

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Nelson offered the following:

**Amendment to Amendment (951461) (with title amendment)**

Between lines 3518 and 3519, insert:

Section 29. Paragraph (a) of subsection (1) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(1) REQUIRED BENEFITS.—Every insurance policy complying with the security requirements of s. 627.733 shall provide personal injury protection to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in such motor vehicle, and other persons struck by such motor vehicle and suffering bodily injury while not an occupant of a self-propelled vehicle, subject to the provisions of subsection (2) and paragraph (4) (e), to a

Amendment No.

17 limit of \$10,000 for loss sustained by any such person as a  
18 result of bodily injury, sickness, disease, or death arising out  
19 of the ownership, maintenance, or use of a motor vehicle as  
20 follows:

21 (a) Medical benefits.—Eighty percent of all reasonable  
22 expenses for medically necessary medical, surgical, X-ray,  
23 dental, and rehabilitative services, including prosthetic  
24 devices, and medically necessary ambulance, hospital, and  
25 nursing services. However, the medical benefits shall provide  
26 reimbursement only for such services and care that are lawfully  
27 provided, supervised, ordered, or prescribed by a physician  
28 licensed under chapter 458 or chapter 459, a dentist licensed  
29 under chapter 466, or a chiropractic physician licensed under  
30 chapter 460 or that are provided by any of the following persons  
31 or entities:

32 1. A hospital or ambulatory surgical center licensed under  
33 chapter 395.

34 2. A person or entity licensed under ss. 401.2101-401.45  
35 that provides emergency transportation and treatment.

36 3. An entity wholly owned by one or more physicians  
37 licensed under chapter 458 or chapter 459, chiropractic  
38 physicians licensed under chapter 460, or dentists licensed  
39 under chapter 466 or by such practitioner or practitioners and  
40 the spouse, parent, child, or sibling of that practitioner or  
41 those practitioners.

42 4. An entity wholly owned, directly or indirectly, by a  
43 hospital or hospitals.

872013

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Amendment No.

44 5. A health care clinic licensed under ss. 400.990-400.995  
45 that is:

46 a. Accredited by the Joint Commission on Accreditation of  
47 Healthcare Organizations, the American Osteopathic Association,  
48 the Commission on Accreditation of Rehabilitation Facilities, or  
49 the Accreditation Association for Ambulatory Health Care, Inc.;

50 or

51 b. A health care clinic that:

52 (I) Has a medical director licensed under chapter 458,  
53 chapter 459, or chapter 460;

54 (II) Has been continuously licensed for more than 3 years  
55 or is a publicly traded corporation that issues securities  
56 traded on an exchange registered with the United States  
57 Securities and Exchange Commission as a national securities  
58 exchange; and

59 (III) Provides at least four of the following medical  
60 specialties:

61 (A) General medicine.

62 (B) Radiography.

63 (C) Orthopedic medicine.

64 (D) Physical medicine.

65 (E) Physical therapy.

66 (F) Physical rehabilitation.

67 (G) Prescribing or dispensing outpatient prescription  
68 medication.

69 (H) Laboratory services.

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Amendment No.

71 When any services under this paragraph are provided by an entity  
72 or clinic described in subparagraph 3., subparagraph 4., or  
73 subparagraph 5., the medical benefits shall provide  
74 reimbursement for such services only if the entity or clinic  
75 provides to the insurer a sworn statement or affidavit on a form  
76 adopted by rule of the Financial Services Commission that states  
77 that the entity or clinic meets the criteria of subparagraph 3.,  
78 subparagraph 4., or subparagraph 5. Where the entity or clinic  
79 submits more than one charge with respect to services provided a  
80 particular individual with respect to a particular crash, the  
81 form may be submitted with the first charge and need not be  
82 submitted with respect to the other charges. The Financial  
83 ~~Services Commission shall adopt by rule the form that must be~~  
84 ~~used by an insurer and a health care provider specified in~~  
85 ~~subparagraph 3., subparagraph 4., or subparagraph 5. to document~~  
86 ~~that the health care provider meets the criteria of this~~  
87 ~~paragraph, which rule must include a requirement for a sworn~~  
88 ~~statement or affidavit. Only insurers writing motor vehicle~~  
89 ~~liability insurance in this state may provide the required~~  
90 ~~benefits of this section, and no such insurer shall require the~~  
91 ~~purchase of any other motor vehicle coverage other than the~~  
92 ~~purchase of property damage liability coverage as required by s.~~  
93 ~~627.7275 as a condition for providing such required benefits.~~  
94 Insurers may not require that property damage liability  
95 insurance in an amount greater than \$10,000 be purchased in  
96 conjunction with personal injury protection. Such insurers shall  
97 make benefits and required property damage liability insurance  
98 coverage available through normal marketing channels. Any

872013

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Amendment No.

99 insurer writing motor vehicle liability insurance in this state  
100 who fails to comply with such availability requirement as a  
101 general business practice shall be deemed to have violated part  
102 IX of chapter 626, and such violation shall constitute an unfair  
103 method of competition or an unfair or deceptive act or practice  
104 involving the business of insurance; and any such insurer  
105 committing such violation shall be subject to the penalties  
106 afforded in such part, as well as those which may be afforded  
107 elsewhere in the insurance code.

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110 **T I T L E A M E N D M E N T**

111 Remove line 4754 and insert:  
112 verification of uniform mitigation verification forms;  
113 amending s. 627.736, F.S.; revising requirements for the  
114 form that must be submitted by health care clinics and  
115 other facilities along with invoices for payment of  
116 personal injury protection medical benefits; creating