection (PIP) and property damage liability coverage if no other coverage is issued in connection with the policy. The fee must be included in the insurer's rate filing and is reviewed under the rating law as an expense factor, but is not considered a part of the premium for any other purposes (e g agents' commissions, premium tax). This has two primary effects. First, an agent is not permitted to charge the \$10 fee unless the insurer for which the agent is writing a policy has included the \$10 fee in its rate filing. Secondly, the current law effectively requires the department, in reviewing the rate filing, to consider the \$10 fee together with agent commissions and other expenses shown in the filing, to determine whether overall expenses in the filing are reasonable and not excessive. The law provides that the \$10 fee is not considered part of the premium except for purposes of the department's review of expense factors in a rate filing. This means that the fee is not refundable in the event of cancellation of the policy. It also means that the fee is not subject to the premium tax.

Pursuant to s 626 7451, F S , a managing general agent (MGA) may manage all or part of the business of an insurer, including either adjustment or payment of claims or negotiation of reinsurance on behalf of the insurer Under s 626 7451(11), F S , an MGA may charge a per-policy fee of \$25 when placing business with the insurer This section prohibits the policyholder from being charged per-policy fees that, in the aggregate, exceed \$25

### III. Effect of Proposed Changes:

**Section 1.** Amends s 627 728, F S , relating to cancellation and nonrenewal of motor vehicle insurance policies Currently, if a dishonored check represents the initial premium payment, the policy is canceled retroactively to the first day of coverage, unless the nonpayment is cured within 5 days after actual notice by certified mail is received by the applicant The bill changes this 5-day notice requirement to allow the insurer to use United State postal proof of mailing or registered mail, in addition to certified mail Also, the applicant would need to cure the non-payment within 5 days after the notice is “sent to” rather than “received by” the applicant, indicating that the 5 days begins to run the day the notice is mailed, which effectively reduces the notice period by a day or two, depending on the time period for delivery

The bill also provides that if a dishonored check is made payable to the insurer, the insurer “may” cancel the policy in accordance with paragraph (3)(a), which requires 10-days notice prior to the effective date of cancellation, rather than the contract being voided “ab initio” retroactive to the first day of coverage This would give the insurer the option to cancel a policy prospectively, rather than retroactively, in the case of a bad check

**Section 2.** Amends s 627 7295, F S , relating to motor vehicle insurance contracts The bill increases the amount of the per-policy fee that a general lines agent may charge to cover administrative costs of the agent associated with selling a motor vehicle insurance policy, and changes the circumstances under which the fee may be collected, as follows

- 1 The bill increases the maximum fee that may be charged by a general lines agent from \$10 to \$25
- 2 The bill specifies that the fee is an “application” fee, indicating that the fee could only be charged upon application for a motor vehicle insurance policy, and could not be charged upon renewal
- 3 The bill removes the limitation that the fee may be charged for a policy providing only personal injury protection and property damage liability, allowing the fee to be charged with respect to any motor vehicle insurance policy
- 4 The bill removes the requirement that the policy fee may not be charged by an agent unless it is a component of the insurer’s rate filing This will allow a general lines agent to charge the fee, regardless of whether the insurer includes the fee in its rate filing It also eliminates consideration by the department of the impact of the fee, together with



commissions and other expenses, in determining whether an insurer's expenses (and premiums) are excessive

5. The bill removes the provision that the fee is not considered premium except for purposes of the department's review of expenses under the rating law. However, the bill provides that the fee is fully earned. This should have the same effect as current law in resulting in the fee not being refundable in the event of cancellation of the policy.
6. The bill provides that the fee is separate and distinct from, and may not be included in, the calculation of the \$25 aggregate per-policy fee that a managing general agent may charge pursuant to s. 626.7541(11), F.S. Therefore, both the \$25 MGA fee and the \$25 fee allowed by this bill could be charged by an MGA selling a motor vehicle insurance policy.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions

None

##### B. Public Records/Open Meetings Issues

None

##### C. Trust Funds Restrictions

None

#### V. Economic Impact and Fiscal Note:

##### A. Tax/Fee Issues

None (The fees addressed by this bill are private sector fees discussed below.)

##### B. Private Sector Impact

**Section 1** of the bill may save insurers costs of mailing when a policy is canceled due to a bad check, by allowing for postal proof of mailing or registered mail, rather than certified mail. Policyholders may have a shorter time period to cure nonpayment due to a bad check since the 5 days to cure the non-payment would run from the date of mailing rather than the date of receipt. However, policyholders may benefit by not having the policy canceled retroactively to the first day of coverage, since insurers would be permitted to cancel prospectively, 10 days after notice is sent to the policyholder.

**Section 2** of the bill increases the per-policy fee that may be charged by general lines agents from \$10 to \$25, and changes the circumstances under which the fee may be charged, as specified “Effects of Proposed Changes,” above

Distinct from the increase in the fee itself, by eliminating the requirement that the fee be included in the insurer’s rate filing, the bill has the potential impact of increasing the total amount paid by persons buying auto insurance policies by the amount of the fee. All other factors being equal, an insurer’s expenses would remain constant if it increased its expenses by the amount of the fee. For example, an insurer with a currently approved rate that includes a \$10 per-policy fee, could increase its projected expenses by \$10, after deducting the \$10 fee, from its next rate filing, and still have an expense ratio and a premium rate that is not excessive. However, the policyholder would be paying \$10 more to obtain the policy.

However, by providing that the fee is an “application” fee, the bill may have the effect of lowering the total amount of fees paid by a policyholder over the life of a policy, since the fee could only be charged at the time of application, and could not be charged upon renewal of the policy.

**C Government Sector Impact**

None

**VI. Technical Deficiencies:**

None

**VII. Related Issues:**

None

**VIII. Amendments:**

#1 by Banking and Insurance

Revises the notice requirements and the time period for curing default in the event of cancellation by an insurer of a motor vehicle insurance policy due to a payment of the initial premium by a dishonored check. As amended, if a dishonored check represents the initial premium payment, the policy could be canceled retroactively to the first day of coverage (“void ab initio”), unless the nonpayment is cured within *the earlier of* 5 days after actual notice by certified mail is received by the applicant, or 15 days after notice is sent to the applicant by certified mail or registered mail.

#2 by Banking and Insurance

Deletes the increase to \$25 for the maximum per-policy fee allowed to be charged by general lines agents, and reinserts the current \$10 fee (which would be an application fee only, as provided in the bill)

---

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate

---

By Senator Forman

32-462A-97

1 A bill to be entitled  
2 An act relating to motor vehicle insurance;  
3 creating s. 627.06501, F.S.; authorizing motor  
4 vehicle insurers to offer premium reductions  
5 when the principal driver of an insured vehicle  
6 has completed an approved driver improvement  
7 course; prescribing conditions and limits on  
8 such offer; amending s. 318.1451, F.S.;  
9 providing for an assessment fee to be paid by  
10 persons taking such a course; providing an  
11 effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Section 627.06501, Florida Statutes, is  
16 created to read:

17 627.06501 Insurance discounts for certain persons  
18 completing driver improvement course.--

19 (1) Any rate, rating schedule, or rating manual for  
20 the liability, personal injury protection, and collision  
21 coverages of a motor vehicle insurance policy filed with the  
22 department may provide for an appropriate reduction in premium  
23 charges as to such coverages when the principal operator on  
24 the covered vehicle has successfully completed a driver  
25 improvement course approved and certified by the Department of  
26 Highway Safety and Motor Vehicles which is effective in  
27 reducing crash or violation rates, or both, as determined  
28 pursuant to s. 318.1451(5). Any discount, not to exceed 10  
29 percent, used by an insurer is presumed to be appropriate  
30 unless credible data demonstrates otherwise.

1           (2) The premium reduction authorized by this section  
2 shall be effective for an insured for a 3-year period after  
3 successful completion of the approved course, except that the  
4 insurer may require, as a condition of maintaining the  
5 reduction, that the insured:

6           (a) Not be involved in an accident for which the  
7 insured is at fault; and

8           (b) Not be convicted of or plead guilty or nolo  
9 contendere to a moving traffic violation.

10           (3) The organization offering the course shall, upon a  
11 person's successful completion of the course, issue the person  
12 a certificate that the person may use to qualify for the  
13 premium discount authorized by this section.

14           (4) This section does not apply if the driver  
15 improvement course is taken in lieu of a court appearance for  
16 a traffic infraction as provided for in s. 318.14(9). However,  
17 the five-election restriction enumerated in that section is  
18 not applicable to taking the course for the purposes of  
19 receiving insurance premium reductions.

20           Section 2. Subsection (4) of section 318.1451, Florida  
21 Statutes, is amended to read:

22           318.1451 Driver improvement schools.--

23           (4) In addition to a regular course fee, an assessment  
24 fee in the amount of \$2.50 shall be collected by the school  
25 from each person who elects to attend a course, as it relates  
26 to ss. 318.14(9), 322.0261, and 322.291, and 627.06501, which  
27 shall be remitted to the Department of Highway Safety and  
28 Motor Vehicles and deposited in the Highway Safety Operating  
29 Trust Fund to administer this program and to fund the general  
30 operations of the department.

31           Section 3. This act shall take effect July 1, 1997.

\*\*\*\*\*

SENATE SUMMARY

Authorizes motor vehicle insurers to offer reductions in the premium for liability, personal injury protection, and collision insurance when the principal operator of the insured vehicle has successfully completed a driver improvement course approved by the Department of Highway Safety and Motor Vehicles.

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31