



Form Filing Checklist

Private Passenger Auto Forms

To help facilitate and expedite the review and approval of private passenger auto form filings, the Florida Office of Insurance Regulation (OIR) provides this checklist as a resource. This checklist includes statute and rules that apply to private passenger auto forms **but may not contain all of the requirements** for a private passenger auto form filing. Please refer to the cited statutes and rules for instructions and guidance.

Companies can complete this checklist when making a private passenger auto filing and upload this document as a part of the form filing.

Statute/Rule	Topic	Comments	Yes	N/A	Form #	Page #
626.752(1)(b) & (3)(b),(c),(d)	Applications	If applicable, must follow exchange of business requirements				
627.4085(1)		Must disclose the name and license number of the agent				
		Must prominently display the name of the insuring entity on the first page (typed, printed, stamped, or legibly handwritten)				
627.409 690-167.005		Statements made by insureds in applications are representations, not warranties. Warranties by insured are not allowed				
627.410(1)		The application must be filed if it is to be made part of the policy/contract of insurance				
626.9741(3) 690-125.004(3)(c)		An insurer must include a notice to the consumer that a credit report or score is being requested for underwriting or rating purposes with the language required by the statute.				
817.234(1)(b)		All application forms must contain the fraud statement				
626.752(3)(e)		Brokering Agents Requirements – exchange of business				

Private Passenger Auto Forms Checklist

Statute/Rule	Topic	Comments	Yes	N/A	Form #	Page #
627.421		Affirmative election by policyholder of electronic delivery of policy documents				
<i>Sec. First Ins. Co. v. State, Office of Ins. Regulation</i> , 177 So. 3d 627 (Fla. 1 st DCA 2015)	Assignment of Benefits	Cannot prohibit an insureds post loss right to assign benefits				
<i>United Insurance Co. v. Office of Insurance Regulation</i> , 985 So.2d 665 (1 st DCA 2008) 624.155	Arbitration	This dispute resolution process cannot be mandatory in insurance contracts				
627.4205	Binders	Coverage identification number required				
627.420		5 days' notice required for cancellation				
324.0221(1)(a)	Cancellation Notices	Cancellations should be reported to the Department of Highway Safety within 10 days				
324.0221(1)(b) & (3)		Shall inform insured of notice to the Department of Highway Safety; must also inform insured that failure to maintain PIP and Property Damage liability can result in loss of driving privileges and amounts of reinstatement fees (second part not required for Motorcycles)				
626.9741(3)		Notification to insured if adverse decision was based on credit				
627.728(3)(a)		Advance written notice of at least 10 days for nonpayment				
627.728(3)		Advance written notice of at least 45 days for reasons other than nonpayment				
		Must include reason(s) for cancellation				
627.728(6)		Florida Automobile JUA Notification required (except in cases of cancellation for nonpayment)				

Private Passenger Auto Forms Checklist

Statute/Rule	Topic	Comments	Yes	N/A	Form #	Page #
627.728(7)		Right to appeal cancellation except for nonpayment; must be prominently displayed				
627.7283(1) & (2) 690-167.001		Return of premium within 30 days after cancellation if insured cancels and within 15 days if insurer cancels				
627.728(12)	Cancellation Notice to Lienholder	Required to be sent in 10 business days or less after termination				
627.7283(4)	Cancellation Provisions	Short rate is 90% of pro rata if insured cancels; insurer must refund 100% in case of insurer cancellation and servicemembers in certain cases				
627.7295(4)		Carrier cannot cancel during first thirty (30) days for nonpayment unless there is a dishonored check or other payment method not honored				
790.338(7)		May not deny coverage, increase premium, or otherwise discriminate due to lawful ownership or possession of or lawful use or storage of a firearm or ammunition.				
626.9541(1)(g)4.a.		Limitations on disclosure of lawful use, ownership or possession of firearms.				
690-170.010(1) & (3)		The inclusion of fully earned premium provisions in insurance contracts or endorsements is prohibited (see rule for exceptions)				
627.7295(3)		An insured may not cancel in the first two months except for specific reasons				
627.728		Company can cancel for any reason other than nonpayment within the first 60 days				
627.728(2)		Limited reasons for cancellation after the policy is in effect for 60 days				

Private Passenger Auto Forms Checklist

Statute/Rule	Topic	Comments	Yes	N/A	Form #	Page #
627.728(1)	Cancellation, void policy	Curing opportunity for dishonored checks representing initial premium payment 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 registered or certified mail				
627.4265	Claims	Required to be paid within 20 days from the time a person and insurer have agreed in writing to the settlement of a claim				
626.9743(9)		Company's option to defer payment of sales tax				
627.745 690-176.022	Claims - Mediation	Either party may demand mediation in claims for bodily injury under \$10,000 or property damage in any amount; policy shall specify in detail the terms and conditions for mediation of a first-party claim				
624.425	Declarations	Policy must be signed by Florida licensed agent				
627.413	Declarations Page & Contents of Policy	Every policy shall specify: parties to the contract, subject of the insurance, risk insured against, effective date and time, the premium, conditions and form numbers of all endorsements attached to the policy				
627.7288	Deductibles	No deductible for windshield under comprehensive coverage				
627.421	Delivery of policy	Policy must be mailed, delivered, or electronically transmitted no later than 60 days after effectuation of coverage				
626.9743(3) & (4)	Designated Repair Shops & Replacement Parts	Requirements to go to a specific repair facility; may not require replacement parts that are not at least of equivalent kind/quality				
627.736 , 627.727 , 627.7275 , 324.022 & 324.151	Driver Exclusion	Must include a statement that the excluded driver must maintain financial ability to respond to damages resulting from the operation, maintenance or use of a motor vehicle				

Private Passenger Auto Forms Checklist

Statute/Rule	Topic	Comments	Yes	N/A	Form #	Page #
627.7295(5)	Fees - Automobile	\$10 per policy in certain situations; fee is not part of the premium				
324.151(1)	Financial Responsibility Required Language	Policies shall contain an agreement that insurance is provided in accordance with the coverage defined in Chapter 324 as respects bodily injury and death or property damage or both and is subject to all provisions of this chapter				
		Policies shall contain a provision that the satisfaction by an insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage				
		Policies shall also contain a provision that bankruptcy or insolvency of the insured or of the insured's estate shall not relieve the insurance carrier of any of its obligations under said policy				
627.4145	Flesch Readability	Every policy shall be readable as required				
627.413(4)	Form Identification	Each form requires unique identifiers				
		Any form change requires identifier change				
627.411(1)(g)	HIV/AIDS	May not be singled out as an exclusion				
627.411(1)(d)	Legibility Required	Must not be printed or reproduced in a manner that makes material provisions illegible				
320.02(2)(a)	I.D. Cards	Not required to be filed with OIR				
627.4145(1)(f)	Index	For readability the policy shall contain an index (or table of contents) of the principal sections of the policy				

Private Passenger Auto Forms Checklist

Statute/Rule	Topic	Comments	Yes	N/A	Form #	Page #
324.021(7) & 324.021(1)	Motorcycles (automobile policy requirements apply unless there is a conflict with any statute referenced here)	Proof of financial responsibility liability requirements DO apply after accident				
627.4133(1)		Nonrenewal 45 days' advance notice				
627.4133(1)		Renewal premium 45 days advance notice				
627.727 & 320.01(1)(a)		UM should be offered				
627.7281		10 days' advance notice cancellation for non-pay; 45 days for all other reasons				
627.7275(1)		\$10,000 PD liability requirements of 627.7275 DO NOT apply since no PIP provided on policy				
627.733 & 627.732(3)		No PIP on policy				
627.7288	Windshield Glass	Deductible cannot apply to windshield glass				
627.7275(2)(a)	Non-cancellable Policies	Subject to the insurers' usual underwriting restrictions, coverage must be made available for applicants seeking to reinstate their driving privileges due to certain motor vehicle violations				
627.7275(2)(b)		The policy may not be canceled by the insured for any reason, and it may not be canceled by an insurer after the earlier of 60 days, or once it has completed underwriting the policy				
627.7275(2)(b)		During the policy period, the amounts for BI, PD, and PIP may not be reduced below the minimum limits required under s. 324.021 or s. 324.023				
324.0221(1)(a)	Nonrenewal Notices	Non-renewals should be reported to the Department of Highway Safety within 10 days				

Private Passenger Auto Forms Checklist

Statute/Rule	Topic	Comments	Yes	N/A	Form #	Page #
324.0221(1)(b) & (3)		Shall inform insured of notice to the Department of Highway Safety; must also inform insured that failure to maintain PIP and Property Damage liability can result in loss of driving privileges and list amounts of reinstatement fees (second part not required for Motorcycles)				
627.728(4)(a)		Advance written notice of at least 45 days required				
627.728(6)		Florida Automobile JUA notification required				
626.9541(1)(o)3.b.		Notification to insured that in the event of an accident, they will not be non-renewed if any of these items can be proven				
626.9741(3)		Notification to insured if adverse decision was based on credit				
627.728(4)(a)		Advance written notice of at least 45 days required				
627.728(4)(a)		Must contain reason(s) for nonrenewal				
626.9541(1)(o)3.c. & 4.		Provides circumstances for nonrenewal and establishes reasons why an insurer cannot refuse to renew				
626.9541(1)(g)4.a.		No nonrenewal based on lawful use, possession, or ownership of a firearm or ammunition by the insured or a household member of the insured				
627.7282 690-167.002	Notice of Additional Premium	Notice of insured's options required when additional premium has been determined				
627.43141	Notice of Change in Policy Terms	Required written notice if renewal contains a change in policy terms (only template is subject to OIR review and approval- not fully completed form)				
		Such notice shall be entitled "Notice of Change in Policy Terms"				

Private Passenger Auto Forms Checklist

Statute/Rule	Topic	Comments	Yes	N/A	Form #	Page #
627.4143	Outline of Coverage	Not subject to OIR review or approval				
627.7483	Peer to Peer Car Sharing	Cannot exclude as passenger, contains statutory definitions				
627.7276	Physical Damage Only Policy	Statement of no bodily injury and liability required				
627.736(8)	PIP - Attorney Fee Provision	Section 627.428 applies to PIP				
627.736(4)	PIP - Benefits Paid	Circumstances under which PIP benefits paid				
627.736(1)(a)(b) & (c)	PIP - Benefits Required	\$10,000 limit 80% Medical Expenses 60% Work Loss 100% Replacement Services \$5,000 Death Benefit (separate)				
627.736(1)(a)3.		Up to \$10,000 for medical expenses if an authorized provider has determined the injured person had an emergency medical condition				
627.736(1)(a)4.		Up to \$2,500 for medical expenses if an authorized provider determines the injured person did not have an emergency medical condition				
627.736(1)(a)5.		Medical benefits do not include massage and acupuncture				
627.736(4)		Workers compensation benefits primary				
627.7311		PIP - Clarification of Application of Statutes vs. Policy Forms	Clarifies that specific provisions in 627.730-627.7405 shall control over general provisions in a policy form			
627.736(1)(a)	PIP - Conditions	14-day condition for initial services and care for medical benefits				
627.736(1)(a)1.		Initial services and care providers- updated 2020				

Private Passenger Auto Forms Checklist

Statute/Rule	Topic	Comments	Yes	N/A	Form #	Page #
627.736(1)(a)2.		Follow-up services and care providers-updated 2020				
627.736(4)(b)3.		Partial payment or rejection of claim due to error				
627.736(4)(i)		Notification of investigation for suspected fraud/ denial or payment of claim				
627.736(4)(j)		Log of PIP benefits paid				
627.736(6)(f)		Notification that policy limits reached				
627.736(4)(e)	PIP - Coverage Description	Defines who is covered under PIP				
690-176.005(3)		Policy should provide coverage for an owner while out of state and occupying a motor vehicle owned by a relative if that relative is in compliance with Section 627.733				
627.732	PIP - Definitions	Definitions exclusive to PIP coverage - general policy definitions may not apply				
627.739(2)	PIP - Deductibles	Subtract from all loss and expenses before applying the 80% factor				
627.739(1)(2) & (5)	PIP - Deductible & Work Loss Selection	\$250, \$500, \$1,000 deductibles for named insured or named insured and dependent resident relatives; work loss option				
627.736(10)	PIP - Demand Letter	Company has 30 days from receipt of demand letter to pay claims				
627.736(6)(g)	PIP - Examination Under Oath	Insured claiming benefits must submit to an EUO if required; compliance is a condition precedent to receiving benefits The scope of questioning during the EUO is limited to relevant information or information that could reasonably be expected to lead to relevant information				
627.736(4)(h)	PIP - Fraudulent Claims	Any fraud voids all PIP coverage for the insured person committing the fraud				

Private Passenger Auto Forms Checklist

Statute/Rule	Topic	Comments	Yes	N/A	Form #	Page #
<i>Vasquez v. Mercury Cas.</i> 947 So. 2d 1265 (2007)		Fraud committed by co-insured will not void the coverage of the innocent co-insured				
627.736(7)(b)	PIP - Independent Medical Exams	If unreasonably refused by the insured, company no longer liable for subsequent PIP benefits; two failures to appear raises rebuttable presumption that refusal/failure is unreasonable				
627.7405(1)	PIP- Insurer Reimbursement (Subrogation)	If insured in or struck by commercial motor vehicle, their company can be reimbursed				
627.7405(2)		Does not apply to owner or registrant of a taxicab				
627.736(5)(a)1.	PIP- Fee Schedule	Insurer may choose to limit reimbursement according to the fee schedule				
627.736(5)(a)2. & OIR-12-06M		Fee schedule applies annually from 3/1 through the last day of February of the following year				
627.736(5)(a)5.		Notice required before using the fee schedule to limit reimbursement				
627.7401 69O-176.013	PIP- Notice Requirements	Notification of insured's rights; use Form OIR-B1-1149				
627.737	PIP- Tort Exemption	Tort exemption except for in cases of significant injury				
324.022	Property Damage Liability	PD liability coverage mandatory				
324.151(1)(a)		\$500 deductible allowed but must pay claim as if no deductible				
627.7275(1)		Policies providing PIP cannot be delivered unless they also provide PD liability coverage				
627.7277(2)	Renewal Premium Notice	Advanced written notice of 30 days required				
627.7263	Rental and Leasing Driver's Insurance Primary	Lessor's coverage is primary unless otherwise stated on rental agreement				
627.4132	Stacking of Coverage	Stacking of coverage prohibited except for uninsured motorist coverage				

Private Passenger Auto Forms Checklist

Statute/Rule	Topic	Comments	Yes	N/A	Form #	Page #
95.11(2)	Statute of Limitations	Action against insurer shall be commenced within five (5) years				
627.4131	Telephone Number	Telephone number and its purpose required				
627.748	Transportation Network Companies	Property cannot be included within the definition or the exclusion Insureds must be covered as passengers in a non-owned vehicle being operated as a TNC vehicle				
627.727	Uninsured Motorist	Must offer all UM options at renewal (including Non-stacked if available): <ol style="list-style-type: none"> 1. Stacked limits equal to bodily injury liability 2. Stacked limits less than bodily injury liability 3. Non-stacked limits equal to bodily injury liability 4. Non-stacked limits less than bodily injury liability 5. Rejection of UM coverage 6. Company required to offer lower limits and rejection of UM limits 7. UM to be equal to BI unless rejected or lower limits selected (at new business or when BI limits have changed) 				
627.727(1)		Bold statement required on form with exact statutory language				
627.727(9)		If company has non-stacked UM in their program, must offer this option to insured and provide a description of the provisions of non-stacked on the select/reject form				
		UM coverage is stacked unless non-stacked is selected (at new business)				