

1978

## Session Law 78-374

Florida Senate & House of Representatives

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### Recommended Citation

House of Representatives, Florida Senate &, "Session Law 78-374" (1978). *Staff Analysis*. 161.  
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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1978	Session Law No. 78-374	LOF Cite 1978 I, II, 1041, 1043	#pp 2
Prime Bill# SB 1308	Sponsor	Comp./Sim. Bills H 1523, H.B. 1742	HB 929
JIMC Hist. Leg. Cites	Senate pp.#s 336	House pp.#s 304	#pp 2
Committee of Ref.	Senate Commerce	House Commerce	Previous versions? 7.0

Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
S	Commerce	1978	Bill files: 30, 308	18/661	21
"	"	"	Fred Masters files: Auto Insurance, 1978 sess	18/1090	
"	"	"	Analyst's files, 1976-82: Call of al source	18/1113	X
"	"	"	Support ... source	18/663	X
H	Commerce	1978	End files in HB 15233		
"	"	"	Meeting files	19/329-328	
"	"	"	Floor amendments	19/331	X
"	"	"	Hill bills: HB 1742	19/333	X
"	"	"	Misc. files 1978	19/474	
"	"	"	Bill files: HB 929	19/332	
S	Commerce	1978	Meeting files: May 4, 1978	18/657	

Senate/House Journals

Page	?	Date	#pp	Page	?	Date	#pp
S.J. 426	✓	May 9, 1978	1				
H.J. 226	✓	May 31, 1978	1				

Tape Recordings

H/S/Floor	Committee/subcommittee	Date	# Tapes	Location Cite

Other Documentation

Record series title, folder title, etc.	Location Cite	#pp
House Clerk Bill files, 1978: HB 1523	14/653	
HB 1742	65.4	
HB 1523	642	
HB 1742	643	

# History of Legislation 1978 Regular Session

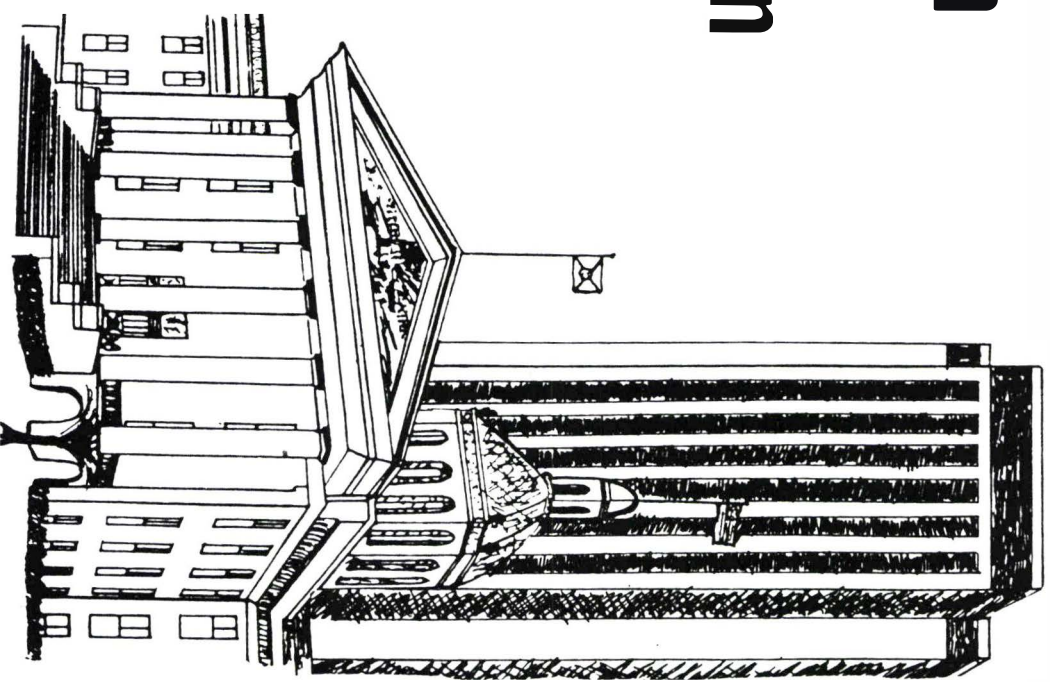
## Florida Legislature *Special Session "D"*

prepared by:

### Legislative Information Division

Joint Legislative Management Committee

Capitol Building, Room 826 — 488-4371



DEVELOPMENTS IDENTIFIED BY GUIDELINES & STANDARDS ADOPTED BY ADMINISTRATION COMMISSION & APPROVED BY LEGISLATURE SHALL BE REVIEWED PURSUANT TO PROVISIONS, ETC. AMENDS 380.06. EFFECTIVE DATE: 07/01/78.

05/02/78 SENATE INTRODUCED, REFERRED TO NATURAL RESOURCES AND CONSERVATION, ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS -SJ 00280

05/15/78 SENATE EXTENSION OF TIME GRANTED COMMITTEE NATURAL RESOURCES AND CONSERVATION

05/18/78 SENATE WITHDRAWN FROM NATURAL RESOURCES AND CONSERVATION, ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS; INDEFINITELY POSTPONED -SJ 00441

S 1308 GENERAL BILL BY BARRON AND OTHERS (COMPARE H 1585, H 1742) (CS) MOTOR VEHICLE INS.; PROVIDES UNINSURED MOTORIST COVERAGE SHALL NOT INCLUDE DAMAGES FOR PAIN/SUFFERING EXCEPT FOR SPECIFIED INJURIES OR DEATH; PROVIDES FOR \$10,000 IN P.I.P. COVERAGE; REVISES AMOUNTS OF P.I.P. DEDUCTIBLES; REQUIRES INS. DEPT. TO PROMULGATE UNIFORM REPORTING SYS., ETC. AMENDS FS. EFFECTIVE DATE: 01/01/79.

05/02/78 SENATE INTRODUCED, REFERRED TO COMMERCE -SJ 00280

05/04/78 SENATE COMM. REPORT: C/S PLACED ON CALENDAR BY COMMERCE -SJ 00328

05/18/78 SENATE PLACED ON SPECIAL ORDER CALENDAR; C/S READ FIRST TIME; C/S PASSED AS AMENDED; YEAS 27 NAYS 4 -SJ 00426

05/31/78 HOUSE RECEIVED, PLACED ON CALENDAR -HJ 00926; READ SECOND TIME; AMENDMENTS ADOPTED; READ THIRD TIME; PASSED AS AMENDED; YEAS 79 NAYS 37 -HJ 00929

06/01/78 SENATE CONCURRED; C/S PASSED AS FURTHER AMENDED; YEAS 32 NAYS 5 -SJ 00718

06/07/78 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR

06/20/78 APPROVED BY GOVERNOR CHAPTER NO. 78-374

S 1309 GENERAL BILL BY GORDON CANNABIS; PROVIDES FOR COUNTY OPTION ON CULTIVATION, POSSESSION & SALE OF CANNABIS; AUTHORIZES SUCH CULTIVATION, POSSESSION & SALE IN APPROVING CCUNTIES; PROVIDES CERTAIN CONDITIONS RE SALE & TAXATION OF CANNABIS; PROVIDES FOR DISTRIBUTION OF PROCEEDS OF SUCH TAXATION, ETC. EFFECTIVE DATE: 10/01/78.

05/02/78 SENATE INTRODUCED, REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS, COMMERCE, JUDICIARY-CRIMINAL; ALSO REFERRED TO FINANCE, TAXATION AND CLAIMS -SJ 00280

05/15/78 SENATE EXTENSION OF TIME GRANTED COMMITTEE ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS

05/31/78 SENATE EXTENSION OF TIME GRANTED COMMITTEE ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS

06/02/78 SENATE DIED IN COMMITTEE ON ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS

S 1310 GENERAL BILL BY BARRON (SIMILAR H 1336) PROFESSIONAL ENGINEERS; EXEMPTS CERTAIN PERSONS FROM PROVISIONS OF CH. 471. AMENDS 471.05. EFFECTIVE DATE: 06/24/78.

05/02/78 SENATE INTRODUCED, REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS -SJ 00280

05/15/78 SENATE EXTENSION OF TIME GRANTED COMMITTEE ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS

05/16/78 SENATE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR BY ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS -SJ 00384

05/24/78 SENATE PLACED ON SPECIAL ORDER CALENDAR; PASSED AS AMENDED; YEAS 31 NAYS 0 -SJ 00506

05/29/78 HOUSE RECEIVED, REFERRED TO REGULATED INDUSTRIES & LICENSING -HJ 00799

06/02/78 HOUSE WITHDRAWN FROM REGULATED INDUSTRIES & LICENSING -HJ 01018; PLACED ON CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED; YEAS 102 NAYS 3 -HJ 01094

06/08/78 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR

06/24/78 BECAME LAW WITHOUT GOVERNOR'S SIGNATURE CHAPTER NO. 78-410

S 1311 GENERAL BILL BY GRAHAM ECONOMIC DEVELOPMENT; REQUIRES THAT ECONOMIC DEVELOPMENT ADVISORY COMMITTEE APPOINTED BY GOVERNOR SHALL ANNUALLY SUBMIT TO CERTAIN PERSONS A PLAN FOR USE OF STATE FUNDS APPROPRIATED FOR ECONOMIC DEVELOPMENT IN CONTINUED ON NEXT PAGE

- H 1582 GENERAL BILL BY JONES (SIMILAR S 0941, COMPARE CS/H 1140, CS/S 0877)  
 FLORIDA RETIREMENT SYSTEM; REDEFINES TERM "SPECIAL RISK MEMBER";  
 PROVIDES THAT NO MEMBER SHALL CONTINUE OR BE DESIGNATED AS SPECIAL RISK  
 MEMBER AFTER HIS 55TH BIRTHDAY; PROVIDES THAT THEREAFTER SUCH MEMBER  
 SHALL BECOME REGULAR MEMBER & EARN ONLY REGULAR MEMBERSHIP CREDIT, ETC.  
 AMENDS CH. 121. EFFECTIVE DATE: 10/01/78.  
 04/17/78 HOUSE INTRODUCED, REFERRED TO RETIREMENT, PERSONNEL &  
 COLLECTIVE BARGAINING, APPROPRIATIONS -HJ 00236  
 06/02/78 HOUSE DIED IN COMMITTEE, IDEN./SIM./COMPARE BILL PASSED,  
 REFER TO HB 1140 (CH. 78-308)
- H 1583 GENERAL BILL BY JONES (SIMILAR S 0910, COMPARE CS/H 1140)  
 FLORIDA RETIREMENT SYSTEM; ESTABLISHES DUE DATE FOR MAKING RETIREMENT &  
 SOCIAL SECURITY CONTRIBUTIONS & IMPOSES PENALTY OF 0.5% OF AMOUNT DUE  
 FOR EACH CALENDAR MONTH OR PART THEREOF AFTER DATE THAT RETIREMENT  
 CONTRIBUTIONS ARE SUBMITTED. AMENDS 121.071. EFFECTIVE DATE:  
 UPON BECOMING LAW.  
 04/17/78 HOUSE INTRODUCED, REFERRED TO RETIREMENT, PERSONNEL &  
 COLLECTIVE BARGAINING, FINANCE & TAXATION -HJ 00236  
 06/02/78 HOUSE DIED IN COMMITTEE, IDEN./SIM./COMPARE BILL PASSED,  
 REFER TO HB 1140 (CH. 78-308)
- H 1584 GENERAL BILL BY JONES (COMPARE CS/H 1140, CS/S 0437)  
 FLORIDA RETIREMENT SYSTEM; REDEFINES TERM "SPECIAL RISK MEMBER" FOR  
 PURPOSES OF SYSTEM; PROVIDES LEGISLATIVE INTENT, CRITERIA & PROCEDURES  
 FOR DESIGNATING & REMOVING SPECIAL RISK MEMBERSHIP. AMENDS 121.021;  
 CREATES 121.022. EFFECTIVE DATE: 10/01/78.  
 04/17/78 HOUSE INTRODUCED, REFERRED TO RETIREMENT, PERSONNEL &  
 COLLECTIVE BARGAINING, APPROPRIATIONS -HJ 00236  
 06/02/78 HOUSE DIED IN COMMITTEE, IDEN./SIM./COMPARE BILL PASSED,  
 REFER TO HB 1140 (CH. 78-308)
- H 1585 GENERAL BILL BY BLOOM, YOUNG (COMPARE H 1742, CS/S 1308)  
 INSURANCE; REQUIRES INSURANCE DEPT. TO PROMULGATE UNIFORM STATEWIDE  
 REPORTING SYSTEM TO CLASSIFY RISKS FOR PURPOSE OF EVALUATING MOTOR  
 VEHICLE INSURANCE RATES, PREMIUMS, COMPETITION & AVAILABILITY; REQUIRES  
 INSURERS FILE ANNUAL STATEMENT WITH DEPT., ETC. CREATES 627.343;  
 REPEALS 627.342. EFFECTIVE DATE: UPON BECOMING LAW.  
 04/17/78 HOUSE INTRODUCED, REFERRED TO COMMERCE, APPROPRIATIONS  
 -HJ 00236  
 06/02/78 HOUSE DIED IN COMMITTEE, IDEN./SIM./COMPARE BILL PASSED,  
 REFER TO SB 1308 (CH. 78-374)
- H 1586 GENERAL BILL BY BECKER (IDENTICAL S 0600)  
 PUBLIC UTILITIES; PROVIDES THAT RATE BASE OF PUBLIC UTILITY SHALL NOT  
 INCLUDE CERTAIN SALARIES. AMENDS 366.041. EFFECTIVE DATE: 10/01/78.  
 04/17/78 HOUSE INTRODUCED, REFERRED TO REGULATED INDUSTRIES &  
 LICENSING -HJ 00236  
 06/02/78 HOUSE DIED IN COMMITTEE ON REGULATED INDUSTRIES & LICENSING
- H 1587 GENERAL BILL BY BECKER (IDENTICAL S 0903)  
 LANDLORD & TENANT; PROHIBITS LANDLORD FROM INTERFERING WITH OCCUPANCY  
 OF, OR ENTRANCE TO, A DWELLING UNIT EXCEPT AS PROVIDED BY SECTION OF LAW  
 RE RIGHT OF ACTION FOR POSSESSION; PROHIBITS LANDLORD FROM TERMINATING  
 TENANT'S UTILITY SERVICES; PROVIDES CIVIL ACTION FOR DAMAGES, ETC.  
 CREATES 83.591. EFFECTIVE DATE: 07/01/78.  
 04/17/78 HOUSE INTRODUCED, REFERRED TO JUDICIARY -HJ 00236  
 06/02/78 HOUSE DIED IN COMMITTEE ON JUDICIARY
- H 1588 GENERAL BILL BY BECKER  
 COURT COSTS; PROVIDES THAT COURT COSTS RE DEFENSES, MATTERS IN PROBATE  
 OR GUARDIANSHIP PROCEEDINGS, OR APPELLATE PROCEEDINGS ON BEHALF OF  
 INSOLVENT OR POVERTY-STRICKEN PERSONS SHALL NOT BE ASSESSED AGAINST SUCH  
 PERSONS BY COURTS, SHERIFFS & CLERKS OF CO. IN WHICH SUCH PERSON  
 RESIDES. AMENDS 57.081. EFFECTIVE DATE: 07/01/78.  
 04/17/78 HOUSE INTRODUCED, REFERRED TO JUDICIARY, APPROPRIATIONS  
 -HJ 00236  
 05/04/78 HOUSE SUBREFERRED TO SUBCOMMITTEE ON COURT SYSTEMS &  
 MISCELLANEOUS  
 06/02/78 HOUSE DIED IN COMMITTEE ON JUDICIARY



04/26/78 HOUSE PLACED ON SPECIAL ORDER CALENDAR  
 05/04/78 HOUSE READ SECOND TIME -HJ 00417  
 05/05/78 HOUSE READ THIRD TIME; PASSED; YEAS 109 NAYS 0 -HJ 00426  
 05/10/78 SENATE RECEIVED; REFERRED TO JUDICIARY-CRIMINAL -SJ 00344  
 05/16/78 SENATE COMM. REPORT: FAVORABLE, PLACED ON CALENDAR BY  
 JUDICIARY-CRIMINAL -SJ 00384  
 05/24/78 SENATE AMENDMENT PENDING -SJ 00500  
 06/01/78 SENATE PLACED ON SPECIAL ORDER CALENDAR; AMENDMENTS ADOPTED  
 -SJ 00699  
 06/02/78 SENATE DIED ON CALENDAR, IDEN./SIM./COMPARE BILL PASSED, REFER  
 TO SB 782 (CH. 78-195)

H 1740 GENERAL BILL BY CRIMINAL JUSTICE  
 EXTORTION BY STATE OFFICERS; ELIMINATES GENERAL MALPRACTICE PENALTY  
 APPLICABLE TO OFFICERS OF STATE; PROVIDES THAT OFFICER OF STATE WHO  
 WILLFULLY CHARGES, RECEIVES OR COLLECTS ANY GREATER SERVICES THAN HE IS  
 ENTITLED TO IS GUILTY OF FIRST DEGREE MISDEMEANOR. AMENDS 839.11.  
 EFFECTIVE DATE: 10/01/78.  
 04/19/78 HOUSE INTRODUCED, PLACED ON CALENDAR -HJ 00275  
 06/02/78 HOUSE DIED ON CALENDAR

H 1741 GENERAL BILL BY OGDEN (IDENTICAL S 0035)  
 AD VALOREM TAX RELIEF; PROVIDES FOR RELIEF FROM AD VALOREM TAXES BY  
 MEANS OF GRANTS TO QUALIFIED HOUSEHOLDS WHETHER TAXES ARE PAID DIRECTLY  
 OR INDIRECTLY THROUGH RENT; PROVIDES DEFINITIONS & PROCEDURES; PROVIDES  
 FOR ADMINISTRATION BY REVENUE DEPT.; PROVIDES PENALTIES, ETC. CREATES  
 196.40-.46. APPROPRIATION. EFFECTIVE DATE: UPON BECOMING LAW.  
 04/19/78 HOUSE INTRODUCED, REFERRED TO FINANCE & TAXATION,  
 APPROPRIATIONS -HJ 00275  
 04/28/78 HOUSE SUBREFERRED TO SUBCOMMITTEE ON AD VALOREM TAX  
 06/02/78 HOUSE DIED IN COMMITTEE ON FINANCE & TAXATION

H 1742 GENERAL BILL BY OGDEN (COMPARE H 1585, CS/S 1308)  
 MOTOR VEHICLE INSURANCE; PROHIBITS RECOVERY OF PAIN & SUFFERING & OTHER  
 NONMONETARY DAMAGES IN M.V. TORT CLAIMS; PROVIDES FOR RECOVERY OF  
 REASONABLE ATTORNEYS' FEES IN CASES OF M.V. TORT CLAIMS & PROVIDES  
 PROCEDURE FOR DETERMINING AMOUNT OF THOSE FEES, ETC. AMENDS CH. 627.  
 EFFECTIVE DATE: 07/01/78.  
 04/19/78 HOUSE INTRODUCED, REFERRED TO COMMERCE, APPROPRIATIONS  
 -HJ 00275  
 06/02/78 HOUSE DIED IN COMMITTEE, IDEN./SIM./COMPARE BILL PASSED,  
 REFER TO SB 1308 (CH. 78-374)

H 1743 GENERAL BILL BY YOUNG  
 PUBLIC OFFICERS; AUTHORIZES CERTAIN ELECTED PUBLIC OFFICIALS TO  
 DESIGNATE THEIR PERSONAL RESIDENCE OR SOME OTHER OFFICE AS OFFICIAL  
 HEADQUARTERS FOR TRAVEL REIMBURSEMENT. AMENDS 112.061. EFFECTIVE DATE:  
 07/01/78.  
 04/19/78 HOUSE INTRODUCED, REFERRED TO GOVERNMENTAL OPERATIONS,  
 APPROPRIATIONS -HJ 00275  
 05/05/78 HOUSE COMM. REPORT: FAVORABLE WITH AMEND. BY GOVERNMENTAL  
 OPERATIONS -HJ 00431; NOW IN APPROPRIATIONS  
 06/02/78 HOUSE DIED IN COMMITTEE ON APPROPRIATIONS

H 1744 GENERAL BILL BY YOUNG (IDENTICAL S 1213)  
 SCHCOL DIST. FINANCIAL ACCOUNTS; RE SCHOOL DEPOSITORIES; AUTHORIZES EACH  
 SCHOOL BOARD TO COMMINGLE CERTAIN OF ITS FUNDS IN SINGLE CHECKING  
 ACCOUNT UNDER CERTAIN CONDITIONS. AMENDS 237.211. EFFECTIVE DATE:  
 07/01/78.  
 04/19/78 HOUSE INTRODUCED, REFERRED TO EDUCATION -HJ 00275  
 06/02/78 HOUSE DIED IN COMMITTEE ON EDUCATION

H 1745 GENERAL BILL BY CULBREATH, RICHMOND (SIMILAR ENG/S 0827)  
 LOCAL ORDINANCES; PROHIBITS CONTROLS ON RENTS FOR DWELLING UNITS LOCATED  
 IN LUXURY APARTMENT BUILDINGS TO REDEFINE SUCH BUILDINGS ACCORDING TO  
 COUNTY POPULATION. AMENDS 125.0103. EFFECTIVE DATE: UPON BECOMING LAW.  
 04/19/78 HOUSE INTRODUCED, REFERRED TO JUDICIARY -HJ 00275  
 04/21/78 HOUSE WITHDRAWN FROM JUDICIARY; REREFERRED TO REGULATED  
 INDUSTRIES & LICENSING -HJ 00309  
 04/24/78 HOUSE SUBREFERRED TO SUBCOMMITTEE ON PROFESSIONAL &  
 OCCUPATIONAL LICENSING  
 CONTINUED ON NEXT PAGE

DATE: June 1, 1978 FINAL UPDATE

COMMITTEE ACTION: 1. Fav./CS 5-4-78

ANALYST      STAFF DIRECTOR

1. Brainerd      Martin

SENATE

2. \_\_\_\_\_

3. \_\_\_\_\_

2. \_\_\_\_\_ STAFF ANALYSIS AND ECONOMIC STATEMENT

AMEND. OR CS ATTACHED \_\_\_\_\_

3. \_\_\_\_\_

COMMERCE COMMITTEE

BILL No. AND SPONSOR:

CS/SB 1308 Senator Barron and others

Passed by the Senate and House of Representatives

SUBJECT:

Motor Vehicle Insurance

REFERENCES: Commerce

I. SUMMARY:

Provides definitions for "motor vehicle," "private passenger motor vehicle," and "commercial motor vehicle." Increases required personal injury protection (PIP) coverage from \$5,000 to \$10,000. Provides for increased deductibles. Limits rights to damages in tort actions. Modifies the collateral sources rule. Requires commercial vehicles to carry PIP. Provides for reimbursement of PIP. Repeals s.627.735, F.S., relating to satisfying financial responsibility laws of other states. Provides for a new uniform risk classification reporting system for auto insurance and repeals current reporting system. Provides for rate review.

II. PURPOSE:

A. Present Situation:

Current law requires \$5,000 in PIP coverage for all motor vehicles registered and licensed in this state and certain nonresident motor vehicles if present within the state for more than 90 of the last 365 days. A motor vehicle is defined basically as a non-commercial four-wheeled motor vehicle. Therefore, motorcycles and commercial vehicles are not required to carry PIP. Current law also contains a tort limitation stating that in a motor vehicle tort action, a plaintiff can recover damages for pain and suffering only if the injury consists of:

- (a) loss of a body member;
- (b) permanent loss of a bodily function;
- (c) permanent injury within a reasonable degree of medical probability, other than scarring or disfigurement;
- (d) significant permanent scarring or disfigurement;
- (e) a serious, nonpermanent injury which has a material degree of bearing on the injured person's ability to resume his normal activity and lifestyle during all or substantially all of the 90-day period after the occurrence of the injury, and the effects of which are medically or scientifically demonstrable at the end of such period; or
- (f) death.

Under the provisions passed last year in chapter 77-468, collateral sources of indemnity that have been paid prior to the commencement of a motor vehicle tort case may be admitted into evidence along with any amount paid by the claimant to secure the benefits.

Section 627.735, F.S., currently provides that motor vehicle liability insurance policies are deemed to satisfy the limits of liability of the financial responsibility and compulsory insurance laws of other states.

B. Effect on Present Situation:

This bill would expand the scope of the requirement to carry PIP coverage, so that it would include all self-propelled vehicles licensed for use on the highways of this state and any trailer or semi-trailer designed for use with such vehicle. Specifically excluded from this definition would be mopeds, mobile homes, and self-propelled vehicles with less than four wheels. The required PIP coverage would be increased from \$5,000 to \$10,000, with additional deductibles of \$6,000 and \$8,000.

SENATE  
STAFF ANALYSIS AND ECONOMIC STATEMENT  
Commerce Committee ( Brainerd )

The new tort threshold proposed by this bill would be more restrictive. In order to sue for pain and suffering, the injury must consist of:

- (a) significant and permanent loss of an important bodily function,
- (b) permanent injury within a reasonable degree of medical probability, other than **scarring or disfigurement**,
- (c) significant and permanent scarring or disfigurement, or
- (d) death.

Collateral sources of indemnity would be expanded. The court would be required to instruct the jury to deduct from its verdict the value of all benefits received from any collateral source. Stricken from current law would be the requirement that the court must also admit into evidence any amount paid by the claimant to secure the collateral sources.

Under the provisions of the bill, commercial motor vehicles would have to provide PIP benefits for accidents occurring inside the state of Florida. If an insurer of a private passenger motor vehicle pays PIP to a person who is an occupant of, or is struck by, a commercial motor vehicle, the insurer of the private passenger motor vehicle shall have a right of reimbursement against the insurer of the commercial motor vehicle.

The bill would direct the Department of Insurance to review rates for all motor vehicles and order a new rate schedule if rates are found to be excessive, inadequate or unfairly discriminatory. The review would commence within 30 days after January 1, 1980.

**A new s. 627.343 would be created providing for a uniform risk classification reporting system for motor vehicle insurance. The current risk classification reporting provision would be repealed.**

This bill would repeal s. 627.735(2), F.S. That section currently provides that motor vehicle liability insurance policies are deemed to satisfy the financial responsibility laws of other states.

III. ECONOMIC CONSIDERATIONS:

A. Economic Impact on the Public: YES X NO

The provisions of this bill should help to reduce overall automobile insurance rates. The expansion of the collateral source rule, coupled with a restriction in the tort threshold, should reduce both the number of tort claims and the amount of final verdicts. Requiring no fault coverage for commercial vehicles would result in some added expense to their owners. The increase in required PIP coverage should only result in a nominal premium increase. Since the ultimate savings depends on the number and severity of future accidents, an exact economic impact is not quantifiable at this time.

B. Economic Impact on State or Local Government: YES NO X

IV. COMMENTS:

Technical errors: As passed the Senate and House of Representatives, page 1, lines 20-21 and 22-23 should not contain the words "or payable."



Journal  
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SENATE  
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**TENTH REGULAR SESSION**  
**UNDER THE CONSTITUTION AS REVISED IN 1968**  
**APRIL 4 THROUGH JUNE 2, 1978**

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Trask Wilson Winn Zinkil  
Vogt

Nays—None

Votes after roll call:

Yea—Peterson, Henderson

On motions by Senator W. D. Childers, the rules were waived and the Committees on Health and Rehabilitative Services; Governmental Operations; and Agriculture were granted permission to meet Monday, May 22 from 10:00 a.m. until 1:00 p.m. instead of 9:00 a.m. until 12:00 noon.

By the Committee on Commerce and Senators Barron, MacKay, Myers, Plante, Scarborough, Brantley, Zinkil, W. D. Childers, Firestone and Winn—

**CS for SB 130** A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.727(7), Florida Statutes; providing that uninsured motorist coverage shall not include damages for pain and suffering except for specified injuries or death; amending s. 627.732(1), Florida Statutes; providing definitions of "motor vehicle", "private passenger motor vehicle", and "commercial motor vehicle"; amending s. 627.736(1), Florida Statutes; providing for \$10,000 in personal injury protection coverage; amending s. 627.737(2), Florida Statutes; providing for limitations on rights to damages for pain, suffering, mental anguish, and inconvenience in tort actions arising out of use of a motor vehicle; amending s. 627.7372(1), Florida Statutes; providing for the admission into evidence in certain actions the amount of all collateral sources paid or payable to the claimant, and prohibiting an award of damages which are otherwise paid or payable; creating s. 627.7405, Florida Statutes; providing personal injury protection benefits for the insured, certain relatives, operators, and passengers of a commercial motor vehicle or other Florida residents struck by a commercial motor vehicle in Florida; repealing s. 627.735(2), Florida Statutes, relating to the compliance of motor vehicle liability insurance policies with financial responsibility or compulsory insurance laws of other states; providing for review by the Department of Insurance of the rates of all licensed motor vehicle insurers; providing for issuance of orders by the Department of Insurance to require new rate schedules where existing rates are unfairly discriminatory; providing an effective date.

—was read the first time by title and SB 1308 was laid on the table.

On motion by Senator Barron, by two-thirds vote CS for SB 1308 was read the second time by title.

Senator MacKay moved the following amendments which were adopted:

**Amendment 1**—Strike on page 5, all of lines 13 through 31 on page 6, all of lines 1 through 9 and insert: Section 6. Section 627.7405, Florida Statutes, is created to read:

627.7405 Subrogation.—Notwithstanding any other provisions of ss. 627.730-627.741, any insurer providing personal injury protection benefits on a private passenger motor vehicle shall have, to the extent of any personal injury protection benefits paid to any person as a benefit arising out of such private passenger motor vehicle insurance, a right of reimbursement against the owner or the insurer of the owner of a commercial motor vehicle, if the benefits paid result from such person having been an occupant of the commercial motor vehicle or having been struck by the commercial motor vehicle while not an occupant of any self-propelled vehicle.

**Amendment 2**—On page 2, lines 21-30, on page 3, lines 1-13, strike on page 2, all of lines 21 through 30 on page 3, all of lines 1 through 13 and insert:

Section 2. Subsection (1) of section 627.732, Florida Statutes, is amended to read:

627.732 Definitions.—As used in ss. 627.730-627.741:

(1) "Motor vehicle" means a sedan, station wagon, or jeep-type vehicle not used as a public livery conveyance for passen-

gers and includes any other four wheel motor vehicle used as a utility automobile and a pickup or panel truck which is not used primarily in the occupation, profession, or business of the insured any self-propelled vehicle which is of a type both designed and required to be licensed for use on the highways of this state and any trailer or semi-trailer designed for use with such vehicle, and includes:

(a) A "private passenger motor vehicle" which is any motor vehicle which is a sedan, station wagon or jeep type vehicle not used at any time as a public or livery conveyance for passengers and, if not used primarily for occupational, professional or business purposes, a motor vehicle of the pickup, panel, van, camper or motor home type.

(b) A "commercial motor vehicle" which is any motor vehicle which is not a private passenger motor vehicle.

The term motor vehicle, however, does not include any self-propelled vehicle with less than four wheels or a mobile home.

Senators Barron, Ware, Dunn and Spicola offered the following amendment which was moved by Senator Barron and adopted:

**Amendment 3**—On page 4, strike all of lines 20 and 21 and insert: (c) Permanent injury within a reasonable degree of medical probability, other than scarring or disfigurement.

(Re-number subsequent paragraph.)

Senator Barron moved the following amendments which were adopted:

**Amendment 4**—On page 5, strike lines 8-12 and insert: been paid to the claimant, and the court shall instruct the jury to deduct from its verdict the value of all benefits received by the claimant from any collateral source prior to the commencement of the trial. The court shall also admit into evidence any amount paid by the claimant to secure such collateral source.

**Amendment 5**—On page 6, strike all of lines 27 and 28 and insert: Section 9. This act shall take effect January 1, 1979.

On motion by Senator Barron, by two-thirds vote CS for SB 1308 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Glisson	Poston	Thomas, Pat
Barron	Gorman	Renick	Tobiassen
Chamberlin	Graham	Sayler	Trask
Childers, Don	Johnston	Scarborough	Vogt
Childers, W. D.	MacKay	Skinner	Winn
Firestone	McClain	Spicola	Zinkil
Gallen	Myers	Thomas, Jon	

Nays—4

Dunn	Scott	Ware	Wilson
------	-------	------	--------

Votes after roll call:

Yea—Castor, Peterson, Williamson

**SB 680**—A bill to be entitled An act relating to mobile homes and recreational vehicles; amending s. 320.03(1), (3), Florida Statutes; requiring tax collectors to deliver and account for mobile home stickers; amending s. 320.031, Florida Statutes; providing for the mailing of mobile home stickers and for the collection of a service charge for such mailing; amending s. 320.04(1), Florida Statutes; providing a service charge for applications for such stickers; amending s. 320.06(2) (a), Florida Statutes, and adding s. 320.06(2) (g), (4) (c), Florida Statutes; deleting a reference to mobile home license plates; providing for exchange of mobile home stickers; prohibiting the giving of credit or refunds in connection with such exchange; providing for size, coloring, and numbering of mobile home stickers; pro-

DATE: May 29, 1978 (UPDATE)

COMMITTEE ACTION: 1. Fav./CS - 5/4/78

ANALYST      STAFF DIRECTOR

2. \_\_\_\_\_

1. Brainerd      Martin

SENATE

3. \_\_\_\_\_

2. \_\_\_\_\_

STAFF ANALYSIS AND ECONOMIC STATEMENT

AMEND. OR CS ATTACHED \_\_\_\_\_

3. \_\_\_\_\_

COMMERCE COMMITTEE

BILL NO. AND SPONSOR:

SUBJECT:

CS/SB 1308 Senator Barron and Others  
Passed by the Senate

Motor Vehicle Insurance

REFERENCES: Commerce

I. SUMMARY:

Provides definitions for "motor vehicle," "private passenger motor vehicle," and "commercial motor vehicle." Increases required personal injury protection (PIP) coverage from \$5,000 to \$10,000. Limits rights to damages in tort actions. Modifies the collateral sources rule. Requires commercial vehicles to carry PIP. Provides for reimbursement of PIP. Repeals s. 627.735, F.S., relating to satisfying financial responsibility laws of other states. Provides for rate review.

II. PURPOSE:

A. Present Situation:

Current law requires \$5,000 in PIP coverage for all motor vehicles registered and licensed in this state and certain nonresident motor vehicles if present within the state for more than 90 of the last 365 days. A motor vehicle is defined basically as a non-commercial four-wheeled motor vehicle. Therefore, motorcycles and commercial vehicles are not required to carry PIP. Current law also contains a tort limitation stating that in a motor vehicle tort action, a plaintiff can recover damages for pain and suffering only if the injury consists of:

- (a) loss of a body member;
- (b) permanent loss of a bodily function;
- (c) permanent injury within a reasonable degree of medical probability, other than scarring or disfigurement;
- (d) significant permanent scarring or disfigurement;
- (e) a serious, nonpermanent injury which has a material degree of bearing on the injured person's ability to resume his normal activity and lifestyle during all or substantially all of the 90-day period after the occurrence of the injury, and the effects of which are medically or scientifically demonstrable at the end of such period; or
- (f) death.

Under the provisions passed last year in chapter 77-468, collateral sources of indemnity that have been paid prior to the commencement of a motor vehicle tort case may be admitted into evidence along with any amount paid by the claimant to secure the benefits.

Section 627.735, F.S., currently provides that motor vehicle liability insurance policies are deemed to satisfy the limits of liability of the financial responsibility and compulsory insurance laws of other states.

B. Effect on Present Situation:

This bill would expand the scope of the requirement to carry PIP coverage, so that it would include all self-propelled vehicles licensed for use on the highways of this state and any trailer or semi-trailer designed for use with such vehicle. Specifically excluded from this definition would be mobile homes and self-propelled vehicles with less than four wheels. The required PIP coverage would be increased from \$5,000 to \$10,000.

BILL NO.: CS/SB 1308  
SPONSOR: Barron & OthersSENATE  
STAFF ANALYSIS AND ECONOMIC STATEMENT  
Commerce Committee ( Brainerd )

The new tort threshold proposed by this bill would be more restrictive. In order to sue for pain and suffering, the injury must consist of:

- (a) significant and permanent loss of an important bodily function,
- (b) permanent injury within a reasonable degree of medical probability,
- (c) significant and permanent scarring or disfigurement, or
- (d) death.

Collateral sources of indemnity would be expanded. The court would be required to instruct the jury to deduct from its verdict the value of all benefits received from any collateral source. Stricken from current law would be the requirement that the court must also admit into evidence any amount paid by the claimant to secure the collateral sources.

Under the provisions of the bill, commercial motor vehicles would have to provide PIP benefits for accidents occurring inside the state of Florida. If an insurer of a private passenger motor vehicle pays PIP to a person who is an occupant of, or is struck by, a commercial motor vehicle, the insurer of the private passenger motor vehicle shall have a right of reimbursement against the insurer of the commercial motor vehicle.

The bill would direct the Department of Insurance to review rates for all motor vehicles and order a new rate schedule if rates are found to be excessive, inadequate or unfairly discriminatory. The review would commence within 30 days after January 1, 1980.

This bill would repeal s. 627.735(2), F.S. That section currently provides that motor vehicle liability insurance policies are deemed to satisfy the financial responsibility laws of other states.

III. ECONOMIC CONSIDERATIONS:A. Economic Impact on the Public: YES X NO

The provisions of this bill should help to reduce overall automobile insurance rates. The expansion of the collateral source rule, coupled with a restriction in the tort threshold, should reduce both the number of tort claims and the amount of final verdicts. Requiring no fault coverage for commercial vehicles would result in some added expense to their owners. The increase in required PIP coverage should only result in a nominal premium increase. Since the ultimate savings depends on the number and severity of future accidents, an exact economic impact is not quantifiable at this time.

B. Economic Impact on State or Local Government: YES NO XIV. COMMENTS:

Technical errors:

UPDATE

DATE: May 5, 1978

COMMITTEE ACTION: 1. Fav. as CS-5/4/78

ANALYST STAFF DIRECTOR

2. \_\_\_\_\_

1. Brainerd Martin *DM*

SENATE

3. \_\_\_\_\_

2. \_\_\_\_\_

STAFF ANALYSIS AND ECONOMIC STATEMENT

AMEND. OR CS ATTACHED \_\_\_\_\_

3. \_\_\_\_\_

COMMERCE COMMITTEE

BILL No. AND SPONSOR:

SUBJECT:

CS/SB 1308 Senator Barron and Others

Motor Vehicle Insurance

REFERENCES: Commerce

I. SUMMARY:

Provides definitions for "motor vehicle," "private passenger motor vehicle," and "commercial motor vehicle." Increases required personal injury protection (PIP) coverage from \$5,000 to \$10,000. Limits rights to damages in tort actions. Modifies the collateral sources rule. Requires commercial vehicles to carry PIP. Provides for reimbursement of PIP and for primacy of workmen's compensation and medicaid for commercial vehicles. Provides for rate review.

II. PURPOSE:

A. Present Situation:

Current law requires \$5,000 in PIP coverage for all motor vehicles registered and licensed in this state and certain nonresident motor vehicles if present within the state for more than 90 of the last 365 days. A motor vehicle is defined basically as a non-commercial four-wheeled motor vehicle. Therefore, motorcycles and commercial vehicles are not required to carry PIP. Current law also contains a tort limitation stating that in a motor vehicle tort action, a plaintiff can recover damages for pain and suffering only if the injury consists of:

- (a) loss of a body member;
- (b) permanent loss of a bodily function;
- (c) permanent injury within a reasonable degree of medical probability, other than scarring or disfigurement;
- (d) significant permanent scarring or disfigurement;
- (e) a serious, nonpermanent injury which has a material degree of bearing on the injured person's ability to resume his normal activity and lifestyle during all or substantially all of the 90-day period after the occurrence of the injury, and the effects of which are medically or scientifically demonstrable at the end of such period; or
- (f) death.

Under the provisions passed last year in chapter 77-468, collateral sources of indemnity that have been paid prior to the commencement of a motor vehicle tort case may be admitted into evidence along with any amount paid by the claimant to secure the benefits.

Section 627.735, F.S., currently provides that motor vehicle liability insurance policies are deemed to satisfy the limits of liability of the financial responsibility and compulsory insurance laws of other states.

B. Effect on Present Situation:

This bill would expand the scope of the requirement to carry PIP coverage, so that it would include all self-propelled vehicles licensed for use on the highways of this state and any trailer or semi-trailer designed for use with such vehicle. Specifically excluded from this definition would be motorcycles, traction engines, road rollers, motor graders, farm tractors, power shovels,



BILL NO.: CS/SB 1308SPONSOR: Barron &  
OthersSENATE  
STAFF ANALYSIS AND ECONOMIC STATEMENT  
Commerce Committee ( Brainerd )

well drillers, mobile homes, or vehicles propelled by electric power obtained from overhead wires, but not operated upon rails. The required PIP coverage would be increased from \$5,000 to \$10,000.

The new tort threshold proposed by this bill would be more restrictive. In order to sue for pain and suffering, the injury must consist of:

- (a) significant and permanent loss of an important bodily function,
- (b) significant and permanent scarring or disfigurement, or
- (c) death.

Collateral sources of indemnity would be expanded. In any action for personal injury or death arising out of a motor vehicle accident, the court shall admit into evidence the total amount of collateral sources paid or payable. Additionally, the court could not award any damages which are otherwise paid or payable from collateral sources. As in current law, the court must also admit into evidence any amount paid by the claimant to secure the collateral sources.

Under the provisions of the bill, commercial motor vehicles would have to provide PIP benefits for accidents occurring inside the state of Florida. If a commercial motor vehicle is involved in an accident, the insurer would have a right of reimbursement for PIP benefits; workmen's compensation and medicaid would be primary.

The bill would direct the Department of Insurance to review rates for all motor vehicles and order a new rate schedule if rates are found to be excessive, inadequate or unfairly discriminatory. The review would commence within 30 days after January 1, 1980.

This bill would repeal s. 627.735(2), F.S. That section currently provides that motor vehicle liability insurance policies are deemed to satisfy the financial responsibility laws of other states.

III. ECONOMIC CONSIDERATIONS:A. Economic Impact on the Public: YES X NO

The provisions of this bill should help to reduce overall automobile insurance rates. The expansion of the collateral source rule, coupled with a restriction in the tort threshold, should reduce both the number of tort claims and the amount of final verdicts. Requiring no fault coverage for commercial vehicles would result in some added expense to their owners. The increase in required PIP coverage should only result in a nominal premium increase. Since the ultimate savings depends on the number and severity of future accidents, an exact economic impact is not quantifiable at this time.

B. Economic Impact on State or Local Government: YES NO XIV. COMMENTS:

Technical errors -- none noted.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR SENATE BILL 1308

The Committee Substitute for Senate Bill 1308 modifies the original bill in three ways. First, the required amount of PIP coverage would be increased from \$5,000 to \$10,000. Second, if a commercial vehicle is involved in an accident, the insurers would have a right of reimbursement for PIP benefits. Finally, if a commercial vehicle is involved in an accident, workmen's compensation and medicaid would be paid prior to PIP benefits.

Committee on Commerce

  
Chairman or Staff Director

C14(4-74) (File 2 copies with Committee Substitutes)

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Series 18 Carton 661

1                                   A bill to be entitled  
 2           An act relating to motor vehicle insurance;  
 3           amending s. 627.727(7), Florida Statutes;  
 4           providing that uninsured motorist coverage  
 5           shall not include damages for pain and  
 6           suffering except for specified injuries or  
 7           death; amending s. 627.732(1), Florida  
 8           Statutes; providing definitions of "motor  
 9           vehicle", "private passenger motor vehicle",  
 10          and "commercial motor vehicle"; amending s.  
 11          627.736(1), Florida Statutes; providing for  
 12          \$10,000 in personal injury protection coverage;  
 13          amending s. 627.737(2), Florida Statutes;  
 14          providing for limitations on rights to damages  
 15          for pain, suffering, mental anguish, and  
 16          inconvenience in tort actions arising out of  
 17          use of a motor vehicle; amending s.  
 18          627.7372(1), Florida Statutes; providing for  
 19          the admission into evidence in certain actions  
 20          the amount of all collateral sources paid or  
 21          payable to the claimant, and prohibiting an  
 22          award of damages which are otherwise paid or  
 23          payable; creating s. 627.7405, Florida  
 24          Statutes; providing personal injury protection  
 25          benefits for the insured, certain relatives,  
 26          operators, and passengers of a commercial motor  
 27          vehicle or other Florida residents struck by a  
 28          commercial motor vehicle in Florida; repealing  
 29          s. 627.735(2), Florida Statutes, relating to  
 30          the compliance of motor vehicle liability  
 31          insurance policies with financial

1 responsibility or compulsory insurance laws of  
 2 other states; providing for review by the  
 3 Department of Insurance of the rates of all  
 4 licensed motor vehicle insurers; providing for  
 5 issuance of orders by the Department of  
 6 Insurance to require new rate schedules where  
 7 existing rates are unfairly discriminatory;  
 8 providing an effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 12 Section 1. Subsection (7) of section 627.727, Florida  
 13 Statutes, is amended to read:

14 627.727 Automobile liability insurance; uninsured  
 15 vehicle coverage; insolvent insurer protection.--

16 (7) The legal liability of an uninsured motorist  
 17 coverage insurer shall not include damages in tort for pain,  
 18 suffering, mental anguish, and inconvenience unless the injury  
 19 or disease is described in one or more of paragraphs (a)  
 20 through (c) ~~(f)~~ of s. 627.737(2).

21 Section 2. Subsection (1) of section 627.732, Florida  
 22 Statutes, is amended to read:

23 627.732 Definitions.--As used in ss. 627.730-627.741:

24 (1) "Motor vehicle" means ~~a-sedan,-station-wagon,-or~~  
 25 ~~jeep-type-vehicle-not-used-as-a-public-livery-conveyance-for~~  
 26 ~~passengers-and-includes-any-other-four-wheel-motor-vehicle~~  
 27 ~~used-as-a-utility-automobile-and-a-pickup-or-panel-truck-which~~  
 28 ~~is-not-used-primarily-in-the-occupation,-profession,-or~~  
 29 ~~business-of-the-insured,-~~ any self-propelled vehicle which is  
 30 designed and required to be licensed for use on the highways  
 31

1 of this state and any trailer or semi-trailer designed for use  
2 with such vehicle, and includes:

3 (a) A "private passenger motor vehicle" which is any  
4 motor vehicle that is not used primarily in the occupation,  
5 profession, or business of the owner.

6 (b) A "commercial motor vehicle" which is any motor  
7 vehicle that is used primarily in the occupation, profession,  
8 or business of the owner.

9  
10 Such term does not include any motorcycle, traction engine,  
11 road roller, motor grader, farm tractor, power shovel, well  
12 driller, mobile home, or vehicle propelled by electric power  
13 obtained from overhead wires but not operated upon rails.

14 Section 3. Subsection (1) of section 627.736, Florida  
15 Statutes, is amended to read:

16 627.736 Required personal injury protection benefits;  
17 exclusions; priority.--

18 (1) REQUIRED BENEFITS.--Every insurance policy  
19 complying with the security requirements of s. 627.733 shall  
20 provide personal injury protection providing for payment of  
21 all reasonable expenses incurred for necessary medical,  
22 surgical, X-ray, dental, and rehabilitative services,  
23 including prosthetic devices; necessary ambulance, hospital,  
24 and nursing services; and funeral and disability benefits to  
25 the named insured, relatives residing in the same household,  
26 persons operating the insured motor vehicle, passengers in  
27 such motor vehicle, and other persons struck by such motor  
28 vehicle and suffering bodily injury while not an occupant of a  
29 self-propelled vehicle, all as specifically provided in  
30 subsection (2) and paragraph (4)(d), to a limit of \$10,000  
31 ~~\$5,000~~ for loss sustained by any such person as a result of



1 bodily injury, sickness, disease, or death arising out of the  
2 ownership, maintenance, or use of a motor vehicle as follows:

3 Section 4. Subsection (2) of section 627.737, Florida  
4 Statutes, is amended to read:

5 627.737 Tort exemption; limitation on right to  
6 damages; punitive damages.--

7 (2) In any action of tort brought against the owner,  
8 registrant, operator, or occupant of a motor vehicle with  
9 respect to which security has been provided as required by ss.  
10 627.730-627.741, or against any person or organization legally  
11 responsible for his acts or omissions, a plaintiff may recover  
12 damages in tort for pain, suffering, mental anguish, and  
13 inconvenience because of bodily injury, sickness, or disease  
14 arising out of the ownership, maintenance, operation, or use  
15 of such motor vehicle only in the event that the injury or  
16 disease consists in whole or in part of:

17 ~~(a)--Loss-of-a-body-member-~~

18 (a)(b) Significant and permanent loss of an important  
19 a bodily function.

20 ~~(e)--Permanent-injury-within-a-reasonable-degree-of~~  
21 ~~medical-probability, other than scarring or disfigurement-~~

22 (b)(d) Significant and permanent scarring or  
23 disfigurement.

24 ~~(e)--A-serious, nonpermanent-injury-which-has-a~~  
25 ~~material-degree-of-bearing-on-the-injured-person's-ability-to~~  
26 ~~resume-his-normal-activity-and-lifestyle-during-all-or~~  
27 ~~substantially-all-of-the-90-day-period-after-the-occurrence-of~~  
28 ~~the-injury, and-the-effects-of-which-are-medically-or~~  
29 ~~scientifically-demonstrable-at-the-end-of-such-period-~~

30 (c)(f) Death.  
31

1 Section 5. Subsection (1) of section 627.7372, Florida  
2 Statutes, is amended to read:

3 627.7372 Collateral sources of indemnity.--  
4 (1) In any action for personal injury or wrongful  
5 death arising out of the ownership, operation, use or  
6 maintenance of a motor vehicle, the court shall admit into  
7 evidence the total amount of all collateral sources ~~which have~~  
8 been paid or payable to the claimant, and the court shall not  
9 award any damages which are otherwise paid or payable to the  
10 claimant from any collateral source ~~prior to the commencement~~  
11 ~~of the trial~~. The court shall also admit into evidence any  
12 amount paid by the claimant to secure such collateral source.

13 Section 6. Section 627.7405, Florida Statutes, is  
14 created to read:

15 627.7405 Benefits payable to occupants of a commercial  
16 motor vehicle or others struck by a commercial motor  
17 vehicle.--Notwithstanding the provisions of s. 627.736(4)(d),  
18 the insurer of the owner of a commercial motor vehicle shall  
19 pay the personal injury protection benefits provided for in s.  
20 627.736(1) to the named insured, relatives residing in the  
21 same household, persons operating the insured commercial motor  
22 vehicle, passengers in such commercial motor vehicle, and any  
23 other resident of this state, struck by such commercial motor  
24 vehicle and suffering bodily injury while not an occupant of a  
25 motor vehicle or a motorcycle, traction engine, road roller,  
26 motor grader, farm tractor, power shovel, well driller, mobile  
27 home, or vehicle propelled by electric power obtained from  
28 overhead wires but not operated upon rails. The benefits  
29 received under any workmen's compensation law or Medicaid as  
30 provided under 42 USC 1396 et seq shall be credited against  
31 the benefits provided herein. The provisions of this section

1 shall not apply to any persons injured as a result of an  
2 accident involving a commercial motor vehicle occurring  
3 outside the State of Florida. Insurers shall have a right of  
4 reimbursement from any other insurer, based upon a  
5 determination of fault, for any personal injury protection  
6 benefits paid or obligated to be paid by that insurer as a  
7 result of an accident that involved two or more vehicles at  
8 least one of which is a type other than a private passenger  
9 motor vehicle.

10           Section 7. Within 30 days after January 1, 1980, the  
11 Department of Insurance shall commence a review of the rates  
12 of all licensed motor vehicle insurers in effect at the time.  
13 If, after the review, the department finds on a preliminary  
14 basis that the rate may be excessive, inadequate, or unfairly  
15 discriminatory, the department shall so notify the insurer.  
16 Upon being so notified, the insurer shall within 60 days file  
17 with the department all information which the insurer believes  
18 proves the reasonableness, adequacy, and fairness of the rate.  
19 In such instances, the insurer shall carry the burden of  
20 proof. In the event the department finds that a rate is  
21 excessive, inadequate, or unfairly discriminatory, the  
22 department may order that a new rate schedule be thereafter  
23 filed by the insurer and further specifying the manner in  
24 which noncompliance shall be corrected.

25           Section 8. Subsection (2) of section 627.735, Florida  
26 Statutes, is hereby repealed.

27           Section 9. This act shall take effect September 1,  
28 1978.

29  
30  
31

DATE: May 2, 1978

COMMITTEE ACTION: 1. \_\_\_\_\_

ANALYST STAFF DIRECTOR

2. \_\_\_\_\_

1. Brainerd Martin

SENATE

3. \_\_\_\_\_

2. \_\_\_\_\_

STAFF ANALYSIS AND ECONOMIC STATEMENT

AMEND. OR CS ATTACHED \_\_\_\_\_

3. \_\_\_\_\_

COMMERCE COMMITTEE

BILL No. AND SPONSOR:

SUBJECT:

SB 1308 Senator Barron and Others

Motor Vehicle Insurance

REFERENCES: Commerce

I. SUMMARY:

Provides that uninsured motorist coverage shall not include damages for pain and suffering unless the threshold is exceeded. Provides definitions for "motor vehicle," "private passenger motor vehicle," and "commercial motor vehicle." Limits rights to damages in tort actions. Modifies the collateral sources rule. Requires commercial vehicles to carry personal injury protection (PIP). Provides for rate review.

II. PURPOSE:

A. Present Situation:

Current law requires PIP coverage for all motor vehicles registered and licensed in this state and certain nonresident motor vehicles if present within the state for more than 90 of the last 365 days. A motor vehicle is defined basically as a non-commercial four-wheeled motor vehicle. Therefore, motorcycles and commercial vehicles are not required to carry PIP. Current law also contains a tort limitation stating that in a motor vehicle tort action, a plaintiff can recover damages for pain and suffering only if the injury consists of:

- (a) loss of a body member;
- (b) permanent loss of a bodily function;
- (c) permanent injury within a reasonable degree of medical probability, other than scarring or disfigurement;
- (d) significant permanent scarring or disfigurement;
- (e) a serious, nonpermanent injury which has a material degree of bearing on the injured person's ability to resume his normal activity and lifestyle during all or substantially all of the 90-day period after the occurrence of the injury, and the effects of which are medically or scientifically demonstrable at the end of such period; or
- (f) death.

Under the provisions passed last year in chapter 77-468, collateral sources of indemnity that have been paid prior to the commencement of a motor vehicle tort case may be admitted into evidence along with any amount paid by the claimant to secure the benefits.

Section 627.735, F.S., currently provides that motor vehicle liability insurance policies are deemed to satisfy the limits of liability of the financial responsibility and compulsory insurance laws of other states.

B. Effect on Present Situation:

This bill would expand the scope of the requirement to carry PIP coverage, so that it would include all self-propelled vehicles licensed for use on the highways of this state and any trailer or semi-trailer designed for use with such vehicle. Specifically excluded from this definition would be motorcycles, traction engines, road rollers, motor graders, farm tractors, power shovels, well drillers, mobile homes, or vehicles propelled by electric power obtained from overhead wires and operated upon rails.

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SENATE  
STAFF ANALYSIS AND ECONOMIC STATEMENT  
Commerce Committee ( Brainerd )

The new tort threshold proposed by this bill would be more restrictive. In order to sue for pain and suffering, the injury must consist of:

- (a) significant and permanent loss of an important bodily function,
- (b) significant and permanent scarring or disfigurement, or
- (c) death.

Collateral sources of indemnity would be expanded. In any action for personal injury or death arising out of a motor vehicle accident, the court shall admit into evidence the total amount of collateral sources paid or payable. Additionally, the court could not award any damages which are otherwise paid or payable from collateral sources. As in current law, the court must also admit into evidence any amount paid by the claimant to secure the collateral sources.

Under the provisions of the bill, commercial motor vehicles would have to provide PIP benefits for accidents occurring inside the state of Florida.

The bill would direct the Department of Insurance to review rates for all motor vehicles and order a new rate schedule if rates are found to be excessive, inadequate or unfairly discriminatory. The review would commence within 30 days after January 1, 1980.

This bill would repeal s. 627.735(2), F.S. That section currently provides that motor vehicle liability insurance policies are deemed to satisfy the financial responsibility laws of other states.

III. ECONOMIC CONSIDERATIONS:

A. Economic Impact on the Public: YES X NO    

The provisions of this bill should help to reduce overall automobile insurance rates. The expansion of the collateral source rule, coupled with a restriction in the tort threshold, should reduce both the number of tort claims and the amount of final verdicts. Requiring no fault coverage for commercial vehicles would result in some added expense to their owners. Since the ultimate savings depends on the number and severity of future accidents, an exact economic impact is not quantifiable at this time.

B. Economic Impact on State or Local Government: YES     NO X

IV. COMMENTS:

On page 3 lines 8 - 11, the exclusions from the definition of "motor vehicle" include a "vehicle propelled by electric power obtained from overhead wires and operated upon rails." The current financial responsibility law (s. 324.021, F.S.) excludes from the definition of motor vehicle "every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails."



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1 A bill to be entitled  
2 An act relating to motor vehicle insurance;  
3 amending s. 627.727(7), Florida Statutes;  
4 providing that uninsured motorist coverage  
5 shall not include damages for pain and  
6 suffering except for specified injuries or  
7 death; amending s. 627.732(1), Florida  
8 Statutes; providing definitions of "motor  
9 vehicle", "private passenger motor vehicle",  
10 and "commercial motor vehicle"; amending s.  
11 627.737(2), Florida Statutes; providing for  
12 limitations on rights to damages for pain,  
13 suffering, mental anguish, and inconvenience in  
14 tort actions arising out of use of a motor  
15 vehicle; amending s. 627.7372(1), Florida  
16 Statutes; providing for the admission into  
17 evidence in certain actions the amount of all  
18 collateral sources paid or payable to the  
19 claimant, and prohibiting an award of damages  
20 which are otherwise paid or payable; creating  
21 s. 627.7405, Florida Statutes; providing  
22 personal injury protection benefits for the  
23 insured, certain relatives, operators, and  
24 passengers of a commercial motor vehicle or  
25 other Florida residents struck by a commercial  
26 motor vehicle in Florida; repealing s.  
27 627.735(2), Florida Statutes, relating to the  
28 compliance of motor vehicle liability insurance  
29 policies with financial responsibility or  
30 compulsory insurance laws of other states;  
31 providing for review by the Department of

1 Insurance of the rates of all licensed motor  
 2 vehicle insurers; providing for issuance of  
 3 orders by the Department of Insurance to  
 4 require new rate schedules where existing rates  
 5 are unfairly discriminatory; providing an  
 6 effective date.

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

9  
 10 Section 1. Subsection (7) of section 627.727, Florida  
 11 Statutes, is amended to read:

12 627.727 Automobile liability insurance; uninsured  
 13 vehicle coverage; insolvent insurer protection.--

14 (7) The legal liability of an uninsured motorist  
 15 coverage insurer shall not include damages in tort for pain,  
 16 suffering, mental anguish, and inconvenience unless the injury  
 17 or disease is described in one or more of paragraphs (a)  
 18 through (c) ~~(f)~~ of s. 627.737(2).

19 Section 2. Subsection (1) of section 627.732, Florida  
 20 Statutes, is amended to read:

21 627.732 Definitions.--As used in ss. 627.730-627.741:

22 (1) "Motor vehicle" means ~~a-sedan, station-wagon, or~~  
 23 ~~jeep-type-vehicle-not-used-as-a-public-livery-conveyance-for~~  
 24 ~~passengers-and-includes-any-other-four-wheel-motor-vehicle~~  
 25 ~~used-as-a-utility-automobile-and-a-pickup-or-panel-truck-which~~  
 26 ~~is-not-used-primarily-in-the-occupation, profession, or~~  
 27 ~~business-of-the-insured.~~ any self-propelled vehicle which is  
 28 designed and required to be licensed for use on the highways  
 29 of this state and any trailer or semi-trailer designed for use  
 30 with such vehicle, and includes:

31

1           (a) A "private passenger motor vehicle" which is any  
2 motor vehicle that is not used primarily in the occupation,  
3 profession, or business of the owner.

4           (b) A "commercial motor vehicle" which is any motor  
5 vehicle that is used primarily in the occupation, profession,  
6 or business of the owner.

7  
8 Such term does not include any motorcycle, traction engine,  
9 road roller, motor grader, farm tractor, power shovel, well  
10 driller, mobile home, or vehicle propelled by electric power  
11 obtained from overhead wires and operated upon rails.

12           Section 3. Subsection (2) of section 627.737, Florida  
13 Statutes, is amended to read:

14           627.737 Tort exemption; limitation on right to  
15 damages; punitive damages.--

16           (2) In any action of tort brought against the owner,  
17 registrant, operator, or occupant of a motor vehicle with  
18 respect to which security has been provided as required by ss.  
19 627.730-627.741, or against any person or organization legally  
20 responsible for his acts or omissions, a plaintiff may recover  
21 damages in tort for pain, suffering, mental anguish, and  
22 inconvenience because of bodily injury, sickness, or disease  
23 arising out of the ownership, maintenance, operation, or use  
24 of such motor vehicle only in the event that the injury or  
25 disease consists in whole or in part of:

26           ~~(a)--Loss-of-a-body-member-~~

27           (a)(b) Significant and permanent loss of an important  
28 a bodily function.

29           ~~(c)--Permanent-injury-within-a-reasonable-degree-of~~  
30 ~~medical-probability,-other-than-scarring-or-disfigurement-~~

31

1            (b)~~(d)~~ Significant and permanent scarring or  
2 disfigurement.

3            ~~(e)--A-serious, nonpermanent injury which has a~~  
4 ~~material degree of bearing on the injured person's ability to~~  
5 ~~resume his normal activity and lifestyle during all or~~  
6 ~~substantially all of the 90-day period after the occurrence of~~  
7 ~~the injury, and the effects of which are medically or~~  
8 ~~scientifically demonstrable at the end of such period.~~

9            (c)~~(f)~~ Death.

10           Section 4. Subsection (1) of section 627.7372, Florida  
11 Statutes, is amended to read:

12           627.7372 Collateral sources of indemnity.--

13           (1) In any action for personal injury or wrongful  
14 death arising out of the ownership, operation, use or  
15 maintenance of a motor vehicle, the court shall admit into  
16 evidence the total amount of all collateral sources ~~which have~~  
17 been paid or payable to the claimant, and the court shall not  
18 award any damages which are otherwise paid or payable to the  
19 claimant from any collateral source prior to the commencement  
20 ~~of the trial~~. The court shall also admit into evidence any  
21 amount paid by the claimant to secure such collateral source.

22           Section 5. Section 627.7405, Florida Statutes, is  
23 created to read:

24           627.7405 Benefits payable to occupants of a commercial  
25 motor vehicle or others struck by a commercial motor  
26 vehicle.--Notwithstanding the provisions of s. 627.736(4)(d),  
27 the insurer of the owner of a commercial motor vehicle shall  
28 pay the personal injury protection benefits provided for in s.  
29 627.736(1) to the named insured, relatives residing in the  
30 same household, persons operating the insured commercial motor  
31 vehicle, passengers in such commercial motor vehicle, and any

1 other resident of this state, struck by such commercial motor  
2 vehicle and suffering bodily injury while not an occupant of a  
3 motor vehicle or a motorcycle, traction engine, road roller,  
4 motor grader, farm tractor, power shovel, well driller, mobile  
5 home, or vehicle propelled by electric power obtained from  
6 overhead wires and operated upon rails. The provisions of  
7 this section shall not apply to any persons injured as a  
8 result of an accident involving a commercial motor vehicle  
9 occurring outside the State of Florida.

10           Section 6. Within 30 days after January 1, 1980, the  
11 Department of Insurance shall commence a review of the rates  
12 of all licensed motor vehicle insurers in effect at the time.  
13 If, after the review, the department finds on a preliminary  
14 basis that the rate may be excessive, inadequate, or unfairly  
15 discriminatory, the department shall so notify the insurer.  
16 Upon being so notified, the insurer shall within 60 days file  
17 with the department all information which the insurer believes  
18 proves the reasonableness, adequacy, and fairness of the rate.  
19 In such instances, the insurer shall carry the burden of  
20 proof. In the event the department finds that a rate is  
21 excessive, inadequate, or unfairly discriminatory, the  
22 department may order that a new rate schedule be thereafter  
23 filed by the insurer and further specifying the manner in  
24 which noncompliance shall be corrected.

25           Section 7. Subsection (2) of section 627.735, Florida  
26 Statutes, is hereby repealed.

27           Section 8. This act shall take effect September 1,  
28 1978.

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SENATE SUMMARY

Provides that uninsured motorist coverage shall not include damages for pain and suffering unless the injury consists of a significant loss of an important bodily function, significant and permanent disfigurement, or death. Provides definitions of motor vehicles, private passenger motor vehicles, and commercial motor vehicles. Limits the right to damages for pain, suffering, mental anguish, and inconvenience in tort actions arising out of use of a motor vehicle. Provides for the admission into evidence in certain actions, the amount of all collateral sources paid or payable to the claimant. Prohibits the award of damages which are otherwise paid or payable to a claimant from any collateral source. Requires insurer of the owner of a commercial motor vehicle to pay personal injury protection benefits to the insured, certain relatives, operators, and passengers of such vehicle or to other Florida residents struck by such vehicle within the state. Repeals s. 627.735(2), F. S., which provides that motor vehicle liability insurance policies are deemed to satisfy the limits of liability of the financial responsibility and compulsory insurance laws of other states. Requires the Department of Insurance within 30 days after January 1, 1980, to review the rates of all licensed motor vehicle insurers, to make determinations whether such rates are excessive, and to order new rate schedules where rates are unfairly discriminatory.

By Representative Richard

A bill to be entitled

An act relating to motor vehicle insurance; creating s. 627.083, Florida Statutes, providing a point classification system for drivers based upon the point system for violation of the Uniform Traffic Control Law; providing insurance rates for Class A and B drivers; amending s. 322.27(2)(d), Florida Statutes, providing that certain violations of the Uniform Traffic Control Law shall be assigned one point; amending s. 627.7263(1), Florida Statutes, to remove references to sections of the Florida Automobile Reparatons Reform Act; repealing ss. 627.730-627.741, Florida Statutes, eliminating the Florida Automobile Reparatons Reform Act; providing an effective date.

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

Section 1. Short title.--This act shall be known as the "Driver Self-rating Insurance Act."

Section 2. Section 627.083, Florida Statutes, is created to read:

627.083 Motor vehicle insurance; driver classification.--

(1) For purposes of establishing rates for motor vehicle insurance, all drivers licensed in the state shall be classified as follows:

(a) Class A--Drivers who have received less than three points pursuant to s. 322.27 during the previous 24 months.

This public document was promulgated at a cost of \$7.66 per page for 900 copies and for the information of members of the Legislature and the public.

1 (b) Class B--Drivers who have received more than two 1.2  
2 and not more than six points pursuant to s. 322.27 and have  
3 not been convicted of reckless driving or driving while under 1.2  
4 the influence as defined in s. 316.193 during the previous 24 1.2  
5 months, and newly licensed drivers.

6 (c) Class C--Drivers who have received seven or more 1.:  
7 points pursuant to s. 322.27 or who have been convicted of 1.:  
8 reckless driving or driving while under the influence as 1.  
9 defined in s. 316.193 during the previous 24 months.

10 (2) Except as provided by subsection (4), motor 1.  
11 vehicle insurance rates for Class A drivers shall not exceed 1.  
12 the average of the lowest rates provided in Florida on January  
13 1, 1976, by all authorized motor vehicle insurers as 1.  
14 determined by the department.

15 (3) Except as provided in subsection (4), motor 1.  
16 vehicle insurance rates for Class B drivers shall not exceed 1.  
17 the maximum rate permitted for Class A drivers by more than 25 1.  
18 percent.

19 (4) The department may approve increases in rates for 1.  
20 Class A or Class B drivers when necessary to account for  
21 increases in the cost of providing motor vehicle insurance 1.  
22 solely to each class.

23 Section 3. Paragraph (d) of subsection (2) of section 1.  
24 322.27, Florida Statutes, is amended to read:

25 322.27 Authority of department to suspend or revoke 1.  
26 license.--

27 (2) There is established a point system for evaluation 1.:  
28 of convictions of violations of motor vehicle laws or 1.:  
29 ordinances for the determination of the continuing 1.:  
30 qualification of any person to operate a motor vehicle. The  
31 department is authorized to suspend the license of any 1.:

1 operator or chauffeur upon showing of its records or other  
2 good and sufficient evidence that the licensee has been  
3 convicted of violation of motor vehicle laws or ordinances  
4 amounting to 12 or more points as determined by the point  
5 system. The suspension shall be for a period of not more than  
6 1 year.

7 (d) The point system shall have as its basic element a  
8 graduated scale of points assigning relative values to  
9 convictions of the following violations:

10 1. Reckless driving, willful and wanton--4 points.

11 2. Leaving the scene of an accident resulting in  
12 property damage of more than \$50--6 points.

13 3. Unlawful speed resulting in an accident--6 points.

14 4. Passing a stopped school bus--4 points.

15 5. Unlawful speed:

16 a. Not in excess of 15 miles per hour of lawful or  
17 posted speed--3 points.

18 b. In excess of 15 miles per hour of lawful or posted  
19 speed--4 points.

20 c. In excess of the posted speed but not in excess of  
21 70 miles per hour on the Sunshine State Parkway or on any  
22 interstate limited access freeway--1 point.

23 6. Improper equipment (brakes, lights, steering)--2  
24 points.

25 7. All other moving violations (including parking on a  
26 highway outside the limits of a municipality)--3 points.

27 8. Any moving violation covered above resulting in an  
28 accident--4 points.

29 Section 4. Subsection (1) of section 627.7263, Florida  
30 Statutes, is amended to read:

31

1	627.7263 Rental and leasing driver's insurance	1.5
2	primary.--	
3	(1) The valid and collectible liability insurance or	1.
4	personal injury protection insurance providing coverage for	1.
5	the rental or leasing driver or any other person operating the	2.
6	motor vehicle with the permission or consent of the rental or	
7	leasing driver shall be primary. Such insurance shall be	2
8	primary for the limits of liability and personal injury	2
9	protection coverage as required by <u>s. ssr 324.021(7) and</u>	2
10	<u>627.736.</u>	2
11	Section 5. Sections 627.730, 627.731, 627.732 and	2
12	627.734, Florida Statutes; section 627.733, Florida Statutes,	2
13	as amended by chapter 77-118 and 77-468, Laws of Florida;	
14	section 627.735, Florida Statutes, as amended by chapter 77-	2
15	468, Laws of Florida; sections 627.736, 627.737, and 627.739,	
16	Florida Statutes, as amended by chapters 76-266 and 77-468,	2
17	Laws of Florida; sections 627.7372 and 627.7403, Florida	
18	Statutes, as created by chapter 77-468, Laws of Florida;	
19	section 627.7375, Florida Statutes, as created by chapter 76-	2
20	266, Laws of Florida, and as amended by chapter 77-468, Laws	
21	of Florida; section 627.7377, Florida Statutes, as created by	2
22	chapter 76-266, Laws of Florida; and section 627.741, Florida	
23	Statutes, as amended by chapter 76-266, Laws of Florida, are	2.
24	hereby repealed.	
25	Section 6. This act shall take effect July 1, 1980.	2.
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HOUSE SUMMARY

Repeals the Florida Automobile Reparations Reform Act and provides a classification system for all drivers based on the point system currently in effect with respect to citations for violations of the Uniform Traffic Control Law. Provides that insurance rates for Class A drivers shall not exceed the average of the lowest rates provided in Florida on January 1, 1976, by all authorized motor vehicle insurers, and provides that Class B drivers' insurance rates may not exceed the rate for Class A drivers by more than 25 percent. Provides that persons who drive in excess of the posted speed but not in excess of 70 miles per hour on the Sunshine State Parkway or on any limited access freeway shall receive one point for such a violation.

# Journal

of the

# House of Representatives



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SECOND REGULAR SESSION  
of the  
FIFTH LEGISLATURE  
[under the Constitution as Revised in 1968]

APRIL 4 through JUNE 2, 1978  
[Including a record of transmittal of Acts subsequent to sine die adjournment]

By the Committee on Commerce and Senator Barron and others—

**CS for SB 1308**—A bill to be entitled An act relating to motor ve ic e insurance; amending s. 627.727(7), Florida Statutes; providing that uninsured motorist coverage shall not include damages for pain and suffering except for specified injuries or death; amending s. 627.732(1), Florida Statutes; providing definitions of "motor vehicle", "private passenger motor vehicle", and "commercial motor vehicle"; amending s. 627.736(1), Florida Statutes; providing for \$10,000 in personal injury protection coverage; amending s. 627.737(2), Florida Statutes; providing for limitations on rights to damages for pain, suffering, mental anguish, and inconvenience in tort actions arising out of use of a motor vehicle; amending s. 627.7372(1), Florida Statutes; providing for the admission into evidence in certain actions the amount of all collateral sources paid or payable to the claimant, and prohibiting an award of damages which are otherwise paid or payable; creating s. 627.7405, Florida Statutes; providing personal injury protection benefits for the insured, certain relatives, operators, and passengers of a commercial motor vehicle or other Florida residents struck by a commercial motor vehicle in Florida; repealing s. 627.735(2), Florida Statutes, relating to the compliance of motor vehicle liability insurance policies with financial responsibility or compulsory insurance laws of other states; providing for review by the Department of Insurance of the rates of all licensed motor vehicle insurers; providing for issuance of orders by the Department of Insurance to require new rate schedules where existing rates are unfairly discriminatory; providing an effective date.

—was read the first time by title and taken up by waiver of the rules.

On motion by Mr. Brown, the rules were waived and the bill was read the second time by title.

Representative Brown offered the following amendment:

**Amendment 1**—On page 2, line 20, strike "through (c) ~~(f)~~ of s. 627.737(2)." and insert: through (d) ~~(f)~~ of s. 627.737(2).

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

Representative Brown offered the following amendment:

**Amendment 2**—On page 4, line 21, strike "~~other than scarring or disfigurement~~" and insert: , other than scarring or disfigurement

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

Representative Langley offered the following amendment:

**Amendment 3**—On page 5, line 11, after the period insert: The court shall further instruct the jury to add to its verdict the appropriate amount to compensate the claimant for amounts paid for the benefits received from any collateral sources.

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

Yeas—24

Andrews	Evans	Hollingsworth	Papy
Becker	Forbes	Kirkwood	Patterson
Burrall	Frank	Langley	Rish
Cassens	Gersten	Maxwell	Sample
Considine	Grizzle	McDonald	Williams
Easley	Hawkins	Nuckolls	Woodruff

Nays—84

The Chair	Boyd	Davis	Fox
Adams	Burnsed	Dixon	Fulford
Allen	Carlton	Dyer	Gallagher
Barrett	Cherry	Eckhart	Girardeau
Batchelor	Conway	Ewing	Gordon
Bell	Cox	Fechtel	Gustafson
Black	Crady	Fontana	Haben
Blackburn	Crawford	Fortune	Hagler
Bloom	Danson	Foster	Hattaway

Hazelton	Lehman	Moffitt	Redman
Hazouri	Lewis, J. W.	Moore, R.	Richard
Healey	Lewis, T.	Moore, T.	Richmond
Hector	Lockward	Neal	Robinson
Hieber	Malloy	Nelson	Sadowski
Hill	Mann	Ogden	Sheldon
Hodes	Margolis	O'Malley	Smith
Hutto	McCall	Pajcic	Steinberg
James	McKnight	Patchett	Taylor
Jennings	McPherson	Poindexter	Ward
Kiser	Melvin	Poole	Warner
Kutun	Mixson	Ready	Young

Votes after roll call:

Nays—Mica, Thompson, Brown

THE SPEAKER IN THE CHAIR

Representative Steinberg offered the following amendment:

**Amendment 4**—On page 3, line 2, strike "designed for use with such vehicle, and includes:" and insert: designed for use with such vehicle, except mopeds, as defined in s. 316.003(2), and includes:

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

Representative Forbes offered the following amendment:

**Amendment 5**—On page 3, lines 30 and 31, strike "\$10,000 \$5,000" and insert: \$5,000

Mr. Forbes moved the adoption of the amendment. On motion by Mr. Martin, the amendment was laid on the table.

Representative Becker offered the following amendment:

**Amendment 6**—On page 6, line 13, strike "January 1, 1979" and insert: July 1, 1978

Mr. Becker moved the adoption of the amendment.

Representative Moffitt offered the following substitute amendment:

**Substitute Amendment 6**—On page 6, line 13, strike "Section 9. This act shall take effect January 1, 1979" and insert: Section 9. This act shall take effect on January 1, 1979, and shall apply to all accidents occurring on or after the effective date.

Mr. Moffitt moved the adoption of the substitute amendment.

Mr. Martin moved the previous question on the substitute amendment, which was agreed to, and the question recurred on the adoption of Substitute Amendment 6, which was adopted. The vote was:

Yeas—57

The Chair	Danson	Jones	Nelson
Allen	Eckhart	Kershaw	Ogden
Barrett	Fontana	Kutun	Pajcic
Batchelor	Foster	Lewis, J. W.	Poindexter
Bell	Fox	Lockward	Poole
Black	Gersten	Martin	Redman
Blackburn	Girardeau	McCall	Richard
Brown	Gustafson	McDonald	Richmond
Burnsed	Haben	McKnight	Sadowski
Carlton	Hattaway	Mixson	Sample
Cassens	Hawkins	Moffitt	Sheldon
Cherry	Hazoui	Moore, R.	Smith
Conway	Hodes	Moore, T.	
Crawford	Hutto	Morgan	
Culbreath	James	Neal	

Nays—56

Adams	Boyd	Crady	Easley
Andrews	Burrall	Davis	Evans
Becker	Considine	Dixon	Ewing
Bloom	Cox	Dyer	Fechtel



**Florida  
Information  
Associates**

P.O. Box 11144  
Tallahassee, Florida 32302  
(904) 878-0188

REQUEST FOR AUDIO TAPE DUPLICATION  
Florida Legislative Committee Meetings

Date: August 11, 1988

To: Clerk of the House of Representatives  
Room 427, The Capitol  
Tallahassee, FL 32399-1300

To Whom It May Concern:

I hereby request duplicate copies of the following tapes:

House Floor Debate; CS/9B 1308 (1978 Reg. Session),  
May 31, 1978 re: Amendment 3 (House Journal, p. 926)

Please call me at 878-0188 when these duplicate tapes will be available.

Thank you for your assistance.

Sincerely,

*Connie J. Beane*  
Connie J. Beane, President

by:

*Edward J. Tribble*  
Edward J. Tribble



**Florida  
Information  
Associates**

P.O. Box 11144  
Tallahassee, Florida 32302  
(904) 878-0188

REQUEST FOR AUDIO TAPE DUPLICATION  
Florida Legislative Committee Meetings

Date: August 11, 1988

To: Secretary of the Senate  
Room 404, The Capitol  
Tallahassee, FI 32399-1100

To Whom It May Concern:

I hereby request duplicate copies of the following tapes:

Senate Floor Debate; CS/SB 1308 (1978 Reg. Session),  
May 18, 1978 re: amendment 4 (Senate Journal, p. 426)

Please call me at 878-0188 when these duplicate tapes will be available.

Thank you for your assistance.

Sincerely,

*Connie J. Beane*  
Connie J. Beane, President

by: *Edward J. Tribble*  
Edward J. Tribble