

Tab 1	SB 846 by Gainer (CO-INTRODUCERS) Steube ; (Similar to CS/H 01005) Sheriffs Providing Child Protective Investigative Services
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Tab 2	CS/SB 1232 by CF, Baxley ; (Similar to H 00643) Public Assistance Fraud
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Tab 3	CS/SB 150 by BI, Lee ; (Compare to CS/1ST ENG/H 00019) Motor Vehicle Insurance
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216138	A	S	UNFAV	AHS, Rouson	Delete L.1821:	02/28 10:09 PM
902566	A	S	UNFAV	AHS, Lee	btw L.1936 - 1937:	02/28 10:09 PM
888902	A	S	UNFAV	AHS, Lee	Delete L.2886 - 2901:	02/28 10:09 PM
589602	A	S	FAV	AHS, Lee	btw L.2932 - 2933:	02/28 10:09 PM
371248	D	S	UNFAV	AHS, Passidomo	Delete everything after	02/28 10:09 PM
177304	SD	S	WD	AHS, Rouson	Delete everything after	02/28 10:09 PM
244072	D	S	UNFAV	AHS, Lee	Delete everything after	02/28 10:09 PM
236916	AA	S	L FAV	AHS, Rouson	Delete L.1642:	02/28 10:09 PM
352738	SD	S	L UNFAV	AHS, Passidomo	Delete everything after	02/28 10:09 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND
HUMAN SERVICES**

Senator Flores, Chair
Senator Stargel, Vice Chair

MEETING DATE: Wednesday, February 28, 2018

TIME: 4:00—6:00 p.m.

PLACE: James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

MEMBERS: Senator Flores, Chair; Senator Stargel, Vice Chair; Senators Baxley, Book, Passidomo, Rader, and Rouson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 846 Gainer (Similar CS/H 1005, Compare CS/CS/S 1360)	Sheriffs Providing Child Protective Investigative Services; Requiring the Sheriff of Walton County to provide all child protective investigations in the county beginning with a specified fiscal year, etc. CF 02/06/2018 Favorable AHS 02/28/2018 Favorable AP	Favorable Yeas 7 Nays 0
2	CS/SB 1232 Children, Families, and Elder Affairs / Baxley (Similar H 643)	Public Assistance Fraud; Revising the maximum reward paid to persons providing certain information leading to the recovery of certain fraudulent public assistance payments; directing state-retained shares of recovered public assistance overpayments to be held in the Federal Grants Trust Fund, etc. CF 01/22/2018 Fav/CS AHS 02/28/2018 Favorable AP	Favorable Yeas 7 Nays 0
3	CS/SB 150 Banking and Insurance / Lee (Compare CS/H 19)	Motor Vehicle Insurance; Repealing provisions relating to application of the Florida Motor Vehicle No-Fault Law; revising garage liability insurance requirements for motor vehicle dealer applicants; requiring specified motor vehicle liability insurance policies to include medical payments coverage; providing insurers a civil cause of action against certain persons who are convicted of or plead guilty or nolo contendere to certain acts of insurance fraud associated with claims for medical payments coverage benefits, etc. BI 12/05/2017 Temporarily Postponed BI 01/10/2018 Fav/CS AHS 02/28/2018 Temporarily Postponed AP	Temporarily Postponed

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Health and Human Services

BILL: SB 846

INTRODUCER: Senators Gainer and Steube

SUBJECT: Sheriffs Providing Child Protective Investigative Services

DATE: February 27, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Preston</u>	<u>Hendon</u>	<u>CF</u>	Favorable
2.	<u>Sneed</u>	<u>Williams</u>	<u>AHS</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

The bill requires the Walton County Sheriff to assume responsibility for child protective investigations beginning with the 2018-2019 fiscal year.

This bill does not affect state or local expenditures.

The bill is effective upon becoming law.

II. Present Situation:

Background

Child protective investigation units are responsible for receiving and responding to reports of child abuse and neglect, which involves determining whether the report meets the criteria to be accepted for a protective investigation, gathering information, and determining whether child maltreatment occurred or the child is at risk of abuse or neglect.

The Department of Children and Families (DCF or department) has been authorized to enter into contracts with county sheriffs to provide child protective investigations since 1998.¹ Currently, the department is responsible for performing child protective investigations in 61 counties statewide. Sheriff's offices in the remaining six counties are responsible for performing child protective investigations.²

¹ Section 39.3065, F.S.

² Section 39.3065, F.S. authorizes the department to enter into grant agreements with the sheriff of any county to perform child protective investigations. Broward, Manatee, Pasco, and Pinellas are named in statute. Hillsborough and Seminole counties currently perform child protective investigations, but are not specifically named in the statute.

The department employs 12 full-time equivalent (FTE) positions to conduct child protective investigations in Walton County.³

The department is also required to enter into agreements with the jurisdictionally responsible county sheriffs' offices and local police departments that will assume the lead in conducting any potential criminal investigations arising from allegations of child abuse, abandonment, or neglect.⁴ The following types of calls to the hotline are automatically transferred to the appropriate county sheriff's office:

- Reports of known or suspected child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in s. 39.01, F.S.;
- Reports involving juvenile sexual abuse or a child who has exhibited inappropriate sexual behavior; and
- Reports of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04(3), F.S.⁵

All child protective investigations, regardless of the entity administering this function, must be done in accordance with state and federal laws and regulations. The county sheriffs must conduct investigations, at a minimum, in accordance with the performance standards and outcome measures established by the legislature for protective investigations conducted by the department. Each individual child protective investigator must complete, at a minimum, the training provided to and required of protective investigators employed by the department.⁶

Funds for providing child protective investigations must be identified in the annual appropriation made to the department, which shall award grants to the respective sheriffs' offices. Funds for child protective investigations may not be integrated into the sheriffs' regular budgets. Budgetary data and other data relating to the performance of child protective investigations must be maintained separately from all other records of the sheriffs' offices and reported to the department as specified in the grant agreement.⁷

The sheriffs' grants are funded from several funding sources, including state general revenue, the Welfare Transition Trust Fund (Temporary Assistance for Needy Families Block Grant), the Social Services Block Grant Trust Fund, the Child Welfare Training Trust Fund, and the Federal Grants Trust Fund. Federal funds are provided to the department as the agency of record for the State of Florida. The department is required to complete a number of reports to the federal government, including certifications as to how the funding is spent and that the expenses meet federal guidelines and sufficient state matching funds are available. These funds, according to federal guidelines, must be appropriated to the agency of record.⁸

The department is required to submit an annual report regarding quality performance, outcome-measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House

³ The Department of Children and Families, 2018 Agency Legislative Bill Analysis for SB 846, November 17, 2017.

⁴ Section 39.306, F.S.

⁵ Section 39.201, F.S.

⁶ Section 39.3065, F.S.

⁷ *Id.*

⁸ The Department of Children and Families, 2017 Agency Legislative Bill Analysis for SB 846, November 17, 2017.

of Representatives, and to the Governor no later than January 31 of each year the sheriffs are receiving general appropriations to provide child protective investigations.⁹

Numbers of Investigations¹⁰

The following table shows the number of child protective investigations performed by each sheriffs' office and the department over a three year period.

County Sheriff	FY 2013-14	FY 2014-15	FY 2015-16
	Number of Investigations	Number of Investigations	Number of Investigations
Broward	13,509	14,293	13,785
Hillsborough	11,539	11,686	11,913
Manatee	4,125	4,087	4,265
Pasco	5,115	5,261	5,462
Pinellas	9,365	9,338	9,100
Seminole	4,007	3,967	4,016
All Sheriffs	47,660	48,632	48,541
Department	136,212	137,872	142,680

Performance

The DCF and sheriffs generally use similar investigative processes and procedures, although the higher level of funding for the sheriffs results in their investigators having greater resources than typically available to the DCF investigators. Due to their law enforcement affiliation, child abuse investigators working for sheriffs also generally have greater access to training and specialists, as well as enhanced cooperation and community respect not always afforded to DCF investigators.¹¹ The additional resources available to sheriffs' offices enhanced their investigators' ability to perform job duties and the offices ability to attract and retain experienced investigators. Sheriffs:

- Have slightly lower overall investigator caseloads;
- Tend to have more investigative aides and support staff positions;
- Provide vehicles for investigators;
- Provide investigator uniforms;
- Provide additional equipment to investigators;
- Provide supplies for children awaiting placement, including diapers, formula, food, and clothes;
- Have well-equipped visitation rooms with furniture, rugs, toys, television, games, kitchens, and bathrooms to provide children with a comfortable and safe environment after removal, further enabling investigators to perform their job more easily;

⁹ *Id.*

¹⁰ Data provided by Senate Appropriations professional staff.

¹¹ The Florida Legislature, Office of Program Policy Analysis and Government Accountability, Research Memorandum, *Sheriff's Offices Have Advantages for Conducting Child Abuse Investigations, but Quality Cannot be Directly Compared to DCF*, February 26, 2010.

- Provide investigators with office space either in the sheriff’s office or collocated with or near community-based care lead agencies, which facilitates communication between supervisors and investigators and enhances accountability; and
- Often provide higher salaries for investigators, which enhances morale and also contributes to lower turnover. In addition to higher salaries, sheriffs’ child protective investigators are normally awarded merit and cost-of-living raises.¹²

Child protective investigation units administered by sheriffs’ offices also have advantages that are not entirely due to their higher state funding. Because sheriff’s offices are law enforcement agencies, they can provide protective investigators with access to training and resource specialists, and a higher degree of cooperation with local law enforcement agencies and the community.¹³

However, the higher funding and other advantages enjoyed by the sheriff’s offices does not appear to result in better outcomes.¹⁴ The table below shows the difference in performance between the department and the sheriffs’ offices on the measure of non-recurrence of maltreatment within six months of case closure. The federal Administration for Children and Families non-recurrence standard is 94.6%.¹⁵

County Sheriff	Non-Recurrence of Maltreatment Within Six Months of Case Closure							
	August 2015	September 2015	October 2015	November 2015	December 2015	January 2016	February 2016	March 2016
Broward	94.96	93.90	95.15	93.58	93.59	93.08	94.39	91.07
Hillsborough	95.88	97.03	95.32	97.13	95.77	92.11	95.81	97.01
Manatee	95.45	93.75	96.23	96.88	96.40	91.80	93.26	91.60
Pasco	97.06	94.62	96.09	96.40	98.41	90.83	97.70	97.22
Pinellas	92.21	91.38	94.39	92.89	93.00	95.00	93.98	90.77
Seminole	93.78	89.13	93.26	91.43	92.90	93.37	91.85	93.72
Sheriff Average	94.89	93.30	95.07	94.71	95.01	92.82	94.50	93.56
Department Average	95.01	96.20	94.89	95.24	95.93	94.75	94.31	96.11

¹² *Id.*

¹³ *Id.*

¹⁴ The Florida Legislature, Office of Program Policy Analysis and Government Accountability, Research Memorandum, *Sheriffs’ Offices and DCF Perform Similarly in Conducting Child Protective Investigations*, May 28, 2010.

¹⁵ The Department of Children and Families, Florida Sheriffs Performing Child Protective Investigations, Annual Program Performance Evaluation Report, Fiscal Year 2015-2016, available at:

<http://centerforchildwelfare.fmhi.usf.edu/kb/LegislativeMandatedRpts/AnnualSheriffPerfRptFY15-16.pdf>. (last visited February 2, 2018).

Cost

The following table provides a 3-year funding history that includes total funding amounts and cost per investigation for each of the six counties where the sheriff provides child protective investigations and the department.¹⁶

County Sheriff	FY 2013-14		FY 2014-15		FY 2015-16	
	Funding	Cost Per Investigation	Funding	Cost Per Investigation	Funding	Cost Per Investigation
Broward	\$14,565,620	\$1,078	\$15,054,474	\$1,053	\$15,054,474	\$1,130
Hillsborough	\$12,254,683	\$1,062	\$13,430,952	\$1,149	\$13,430,952	\$1,127
Manatee	\$3,760,532	\$912	\$4,719,787	\$1,155	\$4,719,787	\$1,107
Pasco	\$5,591,619	\$1,093	\$6,241,374	\$1,186	\$6,241,374	\$1,143
Pinellas	\$10,240,024	\$1,093	\$11,828,667	\$1,267	\$11,828,667	\$1,300
Seminole	\$3,563,114	\$889	\$4,537,154	\$1,144	\$4,537,154	\$1,130
All Sheriffs	\$49,975,592		\$55,812,408		\$55,812,408	
Department	\$111,777,077	\$821	\$133,870,553	\$971	\$138,028,685	\$967

III. Effect of Proposed Changes:

Section 1 amends s. 39.3065, F.S., relating to sheriffs of certain counties conducting child protective investigative services, to authorize the Walton County Sheriff to assume responsibility for the investigations beginning with the 2018-2019 fiscal year.

Section 2 provides an effective date of upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁶ Data provided by Senate Appropriations professional staff.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None

C. Government Sector Impact:

The bill requires the Walton County Sheriff's Office to assume responsibility for child protective investigations. The bill does not provide any funding for grants to offset the costs to be incurred by the sheriff's office. The Walton County sheriff's office may incur additional costs due to the transition, over and above the funding provided by the DCF, however, the costs are expected to be minimal.¹⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 39.3065 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁷ The Department of Children and Families, 2018 Agency Legislative Bill Analysis for SB 1092, February 27, 2017.

By Senator Gainer

2-00398-18

2018846__

1 A bill to be entitled

2 An act relating to sheriffs providing child protective
3 investigative services; amending s. 39.3065, F.S.;
4 requiring the Sheriff of Walton County to provide all
5 child protective investigations in the county
6 beginning with a specified fiscal year; providing an
7 effective date.

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

10
11 Section 1. Paragraph (a) of subsection (3) of section
12 39.3065, Florida Statutes, is amended to read:

13 39.3065 Sheriffs of certain counties to provide child
14 protective investigative services; procedures; funding.-

15 (3) (a) Beginning in fiscal year 1999-2000, the sheriffs of
16 Pasco County, Manatee County, Broward County, and Pinellas
17 County ~~shall have the responsibility to~~ provide all child
18 protective investigations in their respective counties.
19 Beginning in fiscal year 2018-2019, the Sheriff of Walton County
20 shall provide all child protective investigations in his or her
21 county. Beginning in fiscal year 2000-2001, the Department of
22 Children and Families is authorized to enter into grant
23 agreements with sheriffs of other counties to perform child
24 protective investigations in their respective counties.

25 Section 2. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Transportation, *Chair*
Commerce and Tourism, *Vice Chair*
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR GEORGE B. GAINER

2nd District

February 7, 2018

Re: SB 846

Dear Chair Flores,

I am respectfully requesting Senate Bill 846, related to Sheriffs Providing Child Protective Investigative Services, be placed on the agenda for the next Appropriations Subcommittee on Health and Human Services.

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5002.

Thank you,

A handwritten signature in blue ink that reads "George B. Gainer". The signature is written in a cursive style.

Senator George Gainer
District 2

Cc. Phil Williams, Tonya Kidd, Robin Jackson, Nicholas Alvarez, Demi Busatta, Lissette Vasquez

REPLY TO:

☐ 302 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

846

Bill Number (if applicable)

Topic WALTON COUNTY CHILD PROTECTIVE

Amendment Barcode (if applicable)

Name TIM PARSON INVESTIGATIONS

Job Title

Address 113 E COLLEGE AVE #400

Phone 841-7726

Street

TLH, FL

City

State

32301

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing WALTON COUNTY SHERIFF'S OFFICE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.28.18

Meeting Date

846

Bill Number (if applicable)

Topic Sheriffs Providing Child Protective Investigative Services

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street

Phone 510-9922

Street

Tallahassee

FL

32301

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Health and Human Services

BILL: CS/SB 1232

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Baxley

SUBJECT: Public Assistance Fraud

DATE: February 27, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hendon</u>	<u>Hendon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Sneed</u>	<u>Williams</u>	<u>AHS</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1232 requires that the state-retained share of recoveries made by the Department of Children and Families (DCF) from public assistance fraud must be deposited into the Federal Grants Trust Fund and must be used exclusively by the DCF in its efforts to combat public assistance fraud. The bill requires the DCF to develop a plan on how to use these funds, including the payment of awards to persons reporting fraud. The bill directs the DCF to report annually to the Legislature increases in the state's retained share of recoveries of public assistance overpayments.

To the extent the Legislature appropriates the state-retained share of recoveries for additional prevention or deterrence efforts, the bill may reduce public assistance fraud.

The bill is effective July 1, 2018.

II. Present Situation:

Public Assistance Programs

The Department of Children and Families (DCF) operates the Economic Self-Sufficiency program, also known as ACCESS. There are five services within the Economic Self-Sufficiency program, as described below.

- **Temporary Cash Assistance** provides cash assistance to families with children under the age of 18, or through age 18 if the 18-year-old is enrolled in high school full time. The program provides time-limited financial assistance and services intended to help families gain economic self-sufficiency. These families must meet the program's technical, income, and asset requirements.
- **Food Assistance Program** helps low income families meet their household nutritional needs by supplementing their purchasing power with a monthly benefit allotment based on the number of people in the household and how much money is left after countable expenses are subtracted. Families must meet the program's eligibility rules. Food assistance benefits may only be used to purchase groceries; they may not be used to purchase household items such as cleaning supplies, grooming items, tobacco, alcoholic beverages, or hot food.
- **Relative Caregiver Program** provides monthly cash assistance to relatives who have custody of a related child under age 18 who has been found to be dependent by a Florida court and placed in their home by a Community-Based Care Lead Agency. The monthly cash assistance amount is higher than a Temporary Cash Assistance payment for one child, but less than the amount paid for a child in the foster care program.
- **Optional State Supplementation** is a state-funded public assistance program that provides a monthly cash payments to indigent elderly or disabled individuals who live in special non-institutional, residential living facilities, including assisted living facilities, adult family care homes and mental health residential treatment facilities.
- **Medicaid** provides medical coverage to low-income individuals and families and the Economic Self-Sufficiency program determines eligibility for all Medicaid program participants, except for individuals who receive federal Supplemental Security Income (SSI) payments, as these individuals are automatically Medicaid eligible. The Medicaid program is administered by the Agency for Health Care Administration.

In addition, the state investigates fraud resulting from Disaster Assistance/Emergency benefits, the School Readiness and Voluntary Pre-Kindergarten programs, and Social Security Disability benefits.¹

Public Assistance Fraud

Section 414.39, F.S., specifies that someone who fails to disclose information used to determine their eligibility for public assistance, fails to disclose a change in circumstances that would affect their eligibility, or aids another person in the commission of any such act, commits a misdemeanor or felony, depending on the amount of the fraud.

Department of Children and Families

Section 414.39, F.S., also requires the DCF to create an error-prone or fraud-prone case profile within its public assistance information system and shall screen each application for public assistance, including food assistance, Medicaid, and temporary cash assistance, against the profile to identify cases that have a potential for error or fraud. Each case so identified shall be subjected to pre-eligibility fraud screening. If funded to do so, the DCF shall pay a reward to a person who furnishes and reports original information relating to a violation of the state's public

¹ Department of Financial Services, Division of Public Assistance Fraud website.
<https://www.myfloridacfo.com/division/PAF/> (last visited 1/18/18).

assistance fraud laws. In 2011, the DCF created the Public Benefits Integrity office to prevent and detect fraud, waste, and abuse in the public assistance programs, as well as to recover benefits that were erroneously paid. In Fiscal Year 2015-16, the office collected over \$22 million through benefit recovery.²

When benefits are overpaid, a claim is established by the DCF detailing the dollar amount of benefits within each public assistance program in which the recipient household may have participated. The claim amounts to a federal debt that must be repaid by the household. Under existing public assistance program rules, a percentage of the federal claim may be retained by the state as an incentive to identify and recover overpaid benefits.³ The percentage of federal debt collected that the state may retain is known as the state-retained share of recoveries. The percentage retained varies based on the reason that benefits were overpaid in the first place.

Further, s. 414.39, F.S., allows the DCF, subject to availability of funds, to pay a reward to a person who furnishes and reports original information relating to a violation of the state's public assistance fraud laws if:

- A report is made to DFS or the Department of Law Enforcement (FDLE),
- The information relates to criminal fraud upon public assistance program funds or a criminal violation of public assistance fraud laws by another person, or
- It leads to the recovery of a fine, penalty, or forfeiture of property.

The reward may not exceed 10 percent of the amount recovered or \$500,000, whichever is less, in a single case. The reward shall be paid from the state share of the recovery in the DCF Federal Grants Trust Fund.

Department of Financial Services

Section 414.411, F.S., assigns the responsibility to investigate all public assistance fraud to the Department of Financial Services (DFS). DFS examines records and interviews persons who may have knowledge of public assistance fraud. All public assistance recipients must allow state agencies access to their past or present employers and records. DFS may administer oaths and affirmations, and issue and serve subpoenas for the attendance of witnesses or the production of business records, books, papers, correspondences, memoranda, and other records. The Division of Public Assistance Fraud within DFS is considered a criminal justice agency. Such designation allows access to specialized training and to the state and federal criminal history databases.⁴ DFS public assistance fraud investigations can result in criminal prosecution based on a referral to a state attorney or administrative sanctions and recoveries in the commission of fraud. Currently, DFS investigates less than 10% of the referrals made by the DCF and the Office of Early Learning.⁵

² Office of Program Policy Analysis and Government Accountability, Government Program Summaries, available at <http://www.oppaga.state.fl.us/profiles/5047> (last visited 1/17/18).

³ Department of Financial Services Bill Analysis of HB 643. Dated 11/29/17. On file with the Senate Committee on Children, Families and Elder Affairs.

⁴ Florida Crime Information Center/National Crime Information Center

⁵ Department of Financial Services Bill Analysis of HB 643. Dated 11/29/17. On file with the Senate Committee on Children, Families and Elder Affairs.

III. Effect of Proposed Changes:

Section 1 amends s. 414.39, F.S., to clarify that the amount of the reward the DCF may pay for information regarding public assistance fraud may not exceed 10 percent of the amount recovered in full or \$500,000, whichever is less. Current law allows the DCF to pay awards up to 10 percent of the amount recovered or \$500,000, whichever is less.

Section 2 amends s. 414.41, F.S., relating to recovered funds from public assistance fraud. The bill requires that all state-retained recoveries be deposited in the Federal Grants Trust Fund and be retained each year for use by the DCF for its efforts to combat public assistance fraud. The bill allows such funds to be used to pay awards as well as pay for fraud prevention initiatives implemented by the DCF. The DCF will report to the legislature each October 1st what such initiatives accomplished in regards to the amount of awards paid and the outcome of fraud prevention activities. The bill requires such expenditures to be appropriated by the Legislature. Currently, the DCF can propose to use such funds for public assistance fraud prevention through its Legislative Budget Request.

Section 4 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

The bill restricts the use of recovered funds from public assistance fraud in the DCF Federal Grants Trust Fund to activities contained in the DCF's plan for improving its efforts to combat public assistance fraud.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DCF collects between \$4 and \$7 million each year beyond the costs of its public assistance fraud recovery efforts.⁶ These funds are typically appropriated by the legislature for department priorities in the General Appropriations Act each year. The bill requires state-retained recoveries be appropriated to the DCF for activities in its plan for reducing public assistance fraud.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 414.39 and 414.41.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs on January 22, 2018:

The CS removes the designation of DCF's public assistance fraud office as a criminal justice agency.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁶ Department of Children and Families Bill Analysis of SB 1232. Dated 12/12/17. On file with the Senate Committee on Children, Families and Elder Affairs.

By the Committee on Children, Families, and Elder Affairs; and
Senator Baxley

586-02342-18

20181232c1

A bill to be entitled

An act relating to public assistance fraud; amending s. 414.39, F.S.; revising the maximum reward paid to persons providing certain information leading to the recovery of certain fraudulent public assistance payments; revising the funding source for such rewards; amending s. 414.41, F.S.; directing state-retained shares of recovered public assistance overpayments to be held in the Federal Grants Trust Fund; requiring such funds to be reallocated to the Department of Children and Families; specifying how such funds may be used by the department; requiring the department to submit an annual report and to propose certain projects for legislative authorization; providing an effective date.

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

Section 1. Paragraphs (b) and (c) of subsection (11) of section 414.39, Florida Statutes, are amended to read:

414.39 Fraud.—

(11)

(b) The reward may not exceed 10 percent of the amount recovered in full by the department or \$500,000, whichever is less, in a single case.

(c) The reward shall be paid from the state-retained state share of the recovered overpayments held recovery in the Federal Grants Trust Fund from moneys collected pursuant to s. 414.41.

Section 2. Subsection (4) is added to section 414.41,

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Florida Statutes, to read:

414.41 Recovery of payments made due to mistake or fraud.—

(4) All collected state-retained shares of recovered overpayments during each fiscal year shall be held in the Federal Grants Trust Fund to be reallocated to the department the following fiscal year for use as specified in this subsection.

(a) Funds held in the Federal Grants Trust Fund pursuant to this subsection may be used by the department to:

1. Pay public assistance fraud rewards as provided in s. 414.39(11) and to fund public assistance fraud detection; and

2. Fund prevention initiatives that enable the department to respond to emergent public assistance fraud schemes and threats pursuant to authorization under paragraph (c).

(b) By October 1 of each year, the department shall submit a report to the Legislature which includes the following:

1. The actual outcomes and returns on investment associated with projects approved pursuant to paragraph (c) during the previous fiscal year.

2. The amount of funds in the Federal Grants Trust Fund available for expenditure pursuant to this subsection.

3. The number and amount of public assistance fraud rewards paid during the previous fiscal year and anticipated to be paid during the next fiscal year.

4. Descriptions of specific proposed projects to be supported by the expenditure of funds held according to this subsection, including expected outcomes of the proposed projects, and the estimated return on investment for the following fiscal year.

Page 2 of 3

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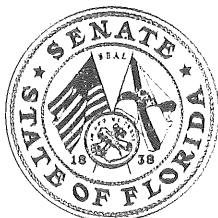
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59 (c) Contingent upon specific authorization in the General
60 Appropriations Act or similar legislation, and notwithstanding
61 chapter 216, the department may use funds, pursuant to this
62 subsection, to pay public assistance fraud rewards and to fund
63 one or more of the specific projects proposed in the annual
64 report required under paragraph (b).

65 Section 3. This act shall take effect July 1, 2018.

THE FLORIDA SENATE



SENATOR DENNIS BAXLEY
12th District

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Criminal Justice, *Vice Chair*
Appropriations
Appropriations Subcommittee on Criminal and
Civil Justice
Appropriations Subcommittee on Health and
Human Services
Agriculture
Transportation

SELECT COMMITTEE:
Joint Select Committee on Collective Bargaining

JOINT COMMITTEE:
Joint Legislative Auditing Committee

January 23, 2018

The Honorable Senator Anitere Flores
404 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399

Dear Senator Flores,

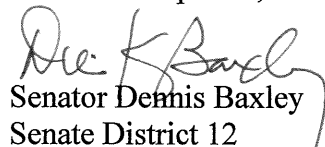
I respectfully request that you place CS/SB 1232 Public Assistance Fraud on your next available agenda.

This will revise the maximum amount of reward paid to persons providing certain information leading to the recovery of certain fraudulent public assistance payments. The reward may not exceed 10 percent of the amount recovered in full by the department or \$500,000, whichever is less, in a single case.

The reward shall be paid from the state-retained share of the recovered overpayments held in the Federal Grants Trust Fund from moneys collected. All collected state-retained shares of recovered overpayments during each fiscal year shall be held in the Federal Grants Trust Fund to be reallocated to the department the following fiscal year. Funds held in the Federal Grants Trust Fund may be used by the department to: pay public assistance fraud rewards, to fund public assistance fraud detection, and fund prevention initiatives.

I appreciate your favorable consideration.

Onward & Upward,


Senator Dennis Baxley
Senate District 12

DKB/dd

cc: Phil Williams, Staff Director

320 Senate Office Building, 404 South Monroe St, Tallahassee, Florida 32399-1100 • (850) 487-5012
Email: baxley.dennis@flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/28/18

1232

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Lindsey Zander

Job Title Deputy Legislative Affairs Director - DCF

Address 1317 Winewood Blvd

Phone (850) 488-9410

Street

Tallahassee

FL

32399

Email

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Department of Children and Families

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Health and Human Services

BILL: CS/SB 150

INTRODUCER: Banking and Insurance Committee and Senator Lee

SUBJECT: Motor Vehicle Insurance

DATE: February 27, 2018 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knudson</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Kidd</u>	<u>Williams</u>	<u>AHS</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 150 repeals the Florida Motor Vehicle No-Fault Law (No-Fault Law), which requires every owner and registrant of a motor vehicle in this state to maintain \$10,000 Personal Injury Protection (PIP) coverage. The bill enacts financial responsibility requirements for damages for liability that results from accidents arising out of the ownership, maintenance, or use of a motor vehicle in the amount of:

- Beginning January 1, 2019, through December 31, 2020, \$20,000 for bodily injury (BI) or death of one person in any one crash, and subject to that limit for one person, \$40,000 for bodily injury or death of two or more people in any one crash.
- Beginning January 1, 2021, through December 31, 2022, \$25,000 for bodily injury or death of one person in any one crash, and subject to that limit for one person, \$50,000 for bodily injury or death of two or more people in any one crash.
- Beginning January 1, 2023, and thereafter \$30,000 for bodily injury or death of one person in any one crash, and subject to that limit for one person, \$60,000 for bodily injury or death of two or more people in any one crash.

The bill retains the \$10,000 financial responsibility requirement for property damage.

The bill replaces the PIP coverage mandate with a medical payments (Med Pay) coverage mandate of \$5,000. Medical payments coverage under the bill provides reimbursement for 100 percent of covered medical losses, whereas PIP reimburses only 80 percent of covered medical losses. Medical payments coverage will provide reimbursement for all of the following

medically necessary treatments if the injured individual initially receives treatment within 14 days after the motor vehicle accident:

- Emergency transport and treatment provided by a provider licensed under ch. 401, F.S.
- Emergency services and care provided by a hospital licensed under ch. 395, F.S.
- Emergency services and care and related hospital inpatient services rendered by a physician or dentist that are provided in a facility licensed under ch. 395, F.S.
- Hospital inpatient services other than emergency services and care.
- Hospital outpatient services other than emergency services and care.
- Physician services and care provided by a physician licensed under ch. 458, F.S., or ch. 459, F.S., or a chiropractic physician licensed under ch. 460, F.S., or dental services and care provided by a dentist licensed under ch. 466, F.S.

The repeal of the No-Fault Law eliminates the limitations on recovering pain and suffering damages from PIP insureds, which currently require bodily injury that causes death or significant and permanent injury.

The repeal of the No-Fault Law, the financial responsibility requirements for bodily injury, and the requirement to maintain medical payments coverage take effect January 1, 2019.

The Office of Insurance Regulation has indicated it will need \$63,651 from the Insurance Regulatory Trust Fund for an additional actuarial analyst position and \$20,000 from the Insurance Regulatory Trust Fund for contracted services to update the Rate Collection System.

The bill takes effect January 2, 2019, except that section 51 takes effect upon becoming a law.

II. Present Situation:

Under the Florida Motor Vehicle No-Fault Law (No-Fault Law),¹ owners or registrants of motor vehicles are required to purchase personal injury protection (PIP) insurance which compensates persons injured in accidents regardless of fault.² Policyholders are indemnified by their own insurer. The intent of no-fault insurance is to provide prompt medical treatment without regard to fault.³ This coverage also provides policyholders with immunity from liability for economic damages up to the policy limits and limits tort suits for non-economic damages (pain and suffering) below a specified injury threshold.⁴ In contrast, under a tort liability system, the negligent party is responsible for damages caused and an accident victim can sue the at-fault driver to recover economic and non-economic damages.

Florida drivers are required to purchase both PIP and property damage liability (PD) insurance.⁵ The personal injury protection must provide a minimum benefit of \$10,000 for bodily injury to any one person who sustains an emergency medical condition, which is reduced to a \$2,500 limit for medical benefits if a treating medical provider determines an emergency medical condition

¹ Sections 627.730-627.7405, F.S.

² Section 627.733, F.S.

³ See s. 627.731, F.S.

⁴ Section 627.737, F.S.

⁵ See ss. 324.022, F.S. and 627.733, F.S.

did not exist.⁶ PIP coverage provides reimbursement for 80 percent of reasonable medical expenses,⁷ 60 percent of loss of income,⁸ and 100 percent of replacement services,⁹ for bodily injury sustained in a motor vehicle accident, without regard to fault. The property damage liability coverage must provide a \$10,000 minimum benefit. A \$5,000 death benefit is also provided.¹⁰

PIP Medical Benefits

The 2012 Legislature revised the provision of PIP medical benefits under the No-Fault Law, effective January 1, 2013.¹¹ To receive PIP medical benefits, insureds must receive initial services and care within 14 days after the motor vehicle accident.¹² Initial services and care are only reimbursable if lawfully provided, supervised, ordered or prescribed by a licensed physician, licensed osteopathic physician, licensed chiropractic physician, licensed dentist, or must be rendered in a hospital, a facility that owns or is owned by a hospital, or a licensed emergency transportation and treatment provider.¹³ Follow-up services and care require a referral from such providers and must be consistent with the underlying medical diagnosis rendered when the individual received initial services and care.¹⁴

PIP medical benefits have two different coverage limits, based upon the severity of the medical condition of the individual. An insured may receive up to \$10,000 in medical benefits for services and care if a physician, osteopathic physician, dentist, physician's assistant or advanced registered nurse practitioner has determined that the injured person had an emergency medical condition.¹⁵ An emergency medical condition is defined as a medical condition manifesting itself by acute symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to patient health, serious impairment to bodily functions, or serious dysfunction of a body organ or part.¹⁶ If a provider who rendered treatment or services determines that the insured did not have an emergency medical condition, the PIP medical benefit limit is \$2,500.¹⁷ Massage and acupuncture are not reimbursable, regardless of the type of provider rendering such services.¹⁸

The \$5,000 PIP death benefit is provided in addition to medical and disability benefits, effective January 1, 2013. Previously, the death benefit was the lesser of the unused PIP benefits, up to a limit of \$5,000.

⁶ Section 627.736(1), F.S.

⁷ Section 627.736(1)(a), F.S.

⁸ Section 627.736(1)(b), F.S.

⁹ Id.

¹⁰ Section 627.736(1)(c), F.S.

¹¹ Chapter 2012-197, L.O.F. (CS/CS/HB 119)

¹² Section 627.736(1)(a), F.S.

¹³ Section 627.736(1)(a)1., F.S.

¹⁴ Section 627.736(1)(a)2., F.S.

¹⁵ Section 627.736(1)(a)3., F.S.

¹⁶ Section 627.732(16), F.S.

¹⁷ Section 627.736(1)(a)4., F.S.

¹⁸ Section 627.736(1)(a)5., F.S.

Medical Fee Limits for PIP Reimbursement

Section 627.736(5), F.S., authorizes insurers to limit reimbursement for benefits payable from PIP coverage to 80 percent of the following schedule of maximum charges:

- For emergency transport and treatment (ambulance and emergency medical technicians), 200 percent of Medicare;
- For emergency services and care provided by a hospital, 75 percent of the hospital's usual and customary charges;
- For emergency services and care and related hospital inpatient services rendered by a physician or dentist, the usual and customary charges in the community;
- For hospital inpatient services, 200 percent of Medicare Part A;
- For hospital outpatient services, 200 percent of Medicare Part A;
- For services supplies and care provided by ambulatory surgical centers and clinical laboratories, 200 percent of Medicare Part B;
- For durable medical equipment, 200 percent of the Durable Medical Equipment Prosthetics/Orthotics and Supplies fee schedule of Medicare Part B;
- For all other medical services, supplies, and care, 200 percent of the participating physicians fee schedule of Medicare Part B; and
- For medical care not reimbursable under Medicare, 80 percent of the workers' compensation fee schedule. If the medical care is not reimbursable under either Medicare or workers' compensation then the insurer is not required to provide reimbursement.

The insurer may not apply any utilization limits that apply under Medicare or workers' compensation.¹⁹ In addition, the insurer must reimburse a health care provider rendering services under the scope of his or her license, regardless of any restriction under Medicare that restricts payments to certain types of health care providers for specified procedures. Medical providers are not allowed to bill the insured for any excess amount when an insurer limits payment as authorized in the fee schedule, except for amounts that are not covered due to the PIP coinsurance amount (the 20 percent copayment) or for amounts that exceed maximum policy limits.²⁰

In 2012, the Legislature enacted chapter 2012-197, Laws of Florida, to revise the PIP medical fee schedule in an effort to resolve alleged ambiguities that led to conflicts and litigation between claimants and insurers. The law clarified the reimbursement levels for care provided by ambulatory surgical centers and clinical laboratories and for durable medical equipment. The law also provided that Medicare fee schedule in effect on March 1 is applicable for the remainder of that year.²¹ Insurers were authorized to use Medicare coding policies and payment methodologies of the Centers for Medicare and Medicare Services, including applicable modifiers, when applying the fee schedule if they do not constitute a utilization limit.²² The law also required insurers to include notice of the fee schedule in their policies.²³

¹⁹ Section 627.736(5)(a)3., F.S.

²⁰ Section 627.736(5)(a)4., F.S.

²¹ Section 627.736(5)(a)2., F.S.

²² Section 627.736(5)(a)3., F.S.

²³ Section 627.736(5)(a)5., F.S.

Attorney Fees

Section 627.428, F.S., requires an insurer to pay the insured's or beneficiary's reasonable attorney fees upon a judgment against the insurer and in favor of the insured or named beneficiary under an insurance policy, and applies to disputes under the No-Fault Law.²⁴ Chapter 2012-197, L.O.F., amended provisions related to attorney fee awards in No-Fault disputes. The law prohibited the application of attorney fee multipliers.²⁵ The law also required that the attorney fees awarded must comply with prevailing professional standards, not overstate or inflate the number of hours reasonably necessary for a case of comparable skill or complexity, and represent legal services that are reasonable to achieve the result obtained.²⁶ The offer of judgment statute, s. 768.79, F.S., is applied to No-Fault cases, providing statutory authority for insurers to recover fees if the plaintiff's recovery does not exceed the insurer's settlement offer by a statutorily specified percentage.²⁷

Mandatory Rate Filings and Data Call

Chapter 2012-197, L.O.F., required the Office of Insurance Regulation to contract with a consulting firm to calculate the expected savings from the act.²⁸ The OIR retained Pinnacle Actuarial Resources, Inc., which released an August 20, 2012, report estimating an indicated statewide average savings in PIP premiums of 14 percent to 24.6 percent and an average overall motor vehicle insurance premium reduction ranging from 2.8 percent to 4.9 percent.²⁹ The report noted that if insurers' current PIP rates were inadequate they would likely offset the savings from Chapter 2012-197, L.O.F., against their indicated PIP rates. By October 1, 2012, each insurer writing private passenger automobile PIP insurance was required to submit a rate filing providing at least a 10 percent reduction of its PIP rate or explain in detail its reasons for failing to achieve those savings. The Legislature required a second mandatory rate filing due January 1, 2014, that provided at least a 25 percent reduction of the insurer's July 1, 2012, PIP rate or explained in detail its reasons for failing to achieve those savings.

The Office of Insurance Regulation performed a comprehensive PIP data call on January 1, 2015, that analyzed the impact of the 2012 act's reforms on the PIP insurance market. The top 25 personal lines automobile insurers³⁰ generally failed to achieve a 25 percent rate reduction and instead reduced PIP rates an average of 13.6 percent.³¹ Rates were only reduced an average of 0.1 percent for a full auto insurance premium consisting of PIP, property damage, bodily injury, uninsured motorists, collision and comprehensive coverages.³² The OIR noted that though the required rate filings were on the low end of 2012 Pinnacle report, prior to the 2012 act, the

²⁴ Section 627.736(8), F.S.

²⁵ See *id.*

²⁶ See *id.*

²⁷ See *id.*

²⁸ Section 15, Ch. 2012-197, L.O.F.

²⁹ Pinnacle Actuarial Resources, Inc., *Impact Analysis of HB 119*, (Aug. 20, 2012).

³⁰ On an earned premium basis.

³¹ Office of Insurance Regulation, *Report on Review of the Data Call Pursuant to HB 119 – Motor Vehicle Personal Injury Protection (PIP) Insurance*, Pg. 43 (January 1, 2015).

³² See *id.*

statewide average approved rate changes were a 46.3 percent increase in PIP rates, and a 12.9 percent rate increase for full auto insurance.³³

Rate filings by top 25 auto insurers from January 1, 2015, to January 18, 2017, reversed the entirety of the rate reductions achieved post the 2012 act, resulting in average premiums higher than those charged before that act became law.³⁴ Generally, motor vehicle insurance rates increased nationally. The United States Department of Labor calculates that the consumer price index for motor vehicle insurance (U.S. city average for urban consumers) increased 8.2 percent³⁵ from October 2016, to October 2017, with followed a 6.7 percent³⁶ increase from October 2015 to October 2016. The number of crashes and crashes involving injuries reported to the Florida Department of Highway Safety and Motor Vehicles has increased in recent years. The number of crashes (346,326) and injury crashes (143,981) from January 1, 2017, through November 28, 2017, exceeds the number of crashes for the entire year of 2013 (317,355 crashes with 140,241 being injury crashes).³⁷

Motor Vehicle Insurance Fraud

Motor vehicle insurance fraud is a long-standing problem in Florida. In November 2005, the Senate Banking and Insurance Committee issued a report entitled “Florida’s Motor Vehicle No-Fault Law”, which was a comprehensive review of Florida’s No-Fault system. The report noted that fraud was at an “all-time” high at the time, noting that there were 3,942 PIP fraud referrals received by the Division of Insurance Fraud during the 3 fiscal years beginning in 2002 and ending in 2005. That 3-year amount was nearly doubled by the 7,240 PIP fraud referrals received by the division during the 2014-2015 fiscal year.³⁸ Given this fact, the following description from the 2005 report is an accurate description of the current situation regarding motor vehicle insurance fraud:

“Florida’s no-fault laws are being exploited by sophisticated criminal organizations in schemes that involve health care clinic fraud, staging (faking) car crashes, manufacturing false crash reports, adding occupants to existing crash reports, filing PIP claims using contrived injuries, colluding with dishonest medical treatment providers to fraudulently bill insurance companies for medically unnecessary or non-existent treatments, and patient-brokering...”

Fraudulent claims are a major cost-driver and result in higher motor vehicle insurance premium costs for Florida policyholders. The 2012 act contained numerous provisions designed to curtail PIP fraud. A health care practitioner found guilty of insurance fraud under s. 817.234, F.S., loses

³³ See *id.* on pg. 41.

³⁴ See Office of Insurance Regulation, *Florida Personal Auto Market Presented to The Florida Senate Committee on Banking and Insurance*, pg. 3 (January 24, 2017).

³⁵ United States Department of Labor, *Economic News Release Consumer Price Index Summary: Table 2* (November 15, 2017) <https://www.bls.gov/news.release/cpi.t02.htm> (last accessed November 29, 2017).

³⁶ United States Department of Labor, *Economic News Release Consumer Price Index Summary: Table 2* (November 17, 2016) https://www.bls.gov/news.release/archives/cpi_11172016.htm (last accessed November 29, 2017).

³⁷ See Florida Department of Highway Safety and Motor Vehicles, Florida Integrated Report Exchange System Quick Statistics at <https://firesportal.com/Pages/Public/QuickStats.aspx> (last accessed on November 29, 2017).

³⁸ Florida Department of Financial Services, *Division of Insurance Fraud Annual Report Fiscal Year 2014 – 2015*, pg. 28 http://www.myfloridacfo.com/Division/DIFS/resources/documents/2014-15_Annual-Report.pdf (last accessed on December 4, 2017).

his or her license for 5 years and may not receive PIP reimbursement for 10 years. Insurers are provided an additional 60 days (90 total) to investigate suspected fraudulent claims, however, an insurer that ultimately pays the claim must also pay an interest penalty.³⁹ All entities seeking reimbursement under the No-Fault Law must obtain health care clinic licensure except for hospitals, ambulatory surgical centers, entities owned or wholly owned by a hospital, clinical facilities affiliated with an accredited medical school and practices wholly owned by a physician, dentist, or chiropractic physician or by such physicians and specified family members.⁴⁰ The act also defined failure to pay PIP claims within the time limits of s. 627.736(4)(b), F.S., as an unfair and deceptive practice.

Financial Responsibility Law

Florida's financial responsibility law requires proof of ability to pay monetary damages for bodily injury and property damage liability arising out of a motor vehicle accident or serious traffic violation.⁴¹ The owner and operator of a motor vehicle need not demonstrate financial responsibility, i.e., obtain BI and PD coverages, until *after the accident*.⁴² At that time, a driver's financial responsibility is proved by the furnishing of an active motor vehicle liability policy. The minimum amounts of liability coverages required are \$10,000 in the event of bodily injury to, or death of, one person, \$20,000 in the event of injury to, or death of, two or more persons, and \$10,000 in the event of damage to property of others, or \$30,000 combined BI/PD policy.⁴³ The driver's license and registration of the driver who fails to comply with the security requirement to maintain PIP and PD insurance coverage is subject to suspension.⁴⁴ A driver's license and registration may be reinstated by obtaining a liability policy and by paying a fee to the Department of Highway Safety and Motor Vehicles.⁴⁵

Review of Auto Insurance Systems

Two auto insurance systems are utilized throughout the country: the tort system and the no-fault system, with certain variations. Thirty-eight states utilize the tort system in which the at-fault party is liable for damages (medical, economic, property damage and pain and suffering) to other parties in an accident.⁴⁶ Parties seeking redress for their injuries do so from the at-fault driver, and must prove negligence on the part of that individual. Nine of the 38 tort states, known as "add-on" states, require auto insurers to offer PIP coverage, but unlike no-fault states, do not restrict the right to pursue a liability claim or lawsuit.⁴⁷ Benefits are generally either offered in a PIP coverage form similar to that in no-fault states or as additional wage replacement benefits to

³⁹ Section 627.736(4)(i), F.S.

⁴⁰ Section 627.736(5)(h), F.S.

⁴¹ See ch. 324, F.S.

⁴² Section 324.011, F.S.

⁴³ Section 324.022, F.S.

⁴⁴ Section 324.0221(2), F.S.

⁴⁵ Section 324.0221(3), F.S.

⁴⁶ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

⁴⁷ Arkansas, Delaware, Maryland, Oregon, South Dakota, Texas, Virginia, Washington, and Wisconsin.

medical payments coverage. Three tort add-on states require the purchase of PIP coverage; six do not, but require insurers to offer PIP coverage.

Twelve states (including Florida) have a no-fault system and mandate first-party PIP coverage for medical benefits, wage loss, and death benefits, with a limitation on pain and suffering lawsuits.⁴⁸ All 12 jurisdictions take different approaches to no-fault legislation in that coverage amounts, deductibles, mandated coverages, tort thresholds for pain and suffering claims, and the use of fee schedules or treatment protocols vary widely among these entities. Each state has either a “verbal” or “monetary” threshold regarding the seriousness of a person’s injuries that must be met prior to the filing of a tort suit for noneconomic damages against an at-fault driver. Florida and the four most populous no-fault states use a verbal threshold, which is a statutory description of the severity of an injury. The seven remaining no-fault states have monetary thresholds ranging from \$1,000 to \$5,000. Three of the 12 no-fault states (Kentucky, New Jersey and Pennsylvania) are known as “choice” states and offer consumers a choice between purchasing PIP coverage and traditional tort liability coverage, which does not include PIP benefits.

Auto Coverage Requirements

Forty-eight states require car owners to buy a minimum amount of bodily injury liability (BI) and property damage liability (PD) insurance coverage before they can legally drive their vehicles.⁴⁹ Further, all states have financial responsibility laws which require persons involved in auto accidents (or serious traffic infractions) to furnish proof of BI and PD liability insurance. The minimum coverage amounts vary among the states. Florida has a requirement for bodily liability coverage for persons subject to the Financial Responsibility Law of \$10,000 per person, \$20,000 per accident, and \$10,000 in the event of damage to property of others, or a \$30,000 combined (BI/PD) single limit. A Florida driver is not required to maintain BI coverage until he or she is involved in a crash or convicted of certain traffic offenses. The following chart shows the required motor vehicle insurance coverages in each state and the minimum coverages for bodily injury liability coverage and property damage coverage.

⁴⁸ Hawaii, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Dakota, Pennsylvania, and Utah are the other No-Fault states.

⁴⁹ New Hampshire does not require auto insurance if the driver complies with alternative financial responsibility requirements. Florida only requires BI coverage after a driver is involved in a crash.

State Motor Vehicle Insurance Requirements

ST	Ins. Req.	Min. BI/PD	ST	Ins. Req.	Min. BI/PD	ST	Ins. Req.	Min. BI/PD
AL	BI/PD	25/50/25	LA	BI/PD	15/30/25	OH	BI/PD	25/50/25
AK	BI/PD	50/100/25	ME	BI/PD/UM	50/100/25	OK	BI/PD	25/50/25
AZ	BI/PD	15/30/10	MD	BI/PD/PIP/UM	30/60/15	OR	BI/PD/PIP/UM	25/50/25
AR	BI/PD/PIP	25/50/25	MA	BI/PD/PIP/UM	20/40/5	PA	BI/PD/PIP	15/30/5
CA	BI/PD	15/30/5	MI	BI/PD/PIP	20/40/10	RI	BI/PD	25/50/25
CO	BI/PD	25/50/15	MN	BI/PD/PIP/UM	30/60/10	SC	BI/PD/UM	25/50/25
CT	BI/PD/UM	20/40/10	MS	BI/PD	25/50/25	SD	BI/PD/UM	25/50/25
DE	BI/PD/PIP	15/30/10	MO	BI/PD/UM	25/50/10	TN	BI/PD	25/50/15
FL	PIP/PD	10/20/10	MT	BI/PD	25/50/20	TX	BI/PD	30/60/25
GA	BI/PD	25/50/25	NE	BI/PD/UM	25/50/25	UT	BI/PD/PIP	25/65/15
HI	BI/PD/PIP	20/40/10	NV	BI/PD	15/30/10	VT	BI/PD/UM	25/50/10
ID	BI/PD	25/50/15	NH	None	25/50/25	VA	BI/PD/UM	25/50/20
IL	BI/PD/UM	25/50/20	NJ	BI/PD/PIP/UM	15/30/5	WA	BI/PD	25/50/10
IN	BI/PD	25/50/25	NM	BI/PD	25/50/10	WV	BI/PD/UM	25/50/25
IA	BI/PD	20/40/15	NY	BI/PD/PIP/UM	35/50/10	WI	BI/PD/UM	25/50/10
KS	BI/PD/PIP	25/50/25	NC	BI/PD/UM	30/60/25	WY	BI/PD	25/50/20
KY	BI/PD/PIP	25/50/10	ND	BI/PD/PIP/UM	25/50/25	DC	BI/PD/PIP/UM	25/50/10

Tort-Based Motor Vehicle Insurance Jurisdictions

In a tort-based liability system, auto injury claimants seek payment from the at-fault driver for both economic and non-economic damages from dollar one. A tort-based system represents a more traditional legal philosophy of holding persons responsible for injuries caused by their negligent operation of a vehicle. In theory, this encourages safer operation of automobiles and is generally viewed by the public as consistent with the concept of personal responsibility.

If Florida repeals PIP and mandates BI coverage, it will be important for drivers to appreciate coverage applications under the tort system. For the most common type of accident (with one party at-fault), the at-fault party’s BI coverage would pay for injuries to the not at-fault driver, unless the at-fault party was uninsured. If the at-fault party is uninsured (or underinsured), the not at-fault party would utilize his/her Uninsured Motorist (UM) coverage, if purchased, to pay for injuries sustained in an accident. The at-fault party’s PD coverage would compensate for physical damages to the not at-fault driver’s vehicle. If the not-at-fault party has Med Pay coverage, it can be used to cover his or her own medical expenses, which could then be subrogated into the BI claim by the not at-fault driver’s insurer.

With respect to the at-fault party, that driver’s own health insurance, if available, would cover his or her own expenses. Med Pay coverage, if purchased, would pay for his/her medical expenses up to the Med Pay limits, at which point health insurance would apply. In the event the at-fault party did not have health insurance, then the medical costs would not be reimbursed and the

individual would be responsible for these costs or such costs would be assumed by the health care provider.

For single car accidents, the driver of the vehicle is presumed to be the at-fault party and therefore will be essentially in the same situation as the at-fault party described above. Occupants in the vehicle can sue the driver of the vehicle for their injuries and are in a similar circumstance to the not at-fault party's situation, previously described. Family members are precluded from suing the driver because of the intra-family exclusion resulting in the fact that only non-family occupants can pursue a tort claim. Pedestrians who are injured in an accident are in a similar situation as the not at-fault party.

III. Effect of Proposed Changes:

Repeal of the Florida Motor Vehicle No-Fault Law

Section 1 repeals ss. 627.730-627.7405, F.S., which constitute the Florida Motor Vehicle No-Fault Law.

Many of the provisions of the No-Fault Law are retained in s. 627.7265, F.S., (section 39 of the bill) as detailed below. Two of the most significant provisions not retained are the tort exemption in s. 627.737, F.S., which prohibits tort actions to recover pain and suffering damages from PIP insureds unless death or significant and permanent injury causes such damages, and coverage for disability and death benefits under PIP.

Section 2 repeals s. 627.7407, F.S., which explained how the Florida Motor Vehicle No-Fault Law was to be applied after being reinstated by ch. 2007-324, Laws of Florida.

Mandatory Bodily Injury Liability Coverage Requirements

Chapter 324, F.S., requires the owners and operators of motor vehicles to demonstrate the ability to respond to damages for liability because of crashes arising out of the use of a motor vehicle.⁵⁰ This requirement is usually met through the purchase of motor vehicle insurance.

Sections 12 and 13 amend ss. 324.021 and 324.022, F.S., respectively, to require every owner or operator of a motor vehicle registered in this state to maintain the ability to respond to damages for liability that results from accidents arising out of the ownership, maintenance, or use of a motor vehicle in the amount of:

- Beginning January 1, 2019, through December 31, 2020, \$20,000 for bodily injury or death of one person in any one crash, and subject to that limit for one person, \$40,000 for bodily injury or death of two or more people in any one crash.
- Beginning January 1, 2021, through December 31, 2022, \$25,000 for bodily injury or death of one person in any one crash, and subject to that limit for one person, \$50,000 for bodily injury or death of two or more people in any one crash.

⁵⁰ Owners and operators of motor vehicles may satisfy financial responsibility requirements by alternate means, such as depositing security with the Department of Highway Safety and Motor Vehicles pursuant to s. 324.161, F.S., or qualifying as a self-insurer pursuant to s. 324.171, F.S.

- Beginning January 1, 2023, and thereafter, \$30,000 for bodily injury or death of one person in any one crash, and subject to that limit for one person, \$60,000 for bodily injury or death of two or more people in any one crash.

The bill retains current law that requires drivers to maintain the ability to respond to damages of \$10,000 for damage to, or the destruction of, other's property in a crash.

Financial responsibility may be met through motor vehicle insurance that provides BI and PD coverage in at least the minimum amounts required to meet responsibility or through insurance that provides BI and PD with a combined single coverage limit that equals the BI requirement for more than one person plus the PD requirement. From January 1, 2019, through December 31, 2020, minimum combined single limit will be \$50,000 and will subsequently increase to \$60,000 on January 1, 2021, and \$70,000 on January 1, 2023.

Required Provisions in Motor Vehicle Liability Policies

Section 21 amends s. 324.151, F.S., which requires motor vehicle liability insurance policies that serve as proof of financial responsibility to contain certain provisions. The bill requires policies issued to the owner of a motor vehicle registered in this state to insure all named insureds and any operator using the vehicle with the permission of the owner of the vehicle insured by the policy from liability resulting from the use of the motor vehicle referenced in the policy.

Meeting Financial Responsibility through a Certificate of Self-Insurance

Section 16 amends s. 324.031, F.S., which allows owners and operators of motor vehicles that are not for-hire vehicles to prove financial responsibility by providing evidence of holding a motor vehicle liability policy. Two alternatives are also available under the statute. A person may prove financial responsibility by furnishing a certificate of self-insurance that shows a deposit of cash with a financial institution, or furnishing a certificate of self-insurance issued by the DHSMV based on demonstrating sufficient net unencumbered worth.

A certificate of self-insurance showing a deposit of cash must, beginning January 1, 2019, require a certificate of deposit equal to the number of vehicles owned times \$50,000, to a maximum of \$200,000. As of January 1, 2021, the deposit must equal the number of vehicles owned times \$60,000, to a maximum of \$240,000. On January 1, 2023, and thereafter, the deposit must equal the number of vehicles owned times \$70,000, to a maximum of \$280,000. Current law requires a deposit equal to the number of vehicles times \$30,000, to a maximum of \$120,000. The bill also requires all persons using this method to maintain excess coverage of the amount deposited. Current law does not require this of natural persons, and requires the excess coverage of a \$10,000/\$20,000/\$10,000 BI/PD or a \$30,000 combined single limit. The bill retains current law that the excess coverage must have limits of at least \$125,000/\$250,000/\$50,000 BI/PD or a \$300,000 BI/PD combined single limit.

Under **Section 22** of the bill, the proof of a certificate of deposit must be provided annually, and must be from a financial institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

The second alternative method is obtaining a certificate of self-insurance issued by the DHSMV.

Section 23 amends s. 324.171, F.S., to provide that a certificate of self-insurance from the DHSMV pursuant to this section may be obtained by a private individual with private passenger vehicles by demonstrating sufficient net unencumbered worth of at least \$80,000 beginning January 1, 2019; at least \$100,000 beginning January 1, 2021; and at least \$120,000 beginning January 1, 2023, and thereafter. Current law requires a net unencumbered worth of at least \$40,000. A person other than a natural person may obtain a certificate of self-insurance from the DHSMV by possessing a net unencumbered worth of at least \$80,000 for the first motor vehicle and \$40,000 for each additional vehicle beginning on January 1, 2019; a net unencumbered worth of at least \$100,000 for the first motor vehicle and \$50,000 for each additional motor vehicle beginning January 1, 2021; and a net unencumbered worth of at least \$120,000 for the first motor vehicle and \$60,000 for each additional motor vehicle beginning January 1, 2023. The bill retains current law that authorizes the DHSMV to promulgate by rule an alternative net worth requirement for persons other than natural persons. Current law requires a net unencumbered worth of \$40,000 for the first motor vehicle and \$20,000 for each additional motor vehicle.

Garage Liability Insurance Requirement

Section 7 amends s. 320.27, F.S., which requires the licensure of motor vehicle dealers. The bill increases the garage liability insurance requirement, requiring a combined single limit policy that provides BI liability and PD liability coverage with a limit of:

- At least \$50,000 beginning January 1, 2019, and continuing through December 31, 2020.
- At least \$60,000 beginning January 1, 2021, and continuing through December 31, 2022.
- At least a \$70,000 beginning January 1, 2023, and thereafter.

Current law only requires at least \$25,000 in such coverage and requires PIP. The section also corrects a cross reference in the exemption from this requirement for salvage motor dealers.

Section 8 amends s. 320.771, F.S., and applies the same garage liability insurance requirement to recreational vehicle dealers.

Financial Responsibility Requirement for For-Hire Vehicles

Section 17 amends s. 324.032, F.S., which provides the financial responsibility requirements for for-hire passenger vehicles. The bill retains current law requiring the owner or lessee to meet the financial responsibility requirement and retains the minimum limits of coverage, which are \$125,000/\$250,000 of BI and \$50,000 of PD. The bill amends current law by specifying the coverage must be purchased by an insurer that is a member of the Florida Insurance Guaranty Association.

Section 41 amends s. 627.7275, F.S., to require all motor vehicle insurance policies delivered or issued in Florida for a motor vehicle registered or principally garaged in this state to include BI liability coverage and PD liability coverage as required by s. 324.022, F.S., and Med Pay coverage as required by s. 627.7265, F.S.

Mandatory Medical Payments Coverage⁵¹

Medical Payments Coverage Benefits

Section 39 creates s. 627.7265, F.S., which requires the inclusion of medical payments coverage of at least \$5,000 in each motor vehicle liability insurance policy used to meet the financial responsibility requirements of s. 324.031, F.S.

Medical payments coverage protects the named insured, resident relatives, all passengers and operators of the insured vehicle, and all persons struck by the motor vehicle while not occupying a self-propelled motor vehicle. Medical payments coverage must provide reimbursement of medically necessary medical, surgical, X-ray, dental, and rehabilitative services, including prosthetic devices, and ambulance, hospital, and nursing services. The coverage also includes a death benefit of at least \$5,000.

Med Pay provides reimbursement of 100 percent of covered medical care and services, which differs from PIP, which provides reimbursement for 80 percent of such services and care. Deductibles are prohibited. Massage and acupuncture are not reimbursable under Med Pay coverage, nor is treatment provided by a licensed massage therapist or licensed acupuncturist. Med Pay benefits are generally primary except that workers' compensation benefits are primary and Med Pay must reimburse the state Medicaid program for any benefits it pays.

The bill retains within Med Pay the PIP requirement that an individual seeking reimbursement must receive initial services and care within 14 days of the motor vehicle accident from specified medical providers.⁵² The following medically necessary treatment, services and care are reimbursable under Med Pay:

- Emergency transport and treatment by a provider licensed under ch. 401, F.S.
- Emergency services and care provided by a hospital licensed under ch. 395, F.S.
- Emergency services and care as defined in s. 395.002, F.S., provided in a facility licensed under ch. 395, F.S., and rendered by a physician or dentist, and related hospital inpatient services rendered by a physician or dentist.
- Hospital inpatient services, other than emergency services and care.
- Hospital outpatient services, other than emergency services and care.
- Physician services and care provided by a physician licensed under ch. 458, F.S., or ch. 459, F.S., or a chiropractic physician licensed under ch. 460, F.S., or dental services and care provided by a dentist licensed under ch. 466, F.S.

Medical Fee Schedule for Med Pay Reimbursement

Medical payments coverage reimbursement contains a medical fee schedule that is similar to the fee schedule for PIP.⁵³ The primary difference is that whereas PIP reimbursed 80 percent of

⁵¹ Footnotes in the Effect of Proposed Changes section of this analysis refer to the statutory citations contained in CS/SB 150, and not current law.

⁵² A licensed physician, licensed dentist, licensed chiropractor, by a person or entity licensed under part III of ch. 401, F.S. Initial services and care may also be provided in a licensed hospital, or in a facility that owns or is wholly owned by a licensed hospital.

⁵³ See s. 627.7265(5)(a), F.S.

charges made under the fee schedule, Med Pay reimburses 100 percent of such charges. The fee schedule allows insurers to limit reimbursement to the following:

- Emergency services transport and treatment by licensed medical transportation service – 200 percent of Medicare.
- Emergency services and care provided by a licensed hospital – 75 percent of a hospital’s usual and customary charges.
- Emergency services and care and related hospital inpatient services provided by a licensed physician or dentist, if rendered in a facility licensed under ch. 395, F.S., (hospitals, ambulatory surgical centers, and mobile surgical facilities) – usual and customary charges in the community.
- Hospital inpatient services other than emergency services and care – 200 percent of the Medicare Part A prospective payment applicable to the specific hospital providing the inpatient services.
- Hospital outpatient services other than emergency services and care – 200 percent of the Medicare Part A Ambulatory Payment Classification for that particular hospital.

The bill does not retain the provisions in the fee schedule that limits reimbursement for all other medical supplies, services, and care to 200 percent of the participating physician’s fee schedule of Medicare Part B, and details the reimbursement amounts for the following:

- Services, supplies, and care provided by ambulatory surgical centers and clinical laboratories – 200 percent of Medicare Part B.
- Durable medical equipment – 200 percent of the Durable Medical Equipment Prosthetics/Orthotics and Supplies fee schedule of Medicare Part B.
- Services, supplies, or care not reimbursable under Medicare Part B – 80 percent of the maximum reimbursement under workers’ compensation.
- Services, supplies, or care that are not reimbursable under Medicare or workers’ compensation – no reimbursement.

Failure to include this provision means that no fee schedule will apply to services and care provided by a licensed physician, a licensed chiropractic physician, or for dental services and care provided by a dentist licensed under ch. 466, F.S., unless those services and care are specified in the fee schedule.

The bill specifies the applicable fee schedules under Medicare and workers’ compensation that are the basis of the Med Pay fee schedule. Insurers may not limit the number of treatments or impose other utilization limits that apply under Medicare or workers’ compensation.

Providers of medical care may not balance bill insureds when reimbursement is limited by the fee schedule, except for amounts not covered because of Med Pay policy limits.

Insurers that limit reimbursement under the fee schedule must include a notice with the insurance policy at the time of issuance or renewal that the insurer may limit payment pursuant to the fee schedule. A policy form approved by OIR satisfied this requirement.

The bill also specifies that an insurer may pay charges that are for an amount less than the amount allowed under the fee schedule.

Requirements for Billing and Payment of Med Pay Claims

Med Pay retains some provisions in the PIP statute related to payment of medical claims. These include the grounds for an insurer not paying a claim.⁵⁴ Some billing requirements are retained, including requiring providers of medical services to bill insurers for specified services, though the time frames for doing so are not retained,⁵⁵ and using specified forms for billing.⁵⁶

Insurance Fraud Related to Med Pay Claims

The bill retains provisions in the PIP law related to insurance fraud. An insurer may bring a civil action against any person convicted of insurance fraud associated with a Med Pay claim, and may recover punitive damages, attorney fees and costs.⁵⁷ Insurers must send a fraud advisory notice to Med Pay claimants informing them of potential monetary rewards for providing information related to insurance fraud and that claimants should report any solicitation of persons injured in a motor vehicle crash for the purpose of filing a Med Pay claim or lawsuit to the Department of Financial Services.⁵⁸ Claims generated as a result of patient brokering are not reimbursable.⁵⁹

Uninsured and Underinsured Motor Vehicle Insurance Coverage

Section 40 amends s. 627.727, F.S., which governs uninsured and underinsured motor vehicle insurance coverage. The bill deletes subsection (7), under which current law specifies that UM coverage does not include damages in tort for pain, suffering, mental anguish, and inconvenience unless the injury or disease is of sufficient severity under “verbal threshold” s. 627.737(2), F.S. Under PIP, if an injured person’s injuries exceed a certain severity threshold, that person cannot recover “pain and suffering” damages from the at-fault driver’s bodily injury coverage. Personal injury protection is considered a no-fault coverage because the injured person trades a limitation on the ability to recover pain and suffering damages for the ability to get PIP benefits even if the injured person is at fault in the accident. Uninsured motorist coverage generally provides the policyholder with benefits if the at-fault driver does not have sufficient bodily injury coverage. Current law does not allow the recovery of uninsured motorist benefits for pain and suffering damages unless the injury surpasses the “verbal threshold” because an injured person cannot recovery bodily injury coverage for pain and suffering damages unless the injury is sufficiently severe. The bill repeals the “verbal threshold” contained in the No-Fault Law, thus this corresponding provision is also repealed.

Commercial Motor Vehicle Coverage Requirements

Section 44 amends s. 627.7415, F.S., to increase the minimum levels of combined BI liability and PD liability coverage that commercial motor vehicles must have.

⁵⁴ See s. 627.7265(5)(b), F.S.

⁵⁵ See s. 627.7265(5)(c), F.S.

⁵⁶ See s. 627.7265(5)(d), F.S.

⁵⁷ See s. 627.7265(6), F.S.

⁵⁸ See s. 627.7265(7), F.S.

⁵⁹ See s. 627.7265(8), F.S.

A commercial motor vehicle that weighs 26,000 pounds or more but less than 35,000 pounds must have coverage of no less than \$50,000 per occurrence beginning January 1, 2019; of no less than \$60,000 per occurrence beginning January 1, 2021; and of no less than \$70,000 per occurrence beginning January 1, 2023, and thereafter. Current law requires \$50,000 of coverage.

A commercial motor vehicle that weighs 35,000 pounds or more but less than 44,000 pounds must have coverage of no less than \$100,000 per occurrence beginning January 1, 2019; of no less than \$120,000 per occurrence beginning January 1, 2021; and of no less than \$140,000 per occurrence beginning January 1, 2023, and thereafter. Current law requires \$100,000 of coverage.

Technical and Conforming Changes

Section 3 amends s. 316.646, F.S., which requires drivers to maintain and be able to display proof of security demonstrating compliance with financial responsibility requirements. The bill specifies that any person required by s. 324.022, F.S., to maintain liability security for operating a motor vehicle must have proof of security in his or her immediate possession and deletes references to PIP and amended sections of law.

Section 4 amends s. 318.18(2), F.S., regarding nonmoving traffic violations, to conform cross references.

Section 5 amends s. 320.02, F.S., which contains the requirements to register a motor vehicle. The bill amends the section to require proof of motor vehicle insurance that meets the minimum limits of bodily injury liability, property damage liability, and medical payments coverage.

Section 6 amends s. 320.0609, F.S., regarding transfer and exchange of registration license plates to eliminate a reference to PIP.

Section 9 amends s. 322.251, F.S., regarding notice of cancellation, suspension, or revocation of a driver's license to repeal references to the No-Fault Law.

Section 10 amends s. 322.34, F.S., deleting a reference to the No-Fault Law.

Section 11 amends s. 324.011, F.S., which provides the purpose of ch. 324, F.S., to specify that under the chapter all owners or operators of a motor vehicle required to be registered in this state must establish, maintain and show proof of financial responsibility. Currently, financial responsibility requirements only apply after an operator is involved in a crash or convicted of certain traffic offenses.

Section 14 amends s. 324.0221, F.S., which requires insurers to report motor vehicle insurance cancellations to the DHSMV, to remove references to PIP and insert references to Med Pay coverage and BI liability coverage.

Section 15 corrects cross references in s. 324.023, F.S., which requires drivers who plead guilty or nolo contendere to a charge of driving under the influence to meet additional liability insurance requirements.

Section 18 amends s. 324.051, F.S., regarding crash reports, to refer to motor vehicle liability policies rather than automobile liability policies.

Section 19 amends s. 324.071, F.S., to provide stylistic changes to provisions governing the reinstatement of a suspended license.

Section 20 amends s. 324.091, F.S., which requires owners and operators involved in a crash or conviction case to furnish evidence of liability insurance, by deleting references to automobile liability policy while retaining references to a motor vehicle liability policy.

Section 24 amends s. 324.251, F.S., to revise the short title of ch. 324, F.S., to the “Financial Responsibility Law of 2018” and state it will be effective at 12:01 a.m., on January 1, 2019. Currently the chapter is the “Financial Responsibility Law of 1955.”

Section 25 revises the definition of a “clinic” contained in s. 400.9905, F.S., of the Health Care Clinic Act, to replace references to PIP coverage and the Florida Motor Vehicle No-Fault Law with references to Med Pay or bodily injury coverage.

Sections 26 and 27 amend s. 400.991, F.S., and s. 400.9935, F.S., respectively, of the Health Care Clinic Act to remove references to PIP and the No-Fault Law and insert references to Med Pay coverage.

Section 28 revises the definition of a “third party benefit” in s. 409.901, F.S., for purposes of Medicaid to refer to Med Pay rather than PIP coverage.

Section 29 amends s. 409.910(11), F.S., to specify that the Agency for Health Care Administration may recoup the total amount of medical assistance provided by Medicaid from motor vehicle insurance coverage benefits provided to a Medicaid beneficiary. Current law refers to PIP.

Section 30 amends s. 456.057, F.S., regarding patient records, to correct a cross-reference.

Section 31 amends s. 456.072, F.S., which allows the Department of Health to discipline licensees for submitting claims for PIP reimbursement when treatment was not rendered or that is intentionally upcoded, to refer instead to Med Pay coverage.

Section 32 amends s. 626.9541(1)(i) and (o), F.S., regarding unfair insurance trade practices related to motor vehicle insurance. The bill deletes the unfair trade practice in paragraph (i) for failing to pay claims within statutory time periods required under the No-Fault Law to conform to the repeal of those time frames by the bill. The section makes a technical amendment to paragraph (o) to reference Med Pay coverage rather than PIP in the prohibitions against the unfair insurance trade practice of increasing premium or cancelling a motor vehicle insurance policy solely because the insured was involved in a motor vehicle accident without having information the insured was substantially at fault.

Section 33 amends s. 626.989, F.S., to revise the “fraudulent insurance acts” detailed in the section to refer to Med Pay coverage rather than the No-Fault Law.

Section 34 amends s. 627.06501, F.S., regarding insurance discounts for completing a driver improvement course, to delete a reference to PIP and insert a reference to Med Pay.

Sections 35 and 36 amend s. 627.0652, F.S., and s. 627.0653, F.S., respectively, relating to insurance discounts for motor vehicle coverage, by replacing references to PIP with references to Med Pay coverage.

Section 37 amends s. 627.4132, F.S., regarding the general prohibition against stacking of motor vehicle coverages, to refer to BI and PD instead of PIP or other coverage.

Section 38 amends s. 627.7263, F.S., which generally makes rental and leasing driver’s insurance primary, to delete references to PIP and insert references to Med Pay.

Section 42 amends s. 627.728, F.S., which governs cancellations of motor vehicle insurance policies, to delete a reference to PIP in the definition of “policy.”

Section 43 amends s. 627.7295, F.S., to revise definitions relating to motor vehicle insurance contracts by deleting references to PIP and insert references to BI liability coverage and Med Pay coverage.

Section 45 amends s. 627.8405, F.S., regarding prohibited acts of premium finance companies to replace a reference to a PIP/PD only policy with a reference to a policy that only provides BI/PD/Med Pay.

Section 46 amends s. 627.915, F.S., which requires private passenger automobile insurers to report annually information to the office, to remove references to PIP.

Section 47 amends s. 628.909, F.S., which applies certain provisions of the Insurance Code to captive insurance companies, to delete references to the No-Fault Law.

Section 48 amends s. 705.184, F.S., which governs derelict or abandoned motor vehicles on the premises of public-use airports, to delete references to s. 627.736, F.S., which is repealed by the bill.

Section 49 amends s. 713.78, F.S., regarding liens for recovering, towing, or storing vehicles and vessels, to delete references to s. 627.736, F.S., which is repealed by the bill.

Section 50 amends s. 817.234, F.S., regarding false and fraudulent insurance claims, to delete references to PIP and replace them with references to Med Pay coverage.

Application of Bill and Effective Date

Section 51 applies financial responsibility and medical payments coverage requirements created by the bill as follows:

- Effective January 1, 2019:
 - All Motor vehicle insurance policies issued or renewed may not include PIP.
 - All persons must maintain at least minimum security requirements, which is the ability to respond to damages for liability because of motor vehicle crashes in the amounts required by s. 324.021, F.S.
 - Any new or renewal motor vehicle insurance policy delivered or issued in this state must provide coverage that complies with minimum security requirements.
 - New and renewal motor vehicle insurance policies used to prove financial responsibility must provide medical payments coverage.
 - An existing motor vehicle insurance policy that provides PIP and property damage liability coverage but does not meet the new bodily injury liability requirements is deemed to meet the bodily injury and Med Pay requirements until the policy is renewed, non-renewed or cancelled on or after January 1, 2019.
- Insurers must allow each insured who has a policy providing PIP which is effective before January 1, 2019, and whose policy does not meet minimum security requirements, to eliminate PIP coverage and obtain coverage providing minimum security requirements effective on or after January 1, 2019. Insurers may not impose additional fees solely to change coverage, but may charge an additional premium that is actuarially indicated.
- By September 1, 2018, each motor vehicle insurer shall provide notice that:
 - The Florida Motor Vehicle No-Fault Law is repealed effective January 1, 2019, and that PIP coverage is no longer required or available for purchase.
 - That effective January 1, 2019, a person subject to the financial security requirements of s. 324.022, F.S., must maintain medical payments coverage and applicable minimum security requirements for bodily injury liability and property damage liability.
 - That a policyholder may obtain underinsured motorist coverage, which provides benefits to a policyholder entitled to recover bodily injury damages resulting from a motor vehicle accident with an uninsured or underinsured owner or operator of a motor vehicle.
 - That a policy effective before January 1, 2019, is deemed to meet minimum security requirements until it is renewed, non-renewed, or canceled.
 - That a policyholder may change coverages to eliminate PIP protection and obtain coverage providing minimum security requirements.
 - That if the policyholder has any questions, he or she should contact the person named at the telephone number provided in the notice.

This section is effective upon the act becoming a law.

Section 52 requires all suspensions for failure to maintain required security as required by law in effect before January 1, 2019, remain in full force and effect after the effective date of this act. A driver may reinstate a suspended driver's license or registration as provided under s. 324.0221, F.S.

Section 53 provides that except as otherwise expressly provided in the act and this section, which take effect upon this act becoming a law, the act is effective January 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Bodily injury coverage is not a required coverage under Florida law unless a person is involved in certain accidents causing bodily injury, convicted of certain offenses, or is otherwise required to maintain BI liability coverage in statute. Failure to maintain BI coverage, when required, can result in the suspension of a license or registration. The reinstatement fee under s. 324.071, F.S., for such suspension under current law is \$15. The bill retains this reinstatement fee for a license suspension based upon a crash report under s. 324.051(2), F.S.; a registration suspension under s. 324.072, F.S., based on a license suspension pursuant to s. 322.26, F.S., or s. 322.27, F.S.; suspension of the operating privileges of a nonresident driver under s. 324.081, F.S.; or suspension of license and registration under s. 324.121, F.S., for failure to satisfy a judgment.

The bill retains the current reinstatement fees under s. 324.0221, F.S., for a suspended license or registration for failure to maintain required insurance based on a report by an insurer. The reinstatement fee for such suspensions under s. 324.0221, F.S., is \$150 for a first reinstatement, while second and subsequent reinstatements within 3 years of the first reinstatement require fees of \$250 and \$500, respectively.

B. Private Sector Impact:

The report *Florida Office of Insurance Regulation: Review of Personal Injury Protection Legislation* provides actuarial estimates of the savings expected from repealing the No-Fault Law.⁶⁰ The charts in this section are taken from data in Appendix 2 and Appendix 3 of the report.

The following chart provides the statewide average premium for each auto insurance coverage under current law and premium estimates if the No-Fault Law is repealed and replaced with mandatory financial responsibility for bodily injury and mandatory medical payments coverage.

⁶⁰ Office of Insurance Regulation, *Review of Personal Injury Protection Legislation*, (Sept. 13, 2016). Available at <http://www.floir.com/siteDocuments/FLOIRReviewPIP20160913.pdf> (last viewed December 4, 2017).

Average Annual Statewide Premium Paid by Coverage and Estimates of Average Statewide Premium⁶¹

Coverage	Current Law 10/20/10 PIP/PD	Repeal PIP & Mandate 15/30/5 BI/MedPay	Repeal PIP & Mandate 25/50/5 BI/MedPay
Bodily Injury	\$329.22	\$462.32	\$469.37
PIP/MedPay	\$219.10	\$72.30	\$72.30
Uninsured Motorist	\$111.60	\$122.43	\$122.43
Property Damage	\$180.06	\$180.06	\$180.06
Comprehensive	\$102.03	\$102.03	\$102.03
Collision	\$267.50	\$267.50	\$267.50
TOTAL	\$1,209.51	\$1,206.94	\$1213.69

The chart below provides select average countywide estimates of the change in what policyholders will annually pay in premiums for certain coverages if the No-Fault law is repealed and replaced with a mandate to carry \$5,000 in Med Pay insurance coverage and a financial responsibility requirement for bodily injury. The 2016 PIP Study indicated that replacing the \$10,000 PIP requirement with a \$5,000 Med Pay coverage requirement would lower the premium paid for first-party medical motor vehicle insurance coverage. This reduction is offset by increases in premium for bodily injury liability coverage and uninsured motorist’s coverage.

County	Avg. MedPay 5	Avg. BI 15/30	Avg. BI 25/50	Avg. UM
Alachua	- \$84.83	+ \$101.03	+ \$106.15	+ \$8.88
Brevard	- \$94.07	+ \$113.84	+ \$119.60	+ \$9.66
Desoto	- \$121.87	+ \$107.98	+ \$113.44	+ \$9.30
Duval	- \$117.42	+ \$124.26	+ \$130.55	+ \$9.39
Escambia	- \$96.47	+ \$101.05	+ \$106.17	+ \$8.30
Hillsborough	- \$177.01	+ \$162.66	+ \$170.89	+ \$12.15
Leon	- \$82.88	+ \$102.79	+ \$107.99	+ \$8.36
Miami/Dade	- \$279.50	+ \$138.64	+ \$145.65	+ \$12.77
Orange	- \$161.52	+ \$131.99	+ \$138.67	+ \$9.94

The 2016 PIP Study estimated that health insurers would cover approximately \$469.7 million of current PIP loss if No-Fault were repealed.⁶² Health care providers will cover

⁶¹ The header on the chart details the current minimum mandatory coverage limit for PIP/PD and possible minimum mandatory coverage limits for BI/Med Pay. The statewide average premiums are for the coverages at any policy limit, not the minimum required limits under state law.

⁶²Office of Insurance Regulation, *Florida Office of Insurance Regulation Review of Personal Injury Protection Legislation*, pg. 6 (September 13, 2016).

approximately \$32.8 million of current PIP losses. Injured claimants will cover approximately \$82.9 million of current PIP losses.

The actuarial consulting firm Milliman, Inc., estimated the impact of HB 19, which is the House companion to Senate Bill 250, on behalf of the Property and Casualty Insurers Association of America. The Milliman report, dated January 25, 2018, estimates that repealing PIP and mandating BI coverage of at least \$25,000/\$50,000 would increase premiums on average by \$67 (5.3 percent), increase premiums on average for drivers that currently purchase full coverage by \$105 (7.2 percent), and increase premiums on average \$230 (50.1 percent) for drivers who currently purchase only PIP and PD at the minimum mandatory limits.⁶³ The report estimates that mandating \$5,000 of MedPay in addition to mandating BI coverage of at least \$25,000/\$50,000 would increase premiums on average by \$115.85 (9.2 percent).⁶⁴ The report identifies as cost-drivers increasing premium the elimination of the No-Fault verbal threshold for noneconomic damages and the elimination of the PIP co-insurance provisions (20 percent for medical expenses and 40 percent for loss of income expenses).⁶⁵

C. Government Sector Impact:

The DHSMV recommends the implementation of an education effort to raise awareness of the changes to the insurance and financial responsibility laws in partnership with the insurance industry.⁶⁶ This campaign can be accomplished within existing resources at the department.

The Office of Insurance Regulation has indicated it will need \$63,651 from the Insurance Regulatory Trust Fund for an additional actuarial analyst position and \$20,000 from the Insurance Regulatory Trust Fund for contracted services to update the Rate Collection System.

VI. Technical Deficiencies:

Lines 1845 through 1848 specify that Med Pay provides reimbursement for physician services and care provided by a physician or chiropractic physician with necessary licensure, and dental services and care provided by a dentist with necessary licensure. The Med Pay fee schedule on lines 1901 through 1994 does not address such services.

The notice on lines 2877 through 2901 describing Med Pay coverage should be amended to explain that Med Pay provides reimbursement for services provided by physicians, chiropractic physicians and dentists.

VII. Related Issues:

None.

⁶³ Milliman, Inc., *Florida Personal Auto Insurance Impact of Repealing No-Fault Coverage – Prepared for Property Casualty Insurers Association of America*, pg. 4 (Jan. 25, 2018).

⁶⁴ See Milliman at pg. 6.

⁶⁵ See Milliman at pgs. 9-10.

⁶⁶ Department of Highway Safety and Motor Vehicles, *2018 Agency Legislative Bill Analysis SB 150* (January 4, 2018).

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.646, 318.18, 320.02, 320.0609, 320.27, 320.771, 322.251, 322.34, 324.011, 324.021, 324.022, 324.0221, 324.023, 324.031, 324.032, 324.051, 324.071, 324.091, 324.151, 324.161, 324.171, 324.251, 400.9905, 400.991, 400.9935, 409.901, 409.910, 456.057, 456.072, 626.9541, 626.989, 627.06501, 627.0652, 627.0653, 627.4132, 627.7263, 627.727, 627.7275, 627.728, 627.7295, 627.7415, 627.8405, 627.915, 628.909, 705.184, 713.78, and 817.234.

This bill creates section 627.7265 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 627.730, 627.731, 627.7311, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, 627.7405, and 627.7407.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance on January 10, 2018:

The CS makes the following substantial changes:

- Reinstates existing law applying financial responsibility requirements (usually through maintaining motor vehicle insurance) to registrants of motor vehicles, rather than registrants and all operators (which would encompass all persons with a Florida driver's license).
- Deletes a provision requiring liability coverage to pay for legal fees imposed because of the insurer's defense of the claim.
- Deletes provisions expanding the statutory requirements for the scope of motor vehicle liability insurance.
- Deletes an unfair insurance trade practice related to failure to timely pay claims as required by the No-Fault Law.
- Deletes provisions in the underlying bill that would have retained provisions in the No-Fault Law within the Med Pay insurance statute. The deletions include requirements for:
 - Billing and payment of claims.
 - Claimant compliance with Med Pay claims investigations.
 - Prohibitions against certain acts by insurers.
 - Claimant demand letters and bringing claims in a single action.
 - Insurer subrogation rights.
- Deletes the fee schedule limits for services and care provided by a physician, chiropractor, or dentist.
- Reinstates the current \$15 fee to reinstate a driver's license or vehicle registration for specified offenses, rather than increasing the fee.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



216138

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Health and Human Services
(Rouson) recommended the following:

Senate Amendment

Delete line 1821
and insert:
limit of at least \$15,000 per person for medical expense
incurred



902566

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Health and Human Services (Lee)
recommended the following:

Senate Amendment

Between lines 1936 and 1937

insert:

f. For all other medical services, supplies, and care, 200 percent of the allowable amount under:

(I) The participating physician fee schedule of Medicare Part B, except as provided in sub-sub-subparagraphs (II) and (III).

(II) Medicare Part B, in the case of services, supplies,



902566

11 and care provided by ambulatory surgical centers and clinical
12 laboratories.

13 (III) The Durable Medical Equipment Prosthetics/Orthotics
14 and Supplies fee schedule of Medicare Part B, in the case of
15 durable medical equipment.



888902

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Health and Human Services (Lee)
recommended the following:

Senate Amendment

Delete lines 2886 - 2901
and insert:
benefit of at least \$5,000. Medical payments coverage provides
reimbursement for the following if medically necessary and if an
individual initially receives such treatment within 14 days
after the motor vehicle accident:

1. Emergency transportation and treatment.
2. Emergency services and care provided by a hospital.



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11 3. Emergency services and care provided by a licensed
12 physician or licensed dentist in a hospital, ambulatory surgical
13 center, or mobile surgical facility licensed under chapter 395,
14 Florida Statutes, and related hospital inpatient care.

15 4. Hospital inpatient services, other than emergency
16 services and care.

17 5. Hospital outpatient services, other than emergency
18 services and care.

19 6. Physician services and care provided by a physician
20 licensed under chapter 458 or chapter 459, Florida Statutes, or
21 by a chiropractic physician licensed under chapter 460, Florida
22 Statutes, or dental services and care provided by a dentist
23 licensed under chapter 466, Florida Statutes.



589602

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/28/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Health and Human Services (Lee)
recommended the following:

Senate Amendment (with title amendment)

Between lines 2932 and 2933
insert:

Section 53. For the 2018-2019 fiscal year, the sum of \$83,651 in nonrecurring funds is appropriated from the Insurance Regulatory Trust Fund to the Office of Insurance Regulation for the purpose of implementing this act.

===== T I T L E A M E N D M E N T =====



589602

11 And the title is amended as follows:
12 Delete line 178
13 and insert:
14 specified date; providing an appropriation; providing
15 effective dates.



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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Health and Human Services
(Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Sections 627.730, 627.731, 627.7311, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, Florida Statutes, which comprise the Florida Motor Vehicle No-Fault Law, are repealed.

Section 2. Section 627.7407, Florida Statutes, is repealed.

Section 3. Subsection (1) of section 316.646, Florida



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11 Statutes, is amended to read:

12 316.646 Security required; proof of security and display
13 thereof.—

14 (1) Any person required by s. 324.022 to maintain liability
15 security for property damage, ~~liability security, required by s.~~
16 ~~324.023 to maintain liability security for~~ bodily injury, or
17 ~~death, or required by s. 627.733 to maintain personal injury~~
18 ~~protection security on a motor vehicle~~ shall have in his or her
19 immediate possession at all times while operating such motor
20 vehicle proper proof of maintenance of the ~~required~~ security
21 required under s. 324.021(7).

22 (a) Such proof must ~~shall~~ be in a uniform paper or
23 electronic format, as prescribed by the department, a valid
24 insurance policy, an insurance policy binder, a certificate of
25 insurance, or such other proof as may be prescribed by the
26 department.

27 (b)1. The act of presenting to a law enforcement officer an
28 electronic device displaying proof of insurance in an electronic
29 format does not constitute consent for the officer to access any
30 information on the device other than the displayed proof of
31 insurance.

32 2. The person who presents the device to the officer
33 assumes the liability for any resulting damage to the device.

34 Section 4. Paragraph (b) of subsection (2) of section
35 318.18, Florida Statutes, is amended to read:

36 318.18 Amount of penalties.—The penalties required for a
37 noncriminal disposition pursuant to s. 318.14 or a criminal
38 offense listed in s. 318.17 are as follows:

39 (2) Thirty dollars for all nonmoving traffic violations



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40 and:

41 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
42 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
43 320.07(1) shall be charged a delinquent fee pursuant to s.
44 320.07(4).

45 1. If a person who is cited for a violation of s. 320.0605
46 or s. 320.07 can show proof of having a valid registration at
47 the time of arrest, the clerk of the court may dismiss the case
48 and may assess a dismissal fee of up to \$10. A person who finds
49 it impossible or impractical to obtain a valid registration
50 certificate must submit an affidavit detailing the reasons for
51 the impossibility or impracticality. The reasons may include,
52 but are not limited to, the fact that the vehicle was sold,
53 stolen, or destroyed; that the state in which the vehicle is
54 registered does not issue a certificate of registration; or that
55 the vehicle is owned by another person.

56 2. If a person who is cited for a violation of s. 322.03,
57 s. 322.065, or s. 322.15 can show a driver license issued to him
58 or her and valid at the time of arrest, the clerk of the court
59 may dismiss the case and may assess a dismissal fee of up to
60 \$10.

61 3. If a person who is cited for a violation of s. 316.646
62 can show proof of security as required by s. 324.021(7) ~~s.~~
63 ~~627.733~~, issued to the person and valid at the time of arrest,
64 the clerk of the court may dismiss the case and may assess a
65 dismissal fee of up to \$10. A person who finds it impossible or
66 impractical to obtain proof of security must submit an affidavit
67 detailing the reasons for the impracticality. The reasons may
68 include, but are not limited to, the fact that the vehicle has



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69 since been sold, stolen, or destroyed; ~~that the owner or~~
70 ~~registrant of the vehicle is not required by s. 627.733 to~~
71 ~~maintain personal injury protection insurance;~~ or that the
72 vehicle is owned by another person.

73 Section 5. Paragraphs (a) and (d) of subsection (5) of
74 section 320.02, Florida Statutes, are amended to read:

75 320.02 Registration required; application for registration;
76 forms.—

77 (5) (a) Proof that bodily injury liability coverage and
78 property damage liability coverage ~~personal injury protection~~
79 ~~benefits~~ have been purchased if required under s. 324.022, s.
80 324.032, or s. 627.742 ~~s. 627.733, that property damage~~
81 ~~liability coverage has been purchased as required under s.~~
82 324.022, that bodily injury liability ~~or death~~ coverage has been
83 purchased if required under s. 324.023, and that combined bodily
84 liability insurance and property damage liability insurance have
85 been purchased if required under s. 627.7415 must ~~shall~~ be
86 provided in the manner prescribed by law by the applicant at the
87 time of application for registration of any motor vehicle that
88 is subject to such requirements. The issuing agent may not ~~shall~~
89 ~~refuse to~~ issue registration if such proof of purchase is not
90 provided. Insurers shall furnish uniform proof-of-purchase cards
91 in a paper or electronic format in a form prescribed by the
92 department and include the name of the insured's insurance
93 company, the coverage identification number, and the make, year,
94 and vehicle identification number of the vehicle insured. The
95 card must contain a statement notifying the applicant of the
96 penalty specified under s. 316.646(4). The card or insurance
97 policy, insurance policy binder, or certificate of insurance or



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98 a photocopy of any of these; an affidavit containing the name of
99 the insured's insurance company, the insured's policy number,
100 and the make and year of the vehicle insured; or such other
101 proof as may be prescribed by the department constitutes ~~shall~~
102 ~~constitute~~ sufficient proof of purchase. If an affidavit is
103 provided as proof, it must be in substantially the following
104 form:

105
106 Under penalty of perjury, I ...(Name of insured)... do hereby
107 certify that I have ...(bodily injury liability and ~~Personal~~
108 ~~Injury Protection~~, property damage liability coverage, ~~and, if~~
109 ~~required, Bodily Injury Liability~~)... Insurance currently in
110 effect with ...(Name of insurance company)... under ...(policy
111 number)... covering ...(make, year, and vehicle identification
112 number of vehicle).... ...(Signature of Insured)...

113
114 Such affidavit must include the following warning:

115
116 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
117 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
118 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
119 SUBJECT TO PROSECUTION.

120
121 If an application is made through a licensed motor vehicle
122 dealer as required under s. 319.23, the original or a photocopy
123 ~~photostatic copy~~ of such card, insurance policy, insurance
124 policy binder, or certificate of insurance or the original
125 affidavit from the insured must ~~shall~~ be forwarded by the dealer
126 to the tax collector of the county or the Department of Highway



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127 Safety and Motor Vehicles for processing. By executing the
128 ~~aforsaid~~ affidavit, a ne licensed motor vehicle dealer is not
129 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
130 falsification of any statement contained therein. ~~A card must~~
131 ~~also indicate the existence of any bodily injury liability~~
132 ~~insurance voluntarily purchased.~~

133 (d) The verifying of ~~proof of personal injury protection~~
134 ~~insurance, proof of property damage liability insurance, proof~~
135 ~~of combined bodily liability insurance and property damage~~
136 ~~liability insurance, or proof of financial responsibility~~
137 ~~insurance~~ and the issuance or failure to issue the motor vehicle
138 registration under ~~the provisions of~~ this chapter may not be
139 construed in any court as a warranty of the reliability or
140 accuracy of the evidence of such proof, or that the provisions
141 of any insurance policy furnished as proof of financial
142 responsibility comply with state law. ~~Neither~~ The department or
143 ~~nor~~ any tax collector is not liable in damages for any
144 inadequacy, insufficiency, falsification, or unauthorized
145 modification of any item of ~~the proof of personal injury~~
146 ~~protection insurance, proof of property damage liability~~
147 ~~insurance, proof of combined bodily liability insurance and~~
148 ~~property damage liability insurance, or proof of financial~~
149 responsibility before ~~insurance prior to,~~ during, or subsequent
150 to the verification of the proof. The issuance of a motor
151 vehicle registration does not constitute prima facie evidence or
152 a presumption of insurance coverage.

153 Section 6. Paragraph (b) of subsection (1) of section
154 320.0609, Florida Statutes, is amended to read:

155 320.0609 Transfer and exchange of registration license



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156 plates; transfer fee.-

157 (1)

158 (b) The transfer of a license plate from a vehicle disposed
159 of to a newly acquired vehicle does not constitute a new
160 registration. The application for transfer shall be accepted
161 without requiring proof of ~~personal injury protection or~~
162 liability insurance.

163 Section 7. Paragraph (g) is added to subsection (1) of
164 section 320.27, Florida Statutes, and subsection (3) of that
165 section is amended, to read:

166 320.27 Motor vehicle dealers.-

167 (1) DEFINITIONS.-The following words, terms, and phrases
168 when used in this section have the meanings respectively
169 ascribed to them in this subsection, except where the context
170 clearly indicates a different meaning:

171 (g) "Garage liability insurance" means combined single-
172 limit liability coverage, including property damage and bodily
173 injury liability coverage, in the amount of:

174 1. Beginning January 1, 2019, and continuing through
175 December 31, 2020, at least \$50,000.

176 2. Beginning January 1, 2021, and continuing through
177 December 31, 2022, at least \$60,000.

178 3. Beginning January 1, 2023 and thereafter, at least
179 \$70,000.

180 (3) APPLICATION AND FEE.-~~The application for the license~~
181 application must shall be in such form as may be prescribed by
182 the department and is shall be subject to such rules with
183 ~~respect thereto~~ as may be so prescribed by the department it.
184 Such application must shall be verified by oath or affirmation



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185 and must ~~shall~~ contain a full statement of the name and birth
186 date of the person or persons applying for the license ~~therefor~~;
187 the name of the firm or copartnership, with the names and places
188 of residence of all members ~~thereof~~, if such applicant is a firm
189 or copartnership; the names and places of residence of the
190 principal officers, if the applicant is a body corporate or
191 other artificial body; the name of the state under whose laws
192 the corporation is organized; the present and former place or
193 places of residence of the applicant; and the prior business in
194 which the applicant has been engaged and its ~~the~~ location
195 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
196 location of the place of business and must ~~shall~~ state whether
197 the place of business is owned by the applicant and when
198 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
199 attached to the application. The applicant shall certify that
200 the location provides an adequately equipped office and is not a
201 residence; that the location affords sufficient unoccupied space
202 upon and within which adequately to store all motor vehicles
203 offered and displayed for sale; and that the location is a
204 suitable place where the applicant can in good faith carry on
205 such business and keep and maintain books, records, and files
206 necessary to conduct such business, which must ~~shall~~ be
207 available at all reasonable hours to inspection by the
208 department or any of its inspectors or other employees. The
209 applicant shall certify that the business of a motor vehicle
210 dealer is the principal business that will ~~which shall~~ be
211 conducted at that location. The application must ~~shall~~ contain a
212 statement that the applicant is either franchised by a
213 manufacturer of motor vehicles, in which case the name of each



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214 motor vehicle that the applicant is franchised to sell must
215 ~~shall~~ be included, or an independent (nonfranchised) motor
216 vehicle dealer. The application must ~~shall~~ contain other
217 relevant information as may be required by the department. The
218 applicant must furnish, including evidence, in a form approved
219 by the department, that the applicant is insured under a garage
220 liability insurance policy or a general liability insurance
221 policy coupled with a business automobile policy having the
222 garage liability insurance coverage required by this subsection,
223 ~~which shall include, at a minimum, \$25,000 combined single limit~~
224 ~~liability coverage including bodily injury and property damage~~
225 ~~protection and \$10,000 personal injury protection.~~ However, a
226 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.
227 is exempt from the requirements for garage liability insurance
228 ~~and personal injury protection insurance~~ on those vehicles that
229 cannot be legally operated on roads, highways, or streets in
230 this state. Franchise dealers must submit a garage liability
231 insurance policy, and all other dealers must submit a garage
232 liability insurance policy or a general liability insurance
233 policy coupled with a business automobile policy. Such policy
234 must ~~shall~~ be for the license period, and evidence of a new or
235 continued policy must ~~shall~~ be delivered to the department at
236 the beginning of each license period. Upon making an initial
237 application, the applicant shall pay to the department a fee of
238 \$300 in addition to any other fees required by law. Applicants
239 may choose to extend the licensure period for 1 additional year
240 for a total of 2 years. An initial applicant shall pay to the
241 department a fee of \$300 for the first year and \$75 for the
242 second year, in addition to any other fees required by law. An



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243 applicant for renewal shall pay to the department \$75 for a 1-
244 year renewal or \$150 for a 2-year renewal, in addition to any
245 other fees required by law. Upon making an application for a
246 change of location, the applicant ~~person~~ shall pay a fee of \$50
247 in addition to any other fees now required by law. The
248 department shall, in the case of every application for initial
249 licensure, verify whether certain facts set forth in the
250 application are true. Each applicant, general partner in the
251 case of a partnership, or corporate officer and director in the
252 case of a corporate applicant shall, ~~must~~ file a set of
253 fingerprints with the department for the purpose of determining
254 any prior criminal record or any outstanding warrants. The
255 department shall submit the fingerprints to the Department of
256 Law Enforcement for state processing and forwarding to the
257 Federal Bureau of Investigation for federal processing. The
258 actual cost of state and federal processing must ~~shall~~ be borne
259 by the applicant and is in addition to the fee for licensure.
260 The department may issue a license to an applicant pending the
261 results of the fingerprint investigation, which license is fully
262 revocable if the department subsequently determines that any
263 facts set forth in the application are not true or correctly
264 represented.

265 Section 8. Paragraph (j) of subsection (3) of section
266 320.771, Florida Statutes, is amended to read:

267 320.771 License required of recreational vehicle dealers.-

268 (3) APPLICATION.-The application for such license shall be
269 in the form prescribed by the department and subject to such
270 rules as may be prescribed by it. The application shall be
271 verified by oath or affirmation and shall contain:



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272 (j) A statement that the applicant is insured under a
273 garage liability insurance policy in accordance with s.
274 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
275 ~~combined single limit liability coverage, including bodily~~
276 ~~injury and property damage protection, and \$10,000 personal~~
277 ~~injury protection~~, if the applicant is to be licensed as a
278 dealer in, or intends to sell, recreational vehicles.

279

280 The department shall, if it deems necessary, cause an
281 investigation to be made to ascertain if the facts set forth in
282 the application are true and shall not issue a license to the
283 applicant until it is satisfied that the facts set forth in the
284 application are true.

285 Section 9. Subsections (1) and (2) of section 322.251,
286 Florida Statutes, are amended to read:

287 322.251 Notice of cancellation, suspension, revocation, or
288 disqualification of license.—

289 (1) All orders of cancellation, suspension, revocation, or
290 disqualification issued under ~~the provisions of~~ this chapter,
291 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~
292 be given either by personal delivery thereof to the licensee
293 whose license is being canceled, suspended, revoked, or
294 disqualified or by deposit in the United States mail in an
295 envelope, first class, postage prepaid, addressed to the
296 licensee at his or her last known mailing address furnished to
297 the department. Such mailing by the department constitutes
298 notification, and any failure by the person to receive the
299 mailed order will not affect or stay the effective date or term
300 of the cancellation, suspension, revocation, or disqualification



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301 of the licensee's driving privilege.

302 (2) The giving of notice and an order of cancellation,
303 suspension, revocation, or disqualification by mail is complete
304 upon expiration of 20 days after deposit in the United States
305 mail for all notices except those issued under chapter 324 ~~or~~
306 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
307 the United States mail. Proof of the giving of notice and an
308 order of cancellation, suspension, revocation, or
309 disqualification in either manner must ~~shall~~ be made by entry in
310 the records of the department that such notice was given. The
311 entry is admissible in the courts of this state and constitutes
312 sufficient proof that such notice was given.

313 Section 10. Paragraph (a) of subsection (8) of section
314 322.34, Florida Statutes, is amended to read:

315 322.34 Driving while license suspended, revoked, canceled,
316 or disqualified.—

317 (8) (a) Upon the arrest of a person for the offense of
318 driving while the person's driver license or driving privilege
319 is suspended or revoked, the arresting officer shall determine:

320 1. Whether the person's driver license is suspended or
321 revoked.

322 2. Whether the person's driver license has remained
323 suspended or revoked since a conviction for the offense of
324 driving with a suspended or revoked license.

325 3. Whether the suspension or revocation was made under s.
326 316.646 ~~or s. 627.733~~, relating to failure to maintain required
327 security, or under s. 322.264, relating to habitual traffic
328 offenders.

329 4. Whether the driver is the registered owner or coowner of



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330 the vehicle.

331 Section 11. Section 324.011, Florida Statutes, is amended
332 to read:

333 324.011 Legislative intent and purpose of chapter.—It is
334 the Legislature's intent of this chapter to ensure that the
335 privilege of owning or operating a motor vehicle in this state
336 be exercised ~~recognize the existing privilege to own or operate~~
337 ~~a motor vehicle on the public streets and highways of this state~~
338 ~~when such vehicles are used~~ with due consideration for others'
339 safety ~~others~~ and their property, ~~and~~ to promote safety, and to
340 provide financial security requirements for ~~such~~ owners and ~~or~~
341 operators whose responsibility it is to recompense others for
342 injury to person or property caused by the operation of a motor
343 vehicle. Therefore, this chapter requires that every owner or
344 operator of a motor vehicle required to be registered in this
345 state establish, maintain, and ~~it is required herein that the~~
346 ~~operator of a motor vehicle involved in a crash or convicted of~~
347 ~~certain traffic offenses meeting the operative provisions of s.~~
348 ~~324.051(2) shall respond for such damages and show proof of~~
349 financial ability to respond for damages arising out of the
350 ownership, maintenance, or use of a motor vehicle in future
351 accidents as a requisite to owning or operating a motor vehicle
352 in this state ~~his or her future exercise of such privileges.~~

353 Section 12. Subsections (1) and (7) and paragraph (c) of
354 subsection (9) of section 324.021, Florida Statutes, are
355 amended, and subsection (12) is added to that section, to read:

356 324.021 Definitions; minimum insurance required.—The
357 following words and phrases when used in this chapter shall, for
358 the purpose of this chapter, have the meanings respectively



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359 ascribed to them in this section, except in those instances
360 where the context clearly indicates a different meaning:

361 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
362 designed and required to be licensed for use upon a highway,
363 including trailers and semitrailers designed for use with such
364 vehicles, except traction engines, road rollers, farm tractors,
365 power shovels, and well drillers, and every vehicle that is
366 propelled by electric power obtained from overhead wires but not
367 operated upon rails, but not including any personal delivery
368 device as defined in s. 316.003, bicycle, or moped. ~~However, the~~
369 ~~term "motor vehicle" does not include a motor vehicle as defined~~
370 ~~in s. 627.732(3) when the owner of such vehicle has complied~~
371 ~~with the requirements of ss. 627.730-627.7405, inclusive, unless~~
372 ~~the provisions of s. 324.051 apply; and, in such case, the~~
373 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

374 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~That~~ Proof of
375 ability to respond in damages for liability on account of
376 crashes arising out of the ownership, maintenance, or use of a
377 motor vehicle:

378 (a) With respect to a motor vehicle that is not a
379 commercial motor vehicle, nonpublic sector bus, or for-hire
380 passenger transportation vehicle:

381 1. Beginning January 1, 2019, and continuing through
382 December 31, 2020, in the amount of:

383 a. Twenty thousand dollars for \$10,000 because of bodily
384 injury to, or the death of, one person in any one crash and, ~~+~~

385 ~~(b)~~ subject to such limits for one person, in the amount of
386 \$40,000 for \$20,000 because of bodily injury to, or the death
387 of, two or more persons in any one crash; and



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388 b. Ten thousand dollars for damage to, or destruction of,
389 property of others in any one crash.

390 2. Beginning January 1, 2021, and continuing through
391 December 31, 2022, in the amount of:

392 a. Twenty-five thousand dollars for bodily injury to, or
393 the death of, one person in any one crash and, subject to such
394 limits for one person, in the amount of \$50,000 for bodily
395 injury to, or the death of, two or more persons in any one
396 crash; and

397 b. Ten thousand dollars for damage to, or destruction of,
398 property of others in any one crash.

399 3. Beginning January 1, 2023, and continuing thereafter, in
400 the amount of:

401 a. Thirty thousand dollars for bodily injury to, or the
402 death of, one person in any one crash and, subject to such
403 limits for one person, in the amount of \$60,000 for bodily
404 injury to, or the death of, two or more persons in any one
405 crash; and

406 ~~b.(e) Ten thousand dollars for damage in the amount of~~
407 ~~\$10,000 because of injury to, or destruction of, property of~~
408 ~~others in any one crash.; and~~

409 ~~(b)(d) With respect to commercial motor vehicles and~~
410 ~~nonpublic sector buses, in the amounts specified in s. 627.7415~~
411 ~~ss. 627.7415 and 627.742, respectively.~~

412 (c) With respect to nonpublic sector buses, in the amounts
413 specified in s. 627.742.

414 (d) With respect to for-hire passenger transportation
415 vehicles, in the amounts specified in s. 324.032.

416 (9) OWNER; OWNER/LESSOR.—



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417 (c) *Application.*—

418 1. The limits on liability in subparagraphs (b)2. and 3. do
419 not apply to an owner of motor vehicles that are used for
420 commercial activity in the owner's ordinary course of business,
421 other than a rental company that rents or leases motor vehicles.
422 For purposes of this paragraph, the term "rental company"
423 includes only an entity that is engaged in the business of
424 renting or leasing motor vehicles to the general public and that
425 rents or leases a majority of its motor vehicles to persons with
426 no direct or indirect affiliation with the rental company. The
427 term also includes a motor vehicle dealer that provides
428 temporary replacement vehicles to its customers for up to 10
429 days. The term "rental company" also includes:

430 a. A related rental or leasing company that is a subsidiary
431 of the same parent company as that of the renting or leasing
432 company that rented or leased the vehicle.

433 b. The holder of a motor vehicle title or an equity
434 interest in a motor vehicle title if the title or equity
435 interest is held pursuant to or to facilitate an asset-backed
436 securitization of a fleet of motor vehicles used solely in the
437 business of renting or leasing motor vehicles to the general
438 public and under the dominion and control of a rental company,
439 as described in this subparagraph, in the operation of such
440 rental company's business.

441 2. Furthermore, with respect to commercial motor vehicles
442 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
443 liability in subparagraphs (b)2. and 3. do not apply if, at the
444 time of the incident, the commercial motor vehicle is being used
445 in the transportation of materials found to be hazardous for the



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446 purposes of the Hazardous Materials Transportation Authorization
447 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
448 required pursuant to such act to carry placards warning others
449 of the hazardous cargo, unless at the time of lease or rental
450 either:

451 a. The lessee indicates in writing that the vehicle will
452 not be used to transport materials found to be hazardous for the
453 purposes of the Hazardous Materials Transportation Authorization
454 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

455 b. The lessee or other operator of the commercial motor
456 vehicle has in effect insurance with limits of at least \$5
457 million ~~\$5,000,000~~ combined property damage and bodily injury
458 liability.

459 (12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every “for-
460 hire vehicle” as defined in s. 320.01(15) which is offered or
461 used to provide transportation for persons, including taxicabs,
462 limousines, and jitneys.

463 Section 13. Section 324.022, Florida Statutes, is amended
464 to read:

465 324.022 Financial responsibility requirements ~~for property~~
466 ~~damage.~~—

467 (1) (a) Every owner or operator of a motor vehicle required
468 to be registered in this state shall establish and continuously
469 maintain the ability to respond in damages for liability on
470 account of accidents arising out of the use of the motor vehicle
471 in the amount of:

472 1. Beginning January 1, 2019, and continuing through
473 December 31, 2020:

474 a. Twenty thousand dollars for bodily injury to, or the



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475 death of, one person in any one crash and, subject to such
476 limits for one person, in the amount of \$40,000 for bodily
477 injury to, or the death of, two or more persons in any one
478 crash; and

479 b. Ten thousand dollars for damage to, or destruction of,
480 property of others in any one crash.

481 2. Beginning January 1, 2021, and continuing through
482 December 31, 2022:

483 a. Twenty-five thousand dollars for bodily injury to, or
484 the death of, one person in any one crash and, subject to such
485 limits for one person, in the amount of \$50,000 for bodily
486 injury to, or the death of, two or more persons in any one
487 crash; and

488 b. Ten thousand dollars for damage to, or destruction of,
489 property of others in any one crash.

490 3. Beginning January 1, 2023, and continuing thereafter:

491 a. Thirty thousand dollars for bodily injury to, or the
492 death of, one person in any one crash and, subject to such
493 limits for one person, in the amount of \$60,000 for bodily
494 injury to, or the death of, two or more persons in any one
495 crash; and

496 b. Ten thousand dollars for ~~\$10,000~~ because of damage to,
497 or destruction of, property of others in any one crash.

498 (b) The requirements of paragraph (a) ~~this section~~ may be
499 met by one of the methods established in s. 324.031; by self-
500 insuring as authorized by s. 768.28(16); or by maintaining a
501 motor vehicle liability insurance policy that ~~an insurance~~
502 ~~policy providing coverage for property damage liability in the~~
503 ~~amount of at least \$10,000 because of damage to, or destruction~~



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504 ~~of, property of others in any one accident arising out of the~~
505 ~~use of the motor vehicle. The requirements of this section may~~
506 ~~also be met by having a policy which provides combined property~~
507 ~~damage liability and bodily injury liability coverage for any~~
508 ~~one crash arising out of the ownership, maintenance, or use of a~~
509 ~~motor vehicle which conforms to the requirements of s. 324.151~~
510 ~~in the amount of:~~

511 1. At least \$50,000 for every owner or operator subject to
512 the financial responsibility required in subparagraph (1)(a)1.

513 2. At least \$60,000 for every owner or operator subject to
514 the financial responsibility required in subparagraph (1)(a)2.

515 3. At least \$70,000 for every owner or operator subject to
516 the financial responsibility required in subparagraph (1)(a)3.
517 ~~\$30,000 for combined property damage liability and bodily injury~~
518 ~~liability for any one crash arising out of the use of the motor~~
519 ~~vehicle. The policy, with respect to coverage for property~~
520 ~~damage liability, must meet the applicable requirements of s.~~
521 ~~324.151, subject to the usual policy exclusions that have been~~
522 ~~approved in policy forms by the Office of Insurance Regulation.~~
523 ~~No insurer shall have any duty to defend uncovered claims~~
524 ~~irrespective of their joinder with covered claims.~~

525 (2) As used in this section, the term:

526 (a) "Motor vehicle" means any self-propelled vehicle that
527 has four or more wheels and that is of a type designed and
528 required to be licensed for use on the highways of this state,
529 and any trailer or semitrailer designed for use with such
530 vehicle. The term does not include the following:

531 1. A mobile home as defined in s. 320.01.

532 2. A motor vehicle that is used in mass transit and



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533 designed to transport more than five passengers, exclusive of
534 the operator of the motor vehicle, and that is owned by a
535 municipality, transit authority, or political subdivision of the
536 state.

537 3. A school bus as defined in s. 1006.25, which shall
538 maintain security as required under s. 316.615.

539 4. A commercial motor vehicle as defined in s. 207.002 or
540 s. 320.01, which shall maintain security as required under ss.
541 324.031 and 627.7415.

542 5. A nonpublic sector bus, which shall maintain security as
543 required under ss. 324.031 and 627.742.

544 6.4. A ~~vehicle providing~~ for-hire passenger transportation
545 vehicle, which ~~that is subject to the provisions of s. 324.031.~~
546 A ~~taxicab~~ shall maintain security as required under s. 324.032
547 ~~s. 324.032(1).~~

548 7.5. A personal delivery device as defined in s. 316.003.

549 (b) "Owner" means the person who holds legal title to a
550 motor vehicle or the debtor or lessee who has the right to
551 possession of a motor vehicle that is the subject of a security
552 agreement or lease with an option to purchase.

553 (3) Each nonresident owner or registrant of a motor vehicle
554 that, whether operated or not, has been physically present
555 within this state for more than 90 days during the preceding 365
556 days shall maintain security as required by subsection (1). The
557 security must be ~~that is~~ in effect continuously throughout the
558 period the motor vehicle remains within this state.

559 (4) An ~~The~~ owner or registrant of a motor vehicle who is
560 ~~exempt from the requirements of this section if she or he is a~~
561 member of the United States Armed Forces and is called to or on



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562 active duty outside the United States in an emergency situation
563 is exempt from this section while he or she. ~~The exemption~~
564 ~~provided by this subsection applies only as long as the member~~
565 ~~of the Armed Forces~~ is on such active duty. This exemption
566 ~~outside the United States and~~ applies only while the vehicle
567 covered by the security is not operated by any person. Upon
568 receipt of a written request by the insured to whom the
569 exemption provided in this subsection applies, the insurer shall
570 cancel the coverages and return any unearned premium or suspend
571 the security required by this section. Notwithstanding s.
572 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
573 registration or operator's license of an ~~any~~ owner or registrant
574 of a motor vehicle during the time she or he qualifies for the
575 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
576 of a motor vehicle who qualifies for the ~~an~~ exemption under this
577 subsection shall immediately notify the department before ~~prior~~
578 ~~to~~ and at the end of the expiration of the exemption.

579 Section 14. Subsections (1) and (2) of section 324.0221,
580 Florida Statutes, are amended to read:

581 324.0221 Reports by insurers to the department; suspension
582 of driver license and vehicle registrations; reinstatement.—

583 (1) (a) Each insurer that has issued a policy providing
584 ~~personal injury protection coverage or property damage~~ liability
585 coverage shall report the cancellation or nonrenewal thereof to
586 the department within 10 days after the processing date or
587 effective date of each cancellation or nonrenewal. Upon the
588 issuance of a policy providing ~~personal injury protection~~
589 ~~coverage or property damage~~ liability coverage to a named
590 insured not previously insured by the insurer during that



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591 calendar year, the insurer shall report the issuance of the new
592 policy to the department within 10 days. The report must ~~shall~~
593 be in the form ~~and format~~ and contain any information required
594 by the department and must be provided in a format that is
595 compatible with the data processing capabilities of the
596 department. Failure by an insurer to file proper reports with
597 the department as required by this subsection constitutes a
598 violation of the Florida Insurance Code. These records may ~~shall~~
599 be used by the department only for enforcement and regulatory
600 purposes, including the generation by the department of data
601 regarding compliance by owners of motor vehicles with the
602 requirements for financial responsibility coverage.

603 (b) With respect to an insurance policy providing ~~personal~~
604 ~~injury protection coverage or property damage~~ liability
605 coverage, each insurer shall notify the named insured, or the
606 first-named insured in the case of a commercial fleet policy, in
607 writing that any cancellation or nonrenewal of the policy will
608 be reported by the insurer to the department. The notice must
609 also inform the named insured that failure to maintain bodily
610 injury liability ~~personal injury protection~~ coverage and
611 property damage liability coverage on a motor vehicle when
612 required by law may result in the loss of registration and
613 driving privileges in this state and inform the named insured of
614 the amount of the reinstatement fees required by this section.
615 This notice is for informational purposes only, and an insurer
616 is not civilly liable for failing to provide this notice.

617 (2) The department shall suspend, after due notice and an
618 opportunity to be heard, the registration and driver license of
619 any owner or registrant of a motor vehicle for ~~with respect to~~



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620 which security is required under s. 324.022, s. 324.032, s.
621 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

622 (a) The department's records showing that the owner or
623 registrant of such motor vehicle did not have the ~~in full force~~
624 ~~and effect when~~ required security in full force and effect ~~that~~
625 ~~complies with the requirements of ss. 324.022 and 627.733; or~~

626 (b) Notification by the insurer to the department, in a
627 form approved by the department, of cancellation or termination
628 of the required security.

629 Section 15. Section 324.023, Florida Statutes, is amended
630 to read:

631 324.023 Financial responsibility for bodily injury or
632 death.—In addition to any other financial responsibility
633 required by law, every owner or operator of a motor vehicle that
634 is required to be registered in this state, or that is located
635 within this state, and who, regardless of adjudication of guilt,
636 has been found guilty of or entered a plea of guilty or nolo
637 contendere to a charge of driving under the influence under s.
638 316.193 after October 1, 2007, shall, by one of the methods
639 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
640 establish and maintain the ability to respond in damages for
641 liability on account of accidents arising out of the use of a
642 motor vehicle in the amount of \$100,000 because of bodily injury
643 to, or death of, one person in any one crash and, subject to
644 such limits for one person, in the amount of \$300,000 because of
645 bodily injury to, or death of, two or more persons in any one
646 crash and in the amount of \$50,000 because of property damage in
647 any one crash. If the owner or operator chooses to establish and
648 maintain such ability by furnishing a certificate of deposit



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649 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
650 deposit must be at least \$350,000. Such higher limits must be
651 carried for a minimum period of 3 years. If the owner or
652 operator has not been convicted of driving under the influence
653 or a felony traffic offense for a period of 3 years from the
654 date of reinstatement of driving privileges for a violation of
655 s. 316.193, the owner or operator shall be exempt from this
656 section.

657 Section 16. Section 324.031, Florida Statutes, is amended
658 to read:

659 324.031 Manner of proving financial responsibility.-

660 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~
661 ~~or any other for-hire passenger transportation vehicle may prove~~
662 ~~financial responsibility by providing satisfactory evidence of~~
663 ~~holding a motor vehicle liability policy as defined in s.~~
664 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
665 ~~carrier which is a member of the Florida Insurance Guaranty~~
666 ~~Association.~~ The operator or owner of a motor vehicle other than
667 a for-hire passenger transportation vehicle ~~any other vehicle~~
668 may prove his or her financial responsibility by:

669 ~~(a)(1)~~ (a) Furnishing satisfactory evidence of holding a motor
670 vehicle liability policy as defined in ss. 324.021(8) and
671 324.151;

672 ~~(b)(2)~~ (b) Furnishing a certificate of self-insurance showing a
673 deposit of cash in accordance with s. 324.161; or

674 ~~(c)(3)~~ (c) Furnishing a certificate of self-insurance issued by
675 the department in accordance with s. 324.171.

676 ~~(2)(a) Any person, including any firm, partnership,~~
677 ~~association, corporation, or other person, other than a natural~~



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678 ~~person~~, electing to use the method of proof specified in
679 paragraph (1)(b) subsection (2) shall furnish a certificate of
680 deposit equal to the number of vehicles owned times:

681 1. Fifty thousand dollars, to a maximum of \$200,000, from
682 January 1, 2019, through December 31, 2020.

683 2. Sixty thousand dollars, to a maximum of \$240,000, from
684 January 1, 2021, through December 31, 2022.

685 3. Seventy thousand dollars, ~~\$30,000,~~ to a maximum of
686 \$280,000, from January 1, 2023, and thereafter. ~~\$120,000;~~

687 (b) In addition, any such person, ~~other than a natural~~
688 ~~person,~~ shall maintain insurance providing coverage conforming
689 to the requirements of s. 324.151 in excess of the amount of the
690 certificate of deposit, with limits of at least:

691 1. One hundred twenty-five thousand dollars for bodily
692 injury to, or the death of, one person in any one crash and,
693 subject to such limits for one person, in the amount of \$250,000
694 for bodily injury to, or the death of, two or more persons in
695 any one crash, and \$50,000 for damage to, or destruction of,
696 property of others in any one crash; or ~~\$10,000/20,000/10,000 or~~
697 ~~\$30,000 combined single limits, and such excess insurance shall~~
698 ~~provide minimum limits of \$125,000/250,000/50,000 or \$300,000~~
699 ~~combined single limits. These increased limits shall not affect~~
700 ~~the requirements for proving financial responsibility under s.~~
701 ~~324.032(1).~~

702 2. Three hundred thousand dollars for combined bodily
703 injury liability and property damage liability for any one
704 crash.

705 Section 17. Section 324.032, Florida Statutes, is amended
706 to read:



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707 324.032 ~~Manner of proving~~ Financial responsibility ~~for~~
708 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
709 ~~provisions of s. 324.031:~~

710 (1) An owner or lessee of a for-hire passenger
711 transportation vehicle that is required to be registered in this
712 state shall establish and continuously maintain the ability to
713 respond in damages for liability on account of accidents arising
714 out of the ownership, maintenance, or use of the for-hire
715 passenger transportation vehicle, in the amount of:

716 (a) One hundred twenty-five thousand dollars for bodily
717 injury to, or the death of, one person in any one crash and,
718 subject to such limits for one person, in the amount of \$250,000
719 for bodily injury to, or the death of, two or more persons in
720 any one crash; and A person who is either the owner or a lessee
721 required to maintain insurance under s. 627.733(1)(b) and who
722 operates one or more taxicabs, limousines, jitneys, or any other
723 for-hire passenger transportation vehicles may prove financial
724 responsibility by furnishing satisfactory evidence of holding a
725 motor vehicle liability policy, but with minimum limits of
726 \$125,000/250,000/50,000.

727 (b) Fifty thousand dollars for damage to, or destruction
728 of, property of others in any one crash ~~A person who is either~~
729 ~~the owner or a lessee required to maintain insurance under s.~~
730 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
731 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
732 ~~financial responsibility by furnishing satisfactory evidence of~~
733 ~~holding a motor vehicle liability policy as defined in s.~~
734 ~~324.031.~~

735 (2) Except as provided in subsection (3), the requirements



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736 of this section must be met by the owner or lessee providing
737 satisfactory evidence of holding a motor vehicle liability
738 policy conforming to the requirements of s. 324.151 which is
739 issued by an insurance carrier that is a member of the Florida
740 Insurance Guaranty Association.

741 (3)-(2) An owner or a lessee who ~~is required to maintain~~
742 ~~insurance under s. 324.021(9)(b) and who~~ operates at least 300
743 ~~taxicabs, limousines, jitneys, or any other~~ for-hire passenger
744 transportation vehicles may provide financial responsibility by
745 complying with ~~the provisions of~~ s. 324.171, such compliance to
746 be demonstrated by maintaining at its principal place of
747 business an audited financial statement, prepared in accordance
748 with generally accepted accounting principles, and providing to
749 the department a certification issued by a certified public
750 accountant that the applicant's net worth is at least equal to
751 the requirements of s. 324.171 as determined by the Office of
752 Insurance Regulation of the Financial Services Commission,
753 including claims liabilities in an amount certified as adequate
754 by a Fellow of the Casualty Actuarial Society.

755
756 Upon request by the department, the applicant shall ~~must~~ provide
757 the department at the applicant's principal place of business in
758 this state access to the applicant's underlying financial
759 information and financial statements that provide the basis of
760 the certified public accountant's certification. The applicant
761 shall reimburse the requesting department for all reasonable
762 costs incurred by it in reviewing the supporting information.
763 The maximum amount of self-insurance permissible under this
764 subsection is \$300,000 and must be stated on a per-occurrence



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765 basis, and the applicant shall maintain adequate excess
766 insurance issued by an authorized or eligible insurer licensed
767 or approved by the Office of Insurance Regulation. All risks
768 self-insured shall remain with the owner or lessee providing it,
769 and the risks are not transferable to any other person, unless a
770 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
771 obtained.

772 Section 18. Paragraph (b) of subsection (2) of section
773 324.051, Florida Statutes, is amended to read:

774 324.051 Reports of crashes; suspensions of licenses and
775 registrations.-

776 (2)

777 (b) This subsection does ~~shall~~ not apply:

778 1. To such operator or owner if such operator or owner had
779 in effect at the time of such crash or traffic conviction a
780 motor vehicle ~~an automobile~~ liability policy with respect to all
781 of the registered motor vehicles owned by such operator or
782 owner.

783 2. To such operator, if not the owner of such motor
784 vehicle, if there was in effect at the time of such crash or
785 traffic conviction a motor vehicle ~~an automobile~~ liability
786 policy or bond with respect to his or her operation of motor
787 vehicles not owned by him or her.

788 3. To such operator or owner if the liability of such
789 operator or owner for damages resulting from such crash is, in
790 the judgment of the department, covered by any other form of
791 liability insurance or bond.

792 4. To any person who has obtained from the department a
793 certificate of self-insurance, in accordance with s. 324.171, or



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794 to any person operating a motor vehicle for such self-insurer.

795

796 No such policy or bond shall be effective under this subsection
797 unless it contains limits of not less than those specified in s.
798 324.021(7).

799 Section 19. Section 324.071, Florida Statutes, is amended
800 to read:

801 324.071 Reinstatement; renewal of license; reinstatement
802 fee.—~~An~~ Any operator or owner whose license or registration has
803 been suspended pursuant to s. 324.051(2), s. 324.072, s.
804 324.081, or s. 324.121 may effect its reinstatement upon
805 compliance with ~~the provisions of~~ s. 324.051(2) (a)3. or 4., or
806 s. 324.081(2) and (3), as the case may be, and with one of the
807 provisions of s. 324.031 and upon payment to the department of a
808 nonrefundable reinstatement fee of \$15. Only one such fee may
809 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
810 number of licenses and registrations to be then reinstated or
811 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
812 a department trust fund. ~~If~~ When the reinstatement of any
813 license or registration is effected by compliance with s.
814 324.051(2) (a)3. or 4., the department may ~~shall~~ not renew the
815 license or registration within ~~a period of~~ 3 years after ~~from~~
816 such reinstatement, nor may ~~shall~~ any other license or
817 registration be issued in the name of such person, unless the
818 operator continues ~~is continuing~~ to comply with ~~one of the~~
819 ~~provisions of~~ s. 324.031.

820 Section 20. Subsection (1) of section 324.091, Florida
821 Statutes, is amended to read:

822 324.091 Notice to department; notice to insurer.—



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823 (1) Each owner and operator involved in a crash or
824 conviction case within the purview of this chapter shall furnish
825 evidence of automobile liability insurance or motor vehicle
826 liability insurance within 14 days after the date of the mailing
827 of notice of crash by the department in the form and manner as
828 it may designate. Upon receipt of evidence that a ~~an automobile~~
829 ~~liability policy or~~ motor vehicle liability policy was in effect
830 at the time of the crash or conviction case, the department
831 shall forward to the insurer such information for verification
832 in a method as determined by the department. The insurer shall
833 respond to the department within 20 days after the notice as to
834 whether or not such information is valid. If the department
835 determines that a ~~an automobile liability policy or~~ motor
836 vehicle liability policy was not in effect and did not provide
837 coverage for both the owner and the operator, it must ~~shall~~ take
838 action as it is authorized to do under this chapter.

839 Section 21. Section 324.151, Florida Statutes, is amended
840 to read:

841 324.151 Motor vehicle liability policies; required
842 provisions.—

843 (1) A motor vehicle liability policy that serves as to be
844 proof of financial responsibility under s. 324.031(1) must~~shall~~
845 ~~shall~~ be issued to owners or operators of motor vehicles under
846 the following provisions:

847 (a) A motor vehicle ~~An owner's~~ liability insurance policy
848 issued to an owner of a motor vehicle registered in this state
849 must ~~shall~~ designate by explicit description or by appropriate
850 reference all motor vehicles for ~~with respect to~~ which coverage
851 is thereby granted. The policy must ~~and shall~~ insure the person



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852 or persons ~~owner~~ named therein and any other person as operator
853 using such motor vehicle or motor vehicles with the express or
854 implied permission of such owner against loss from the liability
855 imposed by law for damage arising out of the ownership,
856 maintenance, or use of any ~~such~~ motor vehicle or motor vehicles
857 within the United States or the Dominion of Canada, subject to
858 limits, exclusive of interest and costs with respect to each
859 such motor vehicle as is provided for under s. 324.021(7).
860 Insurers may make available, with respect to property damage
861 liability coverage, a deductible amount not to exceed \$500. In
862 the event of a property damage loss covered by a policy
863 containing a property damage deductible provision, the insurer
864 shall pay to the third-party claimant the amount of any property
865 damage liability settlement or judgment, subject to policy
866 limits, as if no deductible existed.

867 (b) An operator's motor vehicle liability policy of
868 insurance must ~~shall~~ insure the person or persons named therein
869 against loss from the liability imposed ~~upon him or her~~ by law
870 for damages arising out of the use by the person of any motor
871 vehicle not owned by him or her, with the same territorial
872 limits and subject to the same limits of liability as referred
873 to above with respect to an owner's policy of liability
874 insurance.

875 (c) All such motor vehicle liability policies must ~~shall~~
876 state the name and address of the named insured, the coverage
877 afforded by the policy, the premium charged therefor, the policy
878 period, the limits of liability, and must ~~shall~~ contain an
879 agreement or be endorsed that insurance is provided in
880 accordance with the coverage defined in this chapter ~~as respects~~



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881 ~~bodily injury and death or property damage or both~~ and is
882 subject to all provisions of this chapter. ~~The said~~ policies
883 must ~~shall~~ also contain a provision that the satisfaction by an
884 insured of a judgment for such injury or damage may ~~shall~~ not be
885 a condition precedent to the right or duty of the insurance
886 carrier to make payment on account of such injury or damage, and
887 must ~~shall~~ also contain a provision that bankruptcy or
888 insolvency of the insured or of the insured's estate may ~~shall~~
889 not relieve the insurance carrier of any of its obligations
890 under the ~~said~~ policy.

891 (2) ~~The provisions of~~ This section is ~~shall~~ not be
892 applicable to any automobile liability policy unless and until
893 it is furnished as proof of financial responsibility for the
894 future pursuant to s. 324.031, and then only from and after the
895 date the ~~said~~ policy is so furnished.

896 Section 22. Section 324.161, Florida Statutes, is amended
897 to read:

898 324.161 Proof of financial responsibility; deposit.—If a
899 person elects to prove his or her financial responsibility under
900 the method of proof specified in s. 324.031(1)(b), he or she
901 must obtain proof of a certificate of deposit annually, in the
902 amount required under s. 324.031(2), from a financial
903 institution insured by the Federal Deposit Insurance Corporation
904 or the National Credit Union Administration. Proof of such
905 certificate of deposit ~~Annually, before any certificate of~~
906 ~~insurance may be issued to a person, including any firm,~~
907 ~~partnership, association, corporation, or other person, other~~
908 ~~than a natural person, proof of a certificate of deposit of~~
909 ~~\$30,000 issued and held by a financial institution must be~~



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910 submitted to the department annually. A power of attorney will
911 be issued to and held by the department and may be executed upon
912 a judgment issued against such person making the deposit, for
913 damages for ~~because of~~ bodily injury to or death of any person
914 or for damages for ~~because of~~ injury to or destruction of
915 property resulting from the use or operation of any motor
916 vehicle occurring after such deposit was made. Money so
917 deposited is ~~shall~~ not be subject to attachment or execution
918 unless such attachment or execution arises ~~shall arise~~ out of a
919 lawsuit ~~suit~~ for such damages ~~as aforesaid~~.

920 Section 23. Subsections (1) and (2) of section 324.171,
921 Florida Statutes, are amended to read:

922 324.171 Self-insurer.—

923 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
924 a certificate of self-insurance from the department. ~~which may,~~
925 ~~in its discretion and~~ Upon application of such a person, the
926 department may issue a ~~said~~ certificate of self-insurance if the
927 applicant ~~when such person~~ has satisfied the requirements of
928 this section ~~to qualify as a self-insurer under this section:~~

929 (a) A private individual with private passenger vehicles
930 must ~~shall~~ possess a net unencumbered worth: ~~of~~

931 1. Beginning January 1, 2019, through December 31, 2020, of
932 at least \$80,000.

933 2. Beginning January 1, 2021, through December 31, 2022, of
934 at least \$100,000.

935 3. Beginning January 1, 2023, and thereafter, of at least
936 \$120,000 ~~\$40,000.~~

937 (b) A person, including any firm, partnership, association,
938 corporation, or other person, other than a natural person, must



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939 ~~shall:~~

940 1. Possess a net unencumbered worth: ~~of~~

941 a. Beginning January 1, 2019, through December 31, 2020, of
942 at least \$80,000 for the first motor vehicle and \$40,000 for
943 each additional motor vehicle.

944 b. Beginning January 1, 2021, through December 31, 2022, of
945 at least \$100,000 for the first motor vehicle and \$50,000 for
946 each additional motor vehicle.

947 c. Beginning January 1, 2023, and thereafter, of at least
948 \$120,000 ~~\$40,000~~ for the first motor vehicle and \$60,000 ~~\$20,000~~
949 for each additional motor vehicle; or

950 2. Maintain sufficient net worth, in an amount determined
951 by the department, to be financially responsible for potential
952 losses. The department shall annually determine the minimum net
953 worth sufficient to satisfy this subparagraph ~~as determined~~
954 ~~annually by the department,~~ pursuant to rules adopted
955 ~~promulgated~~ by the department, with the assistance of the Office
956 of Insurance Regulation of the Financial Services Commission, ~~to~~
957 ~~be financially responsible for potential losses.~~ The rules must
958 ~~consider any~~ ~~shall take into consideration~~ excess insurance
959 carried by the applicant. The department's determination must
960 ~~shall~~ be based upon reasonable actuarial principles considering
961 the frequency, severity, and loss development of claims incurred
962 by casualty insurers writing coverage on the type of motor
963 vehicles for which a certificate of self-insurance is desired.

964 (c) The owner of a commercial motor vehicle, as defined in
965 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
966 to the standards provided ~~for~~ in subparagraph (b)2.

967 (2) The self-insurance certificate must ~~shall~~ provide



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968 limits of liability insurance in the amounts specified under s.
969 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
970 ~~protection coverage under s. 627.733(3)(b).~~

971 Section 24. Section 324.251, Florida Statutes, is amended
972 to read:

973 324.251 Short title.—This chapter may be cited as the
974 “Financial Responsibility Law of 2018 1955” and ~~is shall become~~
975 effective at 12:01 a.m., January 1, 2019 ~~October 1, 1955~~.

976 Section 25. Subsection (4) of section 400.9905, Florida
977 Statutes, is amended to read:

978 400.9905 Definitions.—

979 (4) “Clinic” means an entity where health care services are
980 provided to individuals and which tenders charges for
981 reimbursement for such services, including a mobile clinic and a
982 portable equipment provider. As used in this part, the term does
983 not include and the licensure requirements of this part do not
984 apply to:

985 (a) Entities licensed or registered by the state under
986 chapter 395; entities licensed or registered by the state and
987 providing only health care services within the scope of services
988 authorized under their respective licenses under ss. 383.30-
989 383.335, chapter 390, chapter 394, chapter 397, this chapter
990 except part X, chapter 429, chapter 463, chapter 465, chapter
991 466, chapter 478, part I of chapter 483, chapter 484, or chapter
992 651; end-stage renal disease providers authorized under 42
993 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
994 part 485, subpart B or subpart H; or any entity that provides
995 neonatal or pediatric hospital-based health care services or
996 other health care services by licensed practitioners solely



997 within a hospital licensed under chapter 395.

998 (b) Entities that own, directly or indirectly, entities
999 licensed or registered by the state pursuant to chapter 395;
1000 entities that own, directly or indirectly, entities licensed or
1001 registered by the state and providing only health care services
1002 within the scope of services authorized pursuant to their
1003 respective licenses under ss. 383.30-383.335, chapter 390,
1004 chapter 394, chapter 397, this chapter except part X, chapter
1005 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1006 of chapter 483, chapter 484, or chapter 651; end-stage renal
1007 disease providers authorized under 42 C.F.R. part 405, subpart
1008 U; providers certified under 42 C.F.R. part 485, subpart B or
1009 subpart H; or any entity that provides neonatal or pediatric
1010 hospital-based health care services by licensed practitioners
1011 solely within a hospital licensed under chapter 395.

1012 (c) Entities that are owned, directly or indirectly, by an
1013 entity licensed or registered by the state pursuant to chapter
1014 395; entities that are owned, directly or indirectly, by an
1015 entity licensed or registered by the state and providing only
1016 health care services within the scope of services authorized
1017 pursuant to their respective licenses under ss. 383.30-383.335,
1018 chapter 390, chapter 394, chapter 397, this chapter except part
1019 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1020 478, part I of chapter 483, chapter 484, or chapter 651; end-
1021 stage renal disease providers authorized under 42 C.F.R. part
1022 405, subpart U; providers certified under 42 C.F.R. part 485,
1023 subpart B or subpart H; or any entity that provides neonatal or
1024 pediatric hospital-based health care services by licensed
1025 practitioners solely within a hospital under chapter 395.



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1026 (d) Entities that are under common ownership, directly or
1027 indirectly, with an entity licensed or registered by the state
1028 pursuant to chapter 395; entities that are under common
1029 ownership, directly or indirectly, with an entity licensed or
1030 registered by the state and providing only health care services
1031 within the scope of services authorized pursuant to their
1032 respective licenses under ss. 383.30-383.335, chapter 390,
1033 chapter 394, chapter 397, this chapter except part X, chapter
1034 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1035 of chapter 483, chapter 484, or chapter 651; end-stage renal
1036 disease providers authorized under 42 C.F.R. part 405, subpart
1037 U; providers certified under 42 C.F.R. part 485, subpart B or
1038 subpart H; or any entity that provides neonatal or pediatric
1039 hospital-based health care services by licensed practitioners
1040 solely within a hospital licensed under chapter 395.

1041 (e) An entity that is exempt from federal taxation under 26
1042 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1043 under 26 U.S.C. s. 409 that has a board of trustees at least
1044 two-thirds of which are Florida-licensed health care
1045 practitioners and provides only physical therapy services under
1046 physician orders, any community college or university clinic,
1047 and any entity owned or operated by the federal or state
1048 government, including agencies, subdivisions, or municipalities
1049 thereof.

1050 (f) A sole proprietorship, group practice, partnership, or
1051 corporation that provides health care services by physicians
1052 covered by s. 627.419, that is directly supervised by one or
1053 more of such physicians, and that is wholly owned by one or more
1054 of those physicians or by a physician and the spouse, parent,



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1055 child, or sibling of that physician.

1056 (g) A sole proprietorship, group practice, partnership, or
1057 corporation that provides health care services by licensed
1058 health care practitioners under chapter 457, chapter 458,
1059 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1060 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1061 chapter 490, chapter 491, or part I, part III, part X, part
1062 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1063 wholly owned by one or more licensed health care practitioners,
1064 or the licensed health care practitioners set forth in this
1065 paragraph and the spouse, parent, child, or sibling of a
1066 licensed health care practitioner if one of the owners who is a
1067 licensed health care practitioner is supervising the business
1068 activities and is legally responsible for the entity's
1069 compliance with all federal and state laws. However, a health
1070 care practitioner may not supervise services beyond the scope of
1071 the practitioner's license, except that, for the purposes of
1072 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1073 which provides only services authorized pursuant to s.
1074 456.053(3)(b) may be supervised by a licensee specified in s.
1075 456.053(3)(b).

1076 (h) Clinical facilities affiliated with an accredited
1077 medical school at which training is provided for medical
1078 students, residents, or fellows.

1079 (i) Entities that provide only oncology or radiation
1080 therapy services by physicians licensed under chapter 458 or
1081 chapter 459 or entities that provide oncology or radiation
1082 therapy services by physicians licensed under chapter 458 or
1083 chapter 459 which are owned by a corporation whose shares are



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1084 publicly traded on a recognized stock exchange.

1085 (j) Clinical facilities affiliated with a college of
1086 chiropractic accredited by the Council on Chiropractic Education
1087 at which training is provided for chiropractic students.

1088 (k) Entities that provide licensed practitioners to staff
1089 emergency departments or to deliver anesthesia services in
1090 facilities licensed under chapter 395 and that derive at least
1091 90 percent of their gross annual revenues from the provision of
1092 such services. Entities claiming an exemption from licensure
1093 under this paragraph must provide documentation demonstrating
1094 compliance.

1095 (l) Orthotic, prosthetic, pediatric cardiology, or
1096 perinatology clinical facilities or anesthesia clinical
1097 facilities that are not otherwise exempt under paragraph (a) or
1098 paragraph (k) and that are a publicly traded corporation or are
1099 wholly owned, directly or indirectly, by a publicly traded
1100 corporation. As used in this paragraph, a publicly traded
1101 corporation is a corporation that issues securities traded on an
1102 exchange registered with the United States Securities and
1103 Exchange Commission as a national securities exchange.

1104 (m) Entities that are owned by a corporation that has \$250
1105 million or more in total annual sales of health care services
1106 provided by licensed health care practitioners where one or more
1107 of the persons responsible for the operations of the entity is a
1108 health care practitioner who is licensed in this state and who
1109 is responsible for supervising the business activities of the
1110 entity and is responsible for the entity's compliance with state
1111 law for purposes of this part.

1112 (n) Entities that employ 50 or more licensed health care



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1113 practitioners licensed under chapter 458 or chapter 459 where
1114 the billing for medical services is under a single tax
1115 identification number. The application for exemption under this
1116 subsection must include ~~shall contain information that includes:~~
1117 the name, residence, and business address and telephone ~~phone~~
1118 number of the entity that owns the practice; a complete list of
1119 the names and contact information of all the officers and
1120 directors of the corporation; the name, residence address,
1121 business address, and medical license number of each licensed
1122 Florida health care practitioner employed by the entity; the
1123 corporate tax identification number of the entity seeking an
1124 exemption; a listing of health care services to be provided by
1125 the entity at the health care clinics owned or operated by the
1126 entity; and a certified statement prepared by an independent
1127 certified public accountant which states that the entity and the
1128 health care clinics owned or operated by the entity have not
1129 received payment for health care services under motor vehicle
1130 ~~personal injury protection~~ insurance coverage for the preceding
1131 year. If the agency determines that an entity that ~~which~~ is
1132 exempt under this subsection has received payments for medical
1133 services under motor vehicle ~~personal injury protection~~
1134 insurance coverage, the agency may deny or revoke the exemption
1135 from licensure under this subsection.

1136
1137 Notwithstanding this subsection, an entity shall be deemed a
1138 clinic and must be licensed under this part in order to receive
1139 reimbursement under a motor vehicle insurance policy ~~the Florida~~
1140 ~~Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~
1141 ~~exempted under s. 627.736(5)(h).~~



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1142 Section 26. Subsection (6) of section 400.991, Florida
1143 Statutes, is amended to read:

1144 400.991 License requirements; background screenings;
1145 prohibitions.—

1146 (6) All agency forms for licensure application or exemption
1147 from licensure under this part must contain the following
1148 statement:

1149
1150 INSURANCE FRAUD NOTICE.—A person commits a fraudulent
1151 insurance act, as defined in s. 626.989, Florida
1152 Statutes, if the person who knowingly submits a false,
1153 misleading, or fraudulent application or other
1154 document when applying for licensure as a health care
1155 clinic, seeking an exemption from licensure as a
1156 health care clinic, or demonstrating compliance with
1157 part X of chapter 400, Florida Statutes, with the
1158 intent to use the license, exemption from licensure,
1159 or demonstration of compliance to provide services or
1160 seek reimbursement under a motor vehicle liability
1161 insurance policy ~~the Florida Motor Vehicle No-Fault~~
1162 ~~Law, commits a fraudulent insurance act, as defined in~~
1163 ~~s. 626.989, Florida Statutes.~~ A person who presents a
1164 claim for benefits under a motor vehicle insurance
1165 policy, personal injury protection benefits knowing
1166 that the payee knowingly submitted such health care
1167 clinic application or document, commits insurance
1168 fraud, as defined in s. 817.234, Florida Statutes.

1169 Section 27. Paragraph (g) of subsection (1) of section
1170 400.9935, Florida Statutes, is amended to read:



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1171 400.9935 Clinic responsibilities.-

1172 (1) Each clinic shall appoint a medical director or clinic
1173 director who shall agree in writing to accept legal
1174 responsibility for the following activities on behalf of the
1175 clinic. The medical director or the clinic director shall:

1176 (g) Conduct systematic reviews of clinic billings to ensure
1177 that the billings are not fraudulent or unlawful. Upon discovery
1178 of an unlawful charge, the medical director or clinic director
1179 shall take immediate corrective action. If the clinic performs
1180 only the technical component of magnetic resonance imaging,
1181 static radiographs, computed tomography, or positron emission
1182 tomography, and provides the professional interpretation of such
1183 services, in a fixed facility that is accredited by a national
1184 accrediting organization that is approved by the Centers for
1185 Medicare and Medicaid Services for magnetic resonance imaging
1186 and advanced diagnostic imaging services and if, in the
1187 preceding quarter, the percentage of scans performed by that
1188 clinic which was billed to motor vehicle ~~all personal injury~~
1189 ~~protection~~ insurance carriers was less than 15 percent, the
1190 chief financial officer of the clinic may, in a written
1191 acknowledgment provided to the agency, assume the responsibility
1192 for the conduct of the systematic reviews of clinic billings to
1193 ensure that the billings are not fraudulent or unlawful.

1194 Section 28. Subsection (28) of section 409.901, Florida
1195 Statutes, is amended to read:

1196 409.901 Definitions; ss. 409.901-409.920.-As used in ss.
1197 409.901-409.920, except as otherwise specifically provided, the
1198 term:

1199 (28) "Third-party benefit" means any benefit that is or may



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1200 be available at any time through contract, court award,
1201 judgment, settlement, agreement, or any arrangement between a
1202 third party and any person or entity, including, without
1203 limitation, a Medicaid recipient, a provider, another third
1204 party, an insurer, or the agency, for any Medicaid-covered
1205 injury, illness, goods, or services, including costs of medical
1206 services related thereto, for bodily personal injury or for
1207 death of the recipient, but specifically excluding ~~policies of~~
1208 life insurance policies on the recipient, unless available under
1209 terms of the policy to pay medical expenses before ~~prior to~~
1210 death. The term includes, without limitation, collateral, as
1211 defined in this section, health insurance, any benefit under a
1212 health maintenance organization, a preferred provider
1213 arrangement, a prepaid health clinic, liability insurance,
1214 uninsured motorist insurance ~~or personal injury protection~~
1215 ~~coverage~~, medical benefits under workers' compensation, and any
1216 obligation under law or equity to provide medical support.

1217 Section 29. Paragraph (f) of subsection (11) of section
1218 409.910, Florida Statutes, is amended to read:

1219 409.910 Responsibility for payments on behalf of Medicaid-
1220 eligible persons when other parties are liable.—

1221 (11) The agency may, as a matter of right, in order to
1222 enforce its rights under this section, institute, intervene in,
1223 or join any legal or administrative proceeding in its own name
1224 in one or more of the following capacities: individually, as
1225 subrogee of the recipient, as assignee of the recipient, or as
1226 lienholder of the collateral.

1227 (f) Notwithstanding any provision in this section to the
1228 contrary, in the event of an action in tort against a third



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1229 party in which the recipient or his or her legal representative
1230 is a party which results in a judgment, award, or settlement
1231 from a third party, the amount recovered shall be distributed as
1232 follows:

1233 1. After attorney ~~attorney's~~ fees and taxable costs as
1234 defined by the Florida Rules of Civil Procedure, one-half of the
1235 remaining recovery shall be paid to the agency up to the total
1236 amount of medical assistance provided by Medicaid.

1237 2. The remaining amount of the recovery shall be paid to
1238 the recipient.

1239 3. For purposes of calculating the agency's recovery of
1240 medical assistance benefits paid, the fee for services of an
1241 attorney retained by the recipient or his or her legal
1242 representative shall be calculated at 25 percent of the
1243 judgment, award, or settlement.

1244 4. Notwithstanding any other provision of this section to
1245 the contrary, the agency shall be entitled to all medical
1246 coverage benefits up to the total amount of medical assistance
1247 provided by Medicaid. For purposes of this paragraph, the term
1248 "medical coverage" means any benefits under health insurance, a
1249 health maintenance organization, a preferred provider
1250 arrangement, or a prepaid health clinic, and the portion of
1251 benefits designated for medical payments under ~~coverage for~~
1252 workers' compensation coverage, motor vehicle insurance
1253 coverage, personal injury protection, and casualty coverage.

1254 Section 30. Paragraph (k) of subsection (2) of section
1255 456.057, Florida Statutes, is amended to read:

1256 456.057 Ownership and control of patient records; report or
1257 copies of records to be furnished; disclosure of information.-



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1258 (2) As used in this section, the terms "records owner,"
1259 "health care practitioner," and "health care practitioner's
1260 employer" do not include any of the following persons or
1261 entities; furthermore, the following persons or entities are not
1262 authorized to acquire or own medical records, but are authorized
1263 under the confidentiality and disclosure requirements of this
1264 section to maintain those documents required by the part or
1265 chapter under which they are licensed or regulated:

1266 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1267 Section 31. Paragraphs (ee) and (ff) of subsection (1) of
1268 section 456.072, Florida Statutes, are amended to read:

1269 456.072 Grounds for discipline; penalties; enforcement.—

1270 (1) The following acts shall constitute grounds for which
1271 the disciplinary actions specified in subsection (2) may be
1272 taken:

1273 (ee) With respect to making a motor vehicle insurance
1274 personal injury protection claim as required by s. 627.736,
1275 intentionally submitting a claim, statement, or bill that has
1276 been upcoded. As used in this paragraph, the term "upcoded"
1277 means an action that submits a billing code that would result in
1278 payment greater in amount than would be paid using a billing
1279 code that accurately describes the services performed. The term
1280 does not include an otherwise lawful bill by a magnetic
1281 resonance imaging facility, which globally combines both
1282 technical and professional components, if the amount of the
1283 global bill is not more than the components if billed
1284 separately; however, payment of such a bill constitutes payment
1285 in full for all components of such service ~~"upcoded" as defined~~
1286 ~~in s. 627.732.~~



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1287 (ff) With respect to making a motor vehicle insurance
1288 ~~personal injury protection claim as required by s. 627.736,~~
1289 intentionally submitting a claim, statement, or bill for payment
1290 of services that were not rendered.

1291 Section 32. Paragraphs (i) and (o) of subsection (1) of
1292 section 626.9541, Florida Statutes, are amended to read:

1293 626.9541 Unfair methods of competition and unfair or
1294 deceptive acts or practices defined.—

1295 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1296 ACTS.—The following are defined as unfair methods of competition
1297 and unfair or deceptive acts or practices:

1298 (i) *Unfair claim settlement practices.*—

1299 1. Attempting to settle claims on the basis of an
1300 application, when serving as a binder or intended to become a
1301 part of the policy, or any other material document which was
1302 altered without notice to, or knowledge or consent of, the
1303 insured;

1304 2. A material misrepresentation made to an insured or any
1305 other person having an interest in the proceeds payable under
1306 such contract or policy, for the purpose and with the intent of
1307 effecting settlement of such claims, loss, or damage under such
1308 contract or policy on less favorable terms than those provided
1309 in, and contemplated by, such contract or policy; ~~or~~

1310 3. Committing or performing with such frequency as to
1311 indicate a general business practice any of the following:

1312 a. Failing to adopt and implement standards for the proper
1313 investigation of claims;

1314 b. Misrepresenting pertinent facts or insurance policy
1315 provisions relating to coverages at issue;



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- 1316 c. Failing to acknowledge and act promptly upon
1317 communications with respect to claims;
- 1318 d. Denying claims without conducting reasonable
1319 investigations based upon available information;
- 1320 e. Failing to affirm or deny full or partial coverage of
1321 claims, and, as to partial coverage, the dollar amount or extent
1322 of coverage, or failing to provide a written statement that the
1323 claim is being investigated, upon the written request of the
1324 insured within 30 days after proof-of-loss statements have been
1325 completed;
- 1326 f. Failing to promptly provide a reasonable explanation in
1327 writing to the insured of the basis in the insurance policy, in
1328 relation to the facts or applicable law, for denial of a claim
1329 or for the offer of a compromise settlement;
- 1330 g. Failing to promptly notify the insured of any additional
1331 information necessary for the processing of a claim; or
- 1332 h. Failing to clearly explain the nature of the requested
1333 information and the reasons why such information is necessary.
- 1334 ~~i. Failing to pay personal injury protection insurance~~
1335 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1336 ~~office may order the insurer to pay restitution to a~~
1337 ~~policyholder, medical provider, or other claimant, including~~
1338 ~~interest at a rate consistent with the amount set forth in s.~~
1339 ~~55.03(1), for the time period within which an insurer fails to~~
1340 ~~pay claims as required by law. Restitution is in addition to any~~
1341 ~~other penalties allowed by law, including, but not limited to,~~
1342 ~~the suspension of the insurer's certificate of authority.~~
- 1343 4. Failing to pay undisputed amounts of partial or full
1344 benefits owed under first-party property insurance policies



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1345 within 90 days after an insurer receives notice of a residential
1346 property insurance claim, determines the amounts of partial or
1347 full benefits, and agrees to coverage, unless payment of the
1348 undisputed benefits is prevented by an act of God, prevented by
1349 the impossibility of performance, or due to actions by the
1350 insured or claimant that constitute fraud, lack of cooperation,
1351 or intentional misrepresentation regarding the claim for which
1352 benefits are owed.

1353 (o) *Illegal dealings in premiums; excess or reduced charges*
1354 *for insurance.*—

1355 1. Knowingly collecting any sum as a premium or charge for
1356 insurance, which is not then provided, or is not in due course
1357 to be provided, subject to acceptance of the risk by the
1358 insurer, by an insurance policy issued by an insurer as
1359 permitted by this code.

1360 2. Knowingly collecting as a premium or charge for
1361 insurance any sum in excess of or less than the premium or
1362 charge applicable to such insurance, in accordance with the
1363 applicable classifications and rates as filed with and approved
1364 by the office, and as specified in the policy; or, in cases when
1365 classifications, premiums, or rates are not required by this
1366 code to be so filed and approved, premiums and charges collected
1367 from a Florida resident in excess of or less than those
1368 specified in the policy and as fixed by the insurer.

1369 Notwithstanding any other provision of law, this provision shall
1370 not be deemed to prohibit the charging and collection, by
1371 surplus lines agents licensed under part VIII of this chapter,
1372 of the amount of applicable state and federal taxes, or fees as
1373 authorized by s. 626.916(4), in addition to the premium required



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1374 by the insurer or the charging and collection, by licensed
1375 agents, of the exact amount of any discount or other such fee
1376 charged by a credit card facility in connection with the use of
1377 a credit card, as authorized by subparagraph (q)3., in addition
1378 to the premium required by the insurer. This subparagraph shall
1379 not be construed to prohibit collection of a premium for a
1380 universal life or a variable or indeterminate value insurance
1381 policy made in accordance with the terms of the contract.

1382 3.a. Imposing or requesting an additional premium for
1383 bodily injury liability coverage, property damage liability
1384 coverage ~~a policy of motor vehicle liability, personal injury~~
1385 ~~protection~~, medical payments coverage ~~payment~~, or collision
1386 coverage in a motor vehicle liability insurance policy ~~insurance~~
1387 ~~or any combination thereof~~ or refusing to renew the policy
1388 solely because the insured was involved in a motor vehicle
1389 accident unless the insurer's file contains information from
1390 which the insurer in good faith determines that the insured was
1391 substantially at fault in the accident.

1392 b. An insurer which imposes and collects such a surcharge
1393 or which refuses to renew such policy shall, in conjunction with
1394 the notice of premium due or notice of nonrenewal, notify the
1395 named insured that he or she is entitled to reimbursement of
1396 such amount or renewal of the policy under the conditions listed
1397 below and will subsequently reimburse him or her or renew the
1398 policy, if the named insured demonstrates that the operator
1399 involved in the accident was:

1400 (I) Lawfully parked;

1401 (II) Reimbursed by, or on behalf of, a person responsible
1402 for the accident or has a judgment against such person;



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1403 (III) Struck in the rear by another vehicle headed in the
1404 same direction and was not convicted of a moving traffic
1405 violation in connection with the accident;

1406 (IV) Hit by a "hit-and-run" driver, if the accident was
1407 reported to the proper authorities within 24 hours after
1408 discovering the accident;

1409 (V) Not convicted of a moving traffic violation in
1410 connection with the accident, but the operator of the other
1411 automobile involved in such accident was convicted of a moving
1412 traffic violation;

1413 (VI) Finally adjudicated not to be liable by a court of
1414 competent jurisdiction;

1415 (VII) In receipt of a traffic citation which was dismissed
1416 or nolle prossed; or

1417 (VIII) Not at fault as evidenced by a written statement
1418 from the insured establishing facts demonstrating lack of fault
1419 which are not rebutted by information in the insurer's file from
1420 which the insurer in good faith determines that the insured was
1421 substantially at fault.

1422 c. In addition to the other provisions of this
1423 subparagraph, an insurer may not fail to renew a policy if the
1424 insured has had only one accident in which he or she was at
1425 fault within the current 3-year period. However, an insurer may
1426 nonrenew a policy for reasons other than accidents in accordance
1427 with s. 627.728. This subparagraph does not prohibit nonrenewal
1428 of a policy under which the insured has had three or more
1429 accidents, regardless of fault, during the most recent 3-year
1430 period.

1431 4. Imposing or requesting an additional premium for, or



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1432 refusing to renew, a policy for motor vehicle insurance solely
1433 because the insured committed a noncriminal traffic infraction
1434 as described in s. 318.14 unless the infraction is:

1435 a. A second infraction committed within an 18-month period,
1436 or a third or subsequent infraction committed within a 36-month
1437 period.

1438 b. A violation of s. 316.183, when such violation is a
1439 result of exceeding the lawful speed limit by more than 15 miles
1440 per hour.

1441 5. Upon the request of the insured, the insurer and
1442 licensed agent shall supply to the insured the complete proof of
1443 fault or other criteria which justifies the additional charge or
1444 cancellation.

1445 6. No insurer shall impose or request an additional premium
1446 for motor vehicle insurance, cancel or refuse to issue a policy,
1447 or refuse to renew a policy because the insured or the applicant
1448 is a handicapped or physically disabled person, so long as such
1449 handicap or physical disability does not substantially impair
1450 such person's mechanically assisted driving ability.

1451 7. No insurer may cancel or otherwise terminate any
1452 insurance contract or coverage, or require execution of a
1453 consent to rate endorsement, during the stated policy term for
1454 the purpose of offering to issue, or issuing, a similar or
1455 identical contract or coverage to the same insured with the same
1456 exposure at a higher premium rate or continuing an existing
1457 contract or coverage with the same exposure at an increased
1458 premium.

1459 8. No insurer may issue a nonrenewal notice on any
1460 insurance contract or coverage, or require execution of a



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1461 consent to rate endorsement, for the purpose of offering to
1462 issue, or issuing, a similar or identical contract or coverage
1463 to the same insured at a higher premium rate or continuing an
1464 existing contract or coverage at an increased premium without
1465 meeting any applicable notice requirements.

1466 9. No insurer shall, with respect to premiums charged for
1467 motor vehicle insurance, unfairly discriminate solely on the
1468 basis of age, sex, marital status, or scholastic achievement.

1469 10. Imposing or requesting an additional premium for motor
1470 vehicle comprehensive or uninsured motorist coverage solely
1471 because the insured was involved in a motor vehicle accident or
1472 was convicted of a moving traffic violation.

1473 11. No insurer shall cancel or issue a nonrenewal notice on
1474 any insurance policy or contract without complying with any
1475 applicable cancellation or nonrenewal provision required under
1476 the Florida Insurance Code.

1477 12. No insurer shall impose or request an additional
1478 premium, cancel a policy, or issue a nonrenewal notice on any
1479 insurance policy or contract because of any traffic infraction
1480 when adjudication has been withheld and no points have been
1481 assessed pursuant to s. 318.14(9) and (10). However, this
1482 subparagraph does not apply to traffic infractions involving
1483 accidents in which the insurer has incurred a loss due to the
1484 fault of the insured.

1485 Section 33. Paragraph (a) of subsection (1) of section
1486 626.989, Florida Statutes, is amended to read:

1487 626.989 Investigation by department or Division of
1488 Investigative and Forensic Services; compliance; immunity;
1489 confidential information; reports to division; division



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1490 investigator's power of arrest.-

1491 (1) For the purposes of this section:

1492 (a) A person commits a "fraudulent insurance act" if the
1493 person:

1494 1. Knowingly and with intent to defraud presents, causes to
1495 be presented, or prepares with knowledge or belief that it will
1496 be presented, to or by an insurer, self-insurer, self-insurance
1497 fund, servicing corporation, purported insurer, broker, or any
1498 agent thereof, any written statement as part of, or in support
1499 of, an application for the issuance of, or the rating of, any
1500 insurance policy, or a claim for payment or other benefit
1501 pursuant to any insurance policy, which the person knows to
1502 contain materially false information concerning any fact
1503 material thereto or if the person conceals, for the purpose of
1504 misleading another, information concerning any fact material
1505 thereto.

1506 2. Knowingly submits:

1507 a. A false, misleading, or fraudulent application or other
1508 document when applying for licensure as a health care clinic,
1509 seeking an exemption from licensure as a health care clinic, or
1510 demonstrating compliance with part X of chapter 400 with an
1511 intent to use the license, exemption from licensure, or
1512 demonstration of compliance to provide services or seek
1513 reimbursement under a motor vehicle liability insurance policy
1514 ~~the Florida Motor Vehicle No-Fault Law.~~

1515 b. A claim for payment or other benefit under a motor
1516 vehicle pursuant to a personal injury protection insurance
1517 policy under the Florida Motor Vehicle No-Fault Law if the
1518 person knows that the payee knowingly submitted a false,



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1519 misleading, or fraudulent application or other document when
1520 applying for licensure as a health care clinic, seeking an
1521 exemption from licensure as a health care clinic, or
1522 demonstrating compliance with part X of chapter 400.

1523 Section 34. Subsection (1) of section 627.06501, Florida
1524 Statutes, is amended to read:

1525 627.06501 Insurance discounts for certain persons
1526 completing driver improvement course.—

1527 (1) Any rate, rating schedule, or rating manual for the
1528 bodily injury and property damage liability coverage, ~~personal~~
1529 ~~injury protection, and collision coverages~~ of a motor vehicle
1530 insurance policy filed with the office may provide for an
1531 appropriate reduction in premium charges as to such coverages if
1532 ~~when~~ the principal operator on the covered vehicle has
1533 successfully completed a driver improvement course approved and
1534 certified by the Department of Highway Safety and Motor Vehicles
1535 which is effective in reducing crash or violation rates, or
1536 both, as determined pursuant to s. 318.1451(5). Any discount,
1537 not to exceed 10 percent, used by an insurer is presumed to be
1538 appropriate unless credible data demonstrates otherwise.

1539 Section 35. Subsection (1) of section 627.0652, Florida
1540 Statutes, is amended to read:

1541 627.0652 Insurance discounts for certain persons completing
1542 safety course.—

1543 (1) Any rates, rating schedules, or rating manuals for the
1544 bodily injury and property damage liability coverage, ~~personal~~
1545 ~~injury protection, and collision coverages~~ of a motor vehicle
1546 insurance policy filed with the office must ~~shall~~ provide for an
1547 appropriate reduction in premium charges as to such coverages if



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1548 ~~when~~ the principal operator on the covered vehicle is an insured
1549 55 years of age or older who has successfully completed a motor
1550 vehicle accident prevention course approved by the Department of
1551 Highway Safety and Motor Vehicles. Any discount used by an
1552 insurer is presumed to be appropriate unless credible data
1553 demonstrates otherwise.

1554 Section 36. Subsections (1), (3), and (6) of section
1555 627.0653, Florida Statutes, are amended to read:

1556 627.0653 Insurance discounts for specified motor vehicle
1557 equipment.—

1558 (1) Any rates, rating schedules, or rating manuals for the
1559 bodily injury and property damage liability coverage, ~~personal~~
1560 ~~injury protection, and collision coverages~~ of a motor vehicle
1561 insurance policy filed with the office must ~~shall~~ provide a
1562 premium discount if the insured vehicle is equipped with
1563 factory-installed, four-wheel antilock brakes.

1564 (3) Any rates, rating schedules, or rating manuals for the
1565 bodily injury liability ~~personal injury protection~~ coverage and
1566 medical payments coverage, if offered, of a motor vehicle
1567 insurance policy filed with the office must ~~shall~~ provide a
1568 premium discount if the insured vehicle is equipped with one or
1569 more air bags that ~~which~~ are factory installed.

1570 (6) The Office of Insurance Regulation may approve a
1571 premium discount to any rates, rating schedules, or rating
1572 manuals for the bodily injury and property damage liability
1573 coverage, ~~personal injury protection, and collision coverages~~ of
1574 a motor vehicle insurance policy filed with the office if the
1575 insured vehicle is equipped with autonomous driving technology
1576 or electronic vehicle collision avoidance technology that is



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1577 factory installed or a retrofitted system and that complies with
1578 National Highway Traffic Safety Administration standards.

1579 Section 37. Section 627.4132, Florida Statutes, is amended
1580 to read:

1581 627.4132 Stacking of coverages prohibited.—If an insured or
1582 named insured is protected by any type of motor vehicle
1583 insurance policy for bodily injury and property damage
1584 ~~liability, personal injury protection, or other coverage~~, the
1585 policy must ~~shall~~ provide that the insured or named insured is
1586 protected only to the extent of the coverage she or he has on
1587 the vehicle involved in the accident. However, if none of the
1588 insured's or named insured's vehicles are ~~is~~ involved in the
1589 accident, coverage is available only to the extent of coverage
1590 on any one of the vehicles with applicable coverage. Coverage on
1591 any other vehicles may ~~shall~~ not be added to or stacked upon
1592 that coverage. This section does not apply:

1593 (1) To uninsured motorist coverage that ~~which~~ is separately
1594 governed by s. 627.727.

1595 (2) To reduce the coverage available by reason of insurance
1596 policies insuring different named insureds.

1597 Section 38. Section 627.7263, Florida Statutes, is amended
1598 to read:

1599 627.7263 Rental and leasing driver's insurance to be
1600 primary; exception.—

1601 (1) The valid and collectible bodily injury and property
1602 damage liability insurance ~~or personal injury protection~~
1603 ~~insurance~~ providing coverage for the lessor of a motor vehicle
1604 for rent or lease is primary unless otherwise stated in at least
1605 10-point type on the face of the rental or lease agreement. Such



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1606 insurance is primary for the limits of liability ~~and personal~~
1607 ~~injury protection~~ coverage as required by s. 324.021(7) ~~ss.~~
1608 ~~324.021(7) and 627.736.~~

1609 (2) If the lessee's coverage is to be primary, the rental
1610 or lease agreement must contain the following language, in at
1611 least 10-point type:

1612
1613 "The valid and collectible bodily injury and property
1614 damage liability insurance ~~and personal injury~~
1615 ~~protection insurance~~ of an any authorized rental or
1616 leasing driver is primary for the limits of liability
1617 ~~and personal injury protection~~ coverage required under
1618 s. 324.021(7) ~~by ss. 324.021(7) and 627.736,~~ Florida
1619 Statutes."

1620 Section 39. Subsections (1) and (7) of section 627.727,
1621 Florida Statutes, are amended, and present subsections (8), (9),
1622 and (10) of that section are redesignated as subsections (7),
1623 (8), and (9), respectively, to read:

1624 627.727 Motor vehicle insurance; uninsured and underinsured
1625 vehicle coverage; insolvent insurer protection.—

1626 (1) A ~~No~~ motor vehicle liability insurance policy that
1627 ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be
1628 delivered or issued for delivery in this state with respect to
1629 any specifically insured or identified motor vehicle registered
1630 or principally garaged in this state, unless uninsured motor
1631 vehicle coverage is provided therein or supplemental thereto for
1632 the protection of persons insured thereunder who are legally
1633 entitled to recover damages from owners or operators of
1634 uninsured motor vehicles because of bodily injury, sickness, or



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1635 disease, including death, resulting therefrom. However, the
1636 coverage required under this section is not applicable if ~~when~~,
1637 or to the extent that, an insured named in the policy makes a
1638 written rejection of the coverage on behalf of all insureds
1639 under the policy. If ~~When~~ a motor vehicle is leased for a ~~period~~
1640 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1641 of the lease contract, provides liability coverage on the leased
1642 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
1643 privilege to reject uninsured motorist coverage or to select
1644 lower limits than the bodily injury liability limits, regardless
1645 of whether the lessor is qualified as a self-insurer pursuant to
1646 s. 324.171. Unless an insured, or lessee having the privilege of
1647 rejecting uninsured motorist coverage, requests such coverage or
1648 requests higher uninsured motorist limits in writing, the
1649 coverage or such higher uninsured motorist limits need not be
1650 provided in or supplemental to any other policy which renews,
1651 extends, changes, supersedes, or replaces an existing policy
1652 with the same bodily injury liability limits when an insured or
1653 lessee had rejected the coverage. When an insured or lessee has
1654 initially selected limits of uninsured motorist coverage lower
1655 than her or his bodily injury liability limits, higher limits of
1656 uninsured motorist coverage need not be provided in or
1657 supplemental to any other policy that ~~which~~ renews, extends,
1658 changes, supersedes, or replaces an existing policy with the
1659 same bodily injury liability limits unless an insured requests
1660 higher uninsured motorist coverage in writing. The rejection or
1661 selection of lower limits must ~~shall~~ be made on a form approved
1662 by the office. The form must ~~shall~~ fully advise the applicant of
1663 the nature of the coverage and must ~~shall~~ state that the



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1664 coverage is equal to bodily injury liability limits unless lower
1665 limits are requested or the coverage is rejected. The heading of
1666 the form must ~~shall~~ be in 12-point bold type and must ~~shall~~
1667 state: "You are electing not to purchase certain valuable
1668 coverage that ~~which~~ protects you and your family or you are
1669 purchasing uninsured motorist limits less than your bodily
1670 injury liability limits when you sign this form. Please read
1671 carefully." If this form is signed by a named insured, it will
1672 be conclusively presumed that there was an informed, knowing
1673 rejection of coverage or election of lower limits on behalf of
1674 all insureds. The insurer shall notify the named insured at
1675 least annually of her or his options as to the coverage required
1676 by this section. Such notice must ~~shall~~ be part of, and attached
1677 to, the notice of premium, must ~~shall~~ provide for a means to
1678 allow the insured to request such coverage, and must ~~shall~~ be
1679 given in a manner approved by the office. Receipt of this notice
1680 does not constitute an affirmative waiver of the insured's right
1681 to uninsured motorist coverage if ~~where~~ the insured has not
1682 signed a selection or rejection form. The coverage described
1683 under this section must ~~shall~~ be over and above, but may ~~shall~~
1684 not duplicate, the benefits available to an insured under any
1685 workers' compensation law, ~~personal injury protection benefits,~~
1686 disability benefits law, or similar law; under any automobile
1687 medical payments ~~expense~~ coverage; under any motor vehicle
1688 liability insurance coverage; or from the owner or operator of
1689 the uninsured motor vehicle or any other person or organization
1690 jointly or severally liable together with such owner or operator
1691 for the accident; and such coverage must ~~shall~~ cover the
1692 difference, if any, between the sum of such benefits and the



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1693 damages sustained, up to the maximum amount of such coverage
1694 provided under this section. The amount of coverage available
1695 under this section may ~~shall~~ not be reduced by a setoff against
1696 any coverage, including liability insurance. Such coverage does
1697 ~~shall~~ not inure directly or indirectly to the benefit of any
1698 workers' compensation or disability benefits carrier or any
1699 person or organization qualifying as a self-insurer under any
1700 workers' compensation or disability benefits law or similar law.

1701 ~~(7) The legal liability of an uninsured motorist coverage~~
1702 ~~insurer does not include damages in tort for pain, suffering,~~
1703 ~~mental anguish, and inconvenience unless the injury or disease~~
1704 ~~is described in one or more of paragraphs (a) - (d) of s.~~
1705 ~~627.737(2).~~

1706 Section 40. Section 627.7275, Florida Statutes, is amended
1707 to read:

1708 627.7275 Motor vehicle liability; bad faith actions;
1709 insurer liability; requirements and construction.-

1710 (1) A motor vehicle insurance policy ~~providing personal~~
1711 ~~injury protection as set forth in s. 627.736~~ may not be
1712 delivered or issued for delivery in this state for a with
1713 ~~respect to any~~ specifically insured or identified motor vehicle
1714 registered or principally garaged in this state must provide
1715 bodily injury liability coverage and unless the policy also
1716 ~~provides coverage for~~ property damage liability coverage as
1717 required under ~~by~~ s. 324.022.

1718 (2) (a) Insurers writing motor vehicle insurance in this
1719 state shall make available, subject to the insurers' usual
1720 underwriting restrictions:

1721 1. Coverage under policies as described in subsection (1)



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1722 to an applicant for private passenger motor vehicle insurance
1723 coverage who is seeking the coverage in order to reinstate the
1724 applicant's driving privileges in this state if the driving
1725 privileges were revoked or suspended pursuant to s. 316.646 or
1726 s. 324.0221 due to the failure of the applicant to maintain
1727 required security.

1728 2. Coverage under policies as described in subsection (1),
1729 which includes bodily injury ~~also provides~~ liability coverage
1730 and property damage liability coverage ~~for bodily injury, death,~~
1731 ~~and property damage arising out of the ownership, maintenance,~~
1732 ~~or use of the motor vehicle~~ in an amount not less than the
1733 minimum limits required under ~~described in~~ s. 324.021(7) or s.
1734 324.023 and which conforms to the requirements of s. 324.151, to
1735 an applicant for private passenger motor vehicle insurance
1736 coverage who is seeking the coverage in order to reinstate the
1737 applicant's driving privileges in this state after such
1738 privileges were revoked or suspended under s. 316.193 or s.
1739 322.26(2) for driving under the influence.

1740 (b) The policies described in paragraph (a) must ~~shall~~ be
1741 issued for at least 6 months and, as to the minimum coverages
1742 required under this section, may not be canceled by the insured
1743 for any reason or by the insurer after 60 days, during which
1744 period the insurer is completing the underwriting of the policy.
1745 After the insurer has completed underwriting the policy, the
1746 insurer shall notify the Department of Highway Safety and Motor
1747 Vehicles that the policy is in full force and effect and is not
1748 cancelable for the remainder of the policy period. A premium
1749 must ~~shall~~ be collected and the coverage is in effect for the
1750 60-day period during which the insurer is completing the



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1751 underwriting of the policy, whether or not the person's driver
1752 license, motor vehicle tag, and motor vehicle registration are
1753 in effect. Once the noncancelable provisions of the policy
1754 become effective, the bodily injury liability and property
1755 damage liability coverages ~~for bodily injury, property damage,~~
1756 ~~and personal injury protection~~ may not be reduced below the
1757 minimum limits required under s. 324.021 or s. 324.023 during
1758 the policy period.

1759 (c) This subsection controls to the extent of any conflict
1760 with any other section.

1761 (d) An insurer issuing a policy subject to this section may
1762 cancel the policy if, during the policy term, the named insured,
1763 or any other operator who resides in the same household or
1764 customarily operates an automobile insured under the policy, has
1765 his or her driver license suspended or revoked.

1766 (e) This subsection does not require an insurer to offer a
1767 policy of insurance to an applicant if such offer would be
1768 inconsistent with the insurer's underwriting guidelines and
1769 procedures.

1770 (3) (a) As a condition precedent to a statutory or common
1771 law action for a bad faith failure to settle a motor vehicle
1772 liability claim, the insured, claimant, or the representative of
1773 the insured or claimant must provide the insurer with a written
1774 notice of loss. If the motor vehicle liability insurer complies
1775 with a request for a disclosure statement described in s.
1776 627.4137, and, within 45 days after receipt of the written
1777 notice of loss, offers to pay the claimant the lesser of the
1778 amount the claimant is willing to accept or the limits of the
1779 motor vehicle liability coverage applicable to the claimant's



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1780 claim in exchange for full release of the insureds from any
1781 liability arising from the incident and the notice of loss, the
1782 insurer does not violate the duty to attempt in good faith to
1783 settle the claim and is not liable for a bad faith failure to
1784 settle under this section or under the common law.

1785 (b) In evaluating whether the insurer attempted in good
1786 faith to settle the claim when, under the totality of the
1787 circumstances, it could have and should have done so had it
1788 acted fairly and honestly toward its insured and with due regard
1789 for his or her interests, the trier of fact must also consider
1790 whether the insured, claimant, or representative of the insured
1791 or claimant made good faith efforts to cooperate with the
1792 insurer in the investigation of the claim.

1793 (c) If two or more third-party claimants in a motor vehicle
1794 liability claim make competing claims arising out of a single
1795 occurrence which in total exceed the available policy limits of
1796 one or more of the insured parties who may be liable to the
1797 third-party claimants, an insurer is not liable beyond the
1798 available policy limits for failure to pay all or any portion of
1799 the available policy limits to one or more of the third-party
1800 claimants, if, within 90 days after receiving notice of the
1801 competing claims in excess of the available policy limits, the
1802 insurer files an interpleader action under the Florida Rules of
1803 Civil Procedure. The claims of the competing third-party
1804 claimants are entitled to a prorated share of the policy limits
1805 as determined by the trier of fact. An insurer's interpleader
1806 action does not alter or amend the insurer's obligation to
1807 defend its insured.

1808 Section 41. Paragraph (a) of subsection (1) of section



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1809 627.728, Florida Statutes, is amended to read:

1810 627.728 Cancellations; nonrenewals.-

1811 (1) As used in this section, the term:

1812 (a) "Policy" means the bodily injury and property damage
1813 liability, ~~personal injury protection~~, medical payments,
1814 comprehensive, collision, and uninsured motorist coverage
1815 portions of a policy of motor vehicle insurance delivered or
1816 issued for delivery in this state:

1817 1. Insuring a natural person as named insured or one or
1818 more related individuals who are residents ~~resident~~ of the same
1819 household; and

1820 2. Insuring only a motor vehicle of the private passenger
1821 type or station wagon type which is not used as a public or
1822 livery conveyance for passengers or rented to others; or
1823 insuring any other four-wheel motor vehicle having a load
1824 capacity of 1,500 pounds or less which is not used in the
1825 occupation, profession, or business of the insured other than
1826 farming; other than any policy issued under an automobile
1827 insurance assigned risk plan or covering garage, automobile
1828 sales agency, repair shop, service station, or public parking
1829 place operation hazards.

1830

1831 The term "policy" does not include a binder as defined in s.
1832 627.420 unless the duration of the binder period exceeds 60
1833 days.

1834 Section 42. Subsection (1), paragraph (a) of subsection
1835 (5), and subsections (6) and (7) of section 627.7295, Florida
1836 Statutes, are amended to read:

1837 627.7295 Motor vehicle insurance contracts.-



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1838 (1) As used in this section, the term:
1839 (a) "Policy" means a motor vehicle insurance policy that
1840 provides bodily injury liability ~~personal injury protection~~
1841 coverage, property damage liability coverage, or both.
1842 (b) "Binder" means a binder that provides motor vehicle
1843 bodily injury liability coverage, ~~personal injury protection~~ and
1844 property damage liability coverage.
1845 (5) (a) A licensed general lines agent may charge a per-
1846 policy fee up to ~~not to exceed~~ \$10 to cover the administrative
1847 costs of the agent associated with selling the motor vehicle
1848 insurance policy if the policy covers only bodily injury
1849 liability coverage ~~personal injury protection coverage as~~
1850 ~~provided by s. 627.736~~ and property damage liability coverage as
1851 provided by s. 627.7275 and if no other insurance is sold or
1852 issued in conjunction with or collateral to the policy. The fee
1853 is not ~~considered~~ part of the premium.
1854 (6) If a motor vehicle owner's driver license, license
1855 plate, and registration have previously been suspended pursuant
1856 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
1857 only as provided in s. 627.7275.
1858 (7) A policy of private passenger motor vehicle insurance
1859 or a binder for such a policy may be initially issued in this
1860 state only if, before the effective date of such binder or
1861 policy, the insurer or agent has collected ~~from the insured an~~
1862 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
1863 agent, or premium finance company may not, directly or
1864 indirectly, take any action that results ~~resulting~~ in the
1865 insured paying ~~having paid~~ from the insured's own funds an
1866 amount less than the 2 months' premium required by this



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1867 subsection. This subsection applies without regard to whether
1868 the premium is financed by a premium finance company or is paid
1869 pursuant to a periodic payment plan of an insurer or an
1870 insurance agent.

1871 (a) This subsection does not apply:

1872 1. If an insured or member of the insured's family is
1873 renewing or replacing a policy or a binder for such policy
1874 written by the same insurer or a member of the same insurer
1875 group. ~~This subsection does not apply~~

1876 2. To an insurer that issues private passenger motor
1877 vehicle coverage primarily to active duty or former military
1878 personnel or their dependents. ~~This subsection does not apply~~

1879 3. If all policy payments are paid pursuant to a payroll
1880 deduction plan, an automatic electronic funds transfer payment
1881 plan from the policyholder, or a recurring credit card or debit
1882 card agreement with the insurer.

1883 (b) This subsection and subsection (4) do not apply if:

1884 1. All policy payments to an insurer are paid pursuant to
1885 an automatic electronic funds transfer payment plan from an
1886 agent, a managing general agent, or a premium finance company
1887 and if the policy includes, at a minimum, bodily injury
1888 liability coverage and ~~personal injury protection pursuant to~~
1889 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~
1890 coverage pursuant to s. 627.7275; or and ~~bodily injury liability~~
1891 ~~in at least the amount of \$10,000 because of bodily injury to,~~
1892 ~~or death of, one person in any one accident and in the amount of~~
1893 ~~\$20,000 because of bodily injury to, or death of, two or more~~
1894 ~~persons in any one accident. This subsection and subsection (4)~~
1895 ~~do not apply if~~



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1896 2. An insured has had a policy in effect for at least 6
1897 months, the insured's agent is terminated by the insurer that
1898 issued the policy, and the insured obtains coverage on the
1899 policy's renewal date with a new company through the terminated
1900 agent.

1901 Section 43. Subsections (1) and (2) of section 627.7415,
1902 Florida Statutes, are amended to read:

1903 627.7415 Commercial motor vehicles; additional liability
1904 insurance coverage.—Commercial motor vehicles, as defined in s.
1905 207.002 or s. 320.01, operated upon the roads and highways of
1906 this state shall be insured with the ~~following~~ minimum levels of
1907 combined bodily liability insurance and property damage
1908 liability insurance under subsections (1) and (2) in addition to
1909 any other insurance requirements.÷

1910 (1) ~~Fifty thousand dollars per occurrence~~ For a commercial
1911 motor vehicle with a gross vehicle weight of 26,000 pounds or
1912 more, but less than 35,000 pounds:

1913 (a) Beginning January 1, 2019, through December 31, 2020,
1914 no less than \$50,000 per occurrence.

1915 (b) Beginning January 1, 2021, through December 31, 2022,
1916 no less than \$60,000 per occurrence.

1917 (c) Beginning January 1, 2023, and thereafter, no less than
1918 \$70,000 per occurrence.

1919 (2) ~~One hundred thousand dollars per occurrence~~ For a
1920 commercial motor vehicle with a gross vehicle weight of 35,000
1921 pounds or more, but less than 44,000 pounds:

1922 (a) Beginning January 1, 2019, through December 31, 2020,
1923 no less than \$100,000 per occurrence.

1924 (b) Beginning January 1, 2021, through December 31, 2022,



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1925 no less than \$120,000 per occurrence.

1926 (c) Beginning January 1, 2023, and thereafter, no less than
1927 \$140,000 per occurrence.

1928
1929 A violation of this section is a noncriminal traffic infraction,
1930 punishable as a nonmoving violation as provided in chapter 318.

1931 Section 44. Section 627.8405, Florida Statutes, is amended
1932 to read:

1933 627.8405 Prohibited acts; financing companies.—A ~~No~~ premium
1934 finance company ~~shall~~, in a premium finance agreement or other
1935 agreement, may not finance the cost of or otherwise provide for
1936 the collection or remittance of dues, assessments, fees, or
1937 other periodic payments of money for the cost of:

1938 (1) A membership in an automobile club. The term
1939 "automobile club" means a legal entity that ~~which~~, in
1940 consideration of dues, assessments, or periodic payments of
1941 money, promises its members or subscribers to assist them in
1942 matters relating to the ownership, operation, use, or
1943 maintenance of a motor vehicle; however, the term ~~this~~
1944 ~~definition of "automobile club"~~ does not include persons,
1945 associations, or corporations ~~which are~~ organized and operated
1946 solely for the purpose of conducting, sponsoring, or sanctioning
1947 motor vehicle races, exhibitions, or contests upon racetracks,
1948 or upon racecourses established and marked as such for the
1949 duration of such particular events. The term ~~words~~ "motor
1950 vehicle" used herein has ~~have~~ the same meaning as defined in
1951 chapter 320.

1952 (2) An accidental death and dismemberment policy sold in
1953 combination with a policy providing only bodily injury liability



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1954 coverage ~~personal injury protection~~ and property damage
1955 liability coverage ~~only policy~~.

1956 (3) Any product not regulated under ~~the provisions of this~~
1957 insurance code.

1958

1959 This section also applies to premium financing by any insurance
1960 agent or insurance company under part XVI. The commission shall
1961 adopt rules to assure disclosure, at the time of sale, of
1962 coverages financed ~~with personal injury protection~~ and shall
1963 prescribe the form of such disclosure.

1964 Section 45. Subsection (1) of section 627.915, Florida
1965 Statutes, is amended to read:

1966 627.915 Insurer experience reporting.-

1967 (1) Each insurer transacting private passenger automobile
1968 insurance in this state shall report certain information
1969 annually to the office. The information will be due on or before
1970 July 1 of each year. The information must ~~shall~~ be divided into
1971 the following categories: bodily injury liability; property
1972 damage liability; uninsured motorist; ~~personal injury protection~~
1973 ~~benefits~~; medical payments; and comprehensive and collision. The
1974 information given must ~~shall~~ be on direct insurance writings in
1975 the state alone and ~~shall~~ represent total limits data. The
1976 information set forth in paragraphs (a)-(f) is applicable to
1977 voluntary private passenger and Joint Underwriting Association
1978 private passenger writings and must ~~shall~~ be reported for each
1979 of the latest 3 calendar-accident years, with an evaluation date
1980 of March 31 of the current year. The information set forth in
1981 paragraphs (g)-(j) is applicable to voluntary private passenger
1982 writings and must ~~shall~~ be reported on a calendar-accident year



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1983 basis ultimately seven times at seven different stages of
1984 development.
1985 (a) Premiums earned for the latest 3 calendar-accident
1986 years.
1987 (b) Loss development factors and the historic development
1988 of those factors.
1989 (c) Policyholder dividends incurred.
1990 (d) Expenses for other acquisition and general expense.
1991 (e) Expenses for agents' commissions and taxes, licenses,
1992 and fees.
1993 (f) Profit and contingency factors as utilized in the
1994 insurer's automobile rate filings for the applicable years.
1995 (g) Losses paid.
1996 (h) Losses unpaid.
1997 (i) Loss adjustment expenses paid.
1998 (j) Loss adjustment expenses unpaid.
1999 Section 46. Subsections (2) and (3) of section 628.909,
2000 Florida Statutes, are amended to read:
2001 628.909 Applicability of other laws.—
2002 (2) The following provisions of the Florida Insurance Code
2003 apply to captive insurance companies who are not industrial
2004 insured captive insurance companies to the extent that such
2005 provisions are not inconsistent with this part:
2006 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2007 624.40851, 624.4095, 624.411, 624.425, and 624.426.
2008 (b) Chapter 625, part II.
2009 (c) Chapter 626, part IX.
2010 (d) ~~Sections 627.730-627.7405, when no fault coverage is~~
2011 ~~provided.~~



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2012 ~~(e)~~ Chapter 628.

2013 (3) The following provisions of the Florida Insurance Code
2014 ~~shall~~ apply to industrial insured captive insurance companies to
2015 the extent that such provisions are not inconsistent with this
2016 part:

2017 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2018 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2019 (b) Chapter 625, part II, if the industrial insured captive
2020 insurance company is incorporated in this state.

2021 (c) Chapter 626, part IX.

2022 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
2023 ~~provided.~~

2024 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
2025 628.6018.

2026 Section 47. Subsections (2), (6), and (7) of section
2027 705.184, Florida Statutes, are amended to read:

2028 705.184 Derelict or abandoned motor vehicles on the
2029 premises of public-use airports.-

2030 (2) The airport director or the director's designee shall
2031 contact the Department of Highway Safety and Motor Vehicles to
2032 notify that department that the airport has possession of the
2033 abandoned or derelict motor vehicle and to determine the name
2034 and address of the owner of the motor vehicle, the insurance
2035 company insuring the motor vehicle, ~~notwithstanding the~~
2036 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2037 the motor vehicle. Within 7 business days after receipt of the
2038 information, the director or the director's designee shall send
2039 notice by certified mail, return receipt requested, to the owner
2040 of the motor vehicle, the insurance company insuring the motor



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2041 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2042 persons of record claiming a lien against the motor vehicle. The
2043 notice must ~~shall~~ state the fact of possession of the motor
2044 vehicle, that charges for reasonable towing, storage, and
2045 parking fees, if any, have accrued and the amount thereof, that
2046 a lien as provided in subsection (6) will be claimed, that the
2047 lien is subject to enforcement pursuant to law, that the owner
2048 or lienholder, if any, has the right to a hearing as set forth
2049 in subsection (4), and that any motor vehicle which, at the end
2050 of 30 calendar days after receipt of the notice, has not been
2051 removed from the airport upon payment in full of all accrued
2052 charges for reasonable towing, storage, and parking fees, if
2053 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2054 (d), or (e), including, but not limited to, the motor vehicle
2055 being sold free of all prior liens after 35 calendar days after
2056 the time the motor vehicle is stored if any prior liens on the
2057 motor vehicle are more than 5 years of age or after 50 calendar
2058 days after the time the motor vehicle is stored if any prior
2059 liens on the motor vehicle are 5 years of age or less.

2060 (6) The airport pursuant to this section or, if used, a
2061 licensed independent wrecker company pursuant to s. 713.78 shall
2062 have a lien on an abandoned or derelict motor vehicle for all
2063 reasonable towing, storage, and accrued parking fees, if any,
2064 except that no storage fee may ~~shall~~ be charged if the motor
2065 vehicle is stored less than 6 hours. As a prerequisite to
2066 perfecting a lien under this section, the airport director or
2067 the director's designee must serve a notice in accordance with
2068 subsection (2) on the owner of the motor vehicle, the insurance
2069 company insuring the motor vehicle, ~~notwithstanding the~~



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2070 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2071 lien against the motor vehicle. If attempts to notify the owner,
2072 the insurance company insuring the motor vehicle,
2073 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2074 not successful, the requirement of notice by mail shall be
2075 considered met. Serving of the notice does not dispense with
2076 recording the claim of lien.

2077 (7) (a) For the purpose of perfecting its lien under this
2078 section, the airport shall record a claim of lien which states
2079 ~~shall state:~~

2080 1. The name and address of the airport.

2081 2. The name of the owner of the motor vehicle, the
2082 insurance company insuring the motor vehicle, ~~notwithstanding~~
2083 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2084 a lien against the motor vehicle.

2085 3. The costs incurred from reasonable towing, storage, and
2086 parking fees, if any.

2087 4. A description of the motor vehicle sufficient for
2088 identification.

2089 (b) The claim of lien must ~~shall~~ be signed and sworn to or
2090 affirmed by the airport director or the director's designee.

2091 (c) The claim of lien is ~~shall be~~ sufficient if it is in
2092 substantially the following form:

2093

2094 CLAIM OF LIEN

2095 State of

2096 County of

2097 Before me, the undersigned notary public, personally appeared
2098, who was duly sworn and says that he/she is the



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2099 of, whose address is.....; and that the
2100 following described motor vehicle:

2101 ...(Description of motor vehicle)...

2102 owned by, whose address is, has accrued
2103 \$..... in fees for a reasonable tow, for storage, and for
2104 parking, if applicable; that the lienor served its notice to the
2105 owner, the insurance company insuring the motor vehicle
2106 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
2107 and all persons of record claiming a lien against the motor
2108 vehicle on, ...(year)...., by.....

2109 ...(Signature)...

2110 Sworn to (or affirmed) and subscribed before me this day of
2111, ...(year)...., by ...(name of person making statement)....

2112 ...(Signature of Notary Public).....(Print, Type, or Stamp
2113 Commissioned name of Notary Public)...

2114 Personally Known...OR Produced...as identification.

2115

2116 However, the negligent inclusion or omission of any information
2117 in this claim of lien which does not prejudice the owner does
2118 not constitute a default that operates to defeat an otherwise
2119 valid lien.

2120 (d) The claim of lien must ~~shall~~ be served on the owner of
2121 the motor vehicle, the insurance company insuring the motor
2122 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2123 persons of record claiming a lien against the motor vehicle. If
2124 attempts to notify the owner, the insurance company insuring the
2125 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
2126 lienholders are not successful, the requirement of notice by
2127 mail shall be considered met. The claim of lien must ~~shall~~ be so



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2128 served before recordation.

2129 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2130 of court in the county where the airport is located. The
2131 recording of the claim of lien shall be constructive notice to
2132 all persons of the contents and effect of such claim. The lien
2133 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2134 ~~take~~ priority as of that time.

2135 Section 48. Subsection (4) of section 713.78, Florida
2136 Statutes, is amended to read:

2137 713.78 Liens for recovering, towing, or storing vehicles
2138 and vessels.-

2139 (4) (a) Any person regularly engaged in the business of
2140 recovering, towing, or storing vehicles or vessels who comes
2141 into possession of a vehicle or vessel pursuant to subsection
2142 (2), and who claims a lien for recovery, towing, or storage
2143 services, shall give notice to the registered owner, the
2144 insurance company insuring the vehicle ~~notwithstanding the~~
2145 ~~provisions of s. 627.736~~, and to all persons claiming a lien
2146 thereon, as disclosed by the records in the Department of
2147 Highway Safety and Motor Vehicles or as disclosed by the records
2148 of any corresponding agency in any other state in which the
2149 vehicle is identified through a records check of the National
2150 Motor Vehicle Title Information System or an equivalent
2151 commercially available system as being titled or registered.

2152 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
2153 removal of a vehicle or vessel or if a ~~whenever any~~ towing
2154 service, garage, repair shop, or automotive service, storage, or
2155 parking place notifies the law enforcement agency of possession
2156 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law



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2157 enforcement agency of the jurisdiction where the vehicle or
2158 vessel is stored shall contact the Department of Highway Safety
2159 and Motor Vehicles, or the appropriate agency of the state of
2160 registration, if known, within 24 hours through the medium of
2161 electronic communications, giving the full description of the
2162 vehicle or vessel. Upon receipt of the full description of the
2163 vehicle or vessel, the department shall search its files to
2164 determine the owner's name, the insurance company insuring the
2165 vehicle or vessel, and whether any person has filed a lien upon
2166 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2167 notify the applicable law enforcement agency within 72 hours.
2168 The person in charge of the towing service, garage, repair shop,
2169 or automotive service, storage, or parking place shall obtain
2170 such information from the applicable law enforcement agency
2171 within 5 days after the date of storage and shall give notice
2172 pursuant to paragraph (a). The department may release the
2173 insurance company information to the requestor ~~notwithstanding~~
2174 ~~the provisions of s. 627.736.~~

2175 (c) Notice by certified mail must ~~shall~~ be sent within 7
2176 business days after the date of storage of the vehicle or vessel
2177 to the registered owner, the insurance company insuring the
2178 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
2179 persons of record claiming a lien against the vehicle or vessel.
2180 The notice must ~~It shall~~ state the fact of possession of the
2181 vehicle or vessel, that a lien as provided in subsection (2) is
2182 claimed, that charges have accrued and the amount thereof, that
2183 the lien is subject to enforcement pursuant to law, ~~and~~ that the
2184 owner or lienholder, if any, has the right to a hearing as set
2185 forth in subsection (5), and that any vehicle or vessel which



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2186 remains unclaimed, or for which the charges for recovery,
2187 towing, or storage services remain unpaid, may be sold free of
2188 all prior liens after 35 days if the vehicle or vessel is more
2189 than 3 years of age or after 50 days if the vehicle or vessel is
2190 3 years of age or less.

2191 (d) If attempts to locate the name and address of the owner
2192 or lienholder prove unsuccessful, the towing-storage operator
2193 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,
2194 of the initial tow or storage, notify the public agency of
2195 jurisdiction where the vehicle or vessel is stored in writing by
2196 certified mail or acknowledged hand delivery that the towing-
2197 storage company has been unable to locate the name and address
2198 of the owner or lienholder and a physical search of the vehicle
2199 or vessel has disclosed no ownership information and a good
2200 faith effort has been made, including records checks of the
2201 Department of Highway Safety and Motor Vehicles database and the
2202 National Motor Vehicle Title Information System or an equivalent
2203 commercially available system. As used in ~~For purposes of~~ this
2204 paragraph and subsection (9), the term "good faith effort" means
2205 that the following checks have been performed by the company to
2206 establish prior state of registration and for title:

2207 1. Check of the Department of Highway Safety and Motor
2208 Vehicles database for the owner and any lienholder.

2209 2. Check of the electronic National Motor Vehicle Title
2210 Information System or an equivalent commercially available
2211 system to determine the state of registration when there is not
2212 a current registration record for the vehicle on file with the
2213 Department of Highway Safety and Motor Vehicles.

2214 3. Check of vehicle or vessel for any type of tag, tag



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2215 record, temporary tag, or regular tag.

2216 4. Check of law enforcement report for tag number or other
2217 information identifying the vehicle or vessel, if the vehicle or
2218 vessel was towed at the request of a law enforcement officer.

2219 5. Check of trip sheet or tow ticket of tow truck operator
2220 to see if a tag was on vehicle or vessel at beginning of tow, if
2221 private tow.

2222 6. If there is no address of the owner on the impound
2223 report, check of law enforcement report to see if an out-of-
2224 state address is indicated from driver license information.

2225 7. Check of vehicle or vessel for inspection sticker or
2226 other stickers and decals that may indicate a state of possible
2227 registration.

2228 8. Check of the interior of the vehicle or vessel for any
2229 papers that may be in the glove box, trunk, or other areas for a
2230 state of registration.

2231 9. Check of vehicle for vehicle identification number.

2232 10. Check of vessel for vessel registration number.

2233 11. Check of vessel hull for a hull identification number
2234 which should be carved, burned, stamped, embossed, or otherwise
2235 permanently affixed to the outboard side of the transom or, if
2236 there is no transom, to the outmost seaboard side at the end of
2237 the hull that bears the rudder or other steering mechanism.

2238 Section 49. Paragraph (a) of subsection (1), paragraph (c)
2239 of subsection (7), paragraphs (a), (b), and (c) of subsection
2240 (8), and subsections (9) and (10) of section 817.234, Florida
2241 Statutes, are amended to read:

2242 817.234 False and fraudulent insurance claims.—

2243 (1) (a) A person commits insurance fraud punishable as



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2244 provided in subsection (11) if that person, with the intent to
2245 injure, defraud, or deceive any insurer:

2246 1. Presents or causes to be presented any written or oral
2247 statement as part of, or in support of, a claim for payment or
2248 other benefit pursuant to an insurance policy or a health
2249 maintenance organization subscriber or provider contract,
2250 knowing that such statement contains ~~any~~ false, incomplete, or
2251 misleading information concerning any fact or thing material to
2252 such claim;

2253 2. Prepares or makes any written or oral statement that is
2254 intended to be presented to an ~~any~~ insurer in connection with,
2255 or in support of, any claim for payment or other benefit
2256 pursuant to an insurance policy or a health maintenance
2257 organization subscriber or provider contract, knowing that such
2258 statement contains ~~any~~ false, incomplete, or misleading
2259 information concerning any fact or thing material to such claim;

2260 3.a. Knowingly presents, causes to be presented, or
2261 prepares or makes with knowledge or belief that it will be
2262 presented to an ~~any~~ insurer, purported insurer, servicing
2263 corporation, insurance broker, or insurance agent, or any
2264 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2265 information or a written or oral statement as part of, or in
2266 support of, an application for the issuance of, or the rating
2267 of, any insurance policy, or a health maintenance organization
2268 subscriber or provider contract; or

2269 b. Knowingly conceals information concerning any fact
2270 material to such application; or

2271 4. Knowingly presents, causes to be presented, or prepares
2272 or makes with knowledge or belief that it will be presented to



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2273 any insurer a claim for payment or other benefit under a motor
2274 vehicle ~~a personal injury protection~~ insurance policy if the
2275 person knows that the payee knowingly submitted a false,
2276 misleading, or fraudulent application or other document when
2277 applying for licensure as a health care clinic, seeking an
2278 exemption from licensure as a health care clinic, or
2279 demonstrating compliance with part X of chapter 400.

2280 (7)

2281 ~~(c) An insurer, or any person acting at the direction of or~~
2282 ~~on behalf of an insurer, may not change an opinion in a mental~~
2283 ~~or physical report prepared under s. 627.736(7) or direct the~~
2284 ~~physician preparing the report to change such opinion; however,~~
2285 ~~this provision does not preclude the insurer from calling to the~~
2286 ~~attention of the physician errors of fact in the report based~~
2287 ~~upon information in the claim file. Any person who violates this~~
2288 ~~paragraph commits a felony of the third degree, punishable as~~
2289 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2290 (8) (a) It is unlawful for any person intending to defraud
2291 any other person to solicit or cause to be solicited any
2292 business from a person involved in a motor vehicle accident for
2293 the purpose of making, adjusting, or settling motor vehicle tort
2294 claims or claims for benefits under a motor vehicle insurance
2295 policy ~~personal injury protection benefits required by s.~~
2296 ~~627.736. Any person who violates the provisions of this~~
2297 ~~paragraph commits a felony of the second degree, punishable as~~
2298 ~~provided in s. 775.082, s. 775.083, or s. 775.084. A person who~~
2299 ~~is convicted of a violation of this subsection shall be~~
2300 ~~sentenced to a minimum term of imprisonment of 2 years.~~

2301 (b) A person may not solicit or cause to be solicited any



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2302 business from a person involved in a motor vehicle accident by
2303 any means of communication other than advertising directed to
2304 the public for the purpose of making motor vehicle tort claims
2305 or claims for benefits under a motor vehicle insurance policy
2306 ~~personal injury protection benefits required by s. 627.736,~~
2307 within 60 days after the occurrence of the motor vehicle
2308 accident. Any person who violates this paragraph commits a
2309 felony of the third degree, punishable as provided in s.
2310 775.082, s. 775.083, or s. 775.084.

2311 (c) A lawyer, health care practitioner as defined in s.
2312 456.001, or owner or medical director of a clinic required to be
2313 licensed pursuant to s. 400.9905 may not, at any time after 60
2314 days have elapsed from the occurrence of a motor vehicle
2315 accident, solicit or cause to be solicited any business from a
2316 person involved in a motor vehicle accident by means of in
2317 person or telephone contact at the person's residence, for the
2318 purpose of making motor vehicle tort claims or claims for
2319 benefits under a motor vehicle insurance policy ~~personal injury~~
2320 ~~protection benefits required by s. 627.736.~~ Any person who
2321 violates this paragraph commits a felony of the third degree,
2322 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2323 (9) A person may not organize, plan, or knowingly
2324 participate in an intentional motor vehicle crash or a scheme to
2325 create documentation of a motor vehicle crash that did not occur
2326 for the purpose of making motor vehicle tort claims or claims
2327 for benefits under a motor vehicle insurance policy ~~personal~~
2328 ~~injury protection benefits as required by s. 627.736.~~ Any person
2329 who violates this subsection commits a felony of the second
2330 degree, punishable as provided in s. 775.082, s. 775.083, or s.



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2331 775.084. A person who is convicted of a violation of this
2332 subsection shall be sentenced to a minimum term of imprisonment
2333 of 2 years.

2334 (10) A licensed health care practitioner who is found
2335 guilty of insurance fraud under this section for an act relating
2336 to a motor vehicle personal injury protection insurance policy
2337 loses his or her license to practice for 5 years and may not
2338 receive reimbursement under a motor vehicle insurance policy ~~for~~
2339 ~~personal injury protection benefits~~ for 10 years.

2340 Section 50. Applicability and construction; notice to
2341 policyholders.—

2342 (1) As used in this section, the term "minimum security
2343 requirements" means security that enables a person to respond in
2344 damages for liability on account of crashes arising out of the
2345 ownership, maintenance, or use of a motor vehicle in the amounts
2346 required by s. 324.021(7), Florida Statutes.

2347 (2) Effective January 1, 2019:

2348 (a) Motor vehicle insurance policies issued or renewed on
2349 or after that date may not include personal injury protection.

2350 (b) All persons subject to s. 324.022, s. 324.032, s.
2351 627.7415, or s. 627.742, Florida Statutes, must maintain at
2352 least minimum security requirements.

2353 (c) Any new or renewal motor vehicle insurance policy
2354 delivered or issued for delivery in this state must provide
2355 coverage that complies with minimum security requirements.

2356 (d) An existing motor vehicle insurance policy issued
2357 before that date which provides personal injury protection and
2358 property damage liability coverage that meets the requirements
2359 of s. 324.022, Florida Statutes, on December 31, 2018, but which



2360 does not meet minimum security requirements on or after January
2361 1, 2019, is deemed to meet the security requirements of s.
2362 324.022, Florida Statutes, until such policy is renewed,
2363 nonrenewed, or canceled on or after January 1, 2019.

2364 (3) Each insurer shall allow each insured who has a new or
2365 renewal policy providing personal injury protection, which
2366 becomes effective before January 1, 2019, and whose policy does
2367 not meet minimum security requirements on or after January 1,
2368 2019, to change coverages so as to eliminate personal injury
2369 protection and obtain coverage providing minimum security
2370 requirements, which shall be effective on or after January 1,
2371 2019. The insurer is not required to provide coverage complying
2372 with minimum security requirements in such policies if the
2373 insured does not pay the required premium, if any, by January 1,
2374 2019, or such later date as the insurer may allow. Any reduction
2375 in the premium must be refunded by the insurer. The insurer may
2376 not impose on the insured an additional fee or charge that
2377 applies solely to a change in coverage; however, the insurer may
2378 charge an additional required premium that is actuarially
2379 indicated.

2380 (4) By September 1, 2018, each motor vehicle insurer shall
2381 provide notice of this section to each motor vehicle
2382 policyholder who is subject to this section. The notice is
2383 subject to approval by the Office of Insurance Regulation and
2384 must clearly inform the policyholder that:

2385 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2386 effective January 1, 2019, and that on or after that date, the
2387 insured is no longer required to maintain personal injury
2388 protection insurance coverage, that personal injury protection



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2389 coverage is no longer available for purchase in this state, and
2390 that all new or renewal policies issued on or after that date do
2391 not contain such coverage.

2392 (b) Effective January 1, 2019, a person subject to the
2393 financial responsibility requirements of s. 324.022, Florida
2394 Statutes, must maintain minimum security requirements that
2395 enable the person to respond in damages for liability on account
2396 of accidents arising out of the use of a motor vehicle in the
2397 following amounts:

2398 1. Beginning January 1, 2019, and continuing through
2399 December 31, 2020:

2400 a. Twenty thousand dollars for bodily injury to, or the
2401 death of, one person in any one crash and, subject to such
2402 limits for one person, in the amount of \$40,000 for bodily
2403 injury to, or the death of, two or more persons in any one
2404 crash; and

2405 b. Ten thousand dollars for damage to, or destruction of,
2406 the property of others in any one crash.

2407 2. Beginning January 1, 2021, and continuing through
2408 December 31, 2022:

2409 a. Twenty-five thousand dollars for bodily injury to, or
2410 the death of, one person in any one crash and, subject to such
2411 limits for one person, in the amount of \$50,000 for bodily
2412 injury to, or the death of, two or more persons in any one
2413 crash; and

2414 b. Ten thousand dollars for damage to, or destruction of,
2415 the property of others in any one crash.

2416 3. Beginning January 1, 2023, and continuing thereafter:

2417 a. Thirty thousand dollars for bodily injury to, or the



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2418 death of, one person in any one crash and, subject to such
2419 limits for one person, in the amount of \$60,000 for bodily
2420 injury to, or the death of, two or more persons in any one
2421 crash; and

2422 b. Ten thousand dollars for damage to, or destruction of,
2423 the property of others in any one crash.

2424 (c) Personal injury protection insurance paid covered
2425 medical expenses for injuries sustained in a motor vehicle crash
2426 by the policyholder, passengers, and relatives residing in the
2427 policyholder's household.

2428 (d) Bodily injury liability coverage protects the insured,
2429 up to the coverage limits, against loss if the insured is
2430 legally responsible for the death of or bodily injury to others
2431 in a motor vehicle accident.

2432 (e) The policyholder may obtain underinsured motorist
2433 coverage, which provides benefits, up to the limits of such
2434 coverage, to a policyholder or other insured entitled to recover
2435 damages for bodily injury, sickness, disease, or death resulting
2436 from a motor vehicle accident with an uninsured or underinsured
2437 owner or operator of a motor vehicle.

2438 (f) If the policyholder's new or renewal motor vehicle
2439 insurance policy is effective before January 1, 2019, and
2440 contains personal injury protection and property damage
2441 liability coverage as required by state law before January 1,
2442 2019, but does not meet minimum security requirements on or
2443 after January 1, 2019, the policy is deemed to meet minimum
2444 security requirements until it is renewed, nonrenewed, or
2445 canceled on or after January 1, 2019.

2446 (g) A policyholder whose new or renewal policy becomes



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2447 effective before January 1, 2019, but does not meet minimum
2448 security requirements on or after January 1, 2019, may change
2449 coverages under the policy so as to eliminate personal injury
2450 protection and to obtain coverage providing minimum security
2451 requirements, including bodily injury liability coverage, which
2452 are effective on or after January 1, 2019.

2453 (h) If the policyholder has any questions, he or she should
2454 contact the person named at the telephone number provided in the
2455 notice.

2456 (5) This section takes effect upon this act becoming a law.

2457 Section 51. Application of suspensions for failure to
2458 maintain security; reinstatement.—All suspensions for failure to
2459 maintain required security as required by law in effect before
2460 January 1, 2019, remain in full force and effect after January
2461 1, 2019. A driver may reinstate a suspended driver license or
2462 registration as provided under s. 324.0221, Florida Statutes.

2463 Section 52. Except as otherwise expressly provided in this
2464 act and except for this section, which shall take effect upon
2465 this act becoming a law, this act shall take effect January 1,
2466 2019.

2467
2468 ===== T I T L E A M E N D M E N T =====

2469 And the title is amended as follows:

2470 Delete everything before the enacting clause
2471 and insert:

2472 A bill to be entitled
2473 An act relating to motor vehicle insurance; repealing
2474 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,
2475 627.734, 627.736, 627.737, 627.739, 627.7401,



2476 627.7403, and 627.7405, F.S., which comprise the
2477 Florida Motor Vehicle No-Fault Law; repealing s.
2478 627.7407, F.S., relating to application of the Florida
2479 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;
2480 revising a requirement for proof of security on a
2481 motor vehicle and the applicability of the
2482 requirement; amending s. 318.18, F.S.; conforming a
2483 provision to changes made by the act; amending s.
2484 320.02, F.S.; revising the motor vehicle insurance
2485 coverages that an applicant must show to register
2486 certain vehicles with the Department of Highway Safety
2487 and Motor Vehicles; deleting a requirement that
2488 specified information be included on a certain
2489 insurance proof-of-purchase card; revising
2490 construction; conforming provisions to changes made by
2491 the act; amending s. 320.0609, F.S.; conforming a
2492 provision to changes made by the act; amending s.
2493 320.27, F.S.; defining the term "garage liability
2494 insurance"; revising garage liability insurance
2495 requirements for motor vehicle dealer applicants;
2496 conforming a provision to changes made by the act;
2497 amending s. 320.771, F.S.; revising garage liability
2498 insurance requirements for recreational vehicle dealer
2499 license applicants; amending ss. 322.251 and 322.34,
2500 F.S.; conforming provisions to changes made by the
2501 act; amending s. 324.011, F.S.; revising legislative
2502 intent; amending s. 324.021, F.S.; revising
2503 definitions of the terms "motor vehicle" and "proof of
2504 financial responsibility"; revising, at specified



2505 timeframes, minimum coverage requirements for proof of
2506 financial responsibility for specified motor vehicles;
2507 defining the term "for-hire passenger transportation
2508 vehicle"; conforming provisions to changes made by the
2509 act; amending s. 324.022, F.S.; revising, at specified
2510 timeframes, minimum liability coverage requirements
2511 for motor vehicle owners or operators; revising
2512 authorized methods for meeting such requirements;
2513 revising the vehicles that are excluded from the
2514 definition of the term "motor vehicle" and providing
2515 security requirements for certain excluded vehicles;
2516 conforming provisions to changes made by the act;
2517 conforming cross-references; amending s. 324.0221,
2518 F.S.; revising applicability of certain insurer
2519 reporting and notice requirements as to policies
2520 providing certain liability coverages; conforming
2521 provisions to changes made by the act; amending s.
2522 324.023, F.S.; conforming cross-references; amending
2523 s. 324.031, F.S.; revising applicability of a
2524 provision authorizing certain methods of proving
2525 financial responsibility; revising, at specified
2526 timeframes, the amount of a certificate of deposit
2527 required for a specified method of proof of financial
2528 responsibility; revising excess liability coverage
2529 requirements for a person electing to use such method;
2530 amending s. 324.032, F.S.; revising financial
2531 responsibility requirements for owners or lessees of
2532 for-hire passenger transportation vehicles and the
2533 applicability of such requirements; revising a



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2534 requirement for a motor vehicle liability policy
2535 obtained to comply with such requirements; amending
2536 ss. 324.051, 324.071, 324.091, and 324.151, F.S.;
2537 making technical changes; amending s. 324.161, F.S.;
2538 revising requirements for a certificate of deposit
2539 that is required if a person elects a certain method
2540 of providing financial responsibility; amending s.
2541 324.171, F.S.; revising, at specified timeframes, the
2542 minimum net worth requirements to qualify certain
2543 persons as self-insurers; conforming provisions to
2544 changes made by the act; amending s. 324.251, F.S.;
2545 revising the short title and an effective date;
2546 amending s. 400.9905, F.S.; revising the definition of
2547 the term "clinic" relating to reimbursements for
2548 health care services under motor vehicle insurance
2549 coverage; amending s. 400.991, F.S.; conforming a
2550 provision to changes made by the act; amending s.
2551 400.9935, F.S.; revising a condition relating to
2552 certain clinic billings to apply to motor vehicle
2553 insurance carriers rather than to personal injury
2554 protection insurance carriers; amending s. 409.901,
2555 F.S.; revising the definition of the term "third-party
2556 benefit"; amending s. 409.910, F.S.; revising the
2557 definition of the term "medical coverage"; making
2558 technical changes; amending s. 456.057, F.S.;
2559 conforming a provision to changes made by the act;
2560 amending s. 456.072, F.S.; revising specified grounds
2561 for discipline for certain health professions relating
2562 to motor vehicle insurance claims rather than personal



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2563 injury protection claims; defining the term "upcoded";
2564 amending s. 626.9541, F.S.; conforming a provision to
2565 changes made by the act; revising the type of
2566 insurance coverage applicable to a certain prohibited
2567 act; conforming a cross-reference; amending s.
2568 626.989, F.S.; revising the definition of the term
2569 "fraudulent insurance act" to include certain acts
2570 under a motor vehicle insurance policy rather than
2571 under the Florida Motor Vehicle No-Fault Law; amending
2572 s. 627.06501, F.S.; revising coverages that may
2573 provide for a reduction in motor vehicle insurance
2574 policy premium charges under certain circumstances;
2575 amending s. 627.0652, F.S.; revising coverages that
2576 must provide a premium charge reduction under certain
2577 circumstances; amending s. 627.0653, F.S.; revising
2578 coverages subject to premium discounts for specified
2579 motor vehicle equipment; amending s. 627.4132, F.S.;
2580 revising the coverages of a motor vehicle policy which
2581 are subject to a stacking prohibition; amending s.
2582 627.7263, F.S.; revising provisions relating to the
2583 designation of primary insurance for rental and
2584 leasing driver's insurance; conforming provisions to
2585 changes made by the act; amending s. 627.727, F.S.;
2586 conforming provisions to changes made by the act;
2587 amending s. 627.7275, F.S.; revising applicability and
2588 required coverages for a motor vehicle insurance
2589 policy; requiring insureds or claimants, or their
2590 representatives, to provide insurers with a written
2591 notice of loss before bringing certain bad faith



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2592 actions; providing that if an insurer complies with
2593 certain conditions, it does not violate a certain good
2594 faith duty and is not liable for a certain bad faith
2595 failure; requiring the trier of fact, in making
2596 certain evaluations, to consider whether the insurer
2597 or claimant made certain good faith efforts to
2598 cooperate with the insurer's investigation; providing
2599 a limitation on an insurer's liability relating to
2600 multiple third-party claimants under certain
2601 circumstances, if the insurer files an interpleader
2602 action within a specified timeframe; providing
2603 construction relating to the interpleader action;
2604 conforming provisions to changes made by the act;
2605 amending s. 627.728, F.S.; conforming a provision to
2606 changes made by the act; amending s. 627.7295, F.S.;
2607 revising the definitions of the terms "policy" and
2608 "binder"; revising the coverages of a motor vehicle
2609 insurance policy for which a licensed general lines
2610 agent may charge a specified fee; revising
2611 applicability; conforming a cross-reference; amending
2612 s. 627.7415, F.S.; revising, at specified intervals,
2613 the minimum levels of certain liability insurance
2614 required for commercial motor vehicles; amending s.
2615 627.8405, F.S.; revising coverages in a policy sold in
2616 combination with an accidental death and dismemberment
2617 policy, which a premium finance company may not
2618 finance; revising rulemaking authority of the
2619 commission; amending ss. 627.915, 628.909, 705.184,
2620 and 713.78, F.S.; conforming provisions to changes



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2621 made by the act; amending s. 817.234, F.S.; revising
2622 specified prohibited false and fraudulent insurance
2623 claims for benefits to those under a motor vehicle
2624 insurance policy rather than a personal injury
2625 protection insurance policy; conforming a provision to
2626 changes made by the act; conforming a cross-reference;
2627 providing applicability and construction relating to
2628 changes made by the act; defining the term "minimum
2629 security requirements"; providing requirements and
2630 procedures relating to motor vehicle insurance
2631 policies that include personal injury protection as of
2632 a specified date; requiring an insurer to provide, by
2633 a specified date, a specified notice to policyholders
2634 relating to requirements under the act; providing for
2635 construction relating to suspensions for failure to
2636 maintain required security in effect before a
2637 specified date; providing effective dates.



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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	.	
	.	

Appropriations Subcommittee on Health and Human Services
(Rouson) recommended the following:

1 **Senate Substitute for Amendment (371248) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
7 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
8 and 627.7405, Florida Statutes, which comprise the Florida Motor
9 Vehicle No-Fault Law, are repealed.

10 Section 2. Section 627.7407, Florida Statutes, is repealed.



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11 Section 3. Subsection (1) of section 316.646, Florida
12 Statutes, is amended to read:

13 316.646 Security required; proof of security and display
14 thereof.—

15 (1) Any person required by s. 324.022 to maintain liability
16 security for property damage, ~~liability security, required by s.~~
17 ~~324.023 to maintain liability security for~~ bodily injury, or
18 ~~death, or required by s. 627.733 to maintain personal injury~~
19 ~~protection security on a motor vehicle~~ shall have in his or her
20 immediate possession at all times while operating such motor
21 vehicle proper proof of maintenance of the ~~required~~ security
22 required under s. 324.021(7).

23 (a) Such proof must ~~shall~~ be in a uniform paper or
24 electronic format, as prescribed by the department, a valid
25 insurance policy, an insurance policy binder, a certificate of
26 insurance, or such other proof as may be prescribed by the
27 department.

28 (b)1. The act of presenting to a law enforcement officer an
29 electronic device displaying proof of insurance in an electronic
30 format does not constitute consent for the officer to access any
31 information on the device other than the displayed proof of
32 insurance.

33 2. The person who presents the device to the officer
34 assumes the liability for any resulting damage to the device.

35 Section 4. Paragraph (b) of subsection (2) of section
36 318.18, Florida Statutes, is amended to read:

37 318.18 Amount of penalties.—The penalties required for a
38 noncriminal disposition pursuant to s. 318.14 or a criminal
39 offense listed in s. 318.17 are as follows:



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40 (2) Thirty dollars for all nonmoving traffic violations
41 and:

42 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
43 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
44 320.07(1) shall be charged a delinquent fee pursuant to s.
45 320.07(4).

46 1. If a person who is cited for a violation of s. 320.0605
47 or s. 320.07 can show proof of having a valid registration at
48 the time of arrest, the clerk of the court may dismiss the case
49 and may assess a dismissal fee of up to \$10. A person who finds
50 it impossible or impractical to obtain a valid registration
51 certificate must submit an affidavit detailing the reasons for
52 the impossibility or impracticality. The reasons may include,
53 but are not limited to, the fact that the vehicle was sold,
54 stolen, or destroyed; that the state in which the vehicle is
55 registered does not issue a certificate of registration; or that
56 the vehicle is owned by another person.

57 2. If a person who is cited for a violation of s. 322.03,
58 s. 322.065, or s. 322.15 can show a driver license issued to him
59 or her and valid at the time of arrest, the clerk of the court
60 may dismiss the case and may assess a dismissal fee of up to
61 \$10.

62 3. If a person who is cited for a violation of s. 316.646
63 can show proof of security as required by s. 324.021(7) ~~s.~~
64 ~~627.733~~, issued to the person and valid at the time of arrest,
65 the clerk of the court may dismiss the case and may assess a
66 dismissal fee of up to \$10. A person who finds it impossible or
67 impractical to obtain proof of security must submit an affidavit
68 detailing the reasons for the impracticality. The reasons may



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69 include, but are not limited to, the fact that the vehicle has
70 since been sold, stolen, or destroyed; ~~that the owner or~~
71 ~~registrant of the vehicle is not required by s. 627.733 to~~
72 ~~maintain personal injury protection insurance;~~ or that the
73 vehicle is owned by another person.

74 Section 5. Paragraphs (a) and (d) of subsection (5) of
75 section 320.02, Florida Statutes, are amended to read:

76 320.02 Registration required; application for registration;
77 forms.—

78 (5) (a) Proof that bodily injury liability coverage and
79 property damage liability coverage ~~personal injury protection~~
80 ~~benefits~~ have been purchased if required under s. 324.022, s.
81 324.032, or s. 627.742, that medical payments coverage has been
82 purchased if required under s. 627.7265 ~~s. 627.733, that~~
83 ~~property damage liability coverage has been purchased as~~
84 ~~required under s. 324.022, that bodily injury liability or death~~
85 coverage has been purchased if required under s. 324.023, and
86 that combined bodily liability insurance and property damage
87 liability insurance have been purchased if required under s.
88 627.7415 must ~~shall~~ be provided in the manner prescribed by law
89 by the applicant at the time of application for registration of
90 any motor vehicle that is subject to such requirements. The
91 issuing agent may not ~~shall refuse to~~ issue registration if such
92 proof of purchase is not provided. Insurers shall furnish
93 uniform proof-of-purchase cards in a paper or electronic format
94 in a form prescribed by the department and include the name of
95 the insured's insurance company, the coverage identification
96 number, and the make, year, and vehicle identification number of
97 the vehicle insured. The card must contain a statement notifying



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98 the applicant of the penalty specified under s. 316.646(4). The
99 card or insurance policy, insurance policy binder, or
100 certificate of insurance or a photocopy of any of these; an
101 affidavit containing the name of the insured's insurance
102 company, the insured's policy number, and the make and year of
103 the vehicle insured; or such other proof as may be prescribed by
104 the department constitutes ~~shall constitute~~ sufficient proof of
105 purchase. If an affidavit is provided as proof, it must be in
106 substantially the following form:

107
108 Under penalty of perjury, I ...(Name of insured)... do hereby
109 certify that I have ...(bodily injury liability and ~~Personal~~
110 ~~Injury Protection~~, property damage liability coverage, and
111 medical payments coverage, and, if required, Bodily Injury
112 Liability)... Insurance currently in effect with ...(Name of
113 insurance company)... under ...(policy number)... covering
114 ...(make, year, and vehicle identification number of
115 vehicle).... ...(Signature of Insured)...

116
117 Such affidavit must include the following warning:

118
119 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
120 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
121 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
122 SUBJECT TO PROSECUTION.

123
124 If an application is made through a licensed motor vehicle
125 dealer as required under s. 319.23, the original or a photocopy
126 ~~photostatic copy~~ of such card, insurance policy, insurance



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127 policy binder, or certificate of insurance or the original
128 affidavit from the insured must ~~shall~~ be forwarded by the dealer
129 to the tax collector of the county or the Department of Highway
130 Safety and Motor Vehicles for processing. By executing the
131 ~~aforesaid~~ affidavit, a ~~ne~~ licensed motor vehicle dealer is not
132 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
133 falsification of any statement contained therein. ~~A card must~~
134 ~~also indicate the existence of any bodily injury liability~~
135 ~~insurance voluntarily purchased.~~

136 (d) The verifying of ~~proof of personal injury protection~~
137 ~~insurance, proof of property damage liability insurance, proof~~
138 ~~of combined bodily liability insurance and property damage~~
139 ~~liability insurance, or proof of financial responsibility~~
140 ~~insurance~~ and the issuance or failure to issue the motor vehicle
141 registration under ~~the provisions of~~ this chapter may not be
142 construed in any court as a warranty of the reliability or
143 accuracy of the evidence of such proof, or that the provisions
144 of any insurance policy furnished as proof of financial
145 responsibility comply with state law. ~~Neither~~ The department or
146 ~~nor~~ any tax collector is not liable in damages for any
147 inadequacy, insufficiency, falsification, or unauthorized
148 modification of any item of ~~the proof of personal injury~~
149 ~~protection insurance, proof of property damage liability~~
150 ~~insurance, proof of combined bodily liability insurance and~~
151 ~~property damage liability insurance, or proof of financial~~
152 responsibility before ~~insurance prior to~~, during, or subsequent
153 to the verification of the proof. The issuance of a motor
154 vehicle registration does not constitute prima facie evidence or
155 a presumption of insurance coverage.



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156 Section 6. Paragraph (b) of subsection (1) of section
157 320.0609, Florida Statutes, is amended to read:

158 320.0609 Transfer and exchange of registration license
159 plates; transfer fee.—

160 (1)

161 (b) The transfer of a license plate from a vehicle disposed
162 of to a newly acquired vehicle does not constitute a new
163 registration. The application for transfer shall be accepted
164 without requiring proof of ~~personal injury protection or~~
165 liability insurance.

166 Section 7. Paragraph (g) is added to subsection (1) of
167 section 320.27, Florida Statutes, and subsection (3) of that
168 section is amended, to read:

169 320.27 Motor vehicle dealers.—

170 (1) DEFINITIONS.—The following words, terms, and phrases
171 when used in this section have the meanings respectively
172 ascribed to them in this subsection, except where the context
173 clearly indicates a different meaning:

174 (g) "Garage liability insurance" means combined single-
175 limit liability coverage, including property damage and bodily
176 injury liability coverage, in the amount of:

177 1. Beginning January 1, 2019, and continuing through
178 December 31, 2020, at least \$50,000.

179 2. Beginning January 1, 2021, and continuing through
180 December 31, 2022, at least \$60,000.

181 3. Beginning January 1, 2023 and thereafter, at least
182 \$70,000.

183 (3) APPLICATION AND FEE.—The ~~application for the license~~
184 application must ~~shall~~ be in such form as may be prescribed by



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185 the department and is ~~shall be~~ subject to such rules with
186 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.
187 Such application must ~~shall~~ be verified by oath or affirmation
188 and must ~~shall~~ contain a full statement of the name and birth
189 date of the person or persons applying for the license ~~therefor~~;
190 the name of the firm or copartnership, with the names and places
191 of residence of all members ~~thereof~~, if such applicant is a firm
192 or copartnership; the names and places of residence of the
193 principal officers, if the applicant is a body corporate or
194 other artificial body; the name of the state under whose laws
195 the corporation is organized; the present and former place or
196 places of residence of the applicant; and the prior business in
197 which the applicant has been engaged and its ~~the~~ location
198 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
199 location of the place of business and must ~~shall~~ state whether
200 the place of business is owned by the applicant and when
201 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
202 attached to the application. The applicant shall certify that
203 the location provides an adequately equipped office and is not a
204 residence; that the location affords sufficient unoccupied space
205 upon and within which adequately to store all motor vehicles
206 offered and displayed for sale; and that the location is a
207 suitable place where the applicant can in good faith carry on
208 such business and keep and maintain books, records, and files
209 necessary to conduct such business, which must ~~shall~~ be
210 available at all reasonable hours to inspection by the
211 department or any of its inspectors or other employees. The
212 applicant shall certify that the business of a motor vehicle
213 dealer is the principal business that will ~~which shall~~ be



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214 conducted at that location. The application must ~~shall~~ contain a
215 statement that the applicant is either franchised by a
216 manufacturer of motor vehicles, in which case the name of each
217 motor vehicle that the applicant is franchised to sell must
218 ~~shall~~ be included, or an independent (nonfranchised) motor
219 vehicle dealer. The application must ~~shall~~ contain other
220 relevant information as may be required by the department. The
221 applicant must furnish, including evidence, in a form approved
222 by the department, that the applicant is insured under a garage
223 liability insurance policy or a general liability insurance
224 policy coupled with a business automobile policy having the
225 garage liability insurance coverage required by this subsection,
226 which shall include, at a minimum, \$25,000 combined single limit
227 liability coverage including bodily injury and property damage
228 protection and \$10,000 personal injury protection. However, a
229 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.
230 is exempt from the requirements for garage liability insurance
231 and medical payments coverage insurance and personal injury
232 protection insurance on those vehicles that cannot be legally
233 operated on roads, highways, or streets in this state. Franchise
234 dealers must submit a garage liability insurance policy, and all
235 other dealers must submit a garage liability insurance policy or
236 a general liability insurance policy coupled with a business
237 automobile policy. Such policy must ~~shall~~ be for the license
238 period, and evidence of a new or continued policy must ~~shall~~ be
239 delivered to the department at the beginning of each license
240 period. Upon making an initial application, the applicant shall
241 pay to the department a fee of \$300 in addition to any other
242 fees required by law. Applicants may choose to extend the



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243 licensure period for 1 additional year for a total of 2 years.
244 An initial applicant shall pay to the department a fee of \$300
245 for the first year and \$75 for the second year, in addition to
246 any other fees required by law. An applicant for renewal shall
247 pay to the department \$75 for a 1-year renewal or \$150 for a 2-
248 year renewal, in addition to any other fees required by law.
249 Upon making an application for a change of location, the
250 applicant ~~person~~ shall pay a fee of \$50 in addition to any other
251 fees now required by law. The department shall, in the case of
252 every application for initial licensure, verify whether certain
253 facts set forth in the application are true. Each applicant,
254 general partner in the case of a partnership, or corporate
255 officer and director in the case of a corporate applicant shall~~r~~
256 ~~must~~ file a set of fingerprints with the department for the
257 purpose of determining any prior criminal record or any
258 outstanding warrants. The department shall submit the
259 fingerprints to the Department of Law Enforcement for state
260 processing and forwarding to the Federal Bureau of Investigation
261 for federal processing. The actual cost of state and federal
262 processing must ~~shall~~ be borne by the applicant and is in
263 addition to the fee for licensure. The department may issue a
264 license to an applicant pending the results of the fingerprint
265 investigation, which license is fully revocable if the
266 department subsequently determines that any facts set forth in
267 the application are not true or correctly represented.

268 Section 8. Paragraph (j) of subsection (3) of section
269 320.771, Florida Statutes, is amended to read:

270 320.771 License required of recreational vehicle dealers.-

271 (3) APPLICATION.-The application for such license shall be



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272 in the form prescribed by the department and subject to such
273 rules as may be prescribed by it. The application shall be
274 verified by oath or affirmation and shall contain:

275 (j) A statement that the applicant is insured under a
276 garage liability insurance policy in accordance with s.
277 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
278 ~~combined single limit liability coverage, including bodily~~
279 ~~injury and property damage protection, and \$10,000 personal~~
280 ~~injury protection,~~ if the applicant is to be licensed as a
281 dealer in, or intends to sell, recreational vehicles.

282
283 The department shall, if it deems necessary, cause an
284 investigation to be made to ascertain if the facts set forth in
285 the application are true and shall not issue a license to the
286 applicant until it is satisfied that the facts set forth in the
287 application are true.

288 Section 9. Subsections (1) and (2) of section 322.251,
289 Florida Statutes, are amended to read:

290 322.251 Notice of cancellation, suspension, revocation, or
291 disqualification of license.—

292 (1) All orders of cancellation, suspension, revocation, or
293 disqualification issued under ~~the provisions of this chapter,~~
294 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~
295 be given either by personal delivery thereof to the licensee
296 whose license is being canceled, suspended, revoked, or
297 disqualified or by deposit in the United States mail in an
298 envelope, first class, postage prepaid, addressed to the
299 licensee at his or her last known mailing address furnished to
300 the department. Such mailing by the department constitutes



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301 notification, and any failure by the person to receive the
302 mailed order will not affect or stay the effective date or term
303 of the cancellation, suspension, revocation, or disqualification
304 of the licensee's driving privilege.

305 (2) The giving of notice and an order of cancellation,
306 suspension, revocation, or disqualification by mail is complete
307 upon expiration of 20 days after deposit in the United States
308 mail for all notices except those issued under chapter 324 ~~or~~
309 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
310 the United States mail. Proof of the giving of notice and an
311 order of cancellation, suspension, revocation, or
312 disqualification in either manner must ~~shall~~ be made by entry in
313 the records of the department that such notice was given. The
314 entry is admissible in the courts of this state and constitutes
315 sufficient proof that such notice was given.

316 Section 10. Paragraph (a) of subsection (8) of section
317 322.34, Florida Statutes, is amended to read:

318 322.34 Driving while license suspended, revoked, canceled,
319 or disqualified.-

320 (8) (a) Upon the arrest of a person for the offense of
321 driving while the person's driver license or driving privilege
322 is suspended or revoked, the arresting officer shall determine:

323 1. Whether the person's driver license is suspended or
324 revoked.

325 2. Whether the person's driver license has remained
326 suspended or revoked since a conviction for the offense of
327 driving with a suspended or revoked license.

328 3. Whether the suspension or revocation was made under s.
329 316.646 ~~or s. 627.733~~, relating to failure to maintain required



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330 security, or under s. 322.264, relating to habitual traffic
331 offenders.

332 4. Whether the driver is the registered owner or coowner of
333 the vehicle.

334 Section 11. Section 324.011, Florida Statutes, is amended
335 to read:

336 324.011 Legislative intent and purpose of chapter.—It is
337 the Legislature's intent of this chapter to ensure that the
338 privilege of owning or operating a motor vehicle in this state
339 be exercised ~~recognize the existing privilege to own or operate~~
340 ~~a motor vehicle on the public streets and highways of this state~~
341 ~~when such vehicles are used~~ with due consideration for others'
342 safety ~~others~~ and their property, ~~and~~ to promote safety, and to
343 provide financial security requirements for ~~such~~ owners and ~~or~~
344 operators whose responsibility it is to recompense others for
345 injury to person or property caused by the operation of a motor
346 vehicle. Therefore, this chapter requires that every owner or
347 operator of a motor vehicle required to be registered in this
348 state establish, maintain, and it is required herein that the
349 ~~operator of a motor vehicle involved in a crash or convicted of~~
350 ~~certain traffic offenses meeting the operative provisions of s.~~
351 ~~324.051(2) shall respond for such damages and show proof of~~
352 financial ability to respond for damages arising out of the
353 ownership, maintenance, or use of a motor vehicle in future
354 ~~accidents~~ as a requisite to owning or operating a motor vehicle
355 in this state ~~his or her future exercise of such privileges.~~

356 Section 12. Subsections (1) and (7) and paragraph (c) of
357 subsection (9) of section 324.021, Florida Statutes, are
358 amended, and subsection (12) is added to that section, to read:



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359 324.021 Definitions; minimum insurance required.—The
360 following words and phrases when used in this chapter shall, for
361 the purpose of this chapter, have the meanings respectively
362 ascribed to them in this section, except in those instances
363 where the context clearly indicates a different meaning:

364 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
365 designed and required to be licensed for use upon a highway,
366 including trailers and semitrailers designed for use with such
367 vehicles, except traction engines, road rollers, farm tractors,
368 power shovels, and well drillers, and every vehicle that is
369 propelled by electric power obtained from overhead wires but not
370 operated upon rails, but not including any personal delivery
371 device as defined in s. 316.003, bicycle, or moped. ~~However, the~~
372 ~~term "motor vehicle" does not include a motor vehicle as defined~~
373 ~~in s. 627.732(3) when the owner of such vehicle has complied~~
374 ~~with the requirements of ss. 627.730-627.7405, inclusive, unless~~
375 ~~the provisions of s. 324.051 apply; and, in such case, the~~
376 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

377 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~That~~ Proof of
378 ability to respond in damages for liability on account of
379 crashes arising out of the ownership, maintenance, or use of a
380 motor vehicle:

381 (a) With respect to a motor vehicle that is not a
382 commercial motor vehicle, nonpublic sector bus, or for-hire
383 passenger transportation vehicle:

384 1. Beginning January 1, 2019, and continuing through
385 December 31, 2020, in the amount of:

386 a. Twenty thousand dollars for ~~\$10,000 because of~~ bodily
387 injury to, or the death of, one person in any one crash and,



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388 ~~(b)~~ subject to such limits for one person, in the amount of
389 \$40,000 for \$20,000 because of bodily injury to, or the death
390 of, two or more persons in any one crash; and

391 b. Ten thousand dollars for damage to, or destruction of,
392 property of others in any one crash.

393 2. Beginning January 1, 2021, and continuing through
394 December 31, 2022, in the amount of:

395 a. Twenty-five thousand dollars for bodily injury to, or
396 the death of, one person in any one crash and, subject to such
397 limits for one person, in the amount of \$50,000 for bodily
398 injury to, or the death of, two or more persons in any one
399 crash; and

400 b. Ten thousand dollars for damage to, or destruction of,
401 property of others in any one crash.

402 3. Beginning January 1, 2023, and continuing thereafter, in
403 the amount of:

404 a. Thirty thousand dollars for bodily injury to, or the
405 death of, one person in any one crash and, subject to such
406 limits for one person, in the amount of \$60,000 for bodily
407 injury to, or the death of, two or more persons in any one
408 crash; and

409 b. ~~(e)~~ Ten thousand dollars for damage ~~In the amount of~~
410 ~~\$10,000 because of injury to, or destruction of, property of~~
411 ~~others in any one crash.; and~~

412 (b) ~~(d)~~ With respect to commercial motor vehicles and
413 nonpublic sector buses, in the amounts specified in s. 627.7415
414 ss. 627.7415 and 627.742, respectively.

415 (c) With respect to nonpublic sector buses, in the amounts
416 specified in s. 627.742.



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417 (d) With respect to for-hire passenger transportation
418 vehicles, in the amounts specified in s. 324.032.

419 (9) OWNER; OWNER/LESSOR.—

420 (c) *Application*.—

421 1. The limits on liability in subparagraphs (b)2. and 3. do
422 not apply to an owner of motor vehicles that are used for
423 commercial activity in the owner's ordinary course of business,
424 other than a rental company that rents or leases motor vehicles.
425 For purposes of this paragraph, the term "rental company"
426 includes only an entity that is engaged in the business of
427 renting or leasing motor vehicles to the general public and that
428 rents or leases a majority of its motor vehicles to persons with
429 no direct or indirect affiliation with the rental company. The
430 term also includes a motor vehicle dealer that provides
431 temporary replacement vehicles to its customers for up to 10
432 days. The term "rental company" also includes:

433 a. A related rental or leasing company that is a subsidiary
434 of the same parent company as that of the renting or leasing
435 company that rented or leased the vehicle.

436 b. The holder of a motor vehicle title or an equity
437 interest in a motor vehicle title if the title or equity
438 interest is held pursuant to or to facilitate an asset-backed
439 securitization of a fleet of motor vehicles used solely in the
440 business of renting or leasing motor vehicles to the general
441 public and under the dominion and control of a rental company,
442 as described in this subparagraph, in the operation of such
443 rental company's business.

444 2. Furthermore, with respect to commercial motor vehicles
445 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on



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446 liability in subparagraphs (b)2. and 3. do not apply if, at the
447 time of the incident, the commercial motor vehicle is being used
448 in the transportation of materials found to be hazardous for the
449 purposes of the Hazardous Materials Transportation Authorization
450 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
451 required pursuant to such act to carry placards warning others
452 of the hazardous cargo, unless at the time of lease or rental
453 either:

454 a. The lessee indicates in writing that the vehicle will
455 not be used to transport materials found to be hazardous for the
456 purposes of the Hazardous Materials Transportation Authorization
457 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

458 b. The lessee or other operator of the commercial motor
459 vehicle has in effect insurance with limits of at least \$5
460 million ~~\$5,000,000~~ combined property damage and bodily injury
461 liability.

462 (12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every “for-
463 hire vehicle” as defined in s. 320.01(15) which is offered or
464 used to provide transportation for persons, including taxicabs,
465 limousines, and jitneys.

466 Section 13. Section 324.022, Florida Statutes, is amended
467 to read:

468 324.022 Financial responsibility requirements ~~for property~~
469 ~~damage.—~~

470 (1) (a) Every owner or operator of a motor vehicle required
471 to be registered in this state shall establish and continuously
472 maintain the ability to respond in damages for liability on
473 account of accidents arising out of the use of the motor vehicle
474 in the amount of:



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475 1. Beginning January 1, 2019, and continuing through
476 December 31, 2020:
477 a. Twenty thousand dollars for bodily injury to, or the
478 death of, one person in any one crash and, subject to such
479 limits for one person, in the amount of \$40,000 for bodily
480 injury to, or the death of, two or more persons in any one
481 crash; and
482 b. Ten thousand dollars for damage to, or destruction of,
483 property of others in any one crash.
484 2. Beginning January 1, 2021, and continuing through
485 December 31, 2022:
486 a. Twenty-five thousand dollars for bodily injury to, or
487 the death of, one person in any one crash and, subject to such
488 limits for one person, in the amount of \$50,000 for bodily
489 injury to, or the death of, two or more persons in any one
490 crash; and
491 b. Ten thousand dollars for damage to, or destruction of,
492 property of others in any one crash.
493 3. Beginning January 1, 2023, and continuing thereafter:
494 a. Thirty thousand dollars for bodily injury to, or the
495 death of, one person in any one crash and, subject to such
496 limits for one person, in the amount of \$60,000 for bodily
497 injury to, or the death of, two or more persons in any one
498 crash; and
499 b. Ten thousand dollars for ~~\$10,000 because of~~ damage to,
500 or destruction of, property of others in any one crash.
501 (b) The requirements of paragraph (a) ~~this section~~ may be
502 met by one of the methods established in s. 324.031; by self-
503 insuring as authorized by s. 768.28(16); or by maintaining



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504 medical payments coverage under s. 627.7265 and a motor vehicle
505 liability insurance policy that ~~an insurance policy providing~~
506 ~~coverage for property damage liability in the amount of at least~~
507 ~~\$10,000 because of damage to, or destruction of, property of~~
508 ~~others in any one accident arising out of the use of the motor~~
509 ~~vehicle. The requirements of this section may also be met by~~
510 having a policy which provides combined property damage
511 liability and bodily injury liability coverage for any one crash
512 arising out of the ownership, maintenance, or use of a motor
513 vehicle which conforms to the requirements of s. 324.151 in the
514 amount of:

515 1. At least \$50,000 for every owner or operator subject to
516 the financial responsibility required in subparagraph (1)(a)1.

517 2. At least \$60,000 for every owner or operator subject to
518 the financial responsibility required in subparagraph (1)(a)2.

519 3. At least \$70,000 for every owner or operator subject to
520 the financial responsibility required in subparagraph (1)(a)3.

521 ~~\$30,000 for combined property damage liability and bodily injury~~
522 ~~liability for any one crash arising out of the use of the motor~~
523 ~~vehicle. The policy, with respect to coverage for property~~
524 ~~damage liability, must meet the applicable requirements of s.~~
525 ~~324.151, subject to the usual policy exclusions that have been~~
526 ~~approved in policy forms by the Office of Insurance Regulation.~~
527 ~~No insurer shall have any duty to defend uncovered claims~~
528 ~~irrespective of their joinder with covered claims.~~

529 (2) As used in this section, the term:

530 (a) "Motor vehicle" means any self-propelled vehicle that
531 has four or more wheels and that is of a type designed and
532 required to be licensed for use on the highways of this state,



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533 and any trailer or semitrailer designed for use with such
534 vehicle. The term does not include the following:

535 1. A mobile home as defined in s. 320.01.

536 2. A motor vehicle that is used in mass transit and
537 designed to transport more than five passengers, exclusive of
538 the operator of the motor vehicle, and that is owned by a
539 municipality, transit authority, or political subdivision of the
540 state.

541 3. A school bus as defined in s. 1006.25, which shall
542 maintain security as required under s. 316.615.

543 4. A commercial motor vehicle as defined in s. 207.002 or
544 s. 320.01, which shall maintain security as required under ss.
545 324.031 and 627.7415.

546 5. A nonpublic sector bus, which shall maintain security as
547 required under ss. 324.031 and 627.742.

548 ~~6.4. A vehicle providing for-hire passenger transportation~~
549 ~~vehicle, which that is subject to the provisions of s. 324.031.~~
550 ~~A taxicab shall maintain security as required under s. 324.032~~
551 ~~s. 324.032(1).~~

552 ~~7.5. A personal delivery device as defined in s. 316.003.~~

553 (b) "Owner" means the person who holds legal title to a
554 motor vehicle or the debtor or lessee who has the right to
555 possession of a motor vehicle that is the subject of a security
556 agreement or lease with an option to purchase.

557 (3) Each nonresident owner or registrant of a motor vehicle
558 that, whether operated or not, has been physically present
559 within this state for more than 90 days during the preceding 365
560 days shall maintain security as required by subsection (1). The
561 security must be ~~that is~~ in effect continuously throughout the



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562 period the motor vehicle remains within this state.

563 (4) An ~~The~~ owner or registrant of a motor vehicle who is
564 ~~exempt from the requirements of this section if she or he is a~~
565 member of the United States Armed Forces and is called to or on
566 active duty outside the United States in an emergency situation
567 is exempt from this section while he or she. ~~The exemption~~
568 ~~provided by this subsection applies only as long as the member~~
569 ~~of the Armed Forces is on such active duty.~~ This exemption
570 ~~outside the United States and applies only while the vehicle~~
571 covered by the security is not operated by any person. Upon
572 receipt of a written request by the insured to whom the
573 exemption provided in this subsection applies, the insurer shall
574 cancel the coverages and return any unearned premium or suspend
575 the security required by this section. Notwithstanding s.
576 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
577 registration or operator's license of an ~~any~~ owner or registrant
578 of a motor vehicle during the time she or he qualifies for the
579 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
580 of a motor vehicle who qualifies for the ~~an~~ exemption under this
581 subsection shall immediately notify the department before ~~prior~~
582 ~~to~~ and at the end of the expiration of the exemption.

583 Section 14. Subsections (1) and (2) of section 324.0221,
584 Florida Statutes, are amended to read:

585 324.0221 Reports by insurers to the department; suspension
586 of driver license and vehicle registrations; reinstatement.-

587 (1) (a) Each insurer that has issued a policy providing
588 medical payments coverage or ~~personal injury protection coverage~~
589 ~~or property damage~~ liability coverage shall report the
590 cancellation or nonrenewal thereof to the department within 10



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591 days after the processing date or effective date of each
592 cancellation or nonrenewal. Upon the issuance of a policy
593 providing medical payments coverage or ~~personal injury~~
594 ~~protection coverage~~ or ~~property damage~~ liability coverage to a
595 named insured not previously insured by the insurer during that
596 calendar year, the insurer shall report the issuance of the new
597 policy to the department within 10 days. The report must ~~shall~~
598 be in the form ~~and format~~ and contain any information required
599 by the department and must be provided in a format that is
600 compatible with the data processing capabilities of the
601 department. Failure by an insurer to file proper reports with
602 the department as required by this subsection constitutes a
603 violation of the Florida Insurance Code. These records may ~~shall~~
604 be used by the department only for enforcement and regulatory
605 purposes, including the generation by the department of data
606 regarding compliance by owners of motor vehicles with the
607 requirements for financial responsibility coverage.

608 (b) With respect to an insurance policy providing medical
609 payments coverage or ~~personal injury protection coverage~~ or
610 ~~property damage~~ liability coverage, each insurer shall notify
611 the named insured, or the first-named insured in the case of a
612 commercial fleet policy, in writing that any cancellation or
613 nonrenewal of the policy will be reported by the insurer to the
614 department. The notice must also inform the named insured that
615 failure to maintain medical payments coverage, bodily injury
616 liability ~~personal injury protection~~ coverage, and property
617 damage liability coverage on a motor vehicle when required by
618 law may result in the loss of registration and driving
619 privileges in this state and inform the named insured of the



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620 amount of the reinstatement fees required by this section. This
621 notice is for informational purposes only, and an insurer is not
622 civilly liable for failing to provide this notice.

623 (2) The department shall suspend, after due notice and an
624 opportunity to be heard, the registration and driver license of
625 any owner or registrant of a motor vehicle for ~~with respect to~~
626 which security is required under s. 324.022, s. 324.032, s.
627 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

628 (a) The department's records showing that the owner or
629 registrant of such motor vehicle did not have the ~~in full force~~
630 ~~and effect when~~ required security in full force and effect ~~that~~
631 ~~complies with the requirements of ss. 324.022 and 627.733; or~~

632 (b) Notification by the insurer to the department, in a
633 form approved by the department, of cancellation or termination
634 of the required security.

635 Section 15. Section 324.023, Florida Statutes, is amended
636 to read:

637 324.023 Financial responsibility for bodily injury or
638 death.—In addition to any other financial responsibility
639 required by law, every owner or operator of a motor vehicle that
640 is required to be registered in this state, or that is located
641 within this state, and who, regardless of adjudication of guilt,
642 has been found guilty of or entered a plea of guilty or nolo
643 contendere to a charge of driving under the influence under s.
644 316.193 after October 1, 2007, shall, by one of the methods
645 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
646 establish and maintain the ability to respond in damages for
647 liability on account of accidents arising out of the use of a
648 motor vehicle in the amount of \$100,000 because of bodily injury



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649 to, or death of, one person in any one crash and, subject to
650 such limits for one person, in the amount of \$300,000 because of
651 bodily injury to, or death of, two or more persons in any one
652 crash and in the amount of \$50,000 because of property damage in
653 any one crash. If the owner or operator chooses to establish and
654 maintain such ability by furnishing a certificate of deposit
655 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
656 deposit must be at least \$350,000. Such higher limits must be
657 carried for a minimum period of 3 years. If the owner or
658 operator has not been convicted of driving under the influence
659 or a felony traffic offense for a period of 3 years from the
660 date of reinstatement of driving privileges for a violation of
661 s. 316.193, the owner or operator shall be exempt from this
662 section.

663 Section 16. Section 324.031, Florida Statutes, is amended
664 to read:

665 324.031 Manner of proving financial responsibility.-

666 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~
667 ~~or any other for-hire passenger transportation vehicle may prove~~
668 ~~financial responsibility by providing satisfactory evidence of~~
669 ~~holding a motor vehicle liability policy as defined in s.~~
670 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
671 ~~carrier which is a member of the Florida Insurance Guaranty~~
672 ~~Association. The operator or owner of a motor vehicle other than~~
673 ~~a for-hire passenger transportation vehicle any other vehicle~~
674 may prove his or her financial responsibility by:

675 ~~(a) (1)~~ Furnishing satisfactory evidence of holding a motor
676 vehicle liability policy as defined in ss. 324.021(8) and
677 324.151;



678 (b)~~(2)~~ Furnishing a certificate of self-insurance showing a
679 deposit of cash in accordance with s. 324.161; or

680 (c)~~(3)~~ Furnishing a certificate of self-insurance issued by
681 the department in accordance with s. 324.171.

682 (2) (a) Any person,~~including any firm, partnership,~~
683 ~~association, corporation, or other person, other than a natural~~
684 ~~person,~~ electing to use the method of proof specified in
685 paragraph (1) (b) subsection (2) shall furnish a certificate of
686 deposit equal to the number of vehicles owned times:

687 1. Fifty thousand dollars, to a maximum of \$200,000, from
688 January 1, 2019, through December 31, 2020.

689 2. Sixty thousand dollars, to a maximum of \$240,000, from
690 January 1, 2021, through December 31, 2022.

691 3. Seventy thousand dollars, \$30,000, to a maximum of
692 \$280,000, from January 1, 2023, and thereafter. \$120,000;

693 (b) In addition, any such person,~~other than a natural~~
694 ~~person,~~ shall maintain insurance providing coverage conforming
695 to the requirements of s. 324.151 in excess of the amount of the
696 certificate of deposit, with limits of at least:

697 1. One hundred twenty-five thousand dollars for bodily
698 injury to, or the death of, one person in any one crash and,
699 subject to such limits for one person, in the amount of \$250,000
700 for bodily injury to, or the death of, two or more persons in
701 any one crash, and \$50,000 for damage to, or destruction of,
702 property of others in any one crash; or \$10,000/20,000/10,000 or
703 \$30,000 combined single limits, and such excess insurance shall
704 provide minimum limits of \$125,000/250,000/50,000 or \$300,000
705 combined single limits. These increased limits shall not affect
706 the requirements for proving financial responsibility under s.



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707 ~~324.032(1).~~

708 2. Three hundred thousand dollars for combined bodily
709 injury liability and property damage liability for any one
710 crash.

711 Section 17. Section 324.032, Florida Statutes, is amended
712 to read:

713 324.032 ~~Manner of proving~~ Financial responsibility ~~for~~
714 ~~for-hire passenger transportation vehicles. Notwithstanding the~~
715 ~~provisions of s. 324.031:~~

716 (1) An owner or lessee of a for-hire passenger
717 transportation vehicle that is required to be registered in this
718 state shall establish and continuously maintain the ability to
719 respond in damages for liability on account of accidents arising
720 out of the ownership, maintenance, or use of the for-hire
721 passenger transportation vehicle, in the amount of:

722 (a) One hundred twenty-five thousand dollars for bodily
723 injury to, or the death of, one person in any one crash and,
724 subject to such limits for one person, in the amount of \$250,000
725 for bodily injury to, or the death of, two or more persons in
726 any one crash; and ~~A person who is either the owner or a lessee~~
727 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
728 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
729 ~~for-hire passenger transportation vehicles may prove financial~~
730 ~~responsibility by furnishing satisfactory evidence of holding a~~
731 ~~motor vehicle liability policy, but with minimum limits of~~
732 ~~\$125,000/250,000/50,000.~~

733 (b) Fifty thousand dollars for damage to, or destruction
734 of, property of others in any one crash ~~A person who is either~~
735 ~~the owner or a lessee required to maintain insurance under s.~~



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736 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
737 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
738 ~~financial responsibility by furnishing satisfactory evidence of~~
739 ~~holding a motor vehicle liability policy as defined in s.~~
740 ~~324.031.~~

741 (2) Except as provided in subsection (3), the requirements
742 of this section must be met by the owner or lessee providing
743 satisfactory evidence of holding a motor vehicle liability
744 policy conforming to the requirements of s. 324.151 which is
745 issued by an insurance carrier that is a member of the Florida
746 Insurance Guaranty Association.

747 ~~(3)(2) An owner or a lessee who is required to maintain~~
748 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~
749 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
750 ~~transportation vehicles may provide financial responsibility by~~
751 ~~complying with the provisions of s. 324.171, such compliance to~~
752 ~~be demonstrated by maintaining at its principal place of~~
753 ~~business an audited financial statement, prepared in accordance~~
754 ~~with generally accepted accounting principles, and providing to~~
755 ~~the department a certification issued by a certified public~~
756 ~~accountant that the applicant's net worth is at least equal to~~
757 ~~the requirements of s. 324.171 as determined by the Office of~~
758 ~~Insurance Regulation of the Financial Services Commission,~~
759 ~~including claims liabilities in an amount certified as adequate~~
760 ~~by a Fellow of the Casualty Actuarial Society.~~

761
762 Upon request by the department, the applicant shall ~~must~~ provide
763 the department at the applicant's principal place of business in
764 this state access to the applicant's underlying financial



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765 information and financial statements that provide the basis of
766 the certified public accountant's certification. The applicant
767 shall reimburse the requesting department for all reasonable
768 costs incurred by it in reviewing the supporting information.
769 The maximum amount of self-insurance permissible under this
770 subsection is \$300,000 and must be stated on a per-occurrence
771 basis, and the applicant shall maintain adequate excess
772 insurance issued by an authorized or eligible insurer licensed
773 or approved by the Office of Insurance Regulation. All risks
774 self-insured shall remain with the owner or lessee providing it,
775 and the risks are not transferable to any other person, unless a
776 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
777 obtained.

778 Section 18. Paragraph (b) of subsection (2) of section
779 324.051, Florida Statutes, is amended to read:

780 324.051 Reports of crashes; suspensions of licenses and
781 registrations.—

782 (2)

783 (b) This subsection does ~~shall~~ not apply:

784 1. To such operator or owner if such operator or owner had
785 in effect at the time of such crash or traffic conviction a
786 motor vehicle ~~an automobile~~ liability policy with respect to all
787 of the registered motor vehicles owned by such operator or
788 owner.

789 2. To such operator, if not the owner of such motor
790 vehicle, if there was in effect at the time of such crash or
791 traffic conviction a motor vehicle ~~an automobile~~ liability
792 policy or bond with respect to his or her operation of motor
793 vehicles not owned by him or her.



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794 3. To such operator or owner if the liability of such
795 operator or owner for damages resulting from such crash is, in
796 the judgment of the department, covered by any other form of
797 liability insurance or bond.

798 4. To any person who has obtained from the department a
799 certificate of self-insurance, in accordance with s. 324.171, or
800 to any person operating a motor vehicle for such self-insurer.

801
802 No such policy or bond shall be effective under this subsection
803 unless it contains limits of not less than those specified in s.
804 324.021(7).

805 Section 19. Section 324.071, Florida Statutes, is amended
806 to read:

807 324.071 Reinstatement; renewal of license; reinstatement
808 fee.—~~An~~ ~~Any~~ operator or owner whose license or registration has
809 been suspended pursuant to s. 324.051(2), s. 324.072, s.
810 324.081, or s. 324.121 may effect its reinstatement upon
811 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
812 s. 324.081(2) and (3), as the case may be, and with one of the
813 provisions of s. 324.031 and upon payment to the department of a
814 nonrefundable reinstatement fee of \$15. Only one such fee may
815 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
816 number of licenses and registrations to be then reinstated or
817 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
818 a department trust fund. If ~~When~~ the reinstatement of any
819 license or registration is effected by compliance with s.
820 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
821 license or registration within ~~a period of~~ 3 years after ~~from~~
822 such reinstatement, nor may ~~shall~~ any other license or



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823 registration be issued in the name of such person, unless the
824 operator continues ~~is continuing~~ to comply with ~~one of the~~
825 ~~provisions of s. 324.031.~~

826 Section 20. Subsection (1) of section 324.091, Florida
827 Statutes, is amended to read:

828 324.091 Notice to department; notice to insurer.—

829 (1) Each owner and operator involved in a crash or
830 conviction case within the purview of this chapter shall furnish
831 evidence of automobile liability insurance or motor vehicle
832 liability insurance within 14 days after the date of the mailing
833 of notice of crash by the department in the form and manner as
834 it may designate. Upon receipt of evidence that a ~~an automobile~~
835 ~~liability policy or~~ motor vehicle liability policy was in effect
836 at the time of the crash or conviction case, the department
837 shall forward to the insurer such information for verification
838 in a method as determined by the department. The insurer shall
839 respond to the department within 20 days after the notice as to
840 whether or not such information is valid. If the department
841 determines that a ~~an automobile liability policy or~~ motor
842 vehicle liability policy was not in effect and did not provide
843 coverage for both the owner and the operator, it must ~~shall~~ take
844 action as it is authorized to do under this chapter.

845 Section 21. Section 324.151, Florida Statutes, is amended
846 to read:

847 324.151 Motor vehicle liability policies; required
848 provisions.—

849 (1) A motor vehicle liability policy that serves as ~~to be~~
850 proof of financial responsibility under s. 324.031(1) must
851 ~~shall~~ be issued to owners or operators of motor vehicles under



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852 the following provisions:

853 (a) A motor vehicle ~~An owner's~~ liability insurance policy
854 issued to an owner of a motor vehicle registered in this state
855 must ~~shall~~ designate by explicit description or by appropriate
856 reference all motor vehicles for ~~with respect to~~ which coverage
857 is thereby granted. The policy must ~~and shall~~ insure the person
858 or persons ~~owner~~ named therein and any other person as operator
859 using such motor vehicle or motor vehicles with the express or
860 implied permission of such owner against loss from the liability
861 imposed by law for damage arising out of the ownership,
862 maintenance, or use of any ~~such~~ motor vehicle or motor vehicles
863 within the United States or the Dominion of Canada, subject to
864 limits, exclusive of interest and costs with respect to each
865 such motor vehicle as is provided for under s. 324.021(7).
866 Insurers may make available, with respect to property damage
867 liability coverage, a deductible amount not to exceed \$500. In
868 the event of a property damage loss covered by a policy
869 containing a property damage deductible provision, the insurer
870 shall pay to the third-party claimant the amount of any property
871 damage liability settlement or judgment, subject to policy
872 limits, as if no deductible existed.

873 (b) An operator's motor vehicle liability policy of
874 insurance must ~~shall~~ insure the person or persons named therein
875 against loss from the liability imposed ~~upon him or her~~ by law
876 for damages arising out of the use by the person of any motor
877 vehicle not owned by him or her, with the same territorial
878 limits and subject to the same limits of liability as referred
879 to above with respect to an owner's policy of liability
880 insurance.



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881 (c) All such motor vehicle liability policies must ~~shall~~
882 state the name and address of the named insured, the coverage
883 afforded by the policy, the premium charged therefor, the policy
884 period, the limits of liability, and must ~~shall~~ contain an
885 agreement or be endorsed that insurance is provided in
886 accordance with the coverage defined in this chapter ~~as respects~~
887 ~~bodily injury and death or property damage or both~~ and is
888 subject to all provisions of this chapter. The said policies
889 must ~~shall~~ also contain a provision that the satisfaction by an
890 insured of a judgment for such injury or damage may ~~shall~~ not be
891 a condition precedent to the right or duty of the insurance
892 carrier to make payment on account of such injury or damage, and
893 must ~~shall~~ also contain a provision that bankruptcy or
894 insolvency of the insured or of the insured's estate may ~~shall~~
895 not relieve the insurance carrier of any of its obligations
896 under the said policy.

897 (2) ~~The provisions of~~ This section is ~~shall~~ not be
898 applicable to any automobile liability policy unless and until
899 it is furnished as proof of financial responsibility for the
900 future pursuant to s. 324.031, and then only from and after the
901 date the said policy is so furnished.

902 Section 22. Section 324.161, Florida Statutes, is amended
903 to read:

904 324.161 Proof of financial responsibility; deposit.—If a
905 person elects to prove his or her financial responsibility under
906 the method of proof specified in s. 324.031(1) (b), he or she
907 must obtain proof of a certificate of deposit annually, in the
908 amount required under s. 324.031(2), from a financial
909 institution insured by the Federal Deposit Insurance Corporation



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910 or the National Credit Union Administration. Proof of such
911 certificate of deposit ~~Annually, before any certificate of~~
912 ~~insurance may be issued to a person, including any firm,~~
913 ~~partnership, association, corporation, or other person, other~~
914 ~~than a natural person, proof of a certificate of deposit of~~
915 ~~\$30,000 issued and held by a financial institution~~ must be
916 submitted to the department annually. A power of attorney will
917 be issued to and held by the department and may be executed upon
918 a judgment issued against such person making the deposit, for
919 damages for ~~because of~~ bodily injury to or death of any person
920 or for damages for ~~because of~~ injury to or destruction of
921 property resulting from the use or operation of any motor
922 vehicle occurring after such deposit was made. Money so
923 deposited is ~~shall~~ not be subject to attachment or execution
924 unless such attachment or execution arises ~~shall arise~~ out of a
925 lawsuit ~~suit~~ for such damages as ~~aforsaid~~.

926 Section 23. Subsections (1) and (2) of section 324.171,
927 Florida Statutes, are amended to read:

928 324.171 Self-insurer.-

929 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
930 a certificate of self-insurance from the department. ~~which may,~~
931 ~~in its discretion and~~ Upon application of such a person, the
932 department may issue a said certificate of self-insurance if the
933 applicant ~~when such person~~ has satisfied the requirements of
934 this section ~~to qualify as a self-insurer under this section:~~

935 (a) A private individual with private passenger vehicles
936 must ~~shall~~ possess a net unencumbered worth: ~~of~~

937 1. Beginning January 1, 2019, through December 31, 2020, of
938 at least \$80,000.



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939 2. Beginning January 1, 2021, through December 31, 2022, of
940 at least \$100,000.

941 3. Beginning January 1, 2023, and thereafter, of at least
942 \$120,000 ~~\$40,000~~.

943 (b) A person, including any firm, partnership, association,
944 corporation, or other person, other than a natural person, must
945 shall:

946 1. Possess a net unencumbered worth: ~~of~~

947 a. Beginning January 1, 2019, through December 31, 2020, of
948 at least \$80,000 for the first motor vehicle and \$40,000 for
949 each additional motor vehicle.

950 b. Beginning January 1, 2021, through December 31, 2022, of
951 at least \$100,000 for the first motor vehicle and \$50,000 for
952 each additional motor vehicle.

953 c. Beginning January 1, 2023, and thereafter, of at least
954 \$120,000 ~~\$40,000~~ for the first motor vehicle and \$60,000 ~~\$20,000~~
955 for each additional motor vehicle; or

956 2. Maintain sufficient net worth, in an amount determined
957 by the department, to be financially responsible for potential
958 losses. The department shall annually determine the minimum net
959 worth sufficient to satisfy this subparagraph ~~as determined~~
960 annually by the department, pursuant to rules adopted
961 ~~promulgated~~ by the department, with the assistance of the Office
962 of Insurance Regulation of the Financial Services Commission, ~~to~~
963 ~~be financially responsible for potential losses.~~ The rules must
964 consider any ~~shall take into consideration~~ excess insurance
965 carried by the applicant. The department's determination must
966 shall be based upon reasonable actuarial principles considering
967 the frequency, severity, and loss development of claims incurred



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968 by casualty insurers writing coverage on the type of motor
969 vehicles for which a certificate of self-insurance is desired.

970 (c) The owner of a commercial motor vehicle, as defined in
971 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
972 to the standards provided ~~for~~ in subparagraph (b)2.

973 (2) The self-insurance certificate must ~~shall~~ provide
974 limits of liability insurance in the amounts specified under s.
975 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
976 ~~protection coverage under s. 627.733(3)(b).~~

977 Section 24. Section 324.251, Florida Statutes, is amended
978 to read:

979 324.251 Short title.—This chapter may be cited as the
980 “Financial Responsibility Law of 2018 1955” and is ~~shall become~~
981 effective at 12:01 a.m., January 1, 2019 ~~October 1, 1955~~.

982 Section 25. Subsection (4) of section 400.9905, Florida
983 Statutes, is amended to read:

984 400.9905 Definitions.—

985 (4) “Clinic” means an entity where health care services are
986 provided to individuals and which tenders charges for
987 reimbursement for such services, including a mobile clinic and a
988 portable equipment provider. As used in this part, the term does
989 not include and the licensure requirements of this part do not
990 apply to:

991 (a) Entities licensed or registered by the state under
992 chapter 395; entities licensed or registered by the state and
993 providing only health care services within the scope of services
994 authorized under their respective licenses under ss. 383.30-
995 383.335, chapter 390, chapter 394, chapter 397, this chapter
996 except part X, chapter 429, chapter 463, chapter 465, chapter



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997 466, chapter 478, part I of chapter 483, chapter 484, or chapter
998 651; end-stage renal disease providers authorized under 42
999 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
1000 part 485, subpart B or subpart H; or any entity that provides
1001 neonatal or pediatric hospital-based health care services or
1002 other health care services by licensed practitioners solely
1003 within a hospital licensed under chapter 395.

1004 (b) Entities that own, directly or indirectly, entities
1005 licensed or registered by the state pursuant to chapter 395;
1006 entities that own, directly or indirectly, entities licensed or
1007 registered by the state and providing only health care services
1008 within the scope of services authorized pursuant to their
1009 respective licenses under ss. 383.30-383.335, chapter 390,
1010 chapter 394, chapter 397, this chapter except part X, chapter
1011 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1012 of chapter 483, chapter 484, or chapter 651; end-stage renal
1013 disease providers authorized under 42 C.F.R. part 405, subpart
1014 U; providers certified under 42 C.F.R. part 485, subpart B or
1015 subpart H; or any entity that provides neonatal or pediatric
1016 hospital-based health care services by licensed practitioners
1017 solely within a hospital licensed under chapter 395.

1018 (c) Entities that are owned, directly or indirectly, by an
1019 entity licensed or registered by the state pursuant to chapter
1020 395; entities that are owned, directly or indirectly, by an
1021 entity licensed or registered by the state and providing only
1022 health care services within the scope of services authorized
1023 pursuant to their respective licenses under ss. 383.30-383.335,
1024 chapter 390, chapter 394, chapter 397, this chapter except part
1025 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter



1026 478, part I of chapter 483, chapter 484, or chapter 651; end-
1027 stage renal disease providers authorized under 42 C.F.R. part
1028 405, subpart U; providers certified under 42 C.F.R. part 485,
1029 subpart B or subpart H; or any entity that provides neonatal or
1030 pediatric hospital-based health care services by licensed
1031 practitioners solely within a hospital under chapter 395.

1032 (d) Entities that are under common ownership, directly or
1033 indirectly, with an entity licensed or registered by the state
1034 pursuant to chapter 395; entities that are under common
1035 ownership, directly or indirectly, with an entity licensed or
1036 registered by the state and providing only health care services
1037 within the scope of services authorized pursuant to their
1038 respective licenses under ss. 383.30-383.335, chapter 390,
1039 chapter 394, chapter 397, this chapter except part X, chapter
1040 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1041 of chapter 483, chapter 484, or chapter 651; end-stage renal
1042 disease providers authorized under 42 C.F.R. part 405, subpart
1043 U; providers certified under 42 C.F.R. part 485, subpart B or
1044 subpart H; or any entity that provides neonatal or pediatric
1045 hospital-based health care services by licensed practitioners
1046 solely within a hospital licensed under chapter 395.

1047 (e) An entity that is exempt from federal taxation under 26
1048 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1049 under 26 U.S.C. s. 409 that has a board of trustees at least
1050 two-thirds of which are Florida-licensed health care
1051 practitioners and provides only physical therapy services under
1052 physician orders, any community college or university clinic,
1053 and any entity owned or operated by the federal or state
1054 government, including agencies, subdivisions, or municipalities



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1055 thereof.

1056 (f) A sole proprietorship, group practice, partnership, or
1057 corporation that provides health care services by physicians
1058 covered by s. 627.419, that is directly supervised by one or
1059 more of such physicians, and that is wholly owned by one or more
1060 of those physicians or by a physician and the spouse, parent,
1061 child, or sibling of that physician.

1062 (g) A sole proprietorship, group practice, partnership, or
1063 corporation that provides health care services by licensed
1064 health care practitioners under chapter 457, chapter 458,
1065 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1066 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1067 chapter 490, chapter 491, or part I, part III, part X, part
1068 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1069 wholly owned by one or more licensed health care practitioners,
1070 or the licensed health care practitioners set forth in this
1071 paragraph and the spouse, parent, child, or sibling of a
1072 licensed health care practitioner if one of the owners who is a
1073 licensed health care practitioner is supervising the business
1074 activities and is legally responsible for the entity's
1075 compliance with all federal and state laws. However, a health
1076 care practitioner may not supervise services beyond the scope of
1077 the practitioner's license, except that, for the purposes of
1078 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1079 which provides only services authorized pursuant to s.
1080 456.053(3)(b) may be supervised by a licensee specified in s.
1081 456.053(3)(b).

1082 (h) Clinical facilities affiliated with an accredited
1083 medical school at which training is provided for medical



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1084 students, residents, or fellows.

1085 (i) Entities that provide only oncology or radiation
1086 therapy services by physicians licensed under chapter 458 or
1087 chapter 459 or entities that provide oncology or radiation
1088 therapy services by physicians licensed under chapter 458 or
1089 chapter 459 which are owned by a corporation whose shares are
1090 publicly traded on a recognized stock exchange.

1091 (j) Clinical facilities affiliated with a college of
1092 chiropractic accredited by the Council on Chiropractic Education
1093 at which training is provided for chiropractic students.

1094 (k) Entities that provide licensed practitioners to staff
1095 emergency departments or to deliver anesthesia services in
1096 facilities licensed under chapter 395 and that derive at least
1097 90 percent of their gross annual revenues from the provision of
1098 such services. Entities claiming an exemption from licensure
1099 under this paragraph must provide documentation demonstrating
1100 compliance.

1101 (l) Orthotic, prosthetic, pediatric cardiology, or
1102 perinatology clinical facilities or anesthesia clinical
1103 facilities that are not otherwise exempt under paragraph (a) or
1104 paragraph (k) and that are a publicly traded corporation or are
1105 wholly owned, directly or indirectly, by a publicly traded
1106 corporation. As used in this paragraph, a publicly traded
1107 corporation is a corporation that issues securities traded on an
1108 exchange registered with the United States Securities and
1109 Exchange Commission as a national securities exchange.

1110 (m) Entities that are owned by a corporation that has \$250
1111 million or more in total annual sales of health care services
1112 provided by licensed health care practitioners where one or more



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1113 of the persons responsible for the operations of the entity is a
1114 health care practitioner who is licensed in this state and who
1115 is responsible for supervising the business activities of the
1116 entity and is responsible for the entity's compliance with state
1117 law for purposes of this part.

1118 (n) Entities that employ 50 or more licensed health care
1119 practitioners licensed under chapter 458 or chapter 459 where
1120 the billing for medical services is under a single tax
1121 identification number. The application for exemption under this
1122 subsection must include ~~shall contain information that includes:~~
1123 the name, residence, and business address and telephone ~~phone~~
1124 number of the entity that owns the practice; a complete list of
1125 the names and contact information of all the officers and
1126 directors of the corporation; the name, residence address,
1127 business address, and medical license number of each licensed
1128 Florida health care practitioner employed by the entity; the
1129 corporate tax identification number of the entity seeking an
1130 exemption; a listing of health care services to be provided by
1131 the entity at the health care clinics owned or operated by the
1132 entity; and a certified statement prepared by an independent
1133 certified public accountant which states that the entity and the
1134 health care clinics owned or operated by the entity have not
1135 received payment for health care services under medical payments
1136 ~~personal injury protection~~ insurance coverage for the preceding
1137 year. If the agency determines that an entity that ~~which~~ is
1138 exempt under this subsection has received payments for medical
1139 services under medical payments ~~personal injury protection~~
1140 insurance coverage, the agency may deny or revoke the exemption
1141 from licensure under this subsection.



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1142
1143 Notwithstanding this subsection, an entity shall be deemed a
1144 clinic and must be licensed under this part in order to receive
1145 medical payments coverage reimbursement under s. 627.7265 ~~the~~
1146 ~~Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~
1147 ~~exempted under s. 627.736(5)(h).~~

1148 Section 26. Subsection (6) of section 400.991, Florida
1149 Statutes, is amended to read:

1150 400.991 License requirements; background screenings;
1151 prohibitions.-

1152 (6) All agency forms for licensure application or exemption
1153 from licensure under this part must contain the following
1154 statement:

1155
1156 INSURANCE FRAUD NOTICE.-A person commits a fraudulent
1157 insurance act, as defined in s. 626.989, Florida
1158 Statutes, if the person ~~who~~ knowingly submits a false,
1159 misleading, or fraudulent application or other
1160 document when applying for licensure as a health care
1161 clinic, seeking an exemption from licensure as a
1162 health care clinic, or demonstrating compliance with
1163 part X of chapter 400, Florida Statutes, with the
1164 intent to use the license, exemption from licensure,
1165 or demonstration of compliance to provide services or
1166 seek reimbursement under a motor vehicle liability
1167 insurance policy's medical payments coverage ~~the~~
1168 ~~Florida Motor Vehicle No-Fault Law, commits a~~
1169 ~~fraudulent insurance act, as defined in s. 626.989,~~
1170 ~~Florida Statutes.~~ A person who presents a claim for



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1171 benefits under medical payments coverage, personal
1172 ~~injury protection benefits~~ knowing that the payee
1173 knowingly submitted such health care clinic
1174 application or document, commits insurance fraud, as
1175 defined in s. 817.234, Florida Statutes.

1176 Section 27. Paragraph (g) of subsection (1) of section
1177 400.9935, Florida Statutes, is amended to read:

1178 400.9935 Clinic responsibilities.—

1179 (1) Each clinic shall appoint a medical director or clinic
1180 director who shall agree in writing to accept legal
1181 responsibility for the following activities on behalf of the
1182 clinic. The medical director or the clinic director shall:

1183 (g) Conduct systematic reviews of clinic billings to ensure
1184 that the billings are not fraudulent or unlawful. Upon discovery
1185 of an unlawful charge, the medical director or clinic director
1186 shall take immediate corrective action. If the clinic performs
1187 only the technical component of magnetic resonance imaging,
1188 static radiographs, computed tomography, or positron emission
1189 tomography, and provides the professional interpretation of such
1190 services, in a fixed facility that is accredited by a national
1191 accrediting organization that is approved by the Centers for
1192 Medicare and Medicaid Services for magnetic resonance imaging
1193 and advanced diagnostic imaging services and if, in the
1194 preceding quarter, the percentage of scans performed by that
1195 clinic which was billed to motor vehicle ~~all personal injury~~
1196 ~~protection~~ insurance carriers under medical payments coverage
1197 was less than 15 percent, the chief financial officer of the
1198 clinic may, in a written acknowledgment provided to the agency,
1199 assume the responsibility for the conduct of the systematic



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1200 reviews of clinic billings to ensure that the billings are not
1201 fraudulent or unlawful.

1202 Section 28. Subsection (28) of section 409.901, Florida
1203 Statutes, is amended to read:

1204 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1205 409.901-409.920, except as otherwise specifically provided, the
1206 term:

1207 (28) "Third-party benefit" means any benefit that is or may
1208 be available at any time through contract, court award,
1209 judgment, settlement, agreement, or any arrangement between a
1210 third party and any person or entity, including, without
1211 limitation, a Medicaid recipient, a provider, another third
1212 party, an insurer, or the agency, for any Medicaid-covered
1213 injury, illness, goods, or services, including costs of medical
1214 services related thereto, for bodily ~~personal~~ injury or for
1215 death of the recipient, but specifically excluding ~~policies of~~
1216 life insurance policies on the recipient, unless available under
1217 terms of the policy to pay medical expenses before ~~prior to~~
1218 death. The term includes, without limitation, collateral, as
1219 defined in this section, health insurance, any benefit under a
1220 health maintenance organization, a preferred provider
1221 arrangement, a prepaid health clinic, liability insurance,
1222 uninsured motorist insurance, medical payments coverage ~~or~~
1223 ~~personal injury protection coverage~~, medical benefits under
1224 workers' compensation, and any obligation under law or equity to
1225 provide medical support.

1226 Section 29. Paragraph (f) of subsection (11) of section
1227 409.910, Florida Statutes, is amended to read:

1228 409.910 Responsibility for payments on behalf of Medicaid-



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1229 eligible persons when other parties are liable.-

1230 (11) The agency may, as a matter of right, in order to
1231 enforce its rights under this section, institute, intervene in,
1232 or join any legal or administrative proceeding in its own name
1233 in one or more of the following capacities: individually, as
1234 subrogee of the recipient, as assignee of the recipient, or as
1235 lienholder of the collateral.

1236 (f) Notwithstanding any provision in this section to the
1237 contrary, in the event of an action in tort against a third
1238 party in which the recipient or his or her legal representative
1239 is a party which results in a judgment, award, or settlement
1240 from a third party, the amount recovered shall be distributed as
1241 follows:

1242 1. After attorney ~~attorney's~~ fees and taxable costs as
1243 defined by the Florida Rules of Civil Procedure, one-half of the
1244 remaining recovery shall be paid to the agency up to the total
1245 amount of medical assistance provided by Medicaid.

1246 2. The remaining amount of the recovery shall be paid to
1247 the recipient.

1248 3. For purposes of calculating the agency's recovery of
1249 medical assistance benefits paid, the fee for services of an
1250 attorney retained by the recipient or his or her legal
1251 representative shall be calculated at 25 percent of the
1252 judgment, award, or settlement.

1253 4. Notwithstanding any other provision of this section to
1254 the contrary, the agency shall be entitled to all medical
1255 coverage benefits up to the total amount of medical assistance
1256 provided by Medicaid. For purposes of this paragraph, the term
1257 "medical coverage" means any benefits under health insurance, a



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1258 health maintenance organization, a preferred provider
1259 arrangement, or a prepaid health clinic, and the portion of
1260 benefits designated for medical payments under ~~coverage for~~
1261 workers' compensation coverage, motor vehicle insurance
1262 coverage, ~~personal injury protection~~, and casualty coverage.

1263 Section 30. Paragraph (k) of subsection (2) of section
1264 456.057, Florida Statutes, is amended to read:

1265 456.057 Ownership and control of patient records; report or
1266 copies of records to be furnished; disclosure of information.—

1267 (2) As used in this section, the terms "records owner,"
1268 "health care practitioner," and "health care practitioner's
1269 employer" do not include any of the following persons or
1270 entities; furthermore, the following persons or entities are not
1271 authorized to acquire or own medical records, but are authorized
1272 under the confidentiality and disclosure requirements of this
1273 section to maintain those documents required by the part or
1274 chapter under which they are licensed or regulated:

1275 (k) Persons or entities practicing under s. 627.7265 ~~s.~~
1276 ~~627.736(7)~~.

1277 Section 31. Paragraphs (ee) and (ff) of subsection (1) of
1278 section 456.072, Florida Statutes, are amended to read:

1279 456.072 Grounds for discipline; penalties; enforcement.—

1280 (1) The following acts shall constitute grounds for which
1281 the disciplinary actions specified in subsection (2) may be
1282 taken:

1283 (ee) With respect to making a medical payments coverage
1284 ~~personal injury protection~~ claim under s. 627.7265 ~~as required~~
1285 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1286 bill that has been upcoded. As used in this paragraph, the term



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1287 "upcoded" means an action that submits a billing code that would
1288 result in payment greater in amount than would be paid using a
1289 billing code that accurately describes the services performed.
1290 The term does not include an otherwise lawful bill by a magnetic
1291 resonance imaging facility, which globally combines both
1292 technical and professional components, if the amount of the
1293 global bill is not more than the components if billed
1294 separately; however, payment of such a bill constitutes payment
1295 in full for all components of such service "upcoded" as defined
1296 in s. 627.732.

1297 (ff) With respect to making a medical payments coverage
1298 personal injury protection claim as required under s. 627.7265
1299 by s. 627.736, intentionally submitting a claim, statement, or
1300 bill for payment of services that were not rendered.

1301 Section 32. Paragraphs (i) and (o) of subsection (1) of
1302 section 626.9541, Florida Statutes, are amended to read:

1303 626.9541 Unfair methods of competition and unfair or
1304 deceptive acts or practices defined.—

1305 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1306 ACTS.—The following are defined as unfair methods of competition
1307 and unfair or deceptive acts or practices:

1308 (i) *Unfair claim settlement practices.*—

1309 1. Attempting to settle claims on the basis of an
1310 application, when serving as a binder or intended to become a
1311 part of the policy, or any other material document which was
1312 altered without notice to, or knowledge or consent of, the
1313 insured;

1314 2. A material misrepresentation made to an insured or any
1315 other person having an interest in the proceeds payable under



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1316 such contract or policy, for the purpose and with the intent of
1317 effecting settlement of such claims, loss, or damage under such
1318 contract or policy on less favorable terms than those provided
1319 in, and contemplated by, such contract or policy; ~~or~~

1320 3. Committing or performing with such frequency as to
1321 indicate a general business practice any of the following:

1322 a. Failing to adopt and implement standards for the proper
1323 investigation of claims;

1324 b. Misrepresenting pertinent facts or insurance policy
1325 provisions relating to coverages at issue;

1326 c. Failing to acknowledge and act promptly upon
1327 communications with respect to claims;

1328 d. Denying claims without conducting reasonable
1329 investigations based upon available information;

1330 e. Failing to affirm or deny full or partial coverage of
1331 claims, and, as to partial coverage, the dollar amount or extent
1332 of coverage, or failing to provide a written statement that the
1333 claim is being investigated, upon the written request of the
1334 insured within 30 days after proof-of-loss statements have been
1335 completed;

1336 f. Failing to promptly provide a reasonable explanation in
1337 writing to the insured of the basis in the insurance policy, in
1338 relation to the facts or applicable law, for denial of a claim
1339 or for the offer of a compromise settlement;

1340 g. Failing to promptly notify the insured of any additional
1341 information necessary for the processing of a claim; or

1342 h. Failing to clearly explain the nature of the requested
1343 information and the reasons why such information is necessary.

1344 ~~i. Failing to pay personal injury protection insurance~~



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1345 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1346 ~~office may order the insurer to pay restitution to a~~
1347 ~~policyholder, medical provider, or other claimant, including~~
1348 ~~interest at a rate consistent with the amount set forth in s.~~
1349 ~~55.03(1), for the time period within which an insurer fails to~~
1350 ~~pay claims as required by law. Restitution is in addition to any~~
1351 ~~other penalties allowed by law, including, but not limited to,~~
1352 ~~the suspension of the insurer's certificate of authority.~~

1353 4. Failing to pay undisputed amounts of partial or full
1354 benefits owed under first-party property insurance policies
1355 within 90 days after an insurer receives notice of a residential
1356 property insurance claim, determines the amounts of partial or
1357 full benefits, and agrees to coverage, unless payment of the
1358 undisputed benefits is prevented by an act of God, prevented by
1359 the impossibility of performance, or due to actions by the
1360 insured or claimant that constitute fraud, lack of cooperation,
1361 or intentional misrepresentation regarding the claim for which
1362 benefits are owed.

1363 (o) *Illegal dealings in premiums; excess or reduced charges*
1364 *for insurance.*—

1365 1. Knowingly collecting any sum as a premium or charge for
1366 insurance, which is not then provided, or is not in due course
1367 to be provided, subject to acceptance of the risk by the
1368 insurer, by an insurance policy issued by an insurer as
1369 permitted by this code.

1370 2. Knowingly collecting as a premium or charge for
1371 insurance any sum in excess of or less than the premium or
1372 charge applicable to such insurance, in accordance with the
1373 applicable classifications and rates as filed with and approved



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1374 by the office, and as specified in the policy; or, in cases when
1375 classifications, premiums, or rates are not required by this
1376 code to be so filed and approved, premiums and charges collected
1377 from a Florida resident in excess of or less than those
1378 specified in the policy and as fixed by the insurer.

1379 Notwithstanding any other provision of law, this provision shall
1380 not be deemed to prohibit the charging and collection, by
1381 surplus lines agents licensed under part VIII of this chapter,
1382 of the amount of applicable state and federal taxes, or fees as
1383 authorized by s. 626.916(4), in addition to the premium required
1384 by the insurer or the charging and collection, by licensed
1385 agents, of the exact amount of any discount or other such fee
1386 charged by a credit card facility in connection with the use of
1387 a credit card, as authorized by subparagraph (q)3., in addition
1388 to the premium required by the insurer. This subparagraph shall
1389 not be construed to prohibit collection of a premium for a
1390 universal life or a variable or indeterminate value insurance
1391 policy made in accordance with the terms of the contract.

1392 3.a. Imposing or requesting an additional premium for
1393 bodily injury liability coverage, property damage liability
1394 coverage a policy of motor vehicle liability, personal injury
1395 protection, medical payment coverage, or collision coverage in a
1396 motor vehicle liability insurance policy insurance or any
1397 combination thereof or refusing to renew the policy solely
1398 because the insured was involved in a motor vehicle accident
1399 unless the insurer's file contains information from which the
1400 insurer in good faith determines that the insured was
1401 substantially at fault in the accident.

1402 b. An insurer which imposes and collects such a surcharge



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1403 or which refuses to renew such policy shall, in conjunction with
1404 the notice of premium due or notice of nonrenewal, notify the
1405 named insured that he or she is entitled to reimbursement of
1406 such amount or renewal of the policy under the conditions listed
1407 below and will subsequently reimburse him or her or renew the
1408 policy, if the named insured demonstrates that the operator
1409 involved in the accident was:

1410 (I) Lawfully parked;

1411 (II) Reimbursed by, or on behalf of, a person responsible
1412 for the accident or has a judgment against such person;

1413 (III) Struck in the rear by another vehicle headed in the
1414 same direction and was not convicted of a moving traffic
1415 violation in connection with the accident;

1416 (IV) Hit by a "hit-and-run" driver, if the accident was
1417 reported to the proper authorities within 24 hours after
1418 discovering the accident;

1419 (V) Not convicted of a moving traffic violation in
1420 connection with the accident, but the operator of the other
1421 automobile involved in such accident was convicted of a moving
1422 traffic violation;

1423 (VI) Finally adjudicated not to be liable by a court of
1424 competent jurisdiction;

1425 (VII) In receipt of a traffic citation which was dismissed
1426 or nolle prossed; or

1427 (VIII) Not at fault as evidenced by a written statement
1428 from the insured establishing facts demonstrating lack of fault
1429 which are not rebutted by information in the insurer's file from
1430 which the insurer in good faith determines that the insured was
1431 substantially at fault.



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1432 c. In addition to the other provisions of this
1433 subparagraph, an insurer may not fail to renew a policy if the
1434 insured has had only one accident in which he or she was at
1435 fault within the current 3-year period. However, an insurer may
1436 nonrenew a policy for reasons other than accidents in accordance
1437 with s. 627.728. This subparagraph does not prohibit nonrenewal
1438 of a policy under which the insured has had three or more
1439 accidents, regardless of fault, during the most recent 3-year
1440 period.

1441 4. Imposing or requesting an additional premium for, or
1442 refusing to renew, a policy for motor vehicle insurance solely
1443 because the insured committed a noncriminal traffic infraction
1444 as described in s. 318.14 unless the infraction is:

1445 a. A second infraction committed within an 18-month period,
1446 or a third or subsequent infraction committed within a 36-month
1447 period.

1448 b. A violation of s. 316.183, when such violation is a
1449 result of exceeding the lawful speed limit by more than 15 miles
1450 per hour.

1451 5. Upon the request of the insured, the insurer and
1452 licensed agent shall supply to the insured the complete proof of
1453 fault or other criteria which justifies the additional charge or
1454 cancellation.

1455 6. No insurer shall impose or request an additional premium
1456 for motor vehicle insurance, cancel or refuse to issue a policy,
1457 or refuse to renew a policy because the insured or the applicant
1458 is a handicapped or physically disabled person, so long as such
1459 handicap or physical disability does not substantially impair
1460 such person's mechanically assisted driving ability.



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1461 7. No insurer may cancel or otherwise terminate any
1462 insurance contract or coverage, or require execution of a
1463 consent to rate endorsement, during the stated policy term for
1464 the purpose of offering to issue, or issuing, a similar or
1465 identical contract or coverage to the same insured with the same
1466 exposure at a higher premium rate or continuing an existing
1467 contract or coverage with the same exposure at an increased
1468 premium.

1469 8. No insurer may issue a nonrenewal notice on any
1470 insurance contract or coverage, or require execution of a
1471 consent to rate endorsement, for the purpose of offering to
1472 issue, or issuing, a similar or identical contract or coverage
1473 to the same insured at a higher premium rate or continuing an
1474 existing contract or coverage at an increased premium without
1475 meeting any applicable notice requirements.

1476 9. No insurer shall, with respect to premiums charged for
1477 motor vehicle insurance, unfairly discriminate solely on the
1478 basis of age, sex, marital status, or scholastic achievement.

1479 10. Imposing or requesting an additional premium for motor
1480 vehicle comprehensive or uninsured motorist coverage solely
1481 because the insured was involved in a motor vehicle accident or
1482 was convicted of a moving traffic violation.

1483 11. No insurer shall cancel or issue a nonrenewal notice on
1484 any insurance policy or contract without complying with any
1485 applicable cancellation or nonrenewal provision required under
1486 the Florida Insurance Code.

1487 12. No insurer shall impose or request an additional
1488 premium, cancel a policy, or issue a nonrenewal notice on any
1489 insurance policy or contract because of any traffic infraction



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1490 when adjudication has been withheld and no points have been
1491 assessed pursuant to s. 318.14(9) and (10). However, this
1492 subparagraph does not apply to traffic infractions involving
1493 accidents in which the insurer has incurred a loss due to the
1494 fault of the insured.

1495 Section 33. Paragraph (a) of subsection (1) of section
1496 626.989, Florida Statutes, is amended to read:

1497 626.989 Investigation by department or Division of
1498 Investigative and Forensic Services; compliance; immunity;
1499 confidential information; reports to division; division
1500 investigator's power of arrest.-

1501 (1) For the purposes of this section:

1502 (a) A person commits a "fraudulent insurance act" if the
1503 person:

1504 1. Knowingly and with intent to defraud presents, causes to
1505 be presented, or prepares with knowledge or belief that it will
1506 be presented, to or by an insurer, self-insurer, self-insurance
1507 fund, servicing corporation, purported insurer, broker, or any
1508 agent thereof, any written statement as part of, or in support
1509 of, an application for the issuance of, or the rating of, any
1510 insurance policy, or a claim for payment or other benefit
1511 pursuant to any insurance policy, which the person knows to
1512 contain materially false information concerning any fact
1513 material thereto or if the person conceals, for the purpose of
1514 misleading another, information concerning any fact material
1515 thereto.

1516 2. Knowingly submits:

1517 a. A false, misleading, or fraudulent application or other
1518 document when applying for licensure as a health care clinic,



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1519 seeking an exemption from licensure as a health care clinic, or
1520 demonstrating compliance with part X of chapter 400 with an
1521 intent to use the license, exemption from licensure, or
1522 demonstration of compliance to provide services or seek
1523 reimbursement under a motor vehicle liability insurance policy's
1524 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
1525 ~~Law.~~

1526 b. A claim for payment or other benefit under medical
1527 payments coverage ~~pursuant to a personal injury protection~~
1528 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
1529 the person knows that the payee knowingly submitted a false,
1530 misleading, or fraudulent application or other document when
1531 applying for licensure as a health care clinic, seeking an
1532 exemption from licensure as a health care clinic, or
1533 demonstrating compliance with part X of chapter 400.

1534 Section 34. Subsection (1) of section 627.06501, Florida
1535 Statutes, is amended to read:

1536 627.06501 Insurance discounts for certain persons
1537 completing driver improvement course.-

1538 (1) Any rate, rating schedule, or rating manual for the
1539 liability, medical payments ~~personal injury protection~~, and
1540 collision coverages of a motor vehicle insurance policy filed
1541 with the office may provide for an appropriate reduction in
1542 premium charges as to such coverages if ~~when~~ the principal
1543 operator on the covered vehicle has successfully completed a
1544 driver improvement course approved and certified by the
1545 Department of Highway Safety and Motor Vehicles which is
1546 effective in reducing crash or violation rates, or both, as
1547 determined pursuant to s. 318.1451(5). Any discount, not to



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1548 exceed 10 percent, used by an insurer is presumed to be
1549 appropriate unless credible data demonstrates otherwise.

1550 Section 35. Subsection (1) of section 627.0652, Florida
1551 Statutes, is amended to read:

1552 627.0652 Insurance discounts for certain persons completing
1553 safety course.—

1554 (1) Any rates, rating schedules, or rating manuals for the
1555 liability, medical payments ~~personal injury protection~~, and
1556 collision coverages of a motor vehicle insurance policy filed
1557 with the office must ~~shall~~ provide for an appropriate reduction
1558 in premium charges as to such coverages if ~~when~~ the principal
1559 operator on the covered vehicle is an insured 55 years of age or
1560 older who has successfully completed a motor vehicle accident
1561 prevention course approved by the Department of Highway Safety
1562 and Motor Vehicles. Any discount used by an insurer is presumed
1563 to be appropriate unless credible data demonstrates otherwise.

1564 Section 36. Subsections (1), (3), and (6) of section
1565 627.0653, Florida Statutes, are amended to read:

1566 627.0653 Insurance discounts for specified motor vehicle
1567 equipment.—

1568 (1) Any rates, rating schedules, or rating manuals for the
1569 liability, medical payments ~~personal injury protection~~, and
1570 collision coverages of a motor vehicle insurance policy filed
1571 with the office must ~~shall~~ provide a premium discount if the
1572 insured vehicle is equipped with factory-installed, four-wheel
1573 antilock brakes.

1574 (3) Any rates, rating schedules, or rating manuals for
1575 ~~personal injury protection coverage and medical payments~~
1576 ~~coverage, if offered,~~ of a motor vehicle insurance policy filed



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1577 with the office must ~~shall~~ provide a premium discount if the
1578 insured vehicle is equipped with one or more air bags that ~~which~~
1579 are factory installed.

1580 (6) The Office of Insurance Regulation may approve a
1581 premium discount to any rates, rating schedules, or rating
1582 manuals for the liability, medical payments ~~personal injury~~
1583 ~~protection~~, and collision coverages of a motor vehicle insurance
1584 policy filed with the office if the insured vehicle is equipped
1585 with autonomous driving technology or electronic vehicle
1586 collision avoidance technology that is factory installed or a
1587 retrofitted system and that complies with National Highway
1588 Traffic Safety Administration standards.

1589 Section 37. Section 627.4132, Florida Statutes, is amended
1590 to read:

1591 627.4132 Stacking of coverages prohibited.—If an insured or
1592 named insured is protected by any type of motor vehicle
1593 insurance policy for bodily injury and property damage
1594 ~~liability, personal injury protection, or other coverage~~, the
1595 policy must ~~shall~~ provide that the insured or named insured is
1596 protected only to the extent of the coverage she or he has on
1597 the vehicle involved in the accident. However, if none of the
1598 insured's or named insured's vehicles are ~~is~~ involved in the
1599 accident, coverage is available only to the extent of coverage
1600 on any one of the vehicles with applicable coverage. Coverage on
1601 any other vehicles may ~~shall~~ not be added to or stacked upon
1602 that coverage. This section does not apply:

1603 (1) To uninsured motorist coverage that ~~which~~ is separately
1604 governed by s. 627.727.

1605 (2) To reduce the coverage available by reason of insurance



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1606 policies insuring different named insureds.

1607 Section 38. Section 627.7263, Florida Statutes, is amended
1608 to read:

1609 627.7263 Rental and leasing driver's insurance to be
1610 primary; exception.—

1611 (1) The valid and collectible liability insurance and
1612 medical payments coverage ~~or personal injury protection~~
1613 ~~insurance providing coverage~~ for the lessor of a motor vehicle
1614 for rent or lease is primary unless otherwise stated in at least
1615 10-point type on the face of the rental or lease agreement. Such
1616 insurance is primary for the limits of liability ~~and personal~~
1617 ~~injury protection~~ coverage as required by s. 324.021(7) and
1618 medical payments coverage as required under s. 627.7265 ~~ss.~~
1619 ~~324.021(7) and 627.736.~~

1620 (2) If the lessee's coverage is to be primary, the rental
1621 or lease agreement must contain the following language, in at
1622 least 10-point type:

1623
1624 "The valid and collectible liability insurance and
1625 medical payments coverage ~~personal injury protection~~
1626 ~~insurance~~ of an ~~any~~ authorized rental or leasing
1627 driver is primary for the limits of liability ~~and~~
1628 ~~personal injury protection~~ coverage and medical
1629 payments coverage required under ss. 324.021(7) and
1630 627.7265 ~~by ss. 324.021(7) and 627.736~~, Florida
1631 Statutes."

1632 Section 39. Section 627.7265, Florida Statutes, is created
1633 to read:

1634 627.7265 Motor vehicle insurance; medical payments



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1635 coverage.-

1636 (1) MEDICAL PAYMENTS COVERAGE REQUIRED.-A motor vehicle
1637 liability insurance policy that is furnished as proof of
1638 financial responsibility pursuant to s. 324.031 must include
1639 medical payments coverage as provided in this section. The
1640 medical payments coverage must protect the named insured,
1641 resident relatives, persons operating the insured motor vehicle,
1642 passengers in the insured motor vehicle, and persons who are
1643 struck by the insured motor vehicle and suffer bodily injury
1644 while not an occupant of a self-propelled motor vehicle, to a
1645 limit of at least \$15,000 per person for medical expense
1646 incurred due to bodily injury, sickness, or disease arising out
1647 of the ownership, maintenance, or use of a motor vehicle. The
1648 medical payments coverage must also provide each such person
1649 with a death benefit of at least \$5,000. This section may not be
1650 construed to limit any other coverage made available by an
1651 insurer. An insurer may not offer medical payments coverage with
1652 a deductible to an applicant or policyholder.

1653 (2) REQUIRED BENEFITS.-Medical payments coverage must
1654 provide coverage for all of the following if medically necessary
1655 and the individual initially receives such treatment within 14
1656 days after the motor vehicle accident:

1657 (a) Emergency transport and treatment by a provider
1658 licensed under chapter 401.

1659 (b) Emergency services and care provided by a hospital
1660 licensed under chapter 395.

1661 (c) Emergency services and care as defined in s. 395.002,
1662 provided in a facility licensed under chapter 395 and rendered
1663 by a physician or dentist, and related hospital inpatient



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1664 services rendered by a physician or dentist.

1665 (d) Hospital inpatient services, other than emergency
1666 services and care.

1667 (e) Hospital outpatient services, other than emergency
1668 services and care.

1669 (f) Physician services and care provided by a physician
1670 licensed under chapter 458 or chapter 459 or a chiropractic
1671 physician licensed under chapter 460, or dental services and
1672 care provided by a dentist licensed under chapter 466.

1673 (3) AUTHORIZED EXCLUSIONS.—Notwithstanding any other
1674 requirement in this section, an insurer may exclude medical
1675 payment benefits:

1676 (a) For injury sustained by the named insured or a resident
1677 relative while occupying another motor vehicle owned by the
1678 named insured and not insured under the policy, unless such
1679 vehicle qualifies as a newly acquired vehicle or temporary
1680 substitute vehicle.

1681 (b) For injury sustained by any person operating the
1682 insured motor vehicle without the express or implied consent of
1683 the insured.

1684 (c) For any person who intentionally causes injury to
1685 himself or herself.

1686 (d) For any person injured while committing a felony.

1687 (4) PAYMENT OF BENEFITS.—

1688 (a) Benefits due from an insurer under medical payments
1689 coverage are primary to any health insurance benefit of a person
1690 injured in a motor vehicle accident and apply to any coinsurance
1691 or deductible amount required by the injured person's health
1692 insurance policy, except that:



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1693 1. Benefits received under any workers' compensation law
1694 must be credited against medical payments coverage benefits, and
1695 are due and payable as losses accrue, upon reasonable proof of
1696 such losses and the amount of expenses and losses incurred which
1697 are covered by the policy issued under this section.

1698 2. When the Agency for Health Care Administration provides,
1699 pays for, or becomes liable for medical assistance under the
1700 Medicaid program which is related to injury, sickness, disease,
1701 or death arising out of the ownership, maintenance, or use of a
1702 motor vehicle, medical payments benefits are subject to the
1703 provisions of the Medicaid program, and, within 30 days after
1704 receiving notice that the Medicaid program paid such benefits,
1705 the insurer must repay the full amount of the benefits to the
1706 Medicaid program.

1707 (b) A medical payments insurance policy may include a
1708 provision allowing subrogation for medical payments benefits
1709 paid, if the expenses giving rise to the payments were caused by
1710 wrongful act or omission of another.

1711 (c) Upon receiving notice of an accident that is
1712 potentially covered by medical payments coverage benefits, the
1713 insurer must reserve \$2,500 of medical payments coverage
1714 benefits for payment to physicians licensed under chapter 458 or
1715 chapter 459 or dentists licensed under chapter 466 who provide
1716 emergency services and care, as defined in s. 395.002, or who
1717 provide hospital inpatient care. The amount required to be held
1718 in reserve may be used only to pay claims from such physicians
1719 or dentists until 30 days after the date the insurer receives
1720 notice of the accident. After the 30-day period, any amount of
1721 the reserve for which the insurer has not received notice of



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1722 such claims may be used by the insurer to pay other claims. This
1723 paragraph does not require an insurer to establish a claim
1724 reserve for insurance accounting purposes.

1725 (5) CHARGES FOR CARE OF INJURED PERSONS.—

1726 (a) A physician, hospital, clinic, or other person or
1727 institution lawfully providing medical care to an injured person
1728 for a bodily injury covered by medical payments coverage may
1729 charge the insurer and injured party only a reasonable amount
1730 pursuant to this section. However, such charges may not exceed
1731 the amount the person or institution customarily charges for
1732 like medical care. In determining whether a charge for a
1733 particular service, treatment, supply, or prescription is
1734 reasonable, consideration may be given to evidence of usual and
1735 customary charges and payments accepted by the provider involved
1736 in the dispute; reimbursement levels in the community and
1737 various federal and state medical fee schedules applicable to
1738 motor vehicle and other insurance coverages; and other
1739 information relevant to the reasonableness of the reimbursement
1740 for the service, treatment, supply, or prescription.

1741 1. The insurer may limit reimbursement to the following
1742 schedule of maximum charges:

1743 a. For emergency transport and treatment by providers
1744 licensed under chapter 401, 200 percent of Medicare.

1745 b. For emergency services and care provided by a hospital
1746 licensed under chapter 395, 75 percent of the hospital's usual
1747 and customary charges.

1748 c. For emergency services and care, as defined in s.
1749 395.002, provided in a facility licensed under chapter 395 and
1750 rendered by a physician or dentist, and related hospital



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1751 inpatient services rendered by a physician or dentist, the usual
1752 and customary charges in the community.

1753 d. For hospital inpatient services other than emergency
1754 services and care, 200 percent of the Medicare Part A
1755 prospective payment applicable to the specific hospital
1756 providing the inpatient services.

1757 e. For hospital outpatient services other than emergency
1758 services and care, 200 percent of the Medicare Part A Ambulatory
1759 Payment Classification for the specific hospital providing the
1760 outpatient services.

1761 f. For all other medical services, supplies, and care, 200
1762 percent of the allowable amount under:

1763 (I) The participating physician fee schedule of Medicare
1764 Part B, except as provided in sub-sub-subparagraphs (II) and
1765 (III).

1766 (II) Medicare Part B, in the case of services, supplies,
1767 and care provided by ambulatory surgical centers and clinical
1768 laboratories.

1769 (III) The Durable Medical Equipment Prosthetics/Orthotics
1770 and Supplies fee schedule of Medicare Part B, in the case of
1771 durable medical equipment.

1772
1773 However, if such services, supplies, or care is not reimbursable
1774 under Medicare Part B as provided in this sub-subparagraph, the
1775 insurer may limit reimbursement to 80 percent of the maximum
1776 reimbursable allowance under workers' compensation. Services,
1777 supplies, or care that is not reimbursable under Medicare or
1778 workers' compensation is not required to be reimbursed by the
1779 insurer.



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1780 2. For purposes of subparagraph 1., the applicable fee
1781 schedule or payment limitation under Medicare is the fee
1782 schedule or payment limitation in effect on March 1 of the
1783 service year in which the services, supplies, or care is
1784 rendered and for the area in which the services, supplies, or
1785 care is rendered. The applicable fee schedule or payment
1786 limitation applies to services, supplies, or care rendered
1787 during that service year notwithstanding any subsequent change
1788 made to the fee schedule or payment limitation; however, it may
1789 not be less than the allowable amount under the applicable
1790 schedule of Medicare Part B for 2007 for medical services,
1791 supplies, and care subject to Medicare Part B. For purposes of
1792 this subparagraph, the term "service year" means the period from
1793 March 1 through the end of February of the following year.

1794 3. For purposes of subparagraph 1., the applicable fee
1795 schedule or payment limitation under workers' compensation is
1796 determined under s. 440.13 and rules adopted thereunder which
1797 are in effect at the time such services, supplies, or care is
1798 provided.

1799 4. Subparagraph 1. does not authorize the insurer to apply
1800 any limitation on the number of treatments or other utilization
1801 limits that apply under Medicare or workers' compensation. An
1802 insurer that applies the allowable payment limitations of
1803 subparagraph 1. must reimburse a provider who lawfully provided
1804 medical care under the scope of his or her license, regardless
1805 of whether the provider is entitled to reimbursement under
1806 Medicare or workers' compensation due to restrictions or
1807 limitations on the types or discipline of health care providers
1808 who may be reimbursed for particular procedures or procedure



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1809 codes. However, subparagraph 1. does not prohibit an insurer
1810 from using the Medicare coding policies and payment
1811 methodologies of the federal Centers for Medicare and Medicaid
1812 Services, including applicable modifiers, to determine the
1813 appropriate amount of reimbursement for medical services,
1814 supplies, or care, if the coding policy or payment methodology
1815 does not constitute a utilization limit.

1816 5. If an insurer limits payment as authorized by
1817 subparagraph 1., the person providing such medical care may not
1818 bill or attempt to collect from the insured any amount in excess
1819 of such limits, except for amounts that are not covered by the
1820 insured's medical payments benefits due to the maximum policy
1821 limits.

1822 6. An insurer may limit payment as authorized by this
1823 paragraph only if the insurance policy includes a notice at the
1824 time of issuance or renewal that the insurer may limit payment
1825 pursuant to the schedule of charges specified in this paragraph.
1826 A policy form approved by the office satisfies this requirement.
1827 If a provider submits a charge for an amount less than the
1828 amount allowed under subparagraph 1., the insurer may pay the
1829 amount of the charge submitted.

1830 (b)1. An insurer or insured is not required to pay a claim
1831 or charges:

1832 a. For any service or treatment that was not lawful at the
1833 time rendered;

1834 b. To any person who knowingly submits a false or
1835 misleading statement relating to the claim or charges; or

1836 c. For any treatment or service that is upcoded or that is
1837 unbundled when the treatment or services should be bundled. To



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1838 facilitate prompt payment of lawful services, an insurer may
1839 change codes that it determines have been improperly or
1840 incorrectly upcoded or unbundled and may make payment based on
1841 the changed codes, without affecting the right of the provider
1842 to dispute the change by the insurer, if, before doing so, the
1843 insurer contacts the health care provider and discusses the
1844 reasons for the insurer's change and the health care provider's
1845 reason for the coding, or makes a reasonable good faith effort
1846 to do so, as documented in the insurer's file.

1847 2. The Department of Health, in consultation with the
1848 appropriate professional licensing boards, shall adopt by rule a
1849 list of diagnostic tests deemed not to be medically necessary
1850 for use in the treatment of persons sustaining bodily injury
1851 covered by medical payments benefits under this section. The
1852 list must be revised from time to time as determined by the
1853 Department of Health in consultation with the respective
1854 professional licensing boards. Inclusion of a test on the list
1855 must be based on a lack of demonstrated medical value and a
1856 level of general acceptance by the relevant provider community
1857 and may not be dependent on results based entirely upon
1858 subjective patient response. Notwithstanding its inclusion on a
1859 fee schedule in this subsection, an insurer or insured is not
1860 required to pay any charges or reimburse claims for an invalid
1861 diagnostic test as determined by the Department of Health.

1862 (c) With respect to any medical care other than medical
1863 services billed by a hospital or other provider for emergency
1864 services and care, as defined in s. 395.002, or inpatient
1865 services rendered at a hospital-owned facility, the statement of
1866 charges must be furnished to the insurer by the provider.



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1867 (d) All statements and bills for medical services rendered
1868 by a physician, hospital, clinic, or other person or institution
1869 must be submitted to the insurer on a properly completed Centers
1870 for Medicare and Medicaid Services Form CMS-1500, a UB-92 form,
1871 or any other standard form approved by the office and adopted by
1872 the commission for purposes of this paragraph. All billings for
1873 such services rendered by providers must, to the extent
1874 applicable, comply with the Form CMS-1500 instructions, the
1875 codes established by the American Medical Association's Current
1876 Procedural Terminology Editorial Panel, and the Healthcare
1877 Common Procedure Coding System (HCPCS) and must follow the
1878 Physicians' Current Procedural Terminology (CPT), the HCPCS in
1879 effect for the year in which services are rendered, and the
1880 International Classification of Diseases adopted by the United
1881 States Department of Health and Human Services in effect for the
1882 year in which services are rendered. The guidance for
1883 determining compliance with applicable CPT and HCPCS coding must
1884 be provided by the CPT or the HCPCS in effect for the year in
1885 which services were rendered, the Office of the Inspector
1886 General, Physicians Compliance Guidelines, and other
1887 authoritative treatises designated by rule by the Agency for
1888 Health Care Administration. A statement of medical services may
1889 not include charges for medical services of a person or entity
1890 that performed such services without possessing the valid
1891 licenses required to perform such services.

1892 (6) CIVIL ACTION FOR INSURANCE FRAUD.—An insurer has a
1893 cause of action against any person convicted of, or who,
1894 regardless of adjudication of guilt, pleads guilty or nolo
1895 contendere to, insurance fraud under s. 817.234, patient



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1896 brokering under s. 817.505, or kickbacks under s. 456.054,
1897 associated with a claim for medical payments coverage benefits
1898 in accordance with this section. An insurer prevailing in an
1899 action brought under this subsection may recover compensatory,
1900 consequential, and punitive damages subject to the requirements
1901 and limitations of part II of chapter 768 and attorney fees and
1902 costs incurred in litigating a cause of action against any
1903 person convicted of, or who, regardless of adjudication of
1904 guilt, pleads guilty or nolo contendere to, insurance fraud
1905 under s. 817.234, patient brokering under s. 817.505, or
1906 kickbacks under s. 456.054, associated with a claim for medical
1907 payments coverage benefits in accordance with this section.

1908 (7) FRAUD ADVISORY NOTICE.—Upon receiving notice of a claim
1909 under this section, an insurer shall provide a notice to the
1910 insured or to a person for whom a claim for reimbursement for
1911 diagnosis or treatment of injuries has been filed, advising
1912 that:

1913 (a) Pursuant to s. 626.9892, the department may pay rewards
1914 of up to \$25,000 to persons who provide information leading to
1915 the arrest and conviction of persons committing crimes
1916 investigated by the Division of Investigative and Forensic
1917 Services arising from violations of s. 440.105, s. 624.15, s.
1918 626.9541, s. 626.989, or s. 817.234.

1919 (b) Solicitation of a person injured in a motor vehicle
1920 crash for purposes of filing medical payments coverage or tort
1921 claims could be a violation of s. 817.234, s. 817.505, or the
1922 rules regulating The Florida Bar and should be immediately
1923 reported to the Division of Investigative and Forensic Services
1924 if such conduct has taken place.



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1925 (8) NONREIMBURSABLE CLAIMS.—Claims generated as a result of
1926 activities that are unlawful pursuant to s. 817.505 are not
1927 reimbursable.

1928 (9) SECURE ELECTRONIC DATA TRANSFER.—A notice,
1929 documentation, transmission, or communication of any kind
1930 required or authorized under this section may be transmitted
1931 electronically if it is transmitted by secure electronic data
1932 transfer that is consistent with state and federal privacy and
1933 security laws.

1934 Section 40. Subsections (1) and (7) of section 627.727,
1935 Florida Statutes, are amended, and present subsections (8), (9),
1936 and (10) of that section are redesignated as subsections (7),
1937 (8), and (9), respectively, to read:

1938 627.727 Motor vehicle insurance; uninsured and underinsured
1939 vehicle coverage; insolvent insurer protection.—

1940 (1) A ~~Ne~~ motor vehicle liability insurance policy that
1941 ~~which~~ provides bodily injury liability coverage may not shall be
1942 delivered or issued for delivery in this state with respect to
1943 any specifically insured or identified motor vehicle registered
1944 or principally garaged in this state, unless uninsured motor
1945 vehicle coverage is provided therein or supplemental thereto for
1946 the protection of persons insured thereunder who are legally
1947 entitled to recover damages from owners or operators of
1948 uninsured motor vehicles because of bodily injury, sickness, or
1949 disease, including death, resulting therefrom. However, the
1950 coverage required under this section is not applicable if when,
1951 or to the extent that, an insured named in the policy makes a
1952 written rejection of the coverage on behalf of all insureds
1953 under the policy. If when a motor vehicle is leased for ~~a period~~



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1954 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1955 of the lease contract, provides liability coverage on the leased
1956 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
1957 privilege to reject uninsured motorist coverage or to select
1958 lower limits than the bodily injury liability limits, regardless
1959 of whether the lessor is qualified as a self-insurer pursuant to
1960 s. 324.171. Unless an insured, or lessee having the privilege of
1961 rejecting uninsured motorist coverage, requests such coverage or
1962 requests higher uninsured motorist limits in writing, the
1963 coverage or such higher uninsured motorist limits need not be
1964 provided in or supplemental to any other policy which renews,
1965 extends, changes, supersedes, or replaces an existing policy
1966 with the same bodily injury liability limits when an insured or
1967 lessee had rejected the coverage. When an insured or lessee has
1968 initially selected limits of uninsured motorist coverage lower
1969 than her or his bodily injury liability limits, higher limits of
1970 uninsured motorist coverage need not be provided in or
1971 supplemental to any other policy that ~~which~~ renews, extends,
1972 changes, supersedes, or replaces an existing policy with the
1973 same bodily injury liability limits unless an insured requests
1974 higher uninsured motorist coverage in writing. The rejection or
1975 selection of lower limits must ~~shall~~ be made on a form approved
1976 by the office. The form must ~~shall~~ fully advise the applicant of
1977 the nature of the coverage and must ~~shall~~ state that the
1978 coverage is equal to bodily injury liability limits unless lower
1979 limits are requested or the coverage is rejected. The heading of
1980 the form must ~~shall~~ be in 12-point bold type and must ~~shall~~
1981 state: "You are electing not to purchase certain valuable
1982 coverage that ~~which~~ protects you and your family or you are



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1983 purchasing uninsured motorist limits less than your bodily
1984 injury liability limits when you sign this form. Please read
1985 carefully." If this form is signed by a named insured, it will
1986 be conclusively presumed that there was an informed, knowing
1987 rejection of coverage or election of lower limits on behalf of
1988 all insureds. The insurer shall notify the named insured at
1989 least annually of her or his options as to the coverage required
1990 by this section. Such notice must ~~shall~~ be part of, and attached
1991 to, the notice of premium, must ~~shall~~ provide for a means to
1992 allow the insured to request such coverage, and must ~~shall~~ be
1993 given in a manner approved by the office. Receipt of this notice
1994 does not constitute an affirmative waiver of the insured's right
1995 to uninsured motorist coverage if ~~where~~ the insured has not
1996 signed a selection or rejection form. The coverage described
1997 under this section must ~~shall~~ be over and above, but may ~~shall~~
1998 not duplicate, the benefits available to an insured under any
1999 workers' compensation law, ~~personal injury protection benefits,~~
2000 disability benefits law, or similar law; under any automobile
2001 medical payments ~~expense~~ coverage; under any motor vehicle
2002 liability insurance coverage; or from the owner or operator of
2003 the uninsured motor vehicle or any other person or organization
2004 jointly or severally liable together with such owner or operator
2005 for the accident; and such coverage must ~~shall~~ cover the
2006 difference, if any, between the sum of such benefits and the
2007 damages sustained, up to the maximum amount of such coverage
2008 provided under this section. The amount of coverage available
2009 under this section may ~~shall~~ not be reduced by a setoff against
2010 any coverage, including liability insurance. Such coverage does
2011 ~~shall~~ not inure directly or indirectly to the benefit of any



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2012 workers' compensation or disability benefits carrier or any
2013 person or organization qualifying as a self-insurer under any
2014 workers' compensation or disability benefits law or similar law.

2015 ~~(7) The legal liability of an uninsured motorist coverage~~
2016 ~~insurer does not include damages in tort for pain, suffering,~~
2017 ~~mental anguish, and inconvenience unless the injury or disease~~
2018 ~~is described in one or more of paragraphs (a) - (d) of s.~~
2019 ~~627.737(2).~~

2020 Section 41. Subsection (1) and paragraphs (a) and (b) of
2021 subsection (2) of section 627.7275, Florida Statutes, are
2022 amended to read:

2023 627.7275 Motor vehicle liability.—

2024 (1) A motor vehicle insurance policy ~~providing personal~~
2025 ~~injury protection as set forth in s. 627.736 may not be~~
2026 delivered or issued for delivery in this state for a with
2027 ~~respect to any~~ specifically insured or identified motor vehicle
2028 registered or principally garaged in this state must provide
2029 bodily injury liability coverage and unless the policy also
2030 ~~provides coverage for~~ property damage liability coverage as
2031 required under ~~by~~ s. 324.022, and medical payments coverage as
2032 required under s. 627.7265.

2033 (2) (a) Insurers writing motor vehicle insurance in this
2034 state shall make available, subject to the insurers' usual
2035 underwriting restrictions:

2036 1. Coverage under policies as described in subsection (1)
2037 to an applicant for private passenger motor vehicle insurance
2038 coverage who is seeking the coverage in order to reinstate the
2039 applicant's driving privileges in this state if the driving
2040 privileges were revoked or suspended pursuant to s. 316.646 or



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2041 s. 324.0221 due to the failure of the applicant to maintain
2042 required security.

2043 2. Coverage under policies as described in subsection (1),
2044 which includes bodily injury ~~also provides~~ liability coverage
2045 and property damage liability coverage ~~for bodily injury, death,~~
2046 ~~and property damage arising out of the ownership, maintenance,~~
2047 ~~or use of the motor vehicle~~ in an amount not less than the
2048 minimum limits required under ~~described in~~ s. 324.021(7) or s.
2049 324.023 and which conforms to the requirements of s. 324.151, to
2050 an applicant for private passenger motor vehicle insurance
2051 coverage who is seeking the coverage in order to reinstate the
2052 applicant's driving privileges in this state after such
2053 privileges were revoked or suspended under s. 316.193 or s.
2054 322.26(2) for driving under the influence.

2055 (b) The policies described in paragraph (a) must ~~shall~~ be
2056 issued for at least 6 months and, as to the minimum coverages
2057 required under this section, may not be canceled by the insured
2058 for any reason or by the insurer after 60 days, during which
2059 period the insurer is completing the underwriting of the policy.
2060 After the insurer has completed underwriting the policy, the
2061 insurer shall notify the Department of Highway Safety and Motor
2062 Vehicles that the policy is in full force and effect and is not
2063 cancelable for the remainder of the policy period. A premium
2064 must ~~shall~~ be collected and the coverage is in effect for the
2065 60-day period during which the insurer is completing the
2066 underwriting of the policy, whether or not the person's driver
2067 license, motor vehicle tag, and motor vehicle registration are
2068 in effect. Once the noncancelable provisions of the policy
2069 become effective, the bodily injury liability and property



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2070 damage liability coverages for bodily injury, property damage,
2071 and personal injury protection may not be reduced below the
2072 minimum limits required under s. 324.021 or s. 324.023 during
2073 the policy period, and the medical payments coverage may not be
2074 reduced below the minimum limit required under s. 627.7265.

2075 Section 42. Paragraph (a) of subsection (1) of section
2076 627.728, Florida Statutes, is amended to read:

2077 627.728 Cancellations; nonrenewals.—

2078 (1) As used in this section, the term:

2079 (a) "Policy" means the bodily injury and property damage
2080 liability, ~~personal injury protection~~, medical payments,
2081 comprehensive, collision, and uninsured motorist coverage
2082 portions of a policy of motor vehicle insurance delivered or
2083 issued for delivery in this state:

2084 1. Insuring a natural person as named insured or one or
2085 more related individuals who are residents ~~resident~~ of the same
2086 household; and

2087 2. Insuring only a motor vehicle of the private passenger
2088 type or station wagon type which is not used as a public or
2089 livery conveyance for passengers or rented to others; or
2090 insuring any other four-wheel motor vehicle having a load
2091 capacity of 1,500 pounds or less which is not used in the
2092 occupation, profession, or business of the insured other than
2093 farming; other than any policy issued under an automobile
2094 insurance assigned risk plan or covering garage, automobile
2095 sales agency, repair shop, service station, or public parking
2096 place operation hazards.

2097
2098 The term "policy" does not include a binder as defined in s.



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2099 627.420 unless the duration of the binder period exceeds 60
2100 days.

2101 Section 43. Subsection (1), paragraph (a) of subsection
2102 (5), and subsections (6) and (7) of section 627.7295, Florida
2103 Statutes, are amended to read:

2104 627.7295 Motor vehicle insurance contracts.—

2105 (1) As used in this section, the term:

2106 (a) "Policy" means a motor vehicle insurance policy that
2107 provides bodily injury liability ~~personal injury protection~~
2108 coverage, property damage liability coverage, and medical
2109 payments coverage ~~or both~~.

2110 (b) "Binder" means a binder that provides motor vehicle
2111 bodily injury liability coverage, ~~personal injury protection and~~
2112 property damage liability coverage, and medical payments
2113 coverage.

2114 (5) (a) A licensed general lines agent may charge a per-
2115 policy fee up to ~~not to exceed~~ \$10 to cover the administrative
2116 costs of the agent associated with selling the motor vehicle
2117 insurance policy if the policy covers only bodily injury
2118 liability coverage, ~~personal injury protection coverage as~~
2119 ~~provided by s. 627.736 and~~ property damage liability coverage,
2120 and medical payments coverage as provided by s. 627.7275 and if
2121 no other insurance is sold or issued in conjunction with or
2122 collateral to the policy. The fee is not ~~considered~~ part of the
2123 premium.

2124 (6) If a motor vehicle owner's driver license, license
2125 plate, and registration have previously been suspended pursuant
2126 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2127 only as provided in s. 627.7275.



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2128 (7) A policy of private passenger motor vehicle insurance
2129 or a binder for such a policy may be initially issued in this
2130 state only if, before the effective date of such binder or
2131 policy, the insurer or agent has collected ~~from the insured an~~
2132 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
2133 agent, or premium finance company may not, directly or
2134 indirectly, take any action that results ~~resulting~~ in the
2135 insured paying ~~having paid~~ from the insured's own funds an
2136 amount less than the 2 months' premium required by this
2137 subsection. This subsection applies without regard to whether
2138 the premium is financed by a premium finance company or is paid
2139 pursuant to a periodic payment plan of an insurer or an
2140 insurance agent.

2141 (a) This subsection does not apply:

2142 1. If an insured or member of the insured's family is
2143 renewing or replacing a policy or a binder for such policy
2144 written by the same insurer or a member of the same insurer
2145 group. ~~This subsection does not apply~~

2146 2. To an insurer that issues private passenger motor
2147 vehicle coverage primarily to active duty or former military
2148 personnel or their dependents. ~~This subsection does not apply~~

2149 3. If all policy payments are paid pursuant to a payroll
2150 deduction plan, an automatic electronic funds transfer payment
2151 plan from the policyholder, or a recurring credit card or debit
2152 card agreement with the insurer.

2153 (b) This subsection and subsection (4) do not apply if:

2154 1. All policy payments to an insurer are paid pursuant to
2155 an automatic electronic funds transfer payment plan from an
2156 agent, a managing general agent, or a premium finance company



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2157 and if the policy includes, at a minimum, bodily injury
2158 liability coverage, ~~personal injury protection pursuant to ss.~~
2159 ~~627.730-627.7405; motor vehicle property damage liability~~
2160 coverage, and medical payments coverage pursuant to s. 627.7275;
2161 ~~or and bodily injury liability in at least the amount of \$10,000~~
2162 ~~because of bodily injury to, or death of, one person in any one~~
2163 ~~accident and in the amount of \$20,000 because of bodily injury~~
2164 ~~to, or death of, two or more persons in any one accident. This~~
2165 ~~subsection and subsection (4) do not apply if~~

2166 2. An insured has had a policy in effect for at least 6
2167 months, the insured's agent is terminated by the insurer that
2168 issued the policy, and the insured obtains coverage on the
2169 policy's renewal date with a new company through the terminated
2170 agent.

2171 Section 44. Subsections (1) and (2) of section 627.7415,
2172 Florida Statutes, are amended to read:

2173 627.7415 Commercial motor vehicles; additional liability
2174 insurance coverage.—Commercial motor vehicles, as defined in s.
2175 207.002 or s. 320.01, operated upon the roads and highways of
2176 this state shall be insured with the ~~following~~ minimum levels of
2177 combined bodily liability insurance and property damage
2178 liability insurance under subsections (1) and (2) in addition to
2179 any other insurance requirements.÷

2180 (1) ~~Fifty thousand dollars per occurrence~~ For a commercial
2181 motor vehicle with a gross vehicle weight of 26,000 pounds or
2182 more, but less than 35,000 pounds:

2183 (a) Beginning January 1, 2019, through December 31, 2020,
2184 no less than \$50,000 per occurrence.

2185 (b) Beginning January 1, 2021, through December 31, 2022,



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2186 no less than \$60,000 per occurrence.

2187 (c) Beginning January 1, 2023, and thereafter, no less than
2188 \$70,000 per occurrence.

2189 ~~(2) One hundred thousand dollars per occurrence~~ For a
2190 commercial motor vehicle with a gross vehicle weight of 35,000
2191 pounds or more, but less than 44,000 pounds:

2192 (a) Beginning January 1, 2019, through December 31, 2020,
2193 no less than \$100,000 per occurrence.

2194 (b) Beginning January 1, 2021, through December 31, 2022,
2195 no less than \$120,000 per occurrence.

2196 (c) Beginning January 1, 2023, and thereafter, no less than
2197 \$140,000 per occurrence.

2198
2199 A violation of this section is a noncriminal traffic infraction,
2200 punishable as a nonmoving violation as provided in chapter 318.

2201 Section 45. Section 627.8405, Florida Statutes, is amended
2202 to read:

2203 627.8405 Prohibited acts; financing companies.—~~A~~ ~~No~~ premium
2204 finance company ~~shall~~, in a premium finance agreement or other
2205 agreement, may not finance the cost of or otherwise provide for
2206 the collection or remittance of dues, assessments, fees, or
2207 other periodic payments of money for the cost of:

2208 (1) A membership in an automobile club. The term
2209 "automobile club" means a legal entity that ~~which~~, in
2210 consideration of dues, assessments, or periodic payments of
2211 money, promises its members or subscribers to assist them in
2212 matters relating to the ownership, operation, use, or
2213 maintenance of a motor vehicle; however, the term ~~this~~
2214 ~~definition of "automobile club"~~ does not include persons,



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2215 associations, or corporations ~~which are~~ organized and operated
2216 solely for the purpose of conducting, sponsoring, or sanctioning
2217 motor vehicle races, exhibitions, or contests upon racetracks,
2218 or upon racecourses established and marked as such for the
2219 duration of such particular events. The term ~~words~~ "motor
2220 vehicle" used herein has ~~have~~ the same meaning as defined in
2221 chapter 320.

2222 (2) An accidental death and dismemberment policy sold in
2223 combination with a policy providing only medical payments
2224 coverage, bodily injury liability coverage, ~~personal injury~~
2225 ~~protection~~ and property damage liability coverage ~~only policy~~.

2226 (3) Any product not regulated under ~~the provisions of~~ this
2227 insurance code.

2228
2229 This section also applies to premium financing by any insurance
2230 agent or insurance company under part XVI. The commission shall
2231 adopt rules to assure disclosure, at the time of sale, of
2232 coverages financed ~~with personal injury protection~~ and shall
2233 prescribe the form of such disclosure.

2234 Section 46. Subsection (1) of section 627.915, Florida
2235 Statutes, is amended to read:

2236 627.915 Insurer experience reporting.-

2237 (1) Each insurer transacting private passenger automobile
2238 insurance in this state shall report certain information
2239 annually to the office. The information will be due on or before
2240 July 1 of each year. The information must ~~shall~~ be divided into
2241 the following categories: bodily injury liability; property
2242 damage liability; uninsured motorist; ~~personal injury protection~~
2243 ~~benefits~~; and medical payments; and comprehensive and collision. The



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2244 information given must ~~shall~~ be on direct insurance writings in
2245 the state alone and ~~shall~~ represent total limits data. The
2246 information set forth in paragraphs (a)-(f) is applicable to
2247 voluntary private passenger and Joint Underwriting Association
2248 private passenger writings and must ~~shall~~ be reported for each
2249 of the latest 3 calendar-accident years, with an evaluation date
2250 of March 31 of the current year. The information set forth in
2251 paragraphs (g)-(j) is applicable to voluntary private passenger
2252 writings and must ~~shall~~ be reported on a calendar-accident year
2253 basis ultimately seven times at seven different stages of
2254 development.

2255 (a) Premiums earned for the latest 3 calendar-accident
2256 years.

2257 (b) Loss development factors and the historic development
2258 of those factors.

2259 (c) Policyholder dividends incurred.

2260 (d) Expenses for other acquisition and general expense.

2261 (e) Expenses for agents' commissions and taxes, licenses,
2262 and fees.

2263 (f) Profit and contingency factors as utilized in the
2264 insurer's automobile rate filings for the applicable years.

2265 (g) Losses paid.

2266 (h) Losses unpaid.

2267 (i) Loss adjustment expenses paid.

2268 (j) Loss adjustment expenses unpaid.

2269 Section 47. Subsections (2) and (3) of section 628.909,
2270 Florida Statutes, are amended to read:

2271 628.909 Applicability of other laws.—

2272 (2) The following provisions of the Florida Insurance Code



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2273 apply to captive insurance companies who are not industrial
2274 insured captive insurance companies to the extent that such
2275 provisions are not inconsistent with this part:

2276 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2277 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2278 (b) Chapter 625, part II.

2279 (c) Chapter 626, part IX.

2280 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~
2281 ~~provided.~~

2282 ~~(e) Chapter 628.~~

2283 (3) The following provisions of the Florida Insurance Code
2284 ~~shall~~ apply to industrial insured captive insurance companies to
2285 the extent that such provisions are not inconsistent with this
2286 part:

2287 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2288 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2289 (b) Chapter 625, part II, if the industrial insured captive
2290 insurance company is incorporated in this state.

2291 (c) Chapter 626, part IX.

2292 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
2293 ~~provided.~~

2294 ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~
2295 ~~628.6018.~~

2296 Section 48. Subsections (2), (6), and (7) of section
2297 705.184, Florida Statutes, are amended to read:

2298 705.184 Derelict or abandoned motor vehicles on the
2299 premises of public-use airports.—

2300 (2) The airport director or the director's designee shall
2301 contact the Department of Highway Safety and Motor Vehicles to



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2302 notify that department that the airport has possession of the
2303 abandoned or derelict motor vehicle and to determine the name
2304 and address of the owner of the motor vehicle, the insurance
2305 company insuring the motor vehicle, ~~notwithstanding the~~
2306 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2307 the motor vehicle. Within 7 business days after receipt of the
2308 information, the director or the director's designee shall send
2309 notice by certified mail, return receipt requested, to the owner
2310 of the motor vehicle, the insurance company insuring the motor
2311 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2312 persons of record claiming a lien against the motor vehicle. The
2313 notice must ~~shall~~ state the fact of possession of the motor
2314 vehicle, that charges for reasonable towing, storage, and
2315 parking fees, if any, have accrued and the amount thereof, that
2316 a lien as provided in subsection (6) will be claimed, that the
2317 lien is subject to enforcement pursuant to law, that the owner
2318 or lienholder, if any, has the right to a hearing as set forth
2319 in subsection (4), and that any motor vehicle which, at the end
2320 of 30 calendar days after receipt of the notice, has not been
2321 removed from the airport upon payment in full of all accrued
2322 charges for reasonable towing, storage, and parking fees, if
2323 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2324 (d), or (e), including, but not limited to, the motor vehicle
2325 being sold free of all prior liens after 35 calendar days after
2326 the time the motor vehicle is stored if any prior liens on the
2327 motor vehicle are more than 5 years of age or after 50 calendar
2328 days after the time the motor vehicle is stored if any prior
2329 liens on the motor vehicle are 5 years of age or less.

2330 (6) The airport pursuant to this section or, if used, a



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2331 licensed independent wrecker company pursuant to s. 713.78 shall
2332 have a lien on an abandoned or derelict motor vehicle for all
2333 reasonable towing, storage, and accrued parking fees, if any,
2334 except that no storage fee may ~~shall~~ be charged if the motor
2335 vehicle is stored less than 6 hours. As a prerequisite to
2336 perfecting a lien under this section, the airport director or
2337 the director's designee must serve a notice in accordance with
2338 subsection (2) on the owner of the motor vehicle, the insurance
2339 company insuring the motor vehicle, ~~notwithstanding the~~
2340 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2341 lien against the motor vehicle. If attempts to notify the owner,
2342 the insurance company insuring the motor vehicle,
2343 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2344 not successful, the requirement of notice by mail shall be
2345 considered met. Serving of the notice does not dispense with
2346 recording the claim of lien.

2347 (7) (a) For the purpose of perfecting its lien under this
2348 section, the airport shall record a claim of lien which states
2349 ~~shall state:~~

2350 1. The name and address of the airport.

2351 2. The name of the owner of the motor vehicle, the
2352 insurance company insuring the motor vehicle, ~~notwithstanding~~
2353 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2354 a lien against the motor vehicle.

2355 3. The costs incurred from reasonable towing, storage, and
2356 parking fees, if any.

2357 4. A description of the motor vehicle sufficient for
2358 identification.

2359 (b) The claim of lien must ~~shall~~ be signed and sworn to or



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2360 affirmed by the airport director or the director's designee.

2361 (c) The claim of lien is ~~shall be~~ sufficient if it is in
2362 substantially the following form:

2363

2364 CLAIM OF LIEN

2365 State of

2366 County of

2367 Before me, the undersigned notary public, personally appeared

2368, who was duly sworn and says that he/she is the

2369 of, whose address is.....; and that the

2370 following described motor vehicle:

2371 ...(Description of motor vehicle)...

2372 owned by, whose address is, has accrued

2373 \$..... in fees for a reasonable tow, for storage, and for

2374 parking, if applicable; that the lienor served its notice to the

2375 owner, the insurance company insuring the motor vehicle

2376 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~

2377 and all persons of record claiming a lien against the motor

2378 vehicle on, ...(year)...., by.....

2379 ...(Signature)...

2380 Sworn to (or affirmed) and subscribed before me this day of

2381, ...(year)...., by ...(name of person making statement)....

2382 ...(Signature of Notary Public).....(Print, Type, or Stamp

2383 Commissioned name of Notary Public)...

2384 Personally Known....OR Produced....as identification.

2385

2386 However, the negligent inclusion or omission of any information

2387 in this claim of lien which does not prejudice the owner does

2388 not constitute a default that operates to defeat an otherwise



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2389 valid lien.

2390 (d) The claim of lien must ~~shall~~ be served on the owner of
2391 the motor vehicle, the insurance company insuring the motor
2392 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2393 persons of record claiming a lien against the motor vehicle. If
2394 attempts to notify the owner, the insurance company insuring the
2395 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
2396 lienholders are not successful, the requirement of notice by
2397 mail shall be considered met. The claim of lien must ~~shall~~ be so
2398 served before recordation.

2399 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2400 of court in the county where the airport is located. The
2401 recording of the claim of lien shall be constructive notice to
2402 all persons of the contents and effect of such claim. The lien
2403 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2404 ~~take~~ priority as of that time.

2405 Section 49. Subsection (4) of section 713.78, Florida
2406 Statutes, is amended to read:

2407 713.78 Liens for recovering, towing, or storing vehicles
2408 and vessels.—

2409 (4) (a) Any person regularly engaged in the business of
2410 recovering, towing, or storing vehicles or vessels who comes
2411 into possession of a vehicle or vessel pursuant to subsection
2412 (2), and who claims a lien for recovery, towing, or storage
2413 services, shall give notice to the registered owner, the
2414 insurance company insuring the vehicle ~~notwithstanding the~~
2415 ~~provisions of s. 627.736,~~ and to all persons claiming a lien
2416 thereon, as disclosed by the records in the Department of
2417 Highway Safety and Motor Vehicles or as disclosed by the records



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2418 of any corresponding agency in any other state in which the
2419 vehicle is identified through a records check of the National
2420 Motor Vehicle Title Information System or an equivalent
2421 commercially available system as being titled or registered.

2422 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
2423 removal of a vehicle or vessel or if a ~~whenever any~~ towing
2424 service, garage, repair shop, or automotive service, storage, or
2425 parking place notifies the law enforcement agency of possession
2426 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2427 enforcement agency of the jurisdiction where the vehicle or
2428 vessel is stored shall contact the Department of Highway Safety
2429 and Motor Vehicles, or the appropriate agency of the state of
2430 registration, if known, within 24 hours through the medium of
2431 electronic communications, giving the full description of the
2432 vehicle or vessel. Upon receipt of the full description of the
2433 vehicle or vessel, the department shall search its files to
2434 determine the owner's name, the insurance company insuring the
2435 vehicle or vessel, and whether any person has filed a lien upon
2436 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2437 notify the applicable law enforcement agency within 72 hours.
2438 The person in charge of the towing service, garage, repair shop,
2439 or automotive service, storage, or parking place shall obtain
2440 such information from the applicable law enforcement agency
2441 within 5 days after the date of storage and shall give notice
2442 pursuant to paragraph (a). The department may release the
2443 insurance company information to the requestor ~~notwithstanding~~
2444 ~~the provisions of s. 627.736.~~

2445 (c) Notice by certified mail must ~~shall~~ be sent within 7
2446 business days after the date of storage of the vehicle or vessel



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2447 to the registered owner, the insurance company insuring the
2448 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
2449 persons of record claiming a lien against the vehicle or vessel.
2450 The notice must ~~It shall~~ state the fact of possession of the
2451 vehicle or vessel, that a lien as provided in subsection (2) is
2452 claimed, that charges have accrued and the amount thereof, that
2453 the lien is subject to enforcement pursuant to law, ~~and~~ that the
2454 owner or lienholder, if any, has the right to a hearing as set
2455 forth in subsection (5), and that any vehicle or vessel which
2456 remains unclaimed, or for which the charges for recovery,
2457 towing, or storage services remain unpaid, may be sold free of
2458 all prior liens after 35 days if the vehicle or vessel is more
2459 than 3 years of age or after 50 days if the vehicle or vessel is
2460 3 years of age or less.

2461 (d) If attempts to locate the name and address of the owner
2462 or lienholder prove unsuccessful, the towing-storage operator
2463 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,
2464 of the initial tow or storage, notify the public agency of
2465 jurisdiction where the vehicle or vessel is stored in writing by
2466 certified mail or acknowledged hand delivery that the towing-
2467 storage company has been unable to locate the name and address
2468 of the owner or lienholder and a physical search of the vehicle
2469 or vessel has disclosed no ownership information and a good
2470 faith effort has been made, including records checks of the
2471 Department of Highway Safety and Motor Vehicles database and the
2472 National Motor Vehicle Title Information System or an equivalent
2473 commercially available system. As used in ~~For purposes of~~ this
2474 paragraph and subsection (9), the term "good faith effort" means
2475 that the following checks have been performed by the company to



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- 2476 establish prior state of registration and for title:
- 2477 1. Check of the Department of Highway Safety and Motor
- 2478 Vehicles database for the owner and any lienholder.
- 2479 2. Check of the electronic National Motor Vehicle Title
- 2480 Information System or an equivalent commercially available
- 2481 system to determine the state of registration when there is not
- 2482 a current registration record for the vehicle on file with the
- 2483 Department of Highway Safety and Motor Vehicles.
- 2484 3. Check of vehicle or vessel for any type of tag, tag
- 2485 record, temporary tag, or regular tag.
- 2486 4. Check of law enforcement report for tag number or other
- 2487 information identifying the vehicle or vessel, if the vehicle or
- 2488 vessel was towed at the request of a law enforcement officer.
- 2489 5. Check of trip sheet or tow ticket of tow truck operator
- 2490 to see if a tag was on vehicle or vessel at beginning of tow, if
- 2491 private tow.
- 2492 6. If there is no address of the owner on the impound
- 2493 report, check of law enforcement report to see if an out-of-
- 2494 state address is indicated from driver license information.
- 2495 7. Check of vehicle or vessel for inspection sticker or
- 2496 other stickers and decals that may indicate a state of possible
- 2497 registration.
- 2498 8. Check of the interior of the vehicle or vessel for any
- 2499 papers that may be in the glove box, trunk, or other areas for a
- 2500 state of registration.
- 2501 9. Check of vehicle for vehicle identification number.
- 2502 10. Check of vessel for vessel registration number.
- 2503 11. Check of vessel hull for a hull identification number
- 2504 which should be carved, burned, stamped, embossed, or otherwise



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2505 permanently affixed to the outboard side of the transom or, if
2506 there is no transom, to the outmost seaboard side at the end of
2507 the hull that bears the rudder or other steering mechanism.

2508 Section 50. Paragraph (a) of subsection (1), paragraph (c)
2509 of subsection (7), paragraphs (a), (b), and (c) of subsection
2510 (8), and subsections (9) and (10) of section 817.234, Florida
2511 Statutes, are amended to read:

2512 817.234 False and fraudulent insurance claims.—

2513 (1)(a) A person commits insurance fraud punishable as
2514 provided in subsection (11) if that person, with the intent to
2515 injure, defraud, or deceive any insurer:

2516 1. Presents or causes to be presented any written or oral
2517 statement as part of, or in support of, a claim for payment or
2518 other benefit pursuant to an insurance policy or a health
2519 maintenance organization subscriber or provider contract,
2520 knowing that such statement contains ~~any~~ false, incomplete, or
2521 misleading information concerning any fact or thing material to
2522 such claim;

2523 2. Prepares or makes any written or oral statement that is
2524 intended to be presented to an ~~any~~ insurer in connection with,
2525 or in support of, any claim for payment or other benefit
2526 pursuant to an insurance policy or a health maintenance
2527 organization subscriber or provider contract, knowing that such
2528 statement contains ~~any~~ false, incomplete, or misleading
2529 information concerning any fact or thing material to such claim;

2530 3.a. Knowingly presents, causes to be presented, or
2531 prepares or makes with knowledge or belief that it will be
2532 presented to an ~~any~~ insurer, purported insurer, servicing
2533 corporation, insurance broker, or insurance agent, or any



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2534 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2535 information or a written or oral statement as part of, or in
2536 support of, an application for the issuance of, or the rating
2537 of, any insurance policy, or a health maintenance organization
2538 subscriber or provider contract; or

2539 b. Knowingly conceals information concerning any fact
2540 material to such application; or

2541 4. Knowingly presents, causes to be presented, or prepares
2542 or makes with knowledge or belief that it will be presented to
2543 any insurer a claim for payment or other benefit under medical
2544 payments coverage in a motor vehicle ~~a personal injury~~
2545 ~~protection~~ insurance policy if the person knows that the payee
2546 knowingly submitted a false, misleading, or fraudulent
2547 application or other document when applying for licensure as a
2548 health care clinic, seeking an exemption from licensure as a
2549 health care clinic, or demonstrating compliance with part X of
2550 chapter 400.

2551 (7)

2552 ~~(c) An insurer, or any person acting at the direction of or~~
2553 ~~on behalf of an insurer, may not change an opinion in a mental~~
2554 ~~or physical report prepared under s. 627.736(7) or direct the~~
2555 ~~physician preparing the report to change such opinion; however,~~
2556 ~~this provision does not preclude the insurer from calling to the~~
2557 ~~attention of the physician errors of fact in the report based~~
2558 ~~upon information in the claim file. Any person who violates this~~
2559 ~~paragraph commits a felony of the third degree, punishable as~~
2560 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2561 (8) (a) It is unlawful for any person intending to defraud
2562 any other person to solicit or cause to be solicited any



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2563 business from a person involved in a motor vehicle accident for
2564 the purpose of making, adjusting, or settling motor vehicle tort
2565 claims or claims for benefits under medical payments coverage in
2566 a motor vehicle insurance policy ~~personal injury protection~~
2567 ~~benefits required by s. 627.736~~. Any person who violates ~~the~~
2568 ~~provisions of~~ this paragraph commits a felony of the second
2569 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2570 775.084. A person who is convicted of a violation of this
2571 subsection shall be sentenced to a minimum term of imprisonment
2572 of 2 years.

2573 (b) A person may not solicit or cause to be solicited any
2574 business from a person involved in a motor vehicle accident by
2575 any means of communication other than advertising directed to
2576 the public for the purpose of making motor vehicle tort claims
2577 or claims for benefits under medical payments coverage in a
2578 motor vehicle insurance policy ~~personal injury protection~~
2579 ~~benefits required by s. 627.736~~, within 60 days after the
2580 occurrence of the motor vehicle accident. Any person who
2581 violates this paragraph commits a felony of the third degree,
2582 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2583 (c) A lawyer, health care practitioner as defined in s.
2584 456.001, or owner or medical director of a clinic required to be
2585 licensed pursuant to s. 400.9905 may not, at any time after 60
2586 days have elapsed from the occurrence of a motor vehicle
2587 accident, solicit or cause to be solicited any business from a
2588 person involved in a motor vehicle accident by means of in
2589 person or telephone contact at the person's residence, for the
2590 purpose of making motor vehicle tort claims or claims for
2591 benefits under medical payments coverage in a motor vehicle



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2592 ~~insurance policy personal injury protection benefits required by~~
2593 ~~s. 627.736.~~ Any person who violates this paragraph commits a
2594 felony of the third degree, punishable as provided in s.
2595 775.082, s. 775.083, or s. 775.084.

2596 (9) A person may not organize, plan, or knowingly
2597 participate in an intentional motor vehicle crash or a scheme to
2598 create documentation of a motor vehicle crash that did not occur
2599 for the purpose of making motor vehicle tort claims or claims
2600 for benefits under medical payments coverage in a motor vehicle
2601 insurance policy ~~personal injury protection benefits as required~~
2602 ~~by s. 627.736.~~ Any person who violates this subsection commits a
2603 felony of the second degree, punishable as provided in s.
2604 775.082, s. 775.083, or s. 775.084. A person who is convicted of
2605 a violation of this subsection shall be sentenced to a minimum
2606 term of imprisonment of 2 years.

2607 (10) A licensed health care practitioner who is found
2608 guilty of insurance fraud under this section for an act relating
2609 to a motor vehicle ~~personal injury protection~~ insurance policy
2610 loses his or her license to practice for 5 years and may not
2611 receive reimbursement under medical payments coverage in a motor
2612 vehicle insurance policy ~~for personal injury protection benefits~~
2613 for 10 years.

2614 Section 51. Applicability and construction; notice to
2615 policyholders.—

2616 (1) As used in this section, the term "minimum security
2617 requirements" means security that enables a person to respond in
2618 damages for liability on account of crashes arising out of the
2619 ownership, maintenance, or use of a motor vehicle in the amounts
2620 required by s. 324.021(7), Florida Statutes.



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2621 (2) Effective January 1, 2019:
2622 (a) Motor vehicle insurance policies issued or renewed on
2623 or after that date may not include personal injury protection.
2624 (b) All persons subject to s. 324.022, s. 324.032, s.
2625 627.7415, or s. 627.742, Florida Statutes, must maintain at
2626 least minimum security requirements.
2627 (c) Any new or renewal motor vehicle insurance policy
2628 delivered or issued for delivery in this state must provide
2629 coverage that complies with minimum security requirements.
2630 (d) Any new or renewal motor vehicle insurance policy
2631 furnished to an owner or operator of a motor vehicle as proof of
2632 financial responsibility pursuant to s. 324.022 or s. 324.031,
2633 Florida Statutes, must provide medical payments coverage that
2634 complies with s. 627.7265, Florida Statutes.
2635 (e) An existing motor vehicle insurance policy issued
2636 before that date which provides personal injury protection and
2637 property damage liability coverage that meets the requirements
2638 of s. 324.022, Florida Statutes, on December 31, 2018, but which
2639 does not meet minimum security requirements on or after January
2640 1, 2019, is deemed to meet the security requirements of s.
2641 324.022, Florida Statutes, and the medical payments coverage
2642 requirements of s. 627.7265, Florida Statutes, until such policy
2643 is renewed, nonrenewed, or canceled on or after January 1, 2019.
2644 (3) Each insurer shall allow each insured who has a new or
2645 renewal policy providing personal injury protection, which
2646 becomes effective before January 1, 2019, and whose policy does
2647 not meet minimum security requirements on or after January 1,
2648 2019, to change coverages so as to eliminate personal injury
2649 protection and obtain coverage providing minimum security



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2650 requirements, which shall be effective on or after January 1,
2651 2019. The insurer is not required to provide coverage complying
2652 with minimum security requirements in such policies if the
2653 insured does not pay the required premium, if any, by January 1,
2654 2019, or such later date as the insurer may allow. Any reduction
2655 in the premium must be refunded by the insurer. The insurer may
2656 not impose on the insured an additional fee or charge that
2657 applies solely to a change in coverage; however, the insurer may
2658 charge an additional required premium that is actuarially
2659 indicated.

2660 (4) By September 1, 2018, each motor vehicle insurer shall
2661 provide notice of this section to each motor vehicle
2662 policyholder who is subject to this section. The notice is
2663 subject to approval by the Office of Insurance Regulation and
2664 must clearly inform the policyholder that:

2665 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2666 effective January 1, 2019, and that on or after that date, the
2667 insured is no longer required to maintain personal injury
2668 protection insurance coverage, that personal injury protection
2669 coverage is no longer available for purchase in this state, and
2670 that all new or renewal policies issued on or after that date do
2671 not contain such coverage.

2672 (b) Effective January 1, 2019, a person subject to the
2673 financial responsibility requirements of s. 324.022, Florida
2674 Statutes, must maintain minimum security requirements that
2675 enable the person to respond in damages for liability on account
2676 of accidents arising out of the use of a motor vehicle in the
2677 following amounts:

2678 1. Beginning January 1, 2019, and continuing through



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2679 December 31, 2020:

2680 a. Twenty thousand dollars for bodily injury to, or the
2681 death of, one person in any one crash and, subject to such
2682 limits for one person, in the amount of \$40,000 for bodily
2683 injury to, or the death of, two or more persons in any one
2684 crash; and

2685 b. Ten thousand dollars for damage to, or destruction of,
2686 the property of others in any one crash.

2687 2. Beginning January 1, 2021, and continuing through
2688 December 31, 2022:

2689 a. Twenty-five thousand dollars for bodily injury to, or
2690 the death of, one person in any one crash and, subject to such
2691 limits for one person, in the amount of \$50,000 for bodily
2692 injury to, or the death of, two or more persons in any one
2693 crash; and

2694 b. Ten thousand dollars for damage to, or destruction of,
2695 the property of others in any one crash.

2696 3. Beginning January 1, 2023, and continuing thereafter:

2697 a. Thirty thousand dollars for bodily injury to, or the
2698 death of, one person in any one crash and, subject to such
2699 limits for one person, in the amount of \$60,000 for bodily
2700 injury to, or the death of, two or more persons in any one
2701 crash; and

2702 b. Ten thousand dollars for damage to, or destruction of,
2703 the property of others in any one crash.

2704 (c) Personal injury protection insurance paid covered
2705 medical expenses for injuries sustained in a motor vehicle crash
2706 by the policyholder, passengers, and relatives residing in the
2707 policyholder's household.



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2708 (d) Bodily injury liability coverage protects the insured,
2709 up to the coverage limits, against loss if the insured is
2710 legally responsible for the death of or bodily injury to others
2711 in a motor vehicle accident.

2712 (e) Effective January 1, 2019, a person who purchases a
2713 motor vehicle liability insurance policy as proof of financial
2714 responsibility must maintain medical payments coverage that
2715 complies with s. 627.7265, Florida Statutes. Medical payments
2716 coverage pays covered medical expenses, up to the limits of such
2717 coverage, for injuries sustained in a motor vehicle crash by the
2718 policyholder, passengers, and relatives residing in the
2719 policyholder's household, as provided in s. 627.7265, Florida
2720 Statutes. Medical payments coverage also provides a death
2721 benefit of at least \$5,000. Medical payments coverage provides
2722 reimbursement for the following if medically necessary and if an
2723 individual initially receives such treatment within 14 days
2724 after the motor vehicle accident:

2725 1. Emergency transportation and treatment.
2726 2. Emergency services and care provided by a hospital.
2727 3. Emergency services and care provided by a licensed
2728 physician or licensed dentist in a hospital, ambulatory surgical
2729 center, or mobile surgical facility licensed under chapter 395,
2730 Florida Statutes, and related hospital inpatient care.

2731 4. Hospital inpatient services, other than emergency
2732 services and care.

2733 5. Hospital outpatient services, other than emergency
2734 services and care.

2735 6. Physician services and care provided by a physician
2736 licensed under chapter 458 or chapter 459, Florida Statutes, or



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2737 by a chiropractic physician licensed under chapter 460, Florida
2738 Statutes, or dental services and care provided by a dentist
2739 licensed under chapter 466, Florida Statutes.

2740 (f) The policyholder may obtain underinsured motorist
2741 coverage, which provides benefits, up to the limits of such
2742 coverage, to a policyholder or other insured entitled to recover
2743 damages for bodily injury, sickness, disease, or death resulting
2744 from a motor vehicle accident with an uninsured or underinsured
2745 owner or operator of a motor vehicle.

2746 (g) If the policyholder's new or renewal motor vehicle
2747 insurance policy is effective before January 1, 2019, and
2748 contains personal injury protection and property damage
2749 liability coverage as required by state law before January 1,
2750 2019, but does not meet minimum security requirements on or
2751 after January 1, 2019, the policy is deemed to meet minimum
2752 security requirements until it is renewed, nonrenewed, or
2753 canceled on or after January 1, 2019.

2754 (h) A policyholder whose new or renewal policy becomes
2755 effective before January 1, 2019, but does not meet minimum
2756 security requirements on or after January 1, 2019, may change
2757 coverages under the policy so as to eliminate personal injury
2758 protection and to obtain coverage providing minimum security
2759 requirements, including bodily injury liability coverage, which
2760 are effective on or after January 1, 2019.

2761 (i) If the policyholder has any questions, he or she should
2762 contact the person named at the telephone number provided in the
2763 notice.

2764 (5) This section takes effect upon this act becoming a law.
2765 Section 52. Application of suspensions for failure to



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2766 maintain security; reinstatement.-All suspensions for failure to
2767 maintain required security as required by law in effect before
2768 January 1, 2019, remain in full force and effect after January
2769 1, 2019. A driver may reinstate a suspended driver license or
2770 registration as provided under s. 324.0221, Florida Statutes.

2771 Section 53. For the 2018-2019 fiscal year, the sum of
2772 \$83,651 in nonrecurring funds is appropriated from the Insurance
2773 Regulatory Trust Fund to the Office of Insurance Regulation for
2774 the purpose of implementing this act.

2775 Section 54. Except as otherwise expressly provided in this
2776 act and except for this section, which shall take effect upon
2777 this act becoming a law, this act shall take effect January 1,
2778 2019.

2780 ===== T I T L E A M E N D M E N T =====

2781 And the title is amended as follows:

2782 Delete everything before the enacting clause
2783 and insert:

2784 A bill to be entitled
2785 An act relating to motor vehicle insurance; repealing
2786 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,
2787 627.734, 627.736, 627.737, 627.739, 627.7401,
2788 627.7403, and 627.7405, F.S., which comprise the
2789 Florida Motor Vehicle No-Fault Law; repealing s.
2790 627.7407, F.S., relating to application of the Florida
2791 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;
2792 revising a requirement for proof of security on a
2793 motor vehicle and the applicability of the
2794 requirement; amending s. 318.18, F.S.; conforming a



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2795 provision to changes made by the act; amending s.
2796 320.02, F.S.; revising the motor vehicle insurance
2797 coverages that an applicant must show to register
2798 certain vehicles with the Department of Highway Safety
2799 and Motor Vehicles; deleting a requirement that
2800 specified information be included on a certain
2801 insurance proof-of-purchase card; revising
2802 construction; amending s. 320.0609, F.S.; conforming a
2803 provision to changes made by the act; amending s.
2804 320.27, F.S.; defining the term "garage liability
2805 insurance"; revising garage liability insurance
2806 requirements for motor vehicle dealer applicants;
2807 conforming a provision to changes made by the act;
2808 amending s. 320.771, F.S.; revising garage liability
2809 insurance requirements for recreational vehicle dealer
2810 license applicants; amending ss. 322.251 and 322.34,
2811 F.S.; conforming provisions to changes made by the
2812 act; amending s. 324.011, F.S.; revising legislative
2813 intent; amending s. 324.021, F.S.; revising
2814 definitions of the terms "motor vehicle" and "proof of
2815 financial responsibility"; revising, at specified
2816 timeframes, minimum coverage requirements for proof of
2817 financial responsibility for specified motor vehicles;
2818 defining the term "for-hire passenger transportation
2819 vehicle"; conforming provisions to changes made by the
2820 act; amending s. 324.022, F.S.; revising, at specified
2821 timeframes, minimum liability coverage requirements
2822 for motor vehicle owners or operators; revising
2823 authorized methods for meeting such requirements;



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2824 revising the vehicles that are excluded from the
2825 definition of the term "motor vehicle" and providing
2826 security requirements for certain excluded vehicles;
2827 conforming provisions to changes made by the act;
2828 conforming cross-references; amending s. 324.0221,
2829 F.S.; revising applicability of certain insurer
2830 reporting and notice requirements as to policies
2831 providing certain coverages; conforming provisions to
2832 changes made by the act; amending s. 324.023, F.S.;
2833 conforming cross-references; amending s. 324.031,
2834 F.S.; revising applicability of a provision
2835 authorizing certain methods of proving financial
2836 responsibility; revising, at specified timeframes, the
2837 amount of a certificate of deposit required for a
2838 specified method of proof of financial responsibility;
2839 revising excess liability coverage requirements for a
2840 person electing to use such method; amending s.
2841 324.032, F.S.; revising financial responsibility
2842 requirements for owners or lessees of for-hire
2843 passenger transportation vehicles and the
2844 applicability of such requirements; revising a
2845 requirement for a motor vehicle liability policy
2846 obtained to comply with such requirements; amending
2847 ss. 324.051, 324.071, 324.091, and 324.151, F.S.;
2848 making technical changes; amending s. 324.161, F.S.;
2849 revising requirements for a certificate of deposit
2850 that is required if a person elects a certain method
2851 of providing financial responsibility; amending s.
2852 324.171, F.S.; revising, at specified timeframes, the



2853 minimum net worth requirements to qualify certain
2854 persons as self-insurers; conforming provisions to
2855 changes made by the act; amending s. 324.251, F.S.;
2856 revising the short title and an effective date;
2857 amending s. 400.9905, F.S.; revising the definition of
2858 the term "clinic"; amending ss. 400.991 and 400.9935,
2859 F.S.; conforming provisions to changes made by the
2860 act; amending s. 409.901, F.S.; revising the
2861 definition of the term "third-party benefit"; amending
2862 s. 409.910, F.S.; revising the definition of the term
2863 "medical coverage"; making technical changes; amending
2864 s. 456.057, F.S.; conforming a cross-reference;
2865 amending s. 456.072, F.S.; revising specified grounds
2866 for discipline for certain health professions;
2867 amending s. 626.9541, F.S.; conforming a provision to
2868 changes made by the act; revising the type of
2869 insurance coverage applicable to a certain prohibited
2870 act; conforming a cross-reference; amending s.
2871 626.989, F.S.; revising the definition of the term
2872 "fraudulent insurance act"; amending s. 627.06501,
2873 F.S.; revising coverages that may provide for a
2874 reduction in motor vehicle insurance policy premium
2875 charges under certain circumstances; amending s.
2876 627.0652, F.S.; revising coverages that must provide a
2877 premium charge reduction under certain circumstances;
2878 amending s. 627.0653, F.S.; revising coverages subject
2879 to premium discounts for specified motor vehicle
2880 equipment; amending s. 627.4132, F.S.; revising the
2881 coverages of a motor vehicle policy which are subject



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2882 to a stacking prohibition; amending s. 627.7263, F.S.;

2883 revising provisions relating to designation of primary

2884 coverages for rental and leasing driver's insurance;

2885 conforming provisions to changes made by the act;

2886 creating s. 627.7265, F.S.; requiring specified motor

2887 vehicle liability insurance policies to include

2888 medical payments coverage; specifying persons such

2889 coverage must protect; specifying the minimum medical

2890 expense coverage and minimum death benefit required

2891 under such coverage; providing construction relating

2892 to limits on certain other coverages; prohibiting

2893 insurers from offering such coverage to an applicant

2894 or policyholder with a deductible; specifying medical

2895 services and care required under such coverage;

2896 authorizing insurers to exclude medical payment

2897 benefits under certain circumstances; providing that

2898 medical payments benefits are primary to certain

2899 health insurance benefits and apply to the coinsurance

2900 or deductible amounts required by certain health

2901 insurance policies, except under certain

2902 circumstances; providing that a medical payments

2903 insurance policy, under certain circumstances, may

2904 include a subrogation provision for medical payments

2905 benefits paid; requiring insurers, upon receiving a

2906 certain notice, to hold a specified reserve for

2907 certain purposes for a specified time; providing that

2908 the reserve requirement does not require insurers to

2909 establish a claim reserve for accounting purposes;

2910 specifying requirements, procedures, limitations, and



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2911 prohibitions relating to charges and billing for care
2912 of bodily injuries under medical payments coverage;
2913 defining the term "service year"; requiring the
2914 Department of Health to adopt a certain rule;
2915 providing insurers a civil cause of action against
2916 certain persons who are convicted of or plead guilty
2917 or nolo contendere to certain acts of insurance fraud
2918 associated with claims for medical payments coverage
2919 benefits; requiring insurers receiving notice of a
2920 claim to provide a specified fraud advisory notice to
2921 certain persons; providing that claims generated as a
2922 result of certain patient brokering activities are
2923 nonreimbursable; authorizing notices, documentation,
2924 transmissions, or communications to be transferred
2925 electronically in a secure manner; amending s.
2926 627.727, F.S.; conforming provisions to changes made
2927 by the act; amending s. 627.7275, F.S.; revising
2928 applicability and required coverages for a motor
2929 vehicle insurance policy; conforming provisions to
2930 changes made by the act; amending s. 627.728, F.S.;
2931 conforming a provision to changes made by the act;
2932 amending s. 627.7295, F.S.; revising the definitions
2933 of the terms "policy" and "binder"; revising the
2934 coverages of a motor vehicle insurance policy for
2935 which a licensed general lines agent may charge a
2936 specified fee; revising applicability; conforming a
2937 cross-reference; amending s. 627.7415, F.S.; revising,
2938 at specified intervals, the minimum levels of certain
2939 liability insurance required for commercial motor



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2940 vehicles; amending s. 627.8405, F.S.; revising
2941 coverages in a policy sold in combination with an
2942 accidental death and dismemberment policy, which a
2943 premium finance company may not finance; revising
2944 rulemaking authority of the commission; amending ss.
2945 627.915, 628.909, 705.184, and 713.78, F.S.;
2946 conforming provisions to changes made by the act;
2947 amending s. 817.234, F.S.; revising coverages that are
2948 the basis of specified prohibited false and fraudulent
2949 insurance claims; conforming a provision to changes
2950 made by the act; conforming a cross-reference;
2951 providing applicability and construction relating to
2952 changes made by the act; defining the term "minimum
2953 security requirements"; providing requirements and
2954 procedures relating to motor vehicle insurance
2955 policies that include personal injury protection as of
2956 a specified date; requiring an insurer to provide, by
2957 a specified date, a specified notice to policyholders
2958 relating to requirements under the act; providing for
2959 construction relating to suspensions for failure to
2960 maintain required security in effect before a
2961 specified date; providing an appropriation; providing
2962 effective dates.



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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Health and Human Services (Lee)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
and 627.7405, Florida Statutes, which comprise the Florida Motor
Vehicle No-Fault Law, are repealed.

Section 2. Section 627.7407, Florida Statutes, is repealed.

Section 3. Subsection (1) of section 316.646, Florida



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11 Statutes, is amended to read:

12 316.646 Security required; proof of security and display
13 thereof.—

14 (1) Any person required by s. 324.022 to maintain liability
15 security for property damage, ~~liability security, required by s.~~
16 ~~324.023 to maintain liability security for~~ bodily injury, or
17 ~~death, or required by s. 627.733 to maintain personal injury~~
18 ~~protection security on a motor vehicle~~ shall have in his or her
19 immediate possession at all times while operating such motor
20 vehicle proper proof of maintenance of the ~~required~~ security
21 required under s. 324.021(7).

22 (a) Such proof must ~~shall~~ be in a uniform paper or
23 electronic format, as prescribed by the department, a valid
24 insurance policy, an insurance policy binder, a certificate of
25 insurance, or such other proof as may be prescribed by the
26 department.

27 (b)1. The act of presenting to a law enforcement officer an
28 electronic device displaying proof of insurance in an electronic
29 format does not constitute consent for the officer to access any
30 information on the device other than the displayed proof of
31 insurance.

32 2. The person who presents the device to the officer
33 assumes the liability for any resulting damage to the device.

34 Section 4. Paragraph (b) of subsection (2) of section
35 318.18, Florida Statutes, is amended to read:

36 318.18 Amount of penalties.—The penalties required for a
37 noncriminal disposition pursuant to s. 318.14 or a criminal
38 offense listed in s. 318.17 are as follows:

39 (2) Thirty dollars for all nonmoving traffic violations



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40 and:

41 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
42 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
43 320.07(1) shall be charged a delinquent fee pursuant to s.
44 320.07(4).

45 1. If a person who is cited for a violation of s. 320.0605
46 or s. 320.07 can show proof of having a valid registration at
47 the time of arrest, the clerk of the court may dismiss the case
48 and may assess a dismissal fee of up to \$10. A person who finds
49 it impossible or impractical to obtain a valid registration
50 certificate must submit an affidavit detailing the reasons for
51 the impossibility or impracticality. The reasons may include,
52 but are not limited to, the fact that the vehicle was sold,
53 stolen, or destroyed; that the state in which the vehicle is
54 registered does not issue a certificate of registration; or that
55 the vehicle is owned by another person.

56 2. If a person who is cited for a violation of s. 322.03,
57 s. 322.065, or s. 322.15 can show a driver license issued to him
58 or her and valid at the time of arrest, the clerk of the court
59 may dismiss the case and may assess a dismissal fee of up to
60 \$10.

61 3. If a person who is cited for a violation of s. 316.646
62 can show proof of security as required by s. 324.021(7) ~~s.~~
63 ~~627.733~~, issued to the person and valid at the time of arrest,
64 the clerk of the court may dismiss the case and may assess a
65 dismissal fee of up to \$10. A person who finds it impossible or
66 impractical to obtain proof of security must submit an affidavit
67 detailing the reasons for the impracticality. The reasons may
68 include, but are not limited to, the fact that the vehicle has



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69 since been sold, stolen, or destroyed; ~~that the owner or~~
70 ~~registrant of the vehicle is not required by s. 627.733 to~~
71 ~~maintain personal injury protection insurance;~~ or that the
72 vehicle is owned by another person.

73 Section 5. Paragraphs (a) and (d) of subsection (5) of
74 section 320.02, Florida Statutes, are amended to read:

75 320.02 Registration required; application for registration;
76 forms.—

77 (5) (a) Proof that bodily injury liability coverage and
78 property damage liability coverage ~~personal injury protection~~
79 ~~benefits~~ have been purchased if required under s. 324.022, s.
80 324.032, or s. 627.742, that medical payments coverage has been
81 purchased if required under s. 627.7265 ~~s. 627.733, that~~
82 ~~property damage liability coverage has been purchased as~~
83 ~~required under s. 324.022, that bodily injury liability or death~~
84 coverage has been purchased if required under s. 324.023, and
85 that combined bodily liability insurance and property damage
86 liability insurance have been purchased if required under s.
87 627.7415 must ~~shall~~ be provided in the manner prescribed by law
88 by the applicant at the time of application for registration of
89 any motor vehicle that is subject to such requirements. The
90 issuing agent may not ~~shall refuse to~~ issue registration if such
91 proof of purchase is not provided. Insurers shall furnish
92 uniform proof-of-purchase cards in a paper or electronic format
93 in a form prescribed by the department and include the name of
94 the insured's insurance company, the coverage identification
95 number, and the make, year, and vehicle identification number of
96 the vehicle insured. The card must contain a statement notifying
97 the applicant of the penalty specified under s. 316.646(4). The



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98 card or insurance policy, insurance policy binder, or
99 certificate of insurance or a photocopy of any of these; an
100 affidavit containing the name of the insured's insurance
101 company, the insured's policy number, and the make and year of
102 the vehicle insured; or such other proof as may be prescribed by
103 the department constitutes ~~shall constitute~~ sufficient proof of
104 purchase. If an affidavit is provided as proof, it must be in
105 substantially the following form:

106
107 Under penalty of perjury, I ...(Name of insured)... do hereby
108 certify that I have ...(bodily injury liability and Personal
109 ~~Injury Protection~~, property damage liability coverage, and
110 medical payments coverage, and, if required, Bodily Injury
111 Liability)... Insurance currently in effect with ...(Name of
112 insurance company)... under ...(policy number)... covering
113 ...(make, year, and vehicle identification number of
114 vehicle).... ...(Signature of Insured)...

115
116 Such affidavit must include the following warning:

117
118 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
119 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
120 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
121 SUBJECT TO PROSECUTION.

122
123 If an application is made through a licensed motor vehicle
124 dealer as required under s. 319.23, the original or a photocopy
125 ~~photostatic copy~~ of such card, insurance policy, insurance
126 policy binder, or certificate of insurance or the original



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127 affidavit from the insured must ~~shall~~ be forwarded by the dealer
128 to the tax collector of the county or the Department of Highway
129 Safety and Motor Vehicles for processing. By executing the
130 ~~aforsaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not
131 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
132 falsification of any statement contained therein. ~~A card must~~
133 ~~also indicate the existence of any bodily injury liability~~
134 ~~insurance voluntarily purchased.~~

135 (d) The verifying of ~~proof of personal injury protection~~
136 ~~insurance, proof of property damage liability insurance, proof~~
137 ~~of combined bodily liability insurance and property damage~~
138 ~~liability insurance, or proof of financial responsibility~~
139 ~~insurance~~ and the issuance or failure to issue the motor vehicle
140 registration under ~~the provisions of~~ this chapter may not be
141 construed in any court as a warranty of the reliability or
142 accuracy of the evidence of such proof, or that the provisions
143 of any insurance policy furnished as proof of financial
144 responsibility comply with state law. ~~Neither~~ The department or
145 ~~nor~~ any tax collector is not liable in damages for any
146 inadequacy, insufficiency, falsification, or unauthorized
147 modification of any item of ~~the proof of personal injury~~
148 ~~protection insurance, proof of property damage liability~~
149 ~~insurance, proof of combined bodily liability insurance and~~
150 ~~property damage liability insurance, or proof of financial~~
151 ~~responsibility~~ before ~~insurance prior to~~, during, or subsequent
152 to the verification of the proof. The issuance of a motor
153 vehicle registration does not constitute prima facie evidence or
154 a presumption of insurance coverage.

155 Section 6. Paragraph (b) of subsection (1) of section



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156 320.0609, Florida Statutes, is amended to read:

157 320.0609 Transfer and exchange of registration license
158 plates; transfer fee.—

159 (1)

160 (b) The transfer of a license plate from a vehicle disposed
161 of to a newly acquired vehicle does not constitute a new
162 registration. The application for transfer shall be accepted
163 without requiring proof of ~~personal injury protection or~~
164 liability insurance.

165 Section 7. Paragraph (g) is added to subsection (1) of
166 section 320.27, Florida Statutes, and subsection (3) of that
167 section is amended, to read:

168 320.27 Motor vehicle dealers.—

169 (1) DEFINITIONS.—The following words, terms, and phrases
170 when used in this section have the meanings respectively
171 ascribed to them in this subsection, except where the context
172 clearly indicates a different meaning:

173 (g) "Garage liability insurance" means combined single-
174 limit liability coverage, including property damage and bodily
175 injury liability coverage, in the amount of:

176 1. Beginning January 1, 2019, and continuing through
177 December 31, 2020, at least \$50,000.

178 2. Beginning January 1, 2021, and thereafter, at least
179 \$60,000.

180 (3) APPLICATION AND FEE.—The ~~application for the license~~
181 application must shall be in such form as may be prescribed by
182 the department and is shall be subject to such rules ~~with~~
183 ~~respect thereto~~ as may be so prescribed by the department it.
184 Such application must shall be verified by oath or affirmation



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185 and must ~~shall~~ contain a full statement of the name and birth
186 date of the person or persons applying for the license ~~therefor~~;
187 the name of the firm or copartnership, with the names and places
188 of residence of all members ~~thereof~~, if such applicant is a firm
189 or copartnership; the names and places of residence of the
190 principal officers, if the applicant is a body corporate or
191 other artificial body; the name of the state under whose laws
192 the corporation is organized; the present and former place or
193 places of residence of the applicant; and the prior business in
194 which the applicant has been engaged and its ~~the~~ location
195 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
196 location of the place of business and must ~~shall~~ state whether
197 the place of business is owned by the applicant and when
198 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
199 attached to the application. The applicant shall certify that
200 the location provides an adequately equipped office and is not a
201 residence; that the location affords sufficient unoccupied space
202 upon and within which adequately to store all motor vehicles
203 offered and displayed for sale; and that the location is a
204 suitable place where the applicant can in good faith carry on
205 such business and keep and maintain books, records, and files
206 necessary to conduct such business, which must ~~shall~~ be
207 available at all reasonable hours to inspection by the
208 department or any of its inspectors or other employees. The
209 applicant shall certify that the business of a motor vehicle
210 dealer is the principal business that will ~~which shall~~ be
211 conducted at that location. The application must ~~shall~~ contain a
212 statement that the applicant is either franchised by a
213 manufacturer of motor vehicles, in which case the name of each



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214 motor vehicle that the applicant is franchised to sell must
215 ~~shall~~ be included, or an independent (nonfranchised) motor
216 vehicle dealer. The application must ~~shall~~ contain other
217 relevant information as may be required by the department. The
218 applicant must furnish, including evidence, in a form approved
219 by the department, that the applicant is insured under a garage
220 liability insurance policy or a general liability insurance
221 policy coupled with a business automobile policy having the
222 garage liability insurance coverage required by this subsection,
223 ~~which shall include, at a minimum, \$25,000 combined single-limit~~
224 ~~liability coverage including bodily injury and property damage~~
225 ~~protection and \$10,000 personal injury protection.~~ However, a
226 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.
227 is exempt from the requirements for garage liability insurance
228 and medical payments coverage insurance ~~and personal injury~~
229 ~~protection insurance~~ on those vehicles that cannot be legally
230 operated on roads, highways, or streets in this state. Franchise
231 dealers must submit a garage liability insurance policy, and all
232 other dealers must submit a garage liability insurance policy or
233 a general liability insurance policy coupled with a business
234 automobile policy. Such policy must ~~shall~~ be for the license
235 period, and evidence of a new or continued policy must ~~shall~~ be
236 delivered to the department at the beginning of each license
237 period. Upon making an initial application, the applicant shall
238 pay to the department a fee of \$300 in addition to any other
239 fees required by law. Applicants may choose to extend the
240 licensure period for 1 additional year for a total of 2 years.
241 An initial applicant shall pay to the department a fee of \$300
242 for the first year and \$75 for the second year, in addition to



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243 any other fees required by law. An applicant for renewal shall
244 pay to the department \$75 for a 1-year renewal or \$150 for a 2-
245 year renewal, in addition to any other fees required by law.
246 Upon making an application for a change of location, the
247 applicant ~~person~~ shall pay a fee of \$50 in addition to any other
248 fees now required by law. The department shall, in the case of
249 every application for initial licensure, verify whether certain
250 facts set forth in the application are true. Each applicant,
251 general partner in the case of a partnership, or corporate
252 officer and director in the case of a corporate applicant shall~~r~~
253 ~~must~~ file a set of fingerprints with the department for the
254 purpose of determining any prior criminal record or any
255 outstanding warrants. The department shall submit the
256 fingerprints to the Department of Law Enforcement for state
257 processing and forwarding to the Federal Bureau of Investigation
258 for federal processing. The actual cost of state and federal
259 processing must ~~shall~~ be borne by the applicant and is in
260 addition to the fee for licensure. The department may issue a
261 license to an applicant pending the results of the fingerprint
262 investigation, which license is fully revocable if the
263 department subsequently determines that any facts set forth in
264 the application are not true or correctly represented.

265 Section 8. Paragraph (j) of subsection (3) of section
266 320.771, Florida Statutes, is amended to read:

267 320.771 License required of recreational vehicle dealers.-

268 (3) APPLICATION.-The application for such license shall be
269 in the form prescribed by the department and subject to such
270 rules as may be prescribed by it. The application shall be
271 verified by oath or affirmation and shall contain:



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272 (j) A statement that the applicant is insured under a
273 garage liability insurance policy in accordance with s.
274 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
275 ~~combined single limit liability coverage, including bodily~~
276 ~~injury and property damage protection, and \$10,000 personal~~
277 ~~injury protection~~, if the applicant is to be licensed as a
278 dealer in, or intends to sell, recreational vehicles.

279

280 The department shall, if it deems necessary, cause an
281 investigation to be made to ascertain if the facts set forth in
282 the application are true and shall not issue a license to the
283 applicant until it is satisfied that the facts set forth in the
284 application are true.

285 Section 9. Subsections (1) and (2) of section 322.251,
286 Florida Statutes, are amended to read:

287 322.251 Notice of cancellation, suspension, revocation, or
288 disqualification of license.—

289 (1) All orders of cancellation, suspension, revocation, or
290 disqualification issued under ~~the provisions of~~ this chapter,
291 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~
292 be given either by personal delivery thereof to the licensee
293 whose license is being canceled, suspended, revoked, or
294 disqualified or by deposit in the United States mail in an
295 envelope, first class, postage prepaid, addressed to the
296 licensee at his or her last known mailing address furnished to
297 the department. Such mailing by the department constitutes
298 notification, and any failure by the person to receive the
299 mailed order will not affect or stay the effective date or term
300 of the cancellation, suspension, revocation, or disqualification



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301 of the licensee's driving privilege.

302 (2) The giving of notice and an order of cancellation,
303 suspension, revocation, or disqualification by mail is complete
304 upon expiration of 20 days after deposit in the United States
305 mail for all notices except those issued under chapter 324 ~~or~~
306 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
307 the United States mail. Proof of the giving of notice and an
308 order of cancellation, suspension, revocation, or
309 disqualification in either manner must ~~shall~~ be made by entry in
310 the records of the department that such notice was given. The
311 entry is admissible in the courts of this state and constitutes
312 sufficient proof that such notice was given.

313 Section 10. Paragraph (a) of subsection (8) of section
314 322.34, Florida Statutes, is amended to read:

315 322.34 Driving while license suspended, revoked, canceled,
316 or disqualified.—

317 (8) (a) Upon the arrest of a person for the offense of
318 driving while the person's driver license or driving privilege
319 is suspended or revoked, the arresting officer shall determine:

320 1. Whether the person's driver license is suspended or
321 revoked.

322 2. Whether the person's driver license has remained
323 suspended or revoked since a conviction for the offense of
324 driving with a suspended or revoked license.

325 3. Whether the suspension or revocation was made under s.
326 316.646 ~~or s. 627.733~~, relating to failure to maintain required
327 security, or under s. 322.264, relating to habitual traffic
328 offenders.

329 4. Whether the driver is the registered owner or coowner of



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330 the vehicle.

331 Section 11. Section 324.011, Florida Statutes, is amended
332 to read:

333 324.011 Legislative intent and purpose of chapter.—It is
334 the Legislature's intent of this chapter to ensure that the
335 privilege of owning or operating a motor vehicle in this state
336 be exercised ~~recognize the existing privilege to own or operate~~
337 ~~a motor vehicle on the public streets and highways of this state~~
338 ~~when such vehicles are used with due consideration for others'~~
339 safety ~~others~~ and their property, ~~and~~ to promote safety, and to
340 provide financial security requirements for ~~such~~ owners and ~~or~~
341 operators whose responsibility it is to recompense others for
342 injury to person or property caused by the operation of a motor
343 vehicle. Therefore, this chapter requires that every owner or
344 operator of a motor vehicle required to be registered in this
345 state establish, maintain, and ~~it is required herein that the~~
346 ~~operator of a motor vehicle involved in a crash or convicted of~~
347 ~~certain traffic offenses meeting the operative provisions of s.~~
348 ~~324.051(2) shall respond for such damages and show proof of~~
349 financial ability to respond for damages arising out of the
350 ownership, maintenance, or use of a motor vehicle in future
351 accidents as a requisite to owning or operating a motor vehicle
352 in this state ~~his or her future exercise of such privileges.~~

353 Section 12. Subsections (1) and (7) and paragraph (c) of
354 subsection (9) of section 324.021, Florida Statutes, are
355 amended, and subsection (12) is added to that section, to read:

356 324.021 Definitions; minimum insurance required.—The
357 following words and phrases when used in this chapter shall, for
358 the purpose of this chapter, have the meanings respectively



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359 ascribed to them in this section, except in those instances
360 where the context clearly indicates a different meaning:

361 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
362 designed and required to be licensed for use upon a highway,
363 including trailers and semitrailers designed for use with such
364 vehicles, except traction engines, road rollers, farm tractors,
365 power shovels, and well drillers, and every vehicle that is
366 propelled by electric power obtained from overhead wires but not
367 operated upon rails, but not including any personal delivery
368 device as defined in s. 316.003, bicycle, or moped. ~~However, the~~
369 ~~term "motor vehicle" does not include a motor vehicle as defined~~
370 ~~in s. 627.732(3) when the owner of such vehicle has complied~~
371 ~~with the requirements of ss. 627.730-627.7405, inclusive, unless~~
372 ~~the provisions of s. 324.051 apply; and, in such case, the~~
373 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

374 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~That~~ Proof of
375 ability to respond in damages for liability on account of
376 crashes arising out of the ownership, maintenance, or use of a
377 motor vehicle:

378 (a) With respect to a motor vehicle that is not a
379 commercial motor vehicle, nonpublic sector bus, or for-hire
380 passenger transportation vehicle:

381 1. Beginning January 1, 2019, and continuing through
382 December 31, 2020, in the amount of:

383 a. Twenty thousand dollars for \$10,000 because of bodily
384 injury to, or the death of, one person in any one crash and,†

385 ~~(b)~~ subject to such limits for one person, in the amount of
386 \$40,000 for \$20,000 because of bodily injury to, or the death
387 of, two or more persons in any one crash; and



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388 b. Ten thousand dollars for damage to, or destruction of,
389 property of others in any one crash.

390 2. Beginning January 1, 2021, and thereafter, in the amount
391 of:

392 a. Twenty-five thousand dollars for bodily injury to, or
393 the death of, one person in any one crash and, subject to such
394 limits for one person, in the amount of \$50,000 for bodily
395 injury to, or the death of, two or more persons in any one
396 crash; and

397 b. ~~(e)~~ Ten thousand dollars for damage ~~In the amount of~~
398 ~~\$10,000 because of injury to, or destruction of, property of~~
399 ~~others in any one crash.; and~~

400 (b) ~~(d)~~ With respect to commercial motor vehicles ~~and~~
401 ~~nonpublic sector buses, in the amounts specified in s. 627.7415~~
402 ~~ss. 627.7415 and 627.742, respectively.~~

403 (c) With respect to nonpublic sector buses, in the amounts
404 specified in s. 627.742.

405 (d) With respect to for-hire passenger transportation
406 vehicles, in the amounts specified in s. 324.032.

407 (9) OWNER; OWNER/LESSOR.—

408 (c) *Application.*—

409 1. The limits on liability in subparagraphs (b)2. and 3. do
410 not apply to an owner of motor vehicles that are used for
411 commercial activity in the owner's ordinary course of business,
412 other than a rental company that rents or leases motor vehicles.
413 For purposes of this paragraph, the term "rental company"
414 includes only an entity that is engaged in the business of
415 renting or leasing motor vehicles to the general public and that
416 rents or leases a majority of its motor vehicles to persons with



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417 no direct or indirect affiliation with the rental company. The
418 term also includes a motor vehicle dealer that provides
419 temporary replacement vehicles to its customers for up to 10
420 days. The term "rental company" also includes:

421 a. A related rental or leasing company that is a subsidiary
422 of the same parent company as that of the renting or leasing
423 company that rented or leased the vehicle.

424 b. The holder of a motor vehicle title or an equity
425 interest in a motor vehicle title if the title or equity
426 interest is held pursuant to or to facilitate an asset-backed
427 securitization of a fleet of motor vehicles used solely in the
428 business of renting or leasing motor vehicles to the general
429 public and under the dominion and control of a rental company,
430 as described in this subparagraph, in the operation of such
431 rental company's business.

432 2. Furthermore, with respect to commercial motor vehicles
433 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
434 liability in subparagraphs (b)2. and 3. do not apply if, at the
435 time of the incident, the commercial motor vehicle is being used
436 in the transportation of materials found to be hazardous for the
437 purposes of the Hazardous Materials Transportation Authorization
438 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
439 required pursuant to such act to carry placards warning others
440 of the hazardous cargo, unless at the time of lease or rental
441 either:

442 a. The lessee indicates in writing that the vehicle will
443 not be used to transport materials found to be hazardous for the
444 purposes of the Hazardous Materials Transportation Authorization
445 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or



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446 b. The lessee or other operator of the commercial motor
447 vehicle has in effect insurance with limits of at least \$5
448 million ~~\$5,000,000~~ combined property damage and bodily injury
449 liability.

450 (12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every “for-
451 hire vehicle” as defined in s. 320.01(15) which is offered or
452 used to provide transportation for persons, including taxicabs,
453 limousines, and jitneys.

454 Section 13. Section 324.022, Florida Statutes, is amended
455 to read:

456 324.022 Financial responsibility requirements ~~for property~~
457 ~~damage.—~~

458 (1) (a) Every owner or operator of a motor vehicle required
459 to be registered in this state shall establish and continuously
460 maintain the ability to respond in damages for liability on
461 account of accidents arising out of the use of the motor vehicle
462 in the amount of:

463 1. Beginning January 1, 2019, and continuing through
464 December 31, 2020:

465 a. Twenty thousand dollars for bodily injury to, or the
466 death of, one person in any one crash and, subject to such
467 limits for one person, in the amount of \$40,000 for bodily
468 injury to, or the death of, two or more persons in any one
469 crash; and

470 b. Ten thousand dollars for damage to, or destruction of,
471 property of others in any one crash.

472 2. Beginning January 1, 2021, and thereafter:

473 a. Twenty-five thousand dollars for bodily injury to, or
474 the death of, one person in any one crash and, subject to such



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475 limits for one person, in the amount of \$50,000 for bodily
476 injury to, or the death of, two or more persons in any one
477 crash; and

478 b. Ten thousand dollars for ~~\$10,000 because of damage to,~~
479 ~~or destruction of, property of others in any one crash.~~

480 (b) The requirements of paragraph (a) this section may be
481 met by one of the methods established in s. 324.031; by self-
482 insuring as authorized by s. 768.28(16); or by maintaining
483 medical payments coverage under s. 627.7265 and a motor vehicle
484 liability insurance policy that an insurance policy providing
485 coverage for property damage liability in the amount of at least
486 \$10,000 because of damage to, or destruction of, property of
487 others in any one accident arising out of the use of the motor
488 vehicle. The requirements of this section may also be met by
489 having a policy which provides combined property damage
490 liability and bodily injury liability coverage for any one crash
491 arising out of the ownership, maintenance, or use of a motor
492 vehicle which conforms to the requirements of s. 324.151 in the
493 amount of:

494 1. At least \$50,000 for every owner or operator subject to
495 the financial responsibility required in subparagraph (1)(a)1.

496 2. At least \$60,000 for every owner or operator subject to
497 the financial responsibility required in subparagraph (1)(a)2.
498 ~~\$30,000 for combined property damage liability and bodily injury~~
499 ~~liability for any one crash arising out of the use of the motor~~
500 ~~vehicle. The policy, with respect to coverage for property~~
501 ~~damage liability, must meet the applicable requirements of s.~~
502 ~~324.151, subject to the usual policy exclusions that have been~~
503 ~~approved in policy forms by the Office of Insurance Regulation.~~



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504 ~~No insurer shall have any duty to defend uncovered claims~~
505 ~~irrespective of their joinder with covered claims.~~

506 (2) As used in this section, the term:

507 (a) "Motor vehicle" means any self-propelled vehicle that
508 has four or more wheels and that is of a type designed and
509 required to be licensed for use on the highways of this state,
510 and any trailer or semitrailer designed for use with such
511 vehicle. The term does not include the following:

512 1. A mobile home as defined in s. 320.01.

513 2. A motor vehicle that is used in mass transit and
514 designed to transport more than five passengers, exclusive of
515 the operator of the motor vehicle, and that is owned by a
516 municipality, transit authority, or political subdivision of the
517 state.

518 3. A school bus as defined in s. 1006.25, which shall
519 maintain security as required under s. 316.615.

520 4. A commercial motor vehicle as defined in s. 207.002 or
521 s. 320.01, which shall maintain security as required under ss.
522 324.031 and 627.7415.

523 5. A nonpublic sector bus, which shall maintain security as
524 required under ss. 324.031 and 627.742.

525 ~~6.4. A vehicle providing for-hire passenger transportation~~
526 ~~vehicle, which that is subject to the provisions of s. 324.031.~~
527 ~~A taxicab shall maintain security as required under s. 324.032~~
528 ~~s. 324.032(1).~~

529 ~~7.5. A personal delivery device as defined in s. 316.003.~~

530 (b) "Owner" means the person who holds legal title to a
531 motor vehicle or the debtor or lessee who has the right to
532 possession of a motor vehicle that is the subject of a security



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533 agreement or lease with an option to purchase.

534 (3) Each nonresident owner or registrant of a motor vehicle
535 that, whether operated or not, has been physically present
536 within this state for more than 90 days during the preceding 365
537 days shall maintain security as required by subsection (1). The
538 security must be that is in effect continuously throughout the
539 period the motor vehicle remains within this state.

540 (4) An ~~The~~ owner or registrant of a motor vehicle who is
541 ~~exempt from the requirements of this section if she or he is a~~
542 member of the United States Armed Forces and is called to or on
543 active duty outside the United States in an emergency situation
544 is exempt from this section while he or she. ~~The exemption~~
545 ~~provided by this subsection applies only as long as the member~~
546 ~~of the Armed Forces is on such active duty.~~ This exemption
547 outside the United States and applies only while the vehicle
548 covered by the security is not operated by any person. Upon
549 receipt of a written request by the insured to whom the
550 exemption provided in this subsection applies, the insurer shall
551 cancel the coverages and return any unearned premium or suspend
552 the security required by this section. Notwithstanding s.
553 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
554 registration or operator's license of an ~~any~~ owner or registrant
555 of a motor vehicle during the time she or he qualifies for the
556 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
557 of a motor vehicle who qualifies for the ~~an~~ exemption under this
558 subsection shall immediately notify the department before ~~prior~~
559 ~~to~~ and at the end of the expiration of the exemption.

560 Section 14. Subsections (1) and (2) of section 324.0221,
561 Florida Statutes, are amended to read:



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562 324.0221 Reports by insurers to the department; suspension
563 of driver license and vehicle registrations; reinstatement.—

564 (1) (a) Each insurer that has issued a policy providing
565 medical payments coverage or personal injury protection coverage
566 ~~or property damage~~ liability coverage shall report the
567 cancellation or nonrenewal thereof to the department within 10
568 days after the processing date or effective date of each
569 cancellation or nonrenewal. Upon the issuance of a policy
570 providing medical payments coverage or personal injury
571 ~~protection coverage or property damage~~ liability coverage to a
572 named insured not previously insured by the insurer during that
573 calendar year, the insurer shall report the issuance of the new
574 policy to the department within 10 days. The report must ~~shall~~
575 be in the form ~~and format~~ and contain any information required
576 by the department and must be provided in a format that is
577 compatible with the data processing capabilities of the
578 department. Failure by an insurer to file proper reports with
579 the department as required by this subsection constitutes a
580 violation of the Florida Insurance Code. These records may ~~shall~~
581 be used by the department only for enforcement and regulatory
582 purposes, including the generation by the department of data
583 regarding compliance by owners of motor vehicles with the
584 requirements for financial responsibility coverage.

585 (b) With respect to an insurance policy providing medical
586 payments coverage or personal injury protection coverage ~~or~~
587 ~~property damage~~ liability coverage, each insurer shall notify
588 the named insured, or the first-named insured in the case of a
589 commercial fleet policy, in writing that any cancellation or
590 nonrenewal of the policy will be reported by the insurer to the



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591 department. The notice must also inform the named insured that
592 failure to maintain medical payments coverage, bodily injury
593 liability ~~personal injury protection~~ coverage, and property
594 damage liability coverage on a motor vehicle when required by
595 law may result in the loss of registration and driving
596 privileges in this state and inform the named insured of the
597 amount of the reinstatement fees required by this section. This
598 notice is for informational purposes only, and an insurer is not
599 civilly liable for failing to provide this notice.

600 (2) The department shall suspend, after due notice and an
601 opportunity to be heard, the registration and driver license of
602 any owner or registrant of a motor vehicle for ~~with respect to~~
603 which security is required under s. 324.022, s. 324.032, s.
604 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

605 (a) The department's records showing that the owner or
606 registrant of such motor vehicle did not have the ~~in full force~~
607 ~~and effect when~~ required security in full force and effect ~~that~~
608 ~~complies with the requirements of ss. 324.022 and 627.733;~~ or

609 (b) Notification by the insurer to the department, in a
610 form approved by the department, of cancellation or termination
611 of the required security.

612 Section 15. Section 324.023, Florida Statutes, is amended
613 to read:

614 324.023 Financial responsibility for bodily injury or
615 death.—In addition to any other financial responsibility
616 required by law, every owner or operator of a motor vehicle that
617 is required to be registered in this state, or that is located
618 within this state, and who, regardless of adjudication of guilt,
619 has been found guilty of or entered a plea of guilty or nolo



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620 | contendere to a charge of driving under the influence under s.
621 | 316.193 after October 1, 2007, shall, by one of the methods
622 | established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
623 | establish and maintain the ability to respond in damages for
624 | liability on account of accidents arising out of the use of a
625 | motor vehicle in the amount of \$100,000 because of bodily injury
626 | to, or death of, one person in any one crash and, subject to
627 | such limits for one person, in the amount of \$300,000 because of
628 | bodily injury to, or death of, two or more persons in any one
629 | crash and in the amount of \$50,000 because of property damage in
630 | any one crash. If the owner or operator chooses to establish and
631 | maintain such ability by furnishing a certificate of deposit
632 | pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
633 | deposit must be at least \$350,000. Such higher limits must be
634 | carried for a minimum period of 3 years. If the owner or
635 | operator has not been convicted of driving under the influence
636 | or a felony traffic offense for a period of 3 years from the
637 | date of reinstatement of driving privileges for a violation of
638 | s. 316.193, the owner or operator shall be exempt from this
639 | section.

640 | Section 16. Section 324.031, Florida Statutes, is amended
641 | to read:

642 | 324.031 Manner of proving financial responsibility.-

643 | (1) ~~The owner or operator of a taxicab, limousine, jitney,~~
644 | ~~or any other for-hire passenger transportation vehicle may prove~~
645 | ~~financial responsibility by providing satisfactory evidence of~~
646 | ~~holding a motor vehicle liability policy as defined in s.~~
647 | ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
648 | ~~carrier which is a member of the Florida Insurance Guaranty~~



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649 ~~Association.~~ The operator or owner of a motor vehicle other than
650 a for-hire passenger transportation vehicle ~~any other vehicle~~
651 may prove his or her financial responsibility by:

652 (a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor
653 vehicle liability policy as defined in ss. 324.021(8) and
654 324.151;

655 (b) ~~(2)~~ Furnishing a certificate of self-insurance showing a
656 deposit of cash in accordance with s. 324.161; or

657 (c) ~~(3)~~ Furnishing a certificate of self-insurance issued by
658 the department in accordance with s. 324.171.

659 (2) (a) Any person, ~~including any firm, partnership,~~
660 ~~association, corporation, or other person, other than a natural~~
661 ~~person,~~ electing to use the method of proof specified in
662 paragraph (1) (b) subsection (2) shall furnish a certificate of
663 deposit equal to the number of vehicles owned times:

664 1. Fifty thousand dollars, to a maximum of \$200,000, from
665 January 1, 2019, through December 31, 2020.

666 2. Sixty thousand dollars ~~\$30,000,~~ to a maximum of
667 \$240,000, from January 1, 2021, and thereafter. ~~\$120,000;~~

668 (b) In addition, any such person, ~~other than a natural~~
669 ~~person,~~ shall maintain insurance providing coverage conforming
670 to the requirements of s. 324.151 in excess of the amount of the
671 certificate of deposit, with limits of at least:

672 1. One hundred twenty-five thousand dollars for bodily
673 injury to, or the death of, one person in any one crash and,
674 subject to such limits for one person, in the amount of \$250,000
675 for bodily injury to, or the death of, two or more persons in
676 any one crash, and \$50,000 for damage to, or destruction of,
677 property of others in any one crash; or ~~\$10,000/20,000/10,000 or~~



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678 ~~\$30,000 combined single limits, and such excess insurance shall~~
679 ~~provide minimum limits of \$125,000/250,000/50,000 or \$300,000~~
680 ~~combined single limits. These increased limits shall not affect~~
681 ~~the requirements for proving financial responsibility under s.~~
682 ~~324.032(1).~~

683 2. Three hundred thousand dollars for combined bodily
684 injury liability and property damage liability for any one
685 crash.

686 Section 17. Section 324.032, Florida Statutes, is amended
687 to read:

688 324.032 ~~Manner of proving~~ Financial responsibility ~~for~~
689 ~~for-hire passenger transportation vehicles. Notwithstanding the~~
690 ~~provisions of s. 324.031:~~

691 (1) An owner or lessee of a for-hire passenger
692 transportation vehicle that is required to be registered in this
693 state shall establish and continuously maintain the ability to
694 respond in damages for liability on account of accidents arising
695 out of the ownership, maintenance, or use of the for-hire
696 passenger transportation vehicle, in the amount of:

697 (a) One hundred twenty-five thousand dollars for bodily
698 injury to, or the death of, one person in any one crash and,
699 subject to such limits for one person, in the amount of \$250,000
700 for bodily injury to, or the death of, two or more persons in
701 any one crash; and ~~A person who is either the owner or a lessee~~
702 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
703 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
704 ~~for-hire passenger transportation vehicles may prove financial~~
705 ~~responsibility by furnishing satisfactory evidence of holding a~~
706 ~~motor vehicle liability policy, but with minimum limits of~~



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707 ~~\$125,000/250,000/50,000.~~

708 (b) Fifty thousand dollars for damage to, or destruction
709 of, property of others in any one crash ~~A person who is either~~
710 ~~the owner or a lessee required to maintain insurance under s.~~
711 ~~324.021(9) (b) and who operates limousines, jitneys, or any other~~
712 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
713 ~~financial responsibility by furnishing satisfactory evidence of~~
714 ~~holding a motor vehicle liability policy as defined in s.~~
715 ~~324.031.~~

716 (2) Except as provided in subsection (3), the requirements
717 of this section must be met by the owner or lessee providing
718 satisfactory evidence of holding a motor vehicle liability
719 policy conforming to the requirements of s. 324.151 which is
720 issued by an insurance carrier that is a member of the Florida
721 Insurance Guaranty Association.

722 (3) ~~(2)~~ ~~An owner or a lessee who is required to maintain~~
723 ~~insurance under s. 324.021(9) (b) and who operates at least 300~~
724 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
725 ~~transportation vehicles may provide financial responsibility by~~
726 ~~complying with the provisions of s. 324.171, such compliance to~~
727 ~~be demonstrated by maintaining at its principal place of~~
728 ~~business an audited financial statement, prepared in accordance~~
729 ~~with generally accepted accounting principles, and providing to~~
730 ~~the department a certification issued by a certified public~~
731 ~~accountant that the applicant's net worth is at least equal to~~
732 ~~the requirements of s. 324.171 as determined by the Office of~~
733 ~~Insurance Regulation of the Financial Services Commission,~~
734 ~~including claims liabilities in an amount certified as adequate~~
735 ~~by a Fellow of the Casualty Actuarial Society.~~



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Upon request by the department, the applicant shall ~~must~~ provide the department at the applicant's principal place of business in this state access to the applicant's underlying financial information and financial statements that provide the basis of the certified public accountant's certification. The applicant shall reimburse the requesting department for all reasonable costs incurred by it in reviewing the supporting information. The maximum amount of self-insurance permissible under this subsection is \$300,000 and must be stated on a per-occurrence basis, and the applicant shall maintain adequate excess insurance issued by an authorized or eligible insurer licensed or approved by the Office of Insurance Regulation. All risks self-insured shall remain with the owner or lessee providing it, and the risks are not transferable to any other person, unless a policy complying with subsections (1) and (2) ~~subsection (1)~~ is obtained.

Section 18. Paragraph (b) of subsection (2) of section 324.051, Florida Statutes, is amended to read:

324.051 Reports of crashes; suspensions of licenses and registrations.—

(2)

(b) This subsection does ~~shall~~ not apply:

1. To such operator or owner if such operator or owner had in effect at the time of such crash or traffic conviction a motor vehicle ~~an automobile~~ liability policy with respect to all of the registered motor vehicles owned by such operator or owner.

2. To such operator, if not the owner of such motor



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765 vehicle, if there was in effect at the time of such crash or
766 traffic conviction a motor vehicle ~~an automobile~~ liability
767 policy or bond with respect to his or her operation of motor
768 vehicles not owned by him or her.

769 3. To such operator or owner if the liability of such
770 operator or owner for damages resulting from such crash is, in
771 the judgment of the department, covered by any other form of
772 liability insurance or bond.

773 4. To any person who has obtained from the department a
774 certificate of self-insurance, in accordance with s. 324.171, or
775 to any person operating a motor vehicle for such self-insurer.

776
777 No such policy or bond shall be effective under this subsection
778 unless it contains limits of not less than those specified in s.
779 324.021(7).

780 Section 19. Section 324.071, Florida Statutes, is amended
781 to read:

782 324.071 Reinstatement; renewal of license; reinstatement
783 fee.—~~An~~ Any operator or owner whose license or registration has
784 been suspended pursuant to s. 324.051(2), s. 324.072, s.
785 324.081, or s. 324.121 may effect its reinstatement upon
786 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
787 s. 324.081(2) and (3), as the case may be, and with one of the
788 provisions of s. 324.031 and upon payment to the department of a
789 nonrefundable reinstatement fee of \$15. Only one such fee may
790 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
791 number of licenses and registrations to be then reinstated or
792 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
793 a department trust fund. ~~If~~ When the reinstatement of any



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794 license or registration is effected by compliance with s.
795 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
796 license or registration within ~~a period of~~ 3 years after ~~from~~
797 such reinstatement, nor may ~~shall~~ any other license or
798 registration be issued in the name of such person, unless the
799 operator continues ~~is continuing~~ to comply with ~~one of the~~
800 ~~provisions of~~ s. 324.031.

801 Section 20. Subsection (1) of section 324.091, Florida
802 Statutes, is amended to read:

803 324.091 Notice to department; notice to insurer.-

804 (1) Each owner and operator involved in a crash or
805 conviction case within the purview of this chapter shall furnish
806 evidence of automobile liability insurance or motor vehicle
807 liability insurance within 14 days after the date of the mailing
808 of notice of crash by the department in the form and manner as
809 it may designate. Upon receipt of evidence that a ~~an automobile~~
810 ~~liability policy or~~ motor vehicle liability policy was in effect
811 at the time of the crash or conviction case, the department
812 shall forward to the insurer such information for verification
813 in a method as determined by the department. The insurer shall
814 respond to the department within 20 days after the notice as to
815 whether or not such information is valid. If the department
816 determines that a ~~an automobile liability policy or~~ motor
817 vehicle liability policy was not in effect and did not provide
818 coverage for both the owner and the operator, it must ~~shall~~ take
819 action as it is authorized to do under this chapter.

820 Section 21. Section 324.151, Florida Statutes, is amended
821 to read:

822 324.151 Motor vehicle liability policies; required



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823 provisions.-

824 (1) A motor vehicle liability policy that serves as to be
825 proof of financial responsibility under s. 324.031(1) must
826 ~~shall~~ be issued to owners or operators of motor vehicles under
827 the following provisions:

828 (a) A motor vehicle ~~An owner's~~ liability insurance policy
829 issued to an owner of a motor vehicle registered in this state
830 must ~~shall~~ designate by explicit description or by appropriate
831 reference all motor vehicles for ~~with respect to~~ which coverage
832 is thereby granted. The policy must ~~and shall~~ insure the person
833 or persons ~~owner~~ named therein and any other person as operator
834 using such motor vehicle or motor vehicles with the express or
835 implied permission of such owner against loss from the liability
836 imposed by law for damage arising out of the ownership,
837 maintenance, or use of any ~~such~~ motor vehicle or motor vehicles
838 within the United States or the Dominion of Canada, subject to
839 limits, exclusive of interest and costs with respect to each
840 such motor vehicle as is provided for under s. 324.021(7).
841 Insurers may make available, with respect to property damage
842 liability coverage, a deductible amount not to exceed \$500. In
843 the event of a property damage loss covered by a policy
844 containing a property damage deductible provision, the insurer
845 shall pay to the third-party claimant the amount of any property
846 damage liability settlement or judgment, subject to policy
847 limits, as if no deductible existed.

848 (b) An operator's motor vehicle liability policy of
849 insurance must ~~shall~~ insure the person or persons named therein
850 against loss from the liability imposed ~~upon him or her~~ by law
851 for damages arising out of the use by the person of any motor



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852 vehicle not owned by him or her, with the same territorial
853 limits and subject to the same limits of liability as referred
854 to above with respect to an owner's policy of liability
855 insurance.

856 (c) All such motor vehicle liability policies must ~~shall~~
857 state the name and address of the named insured, the coverage
858 afforded by the policy, the premium charged therefor, the policy
859 period, the limits of liability, and must ~~shall~~ contain an
860 agreement or be endorsed that insurance is provided in
861 accordance with the coverage defined in this chapter ~~as respects~~
862 ~~bodily injury and death or property damage or both~~ and is
863 subject to all provisions of this chapter. The ~~Said~~ policies
864 must ~~shall~~ also contain a provision that the satisfaction by an
865 insured of a judgment for such injury or damage may ~~shall~~ not be
866 a condition precedent to the right or duty of the insurance
867 carrier to make payment on account of such injury or damage, and
868 must ~~shall~~ also contain a provision that bankruptcy or
869 insolvency of the insured or of the insured's estate may ~~shall~~
870 not relieve the insurance carrier of any of its obligations
871 under the ~~said~~ policy.

872 (2) ~~The provisions of~~ This section is ~~shall~~ not be
873 applicable to any automobile liability policy unless and until
874 it is furnished as proof of financial responsibility for the
875 future pursuant to s. 324.031, and then only from and after the
876 date the ~~said~~ policy is so furnished.

877 Section 22. Section 324.161, Florida Statutes, is amended
878 to read:

879 324.161 Proof of financial responsibility; deposit.—If a
880 person elects to prove his or her financial responsibility under



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881 the method of proof specified in s. 324.031(1)(b), he or she
882 must obtain proof of a certificate of deposit annually, in the
883 amount required under s. 324.031(2), from a financial
884 institution insured by the Federal Deposit Insurance Corporation
885 or the National Credit Union Administration. Proof of such
886 certificate of deposit ~~Annually, before any certificate of~~
887 ~~insurance may be issued to a person, including any firm,~~
888 ~~partnership, association, corporation, or other person, other~~
889 ~~than a natural person, proof of a certificate of deposit of~~
890 ~~\$30,000 issued and held by a financial institution must be~~
891 submitted to the department annually. A power of attorney will
892 be issued to and held by the department and may be executed upon
893 a judgment issued against such person making the deposit, for
894 damages for ~~because of~~ bodily injury to or death of any person
895 or for damages for ~~because of~~ injury to or destruction of
896 property resulting from the use or operation of any motor
897 vehicle occurring after such deposit was made. Money so
898 deposited is ~~shall~~ not be subject to attachment or execution
899 unless such attachment or execution arises ~~shall arise~~ out of a
900 lawsuit ~~suit~~ for such damages ~~as aforesaid~~.

901 Section 23. Subsections (1) and (2) of section 324.171,
902 Florida Statutes, are amended to read:

903 324.171 Self-insurer.—

904 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
905 a certificate of self-insurance from the department. ~~which may,~~
906 ~~in its discretion and~~ Upon application of such a person, the
907 department may issue a ~~said~~ certificate of self-insurance if the
908 applicant ~~when such person~~ has satisfied the requirements of
909 this section ~~to qualify as a self-insurer under this section:~~



910 (a) A private individual with private passenger vehicles
911 must ~~shall~~ possess a net unencumbered worth: ~~of~~
912 1. Beginning January 1, 2019, through December 31, 2020, of
913 at least \$80,000.
914 2. Beginning January 1, 2021, and thereafter, of at least
915 \$100,000 ~~\$40,000.~~
916 (b) A person, including any firm, partnership, association,
917 corporation, or other person, other than a natural person, must
918 ~~shall~~:
919 1. Possess a net unencumbered worth: ~~of~~
920 a. Beginning January 1, 2019, through December 31, 2020, of
921 at least \$80,000 for the first motor vehicle and \$40,000 for
922 each additional motor vehicle.
923 b. Beginning January 1, 2021, and thereafter, of at least
924 \$100,000 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~
925 for each additional motor vehicle; or
926 2. Maintain sufficient net worth, in an amount determined
927 by the department, to be financially responsible for potential
928 losses. The department shall annually determine the minimum net
929 worth sufficient to satisfy this subparagraph ~~as determined~~
930 ~~annually by the department,~~ pursuant to rules adopted
931 ~~promulgated~~ by the department, with the assistance of the Office
932 of Insurance Regulation of the Financial Services Commission, ~~to~~
933 ~~be financially responsible for potential losses.~~ The rules must
934 consider any ~~shall take into consideration~~ excess insurance
935 carried by the applicant. The department's determination must
936 ~~shall~~ be based upon reasonable actuarial principles considering
937 the frequency, severity, and loss development of claims incurred
938 by casualty insurers writing coverage on the type of motor



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939 vehicles for which a certificate of self-insurance is desired.

940 (c) The owner of a commercial motor vehicle, as defined in
941 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
942 to the standards provided ~~for~~ in subparagraph (b)2.

943 (2) The self-insurance certificate must ~~shall~~ provide
944 limits of liability insurance in the amounts specified under s.
945 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
946 ~~protection coverage under s. 627.733(3)(b).~~

947 Section 24. Section 324.251, Florida Statutes, is amended
948 to read:

949 324.251 Short title.—This chapter may be cited as the
950 “Financial Responsibility Law of 2018 1955” and is ~~shall become~~
951 effective at 12:01 a.m., January 1, 2019 ~~October 1, 1955~~.

952 Section 25. Subsection (4) of section 400.9905, Florida
953 Statutes, is amended to read:

954 400.9905 Definitions.—

955 (4) (a) “Clinic” means an entity where health care services
956 are provided to individuals and which tenders charges for
957 reimbursement for such services, including a mobile clinic and a
958 portable equipment provider. As used in this part, the term does
959 not include and the licensure requirements of this part do not
960 apply to:

961 1. ~~(a)~~ Entities licensed or registered by the state under
962 chapter 395; entities licensed or registered by the state and
963 providing only health care services within the scope of services
964 authorized under their respective licenses under ss. 383.30-
965 383.335, chapter 390, chapter 394, chapter 397, this chapter
966 except part X, chapter 429, chapter 463, chapter 465, chapter
967 466, chapter 478, part I of chapter 483, chapter 484, or chapter



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968 651; end-stage renal disease providers authorized under 42
969 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
970 part 485, subpart B or subpart H; or any entity that provides
971 neonatal or pediatric hospital-based health care services or
972 other health care services by licensed practitioners solely
973 within a hospital licensed under chapter 395.

974 2.~~(b)~~ Entities that own, directly or indirectly, entities
975 licensed or registered by the state pursuant to chapter 395;
976 entities that own, directly or indirectly, entities licensed or
977 registered by the state and providing only health care services
978 within the scope of services authorized pursuant to their
979 respective licenses under ss. 383.30-383.335, chapter 390,
980 chapter 394, chapter 397, this chapter except part X, chapter
981 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
982 of chapter 483, chapter 484, or chapter 651; end-stage renal
983 disease providers authorized under 42 C.F.R. part 405, subpart
984 U; providers certified under 42 C.F.R. part 485, subpart B or
985 subpart H; or any entity that provides neonatal or pediatric
986 hospital-based health care services by licensed practitioners
987 solely within a hospital licensed under chapter 395.

988 3.~~(c)~~ Entities that are owned, directly or indirectly, by
989 an entity licensed or registered by the state pursuant to
990 chapter 395; entities that are owned, directly or indirectly, by
991 an entity licensed or registered by the state and providing only
992 health care services within the scope of services authorized
993 pursuant to their respective licenses under ss. 383.30-383.335,
994 chapter 390, chapter 394, chapter 397, this chapter except part
995 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
996 478, part I of chapter 483, chapter 484, or chapter 651; end-



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997 stage renal disease providers authorized under 42 C.F.R. part
998 405, subpart U; providers certified under 42 C.F.R. part 485,
999 subpart B or subpart H; or any entity that provides neonatal or
1000 pediatric hospital-based health care services by licensed
1001 practitioners solely within a hospital under chapter 395.

1002 ~~4.(d)~~ Entities that are under common ownership, directly or
1003 indirectly, with an entity licensed or registered by the state
1004 pursuant to chapter 395; entities that are under common
1005 ownership, directly or indirectly, with an entity licensed or
1006 registered by the state and providing only health care services
1007 within the scope of services authorized pursuant to their
1008 respective licenses under ss. 383.30-383.335, chapter 390,
1009 chapter 394, chapter 397, this chapter except part X, chapter
1010 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1011 of chapter 483, chapter 484, or chapter 651; end-stage renal
1012 disease providers authorized under 42 C.F.R. part 405, subpart
1013 U; providers certified under 42 C.F.R. part 485, subpart B or
1014 subpart H; or any entity that provides neonatal or pediatric
1015 hospital-based health care services by licensed practitioners
1016 solely within a hospital licensed under chapter 395.

1017 ~~5.(e)~~ An entity that is exempt from federal taxation under
1018 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1019 under 26 U.S.C. s. 409 that has a board of trustees at least
1020 two-thirds of which are Florida-licensed health care
1021 practitioners and provides only physical therapy services under
1022 physician orders, any community college or university clinic,
1023 and any entity owned or operated by the federal or state
1024 government, including agencies, subdivisions, or municipalities
1025 thereof.



1026 ~~6.(f)~~ A sole proprietorship, group practice, partnership,
1027 or corporation that provides health care services by physicians
1028 covered by s. 627.419, that is directly supervised by one or
1029 more of such physicians, and that is wholly owned by one or more
1030 of those physicians or by a physician and the spouse, parent,
1031 child, or sibling of that physician.

1032 ~~7.(g)~~ A sole proprietorship, group practice, partnership,
1033 or corporation that provides health care services by licensed
1034 health care practitioners under chapter 457, chapter 458,
1035 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1036 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1037 chapter 490, chapter 491, or part I, part III, part X, part
1038 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1039 wholly owned by one or more licensed health care practitioners,
1040 or the licensed health care practitioners set forth in this
1041 paragraph and the spouse, parent, child, or sibling of a
1042 licensed health care practitioner if one of the owners who is a
1043 licensed health care practitioner is supervising the business
1044 activities and is legally responsible for the entity's
1045 compliance with all federal and state laws. However, a health
1046 care practitioner may not supervise services beyond the scope of
1047 the practitioner's license, except that, for the purposes of
1048 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1049 which provides only services authorized pursuant to s.
1050 456.053(3)(b) may be supervised by a licensee specified in s.
1051 456.053(3)(b).

1052 ~~8.(h)~~ Clinical facilities affiliated with an accredited
1053 medical school at which training is provided for medical
1054 students, residents, or fellows.



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1055 9.~~(i)~~ Entities that provide only oncology or radiation
1056 therapy services by physicians licensed under chapter 458 or
1057 chapter 459 or entities that provide oncology or radiation
1058 therapy services by physicians licensed under chapter 458 or
1059 chapter 459 which are owned by a corporation whose shares are
1060 publicly traded on a recognized stock exchange.

1061 10.~~(j)~~ Clinical facilities affiliated with a college of
1062 chiropractic accredited by the Council on Chiropractic Education
1063 at which training is provided for chiropractic students.

1064 11.~~(k)~~ Entities that provide licensed practitioners to
1065 staff emergency departments or to deliver anesthesia services in
1066 facilities licensed under chapter 395 and that derive at least
1067 90 percent of their gross annual revenues from the provision of
1068 such services. Entities claiming an exemption from licensure
1069 under this paragraph must provide documentation demonstrating
1070 compliance.

1071 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
1072 perinatology clinical facilities or anesthesia clinical
1073 facilities that are not otherwise exempt under paragraph (a) or
1074 paragraph (k) and that are a publicly traded corporation or are
1075 wholly owned, directly or indirectly, by a publicly traded
1076 corporation. As used in this paragraph, a publicly traded
1077 corporation is a corporation that issues securities traded on an
1078 exchange registered with the United States Securities and
1079 Exchange Commission as a national securities exchange.

1080 13.~~(m)~~ Entities that are owned by a corporation that has
1081 \$250 million or more in total annual sales of health care
1082 services provided by licensed health care practitioners where
1083 one or more of the persons responsible for the operations of the



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1084 entity is a health care practitioner who is licensed in this
1085 state and who is responsible for supervising the business
1086 activities of the entity and is responsible for the entity's
1087 compliance with state law for purposes of this part.

1088 14.~~(n)~~ Entities that employ 50 or more licensed health care
1089 practitioners licensed under chapter 458 or chapter 459 where
1090 the billing for medical services is under a single tax
1091 identification number. The application for exemption under this
1092 subsection must include ~~shall contain information that includes:~~
1093 the name, residence, and business address and telephone ~~phone~~
1094 number of the entity that owns the practice; a complete list of
1095 the names and contact information of all the officers and
1096 directors of the corporation; the name, residence address,
1097 business address, and medical license number of each licensed
1098 Florida health care practitioner employed by the entity; the
1099 corporate tax identification number of the entity seeking an
1100 exemption; a listing of health care services to be provided by
1101 the entity at the health care clinics owned or operated by the
1102 entity; and a certified statement prepared by an independent
1103 certified public accountant which states that the entity and the
1104 health care clinics owned or operated by the entity have not
1105 received payment for health care services under medical payments
1106 ~~personal injury protection~~ insurance coverage for the preceding
1107 year. If the agency determines that an entity that ~~which~~ is
1108 exempt under this subsection has received payments for medical
1109 services under medical payments ~~personal injury protection~~
1110 insurance coverage, the agency may deny or revoke the exemption
1111 from licensure under this subsection.

1112 (b) Notwithstanding this subsection, an entity shall be



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1113 deemed a clinic and must be licensed under this part in order to
1114 receive medical payments coverage reimbursement under s.
1115 627.7265 unless the entity is: ~~the Florida Motor Vehicle No-~~
1116 ~~Fault Law, ss. 627.730-627.7405, unless exempted under s.~~
1117 ~~627.736(5) (h).~~

1118 1. Wholly owned by a physician licensed under chapter 458
1119 or chapter 459, or by the physician and the spouse, parent,
1120 child, or sibling of the physician;

1121 2. Wholly owned by a dentist licensed under chapter 466, or
1122 by the dentist and the spouse, parent, child, or sibling of the
1123 dentist;

1124 3. Wholly owned by a chiropractic physician licensed under
1125 chapter 460, or by the chiropractic physician and the spouse,
1126 parent, child, or sibling of the chiropractic physician;

1127 4. A hospital or ambulatory surgical center licensed under
1128 chapter 395;

1129 5. An entity that wholly owns or is wholly owned, directly
1130 or indirectly, by a hospital or hospitals licensed under chapter
1131 395;

1132 6. Is a clinical facility affiliated with an accredited
1133 medical school at which training is provided for medical
1134 students, residents, or fellows;

1135 7. Is certified under 42 C.F.R. part 485, subpart H; or

1136 8. Is owned by a publicly traded corporation, either
1137 directly or indirectly through its subsidiaries, which has \$250
1138 million or more in total annual sales of health care services
1139 provided by licensed health care practitioners, if one or more
1140 of the persons responsible for the operations of the entity are
1141 health care practitioners who are licensed in this state and are



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1142 responsible for supervising the business activities of the
1143 entity and the entity's compliance with state law for purposes
1144 of this section.

1145 Section 26. Subsection (6) of section 400.991, Florida
1146 Statutes, is amended to read:

1147 400.991 License requirements; background screenings;
1148 prohibitions.-

1149 (6) All agency forms for licensure application or exemption
1150 from licensure under this part must contain the following
1151 statement:

1152
1153 INSURANCE FRAUD NOTICE.-A person commits a fraudulent
1154 insurance act, as defined in s. 626.989, Florida
1155 Statutes, if the person who knowingly submits a false,
1156 misleading, or fraudulent application or other
1157 document when applying for licensure as a health care
1158 clinic, seeking an exemption from licensure as a
1159 health care clinic, or demonstrating compliance with
1160 part X of chapter 400, Florida Statutes, with the
1161 intent to use the license, exemption from licensure,
1162 or demonstration of compliance to provide services or
1163 seek reimbursement under a motor vehicle liability
1164 insurance policy's medical payments coverage the
1165 Florida Motor Vehicle No-Fault Law, commits a
1166 fraudulent insurance act, as defined in s. 626.989,
1167 Florida Statutes. A person who presents a claim for
1168 benefits under medical payments coverage, personal
1169 injury protection benefits knowing that the payee
1170 knowingly submitted such health care clinic



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1171 application or document, commits insurance fraud, as
1172 defined in s. 817.234, Florida Statutes.

1173 Section 27. Paragraph (g) of subsection (1) of section
1174 400.9935, Florida Statutes, is amended to read:

1175 400.9935 Clinic responsibilities.-

1176 (1) Each clinic shall appoint a medical director or clinic
1177 director who shall agree in writing to accept legal
1178 responsibility for the following activities on behalf of the
1179 clinic. The medical director or the clinic director shall:

1180 (g) Conduct systematic reviews of clinic billings to ensure
1181 that the billings are not fraudulent or unlawful. Upon discovery
1182 of an unlawful charge, the medical director or clinic director
1183 shall take immediate corrective action. If the clinic performs
1184 only the technical component of magnetic resonance imaging,
1185 static radiographs, computed tomography, or positron emission
1186 tomography, and provides the professional interpretation of such
1187 services, in a fixed facility that is accredited by a national
1188 accrediting organization that is approved by the Centers for
1189 Medicare and Medicaid Services for magnetic resonance imaging
1190 and advanced diagnostic imaging services and if, in the
1191 preceding quarter, the percentage of scans performed by that
1192 clinic which was billed to motor vehicle ~~all personal injury~~
1193 ~~protection~~ insurance carriers under medical payments coverage
1194 was less than 15 percent, the chief financial officer of the
1195 clinic may, in a written acknowledgment provided to the agency,
1196 assume the responsibility for the conduct of the systematic
1197 reviews of clinic billings to ensure that the billings are not
1198 fraudulent or unlawful.

1199 Section 28. Subsection (28) of section 409.901, Florida



1200 Statutes, is amended to read:

1201 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1202 409.901-409.920, except as otherwise specifically provided, the
1203 term:

1204 (28) "Third-party benefit" means any benefit that is or may
1205 be available at any time through contract, court award,
1206 judgment, settlement, agreement, or any arrangement between a
1207 third party and any person or entity, including, without
1208 limitation, a Medicaid recipient, a provider, another third
1209 party, an insurer, or the agency, for any Medicaid-covered
1210 injury, illness, goods, or services, including costs of medical
1211 services related thereto, for bodily ~~personal~~ injury or for
1212 death of the recipient, but specifically excluding ~~policies of~~
1213 life insurance policies on the recipient, unless available under
1214 terms of the policy to pay medical expenses before ~~prior to~~
1215 death. The term includes, without limitation, collateral, as
1216 defined in this section, health insurance, any benefit under a
1217 health maintenance organization, a preferred provider
1218 arrangement, a prepaid health clinic, liability insurance,
1219 uninsured motorist insurance, medical payments coverage ~~or~~
1220 ~~personal injury protection coverage~~, medical benefits under
1221 workers' compensation, and any obligation under law or equity to
1222 provide medical support.

1223 Section 29. Paragraph (f) of subsection (11) of section
1224 409.910, Florida Statutes, is amended to read:

1225 409.910 Responsibility for payments on behalf of Medicaid-
1226 eligible persons when other parties are liable.—

1227 (11) The agency may, as a matter of right, in order to
1228 enforce its rights under this section, institute, intervene in,



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1229 or join any legal or administrative proceeding in its own name
1230 in one or more of the following capacities: individually, as
1231 subrogee of the recipient, as assignee of the recipient, or as
1232 lienholder of the collateral.

1233 (f) Notwithstanding any provision in this section to the
1234 contrary, in the event of an action in tort against a third
1235 party in which the recipient or his or her legal representative
1236 is a party which results in a judgment, award, or settlement
1237 from a third party, the amount recovered shall be distributed as
1238 follows:

1239 1. After attorney ~~attorney's~~ fees and taxable costs as
1240 defined by the Florida Rules of Civil Procedure, one-half of the
1241 remaining recovery shall be paid to the agency up to the total
1242 amount of medical assistance provided by Medicaid.

1243 2. The remaining amount of the recovery shall be paid to
1244 the recipient.

1245 3. For purposes of calculating the agency's recovery of
1246 medical assistance benefits paid, the fee for services of an
1247 attorney retained by the recipient or his or her legal
1248 representative shall be calculated at 25 percent of the
1249 judgment, award, or settlement.

1250 4. Notwithstanding any other provision of this section to
1251 the contrary, the agency shall be entitled to all medical
1252 coverage benefits up to the total amount of medical assistance
1253 provided by Medicaid. For purposes of this paragraph, the term
1254 "medical coverage" means any benefits under health insurance, a
1255 health maintenance organization, a preferred provider
1256 arrangement, or a prepaid health clinic, and the portion of
1257 benefits designated for medical payments under ~~coverage for~~



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1258 workers' compensation coverage, motor vehicle insurance
1259 coverage, personal injury protection, and casualty coverage.

1260 Section 30. Paragraph (k) of subsection (2) of section
1261 456.057, Florida Statutes, is amended to read:

1262 456.057 Ownership and control of patient records; report or
1263 copies of records to be furnished; disclosure of information.-

1264 (2) As used in this section, the terms "records owner,"
1265 "health care practitioner," and "health care practitioner's
1266 employer" do not include any of the following persons or
1267 entities; furthermore, the following persons or entities are not
1268 authorized to acquire or own medical records, but are authorized
1269 under the confidentiality and disclosure requirements of this
1270 section to maintain those documents required by the part or
1271 chapter under which they are licensed or regulated:

1272 (k) Persons or entities practicing under s. 627.7265 ~~s.~~
1273 ~~627.736(7)~~.

1274 Section 31. Paragraphs (ee) and (ff) of subsection (1) of
1275 section 456.072, Florida Statutes, are amended to read:

1276 456.072 Grounds for discipline; penalties; enforcement.-

1277 (1) The following acts shall constitute grounds for which
1278 the disciplinary actions specified in subsection (2) may be
1279 taken:

1280 (ee) With respect to making a medical payments coverage
1281 personal injury protection claim under s. 627.7265 as required
1282 by s. 627.736, intentionally submitting a claim, statement, or
1283 bill that has been upcoded. As used in this paragraph, the term
1284 "upcoded" means an action that submits a billing code that would
1285 result in payment greater in amount than would be paid using a
1286 billing code that accurately describes the services performed.



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1287 The term does not include an otherwise lawful bill by a magnetic
1288 resonance imaging facility, which globally combines both
1289 technical and professional components, if the amount of the
1290 global bill is not more than the components if billed
1291 separately; however, payment of such a bill constitutes payment
1292 in full for all components of such service ~~“upcoded” as defined~~
1293 ~~in s. 627.732.~~

1294 (ff) With respect to making a medical payments coverage
1295 ~~personal injury protection~~ claim as required under s. 627.7265
1296 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1297 bill for payment of services that were not rendered.

1298 Section 32. Paragraphs (i) and (o) of subsection (1) of
1299 section 626.9541, Florida Statutes, are amended to read:

1300 626.9541 Unfair methods of competition and unfair or
1301 deceptive acts or practices defined.—

1302 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1303 ACTS.—The following are defined as unfair methods of competition
1304 and unfair or deceptive acts or practices:

1305 (i) *Unfair claim settlement practices.*—

1306 1. Attempting to settle claims on the basis of an
1307 application, when serving as a binder or intended to become a
1308 part of the policy, or any other material document which was
1309 altered without notice to, or knowledge or consent of, the
1310 insured;

1311 2. A material misrepresentation made to an insured or any
1312 other person having an interest in the proceeds payable under
1313 such contract or policy, for the purpose and with the intent of
1314 effecting settlement of such claims, loss, or damage under such
1315 contract or policy on less favorable terms than those provided



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1316 in, and contemplated by, such contract or policy; ~~or~~
1317 3. Committing or performing with such frequency as to
1318 indicate a general business practice any of the following:
1319 a. Failing to adopt and implement standards for the proper
1320 investigation of claims;
1321 b. Misrepresenting pertinent facts or insurance policy
1322 provisions relating to coverages at issue;
1323 c. Failing to acknowledge and act promptly upon
1324 communications with respect to claims;
1325 d. Denying claims without conducting reasonable
1326 investigations based upon available information;
1327 e. Failing to affirm or deny full or partial coverage of
1328 claims, and, as to partial coverage, the dollar amount or extent
1329 of coverage, or failing to provide a written statement that the
1330 claim is being investigated, upon the written request of the
1331 insured within 30 days after proof-of-loss statements have been
1332 completed;
1333 f. Failing to promptly provide a reasonable explanation in
1334 writing to the insured of the basis in the insurance policy, in
1335 relation to the facts or applicable law, for denial of a claim
1336 or for the offer of a compromise settlement;
1337 g. Failing to promptly notify the insured of any additional
1338 information necessary for the processing of a claim; or
1339 h. Failing to clearly explain the nature of the requested
1340 information and the reasons why such information is necessary.
1341 ~~i. Failing to pay personal injury protection insurance~~
1342 ~~claims within the time periods required by s. 627.736(4) (b). The~~
1343 ~~office may order the insurer to pay restitution to a~~
1344 ~~policyholder, medical provider, or other claimant, including~~



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1345 ~~interest at a rate consistent with the amount set forth in s.~~
1346 ~~55.03(1), for the time period within which an insurer fails to~~
1347 ~~pay claims as required by law. Restitution is in addition to any~~
1348 ~~other penalties allowed by law, including, but not limited to,~~
1349 ~~the suspension of the insurer's certificate of authority.~~

1350 4. Failing to pay undisputed amounts of partial or full
1351 benefits owed under first-party property insurance policies
1352 within 90 days after an insurer receives notice of a residential
1353 property insurance claim, determines the amounts of partial or
1354 full benefits, and agrees to coverage, unless payment of the
1355 undisputed benefits is prevented by an act of God, prevented by
1356 the impossibility of performance, or due to actions by the
1357 insured or claimant that constitute fraud, lack of cooperation,
1358 or intentional misrepresentation regarding the claim for which
1359 benefits are owed.

1360 (o) *Illegal dealings in premiums; excess or reduced charges*
1361 *for insurance.-*

1362 1. Knowingly collecting any sum as a premium or charge for
1363 insurance, which is not then provided, or is not in due course
1364 to be provided, subject to acceptance of the risk by the
1365 insurer, by an insurance policy issued by an insurer as
1366 permitted by this code.

1367 2. Knowingly collecting as a premium or charge for
1368 insurance any sum in excess of or less than the premium or
1369 charge applicable to such insurance, in accordance with the
1370 applicable classifications and rates as filed with and approved
1371 by the office, and as specified in the policy; or, in cases when
1372 classifications, premiums, or rates are not required by this
1373 code to be so filed and approved, premiums and charges collected



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1374 from a Florida resident in excess of or less than those
1375 specified in the policy and as fixed by the insurer.
1376 Notwithstanding any other provision of law, this provision shall
1377 not be deemed to prohibit the charging and collection, by
1378 surplus lines agents licensed under part VIII of this chapter,
1379 of the amount of applicable state and federal taxes, or fees as
1380 authorized by s. 626.916(4), in addition to the premium required
1381 by the insurer or the charging and collection, by licensed
1382 agents, of the exact amount of any discount or other such fee
1383 charged by a credit card facility in connection with the use of
1384 a credit card, as authorized by subparagraph (q)3., in addition
1385 to the premium required by the insurer. This subparagraph shall
1386 not be construed to prohibit collection of a premium for a
1387 universal life or a variable or indeterminate value insurance
1388 policy made in accordance with the terms of the contract.

1389 3.a. Imposing or requesting an additional premium for
1390 bodily injury liability coverage, property damage liability
1391 coverage ~~a policy of motor vehicle liability, personal injury~~
1392 ~~protection,~~ medical payment coverage, or collision coverage in a
1393 motor vehicle liability insurance policy ~~insurance or any~~
1394 ~~combination thereof~~ or refusing to renew the policy solely
1395 because the insured was involved in a motor vehicle accident
1396 unless the insurer's file contains information from which the
1397 insurer in good faith determines that the insured was
1398 substantially at fault in the accident.

1399 b. An insurer which imposes and collects such a surcharge
1400 or which refuses to renew such policy shall, in conjunction with
1401 the notice of premium due or notice of nonrenewal, notify the
1402 named insured that he or she is entitled to reimbursement of



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1403 such amount or renewal of the policy under the conditions listed
1404 below and will subsequently reimburse him or her or renew the
1405 policy, if the named insured demonstrates that the operator
1406 involved in the accident was:

1407 (I) Lawfully parked;

1408 (II) Reimbursed by, or on behalf of, a person responsible
1409 for the accident or has a judgment against such person;

1410 (III) Struck in the rear by another vehicle headed in the
1411 same direction and was not convicted of a moving traffic
1412 violation in connection with the accident;

1413 (IV) Hit by a "hit-and-run" driver, if the accident was
1414 reported to the proper authorities within 24 hours after
1415 discovering the accident;

1416 (V) Not convicted of a moving traffic violation in
1417 connection with the accident, but the operator of the other
1418 automobile involved in such accident was convicted of a moving
1419 traffic violation;

1420 (VI) Finally adjudicated not to be liable by a court of
1421 competent jurisdiction;

1422 (VII) In receipt of a traffic citation which was dismissed
1423 or nolle prossed; or

1424 (VIII) Not at fault as evidenced by a written statement
1425 from the insured establishing facts demonstrating lack of fault
1426 which are not rebutted by information in the insurer's file from
1427 which the insurer in good faith determines that the insured was
1428 substantially at fault.

1429 c. In addition to the other provisions of this
1430 subparagraph, an insurer may not fail to renew a policy if the
1431 insured has had only one accident in which he or she was at



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1432 fault within the current 3-year period. However, an insurer may
1433 nonrenew a policy for reasons other than accidents in accordance
1434 with s. 627.728. This subparagraph does not prohibit nonrenewal
1435 of a policy under which the insured has had three or more
1436 accidents, regardless of fault, during the most recent 3-year
1437 period.

1438 4. Imposing or requesting an additional premium for, or
1439 refusing to renew, a policy for motor vehicle insurance solely
1440 because the insured committed a noncriminal traffic infraction
1441 as described in s. 318.14 unless the infraction is:

1442 a. A second infraction committed within an 18-month period,
1443 or a third or subsequent infraction committed within a 36-month
1444 period.

1445 b. A violation of s. 316.183, when such violation is a
1446 result of exceeding the lawful speed limit by more than 15 miles
1447 per hour.

1448 5. Upon the request of the insured, the insurer and
1449 licensed agent shall supply to the insured the complete proof of
1450 fault or other criteria which justifies the additional charge or
1451 cancellation.

1452 6. No insurer shall impose or request an additional premium
1453 for motor vehicle insurance, cancel or refuse to issue a policy,
1454 or refuse to renew a policy because the insured or the applicant
1455 is a handicapped or physically disabled person, so long as such
1456 handicap or physical disability does not substantially impair
1457 such person's mechanically assisted driving ability.

1458 7. No insurer may cancel or otherwise terminate any
1459 insurance contract or coverage, or require execution of a
1460 consent to rate endorsement, during the stated policy term for



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1461 the purpose of offering to issue, or issuing, a similar or
1462 identical contract or coverage to the same insured with the same
1463 exposure at a higher premium rate or continuing an existing
1464 contract or coverage with the same exposure at an increased
1465 premium.

1466 8. No insurer may issue a nonrenewal notice on any
1467 insurance contract or coverage, or require execution of a
1468 consent to rate endorsement, for the purpose of offering to
1469 issue, or issuing, a similar or identical contract or coverage
1470 to the same insured at a higher premium rate or continuing an
1471 existing contract or coverage at an increased premium without
1472 meeting any applicable notice requirements.

1473 9. No insurer shall, with respect to premiums charged for
1474 motor vehicle insurance, unfairly discriminate solely on the
1475 basis of age, sex, marital status, or scholastic achievement.

1476 10. Imposing or requesting an additional premium for motor
1477 vehicle comprehensive or uninsured motorist coverage solely
1478 because the insured was involved in a motor vehicle accident or
1479 was convicted of a moving traffic violation.

1480 11. No insurer shall cancel or issue a nonrenewal notice on
1481 any insurance policy or contract without complying with any
1482 applicable cancellation or nonrenewal provision required under
1483 the Florida Insurance Code.

1484 12. No insurer shall impose or request an additional
1485 premium, cancel a policy, or issue a nonrenewal notice on any
1486 insurance policy or contract because of any traffic infraction
1487 when adjudication has been withheld and no points have been
1488 assessed pursuant to s. 318.14(9) and (10). However, this
1489 subparagraph does not apply to traffic infractions involving



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1490 accidents in which the insurer has incurred a loss due to the
1491 fault of the insured.

1492 Section 33. Paragraph (a) of subsection (1) of section
1493 626.989, Florida Statutes, is amended to read:

1494 626.989 Investigation by department or Division of
1495 Investigative and Forensic Services; compliance; immunity;
1496 confidential information; reports to division; division
1497 investigator's power of arrest.—

1498 (1) For the purposes of this section:

1499 (a) A person commits a "fraudulent insurance act" if the
1500 person:

1501 1. Knowingly and with intent to defraud presents, causes to
1502 be presented, or prepares with knowledge or belief that it will
1503 be presented, to or by an insurer, self-insurer, self-insurance
1504 fund, servicing corporation, purported insurer, broker, or any
1505 agent thereof, any written statement as part of, or in support
1506 of, an application for the issuance of, or the rating of, any
1507 insurance policy, or a claim for payment or other benefit
1508 pursuant to any insurance policy, which the person knows to
1509 contain materially false information concerning any fact
1510 material thereto or if the person conceals, for the purpose of
1511 misleading another, information concerning any fact material
1512 thereto.

1513 2. Knowingly submits:

1514 a. A false, misleading, or fraudulent application or other
1515 document when applying for licensure as a health care clinic,
1516 seeking an exemption from licensure as a health care clinic, or
1517 demonstrating compliance with part X of chapter 400 with an
1518 intent to use the license, exemption from licensure, or



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1519 demonstration of compliance to provide services or seek
1520 reimbursement under a motor vehicle liability insurance policy's
1521 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
1522 ~~Law.~~

1523 b. A claim for payment or other benefit under medical
1524 payments coverage ~~pursuant to a personal injury protection~~
1525 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
1526 the person knows that the payee knowingly submitted a false,
1527 misleading, or fraudulent application or other document when
1528 applying for licensure as a health care clinic, seeking an
1529 exemption from licensure as a health care clinic, or
1530 demonstrating compliance with part X of chapter 400.

1531 Section 34. Subsection (1) of section 627.06501, Florida
1532 Statutes, is amended to read:

1533 627.06501 Insurance discounts for certain persons
1534 completing driver improvement course.—

1535 (1) Any rate, rating schedule, or rating manual for the
1536 liability, medical payments ~~personal injury protection~~, and
1537 collision coverages of a motor vehicle insurance policy filed
1538 with the office may provide for an appropriate reduction in
1539 premium charges as to such coverages if ~~when~~ the principal
1540 operator on the covered vehicle has successfully completed a
1541 driver improvement course approved and certified by the
1542 Department of Highway Safety and Motor Vehicles which is
1543 effective in reducing crash or violation rates, or both, as
1544 determined pursuant to s. 318.1451(5). Any discount, not to
1545 exceed 10 percent, used by an insurer is presumed to be
1546 appropriate unless credible data demonstrates otherwise.

1547 Section 35. Subsection (1) of section 627.0652, Florida



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1548 Statutes, is amended to read:

1549 627.0652 Insurance discounts for certain persons completing
1550 safety course.—

1551 (1) Any rates, rating schedules, or rating manuals for the
1552 liability, medical payments ~~personal injury protection~~, and
1553 collision coverages of a motor vehicle insurance policy filed
1554 with the office must ~~shall~~ provide for an appropriate reduction
1555 in premium charges as to such coverages if ~~when~~ the principal
1556 operator on the covered vehicle is an insured 55 years of age or
1557 older who has successfully completed a motor vehicle accident
1558 prevention course approved by the Department of Highway Safety
1559 and Motor Vehicles. Any discount used by an insurer is presumed
1560 to be appropriate unless credible data demonstrates otherwise.

1561 Section 36. Subsections (1), (3), and (6) of section
1562 627.0653, Florida Statutes, are amended to read:

1563 627.0653 Insurance discounts for specified motor vehicle
1564 equipment.—

1565 (1) Any rates, rating schedules, or rating manuals for the
1566 liability, medical payments ~~personal injury protection~~, and
1567 collision coverages of a motor vehicle insurance policy filed
1568 with the office must ~~shall~~ provide a premium discount if the
1569 insured vehicle is equipped with factory-installed, four-wheel
1570 antilock brakes.

1571 (3) Any rates, rating schedules, or rating manuals for
1572 ~~personal injury protection coverage and medical payments~~
1573 ~~coverage, if offered,~~ of a motor vehicle insurance policy filed
1574 with the office must ~~shall~~ provide a premium discount if the
1575 insured vehicle is equipped with one or more air bags that ~~which~~
1576 are factory installed.



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1577 (6) The Office of Insurance Regulation may approve a
1578 premium discount to any rates, rating schedules, or rating
1579 manuals for the liability, medical payments ~~personal injury~~
1580 ~~protection~~, and collision coverages of a motor vehicle insurance
1581 policy filed with the office if the insured vehicle is equipped
1582 with autonomous driving technology or electronic vehicle
1583 collision avoidance technology that is factory installed or a
1584 retrofitted system and that complies with National Highway
1585 Traffic Safety Administration standards.

1586 Section 37. Section 627.4132, Florida Statutes, is amended
1587 to read:

1588 627.4132 Stacking of coverages prohibited.—If an insured or
1589 named insured is protected by any type of motor vehicle
1590 insurance policy for bodily injury and property damage
1591 ~~liability, personal injury protection, or other coverage~~, the
1592 policy must ~~shall~~ provide that the insured or named insured is
1593 protected only to the extent of the coverage she or he has on
1594 the vehicle involved in the accident. However, if none of the
1595 insured's or named insured's vehicles are ~~is~~ involved in the
1596 accident, coverage is available only to the extent of coverage
1597 on any one of the vehicles with applicable coverage. Coverage on
1598 any other vehicles may ~~shall~~ not be added to or stacked upon
1599 that coverage. This section does not apply:

1600 (1) To uninsured motorist coverage that ~~which~~ is separately
1601 governed by s. 627.727.

1602 (2) To reduce the coverage available by reason of insurance
1603 policies insuring different named insureds.

1604 Section 38. Section 627.7263, Florida Statutes, is amended
1605 to read:



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1606 627.7263 Rental and leasing driver's insurance to be
1607 primary; exception.—

1608 (1) The valid and collectible liability insurance and
1609 medical payments coverage ~~or personal injury protection~~
1610 ~~insurance providing coverage~~ for the lessor of a motor vehicle
1611 for rent or lease is primary unless otherwise stated in at least
1612 10-point type on the face of the rental or lease agreement. Such
1613 insurance is primary for the limits of liability ~~and personal~~
1614 ~~injury protection~~ coverage as required by s. 324.021(7) and
1615 medical payments coverage as required under s. 627.7265 ~~ss.~~
1616 ~~324.021(7) and 627.736.~~

1617 (2) If the lessee's coverage is to be primary, the rental
1618 or lease agreement must contain the following language, in at
1619 least 10-point type:

1620
1621 "The valid and collectible liability insurance and
1622 medical payments coverage ~~personal injury protection~~
1623 ~~insurance~~ of an ~~any~~ authorized rental or leasing
1624 driver is primary for the limits of liability ~~and~~
1625 ~~personal injury protection~~ coverage and medical
1626 payments coverage required under ss. 324.021(7) and
1627 627.7265 ~~by ss. 324.021(7) and 627.736,~~ Florida
1628 Statutes."

1629 Section 39. Section 627.7265, Florida Statutes, is created
1630 to read:

1631 627.7265 Motor vehicle insurance; medical payments
1632 coverage.—

1633 (1) MEDICAL PAYMENTS COVERAGE REQUIRED.—A motor vehicle
1634 liability insurance policy that is furnished as proof of



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1635 financial responsibility pursuant to s. 324.031 must include
1636 medical payments coverage as provided in this section. The
1637 medical payments coverage must protect the named insured,
1638 resident relatives, persons operating the insured motor vehicle,
1639 passengers in the insured motor vehicle, and persons who are
1640 struck by the insured motor vehicle and suffer bodily injury
1641 while not an occupant of a self-propelled motor vehicle, to a
1642 limit of at least \$5,000 per person for medical expense incurred
1643 due to bodily injury, sickness, or disease arising out of the
1644 ownership, maintenance, or use of a motor vehicle. The medical
1645 payments coverage must also provide each such person with a
1646 death benefit of at least \$5,000. This section may not be
1647 construed to limit any other coverage made available by an
1648 insurer. An insurer may not offer medical payments coverage with
1649 a deductible to an applicant or policyholder.

1650 (2) REQUIRED BENEFITS.—Medical payments coverage must
1651 provide coverage for all of the following if medically necessary
1652 and the individual initially receives such treatment within 14
1653 days after the motor vehicle accident:

1654 (a) Emergency transport and treatment by a provider
1655 licensed under chapter 401.

1656 (b) Emergency services and care provided by a hospital
1657 licensed under chapter 395.

1658 (c) Emergency services and care as defined in s. 395.002,
1659 provided in a facility licensed under chapter 395 and rendered
1660 by a physician or dentist, and related hospital inpatient
1661 services rendered by a physician or dentist.

1662 (d) Hospital inpatient services, other than emergency
1663 services and care.



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1664 (e) Hospital outpatient services, other than emergency
1665 services and care.

1666 (f) Physician services and care provided by a physician
1667 licensed under chapter 458 or chapter 459 or a chiropractic
1668 physician licensed under chapter 460; dental services and care
1669 provided by a dentist licensed under chapter 466; or, to the
1670 extent permitted by applicable law and under the supervision of
1671 such physician, osteopathic physician, chiropractic physician,
1672 or dentist, services and care provided by a physician assistant
1673 licensed under chapter 458 or chapter 459 or by an advanced
1674 registered nurse practitioner licensed under chapter 464.

1675 (3) AUTHORIZED EXCLUSIONS.—Notwithstanding any other
1676 requirement in this section, an insurer may exclude medical
1677 payment benefits:

1678 (a) For injury sustained by the named insured or a resident
1679 relative while occupying another motor vehicle owned by the
1680 named insured and not insured under the policy, unless such
1681 vehicle qualifies as a newly acquired vehicle or temporary
1682 substitute vehicle.

1683 (b) For injury sustained by any person operating the
1684 insured motor vehicle without the express or implied consent of
1685 the insured.

1686 (c) For any person who intentionally causes injury to
1687 himself or herself.

1688 (d) For any person injured while committing a felony.

1689 (4) PAYMENT OF BENEFITS.—

1690 (a) Benefits due from an insurer under medical payments
1691 coverage are primary to any health insurance benefit of a person
1692 injured in a motor vehicle accident and apply to any coinsurance



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1693 or deductible amount required by the injured person's health
1694 insurance policy, except that:

1695 1. Benefits received under any workers' compensation law
1696 must be credited against medical payments coverage benefits, and
1697 are due and payable as losses accrue, upon reasonable proof of
1698 such losses and the amount of expenses and losses incurred which
1699 are covered by the policy issued under this section.

1700 2. When the Agency for Health Care Administration provides,
1701 pays for, or becomes liable for medical assistance under the
1702 Medicaid program which is related to injury, sickness, disease,
1703 or death arising out of the ownership, maintenance, or use of a
1704 motor vehicle, medical payments benefits are subject to the
1705 provisions of the Medicaid program, and, within 30 days after
1706 receiving notice that the Medicaid program paid such benefits,
1707 the insurer must repay the full amount of the benefits to the
1708 Medicaid program.

1709 (b) A medical payments insurance policy may include a
1710 provision allowing subrogation for medical payments benefits
1711 paid, if the expenses giving rise to the payments were caused by
1712 wrongful act or omission of another.

1713 (c) Upon receiving notice of an accident that is
1714 potentially covered by medical payments coverage benefits, the
1715 insurer must reserve \$2,500 of medical payments coverage
1716 benefits for payment to physicians licensed under chapter 458 or
1717 chapter 459 or dentists licensed under chapter 466 who provide
1718 emergency services and care, as defined in s. 395.002, or who
1719 provide hospital inpatient care. The amount required to be held
1720 in reserve may be used only to pay claims from such physicians
1721 or dentists until 30 days after the date the insurer receives



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1722 notice of the accident. After the 30-day period, any amount of
1723 the reserve for which the insurer has not received notice of
1724 such claims may be used by the insurer to pay other claims. This
1725 paragraph does not require an insurer to establish a claim
1726 reserve for insurance accounting purposes.

1727 (5) CHARGES FOR CARE OF INJURED PERSONS.—

1728 (a) A physician, hospital, clinic, or other person or
1729 institution lawfully providing medical care to an injured person
1730 for a bodily injury covered by medical payments coverage may
1731 charge the insurer and injured party only a reasonable amount
1732 pursuant to this section. However, such charges may not exceed
1733 the amount the person or institution customarily charges for
1734 like medical care. In determining whether a charge for a
1735 particular service, treatment, supply, or prescription is
1736 reasonable, consideration may be given to evidence of usual and
1737 customary charges and payments accepted by the provider involved
1738 in the dispute; reimbursement levels in the community and
1739 various federal and state medical fee schedules applicable to
1740 motor vehicle and other insurance coverages; and other
1741 information relevant to the reasonableness of the reimbursement
1742 for the service, treatment, supply, or prescription.

1743 1. The insurer may limit reimbursement to the following
1744 schedule of maximum charges:

1745 a. For emergency transport and treatment by providers
1746 licensed under chapter 401, 200 percent of Medicare.

1747 b. For emergency services and care provided by a hospital
1748 licensed under chapter 395, 75 percent of the hospital's usual
1749 and customary charges.

1750 c. For emergency services and care, as defined in s.



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1751 395.002, provided in a facility licensed under chapter 395 and
1752 rendered by a physician or dentist, and related hospital
1753 inpatient services rendered by a physician or dentist, the usual
1754 and customary charges in the community.

1755 d. For hospital inpatient services other than emergency
1756 services and care, 200 percent of the Medicare Part A
1757 prospective payment applicable to the specific hospital
1758 providing the inpatient services.

1759 e. For hospital outpatient services other than emergency
1760 services and care, 200 percent of the Medicare Part A Ambulatory
1761 Payment Classification for the specific hospital providing the
1762 outpatient services.

1763 f. For all other medical services, supplies, and care, 200
1764 percent of the allowable amount under:

1765 (I) The participating physician fee schedule of Medicare
1766 Part B, except as provided in sub-sub-subparagraphs (II) and
1767 (III).

1768 (II) Medicare Part B, in the case of services, supplies,
1769 and care provided by ambulatory surgical centers and clinical
1770 laboratories.

1771 (III) The Durable Medical Equipment Prosthetics/Orthotics
1772 and Supplies fee schedule of Medicare Part B, in the case of
1773 durable medical equipment.

1774
1775 However, if such services, supplies, or care is not reimbursable
1776 under Medicare Part B as provided in this sub-subparagraph, the
1777 insurer may limit reimbursement to 80 percent of the maximum
1778 reimbursable allowance under workers' compensation. Services,
1779 supplies, or care that is not reimbursable under Medicare or



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1780 workers' compensation is not required to be reimbursed by the
1781 insurer.

1782 2. For purposes of subparagraph 1., the applicable fee
1783 schedule or payment limitation under Medicare is the fee
1784 schedule or payment limitation in effect on March 1 of the
1785 service year in which the services, supplies, or care is
1786 rendered and for the area in which the services, supplies, or
1787 care is rendered. The applicable fee schedule or payment
1788 limitation applies to services, supplies, or care rendered
1789 during that service year notwithstanding any subsequent change
1790 made to the fee schedule or payment limitation; however, it may
1791 not be less than the allowable amount under the applicable
1792 schedule of Medicare Part B for 2007 for medical services,
1793 supplies, and care subject to Medicare Part B. For purposes of
1794 this subparagraph, the term "service year" means the period from
1795 March 1 through the end of February of the following year.

1796 3. For purposes of subparagraph 1., the applicable fee
1797 schedule or payment limitation under workers' compensation is
1798 determined under s. 440.13 and rules adopted thereunder which
1799 are in effect at the time such services, supplies, or care is
1800 provided.

1801 4. Subparagraph 1. does not authorize the insurer to apply
1802 any limitation on the number of treatments or other utilization
1803 limits that apply under Medicare or workers' compensation. An
1804 insurer that applies the allowable payment limitations of
1805 subparagraph 1. must reimburse a provider who lawfully provided
1806 medical care under the scope of his or her license, regardless
1807 of whether the provider is entitled to reimbursement under
1808 Medicare or workers' compensation due to restrictions or



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1809 limitations on the types or discipline of health care providers
1810 who may be reimbursed for particular procedures or procedure
1811 codes. However, subparagraph 1. does not prohibit an insurer
1812 from using the Medicare coding policies and payment
1813 methodologies of the federal Centers for Medicare and Medicaid
1814 Services, including applicable modifiers, to determine the
1815 appropriate amount of reimbursement for medical services,
1816 supplies, or care, if the coding policy or payment methodology
1817 does not constitute a utilization limit.

1818 5. If an insurer limits payment as authorized by
1819 subparagraph 1., the person providing such medical care may not
1820 bill or attempt to collect from the insured any amount in excess
1821 of such limits, except for amounts that are not covered by the
1822 insured's medical payments benefits due to the maximum policy
1823 limits.

1824 6. An insurer may limit payment as authorized by this
1825 paragraph only if the insurance policy includes a notice at the
1826 time of issuance or renewal that the insurer may limit payment
1827 pursuant to the schedule of charges specified in this paragraph.
1828 A policy form approved by the office satisfies this requirement.
1829 If a provider submits a charge for an amount less than the
1830 amount allowed under subparagraph 1., the insurer may pay the
1831 amount of the charge submitted.

1832 (b)1. An insurer or insured is not required to pay a claim
1833 or charges:

1834 a. For any service or treatment that was not lawful at the
1835 time rendered;

1836 b. To any person who knowingly submits a false or
1837 misleading statement relating to the claim or charges; or



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1838 c. For any treatment or service that is upcoded or that is
1839 unbundled when the treatment or services should be bundled. To
1840 facilitate prompt payment of lawful services, an insurer may
1841 change codes that it determines have been improperly or
1842 incorrectly upcoded or unbundled and may make payment based on
1843 the changed codes, without affecting the right of the provider
1844 to dispute the change by the insurer, if, before doing so, the
1845 insurer contacts the health care provider and discusses the
1846 reasons for the insurer's change and the health care provider's
1847 reason for the coding, or makes a reasonable good faith effort
1848 to do so, as documented in the insurer's file.

1849 2. The Department of Health, in consultation with the
1850 appropriate professional licensing boards, shall adopt by rule a
1851 list of diagnostic tests deemed not to be medically necessary
1852 for use in the treatment of persons sustaining bodily injury
1853 covered by medical payments benefits under this section. The
1854 list must be revised from time to time as determined by the
1855 Department of Health in consultation with the respective
1856 professional licensing boards. Inclusion of a test on the list
1857 must be based on a lack of demonstrated medical value and a
1858 level of general acceptance by the relevant provider community
1859 and may not be dependent on results based entirely upon
1860 subjective patient response. Notwithstanding its inclusion on a
1861 fee schedule in this subsection, an insurer or insured is not
1862 required to pay any charges or reimburse claims for an invalid
1863 diagnostic test as determined by the Department of Health.

1864 (c) With respect to any medical care other than medical
1865 services billed by a hospital or other provider for emergency
1866 services and care, as defined in s. 395.002, or inpatient



1867 services rendered at a hospital-owned facility, the statement of
1868 charges must be furnished to the insurer by the provider.

1869 (d) All statements and bills for medical services rendered
1870 by a physician, hospital, clinic, or other person or institution
1871 must be submitted to the insurer on a properly completed Centers
1872 for Medicare and Medicaid Services Form CMS-1500, a UB-92 form,
1873 or any other standard form approved by the office and adopted by
1874 the commission for purposes of this paragraph. All billings for
1875 such services rendered by providers must, to the extent
1876 applicable, comply with the Form CMS-1500 instructions, the
1877 codes established by the American Medical Association's Current
1878 Procedural Terminology Editorial Panel, and the Healthcare
1879 Common Procedure Coding System (HCPCS) and must follow the
1880 Physicians' Current Procedural Terminology (CPT), the HCPCS in
1881 effect for the year in which services are rendered, and the
1882 International Classification of Diseases adopted by the United
1883 States Department of Health and Human Services in effect for the
1884 year in which services are rendered. The guidance for
1885 determining compliance with applicable CPT and HCPCS coding must
1886 be provided by the CPT or the HCPCS in effect for the year in
1887 which services were rendered, the Office of the Inspector
1888 General, Physicians Compliance Guidelines, and other
1889 authoritative treatises designated by rule by the Agency for
1890 Health Care Administration. A statement of medical services may
1891 not include charges for medical services of a person or entity
1892 that performed such services without possessing the valid
1893 licenses required to perform such services.

1894 (6) CIVIL ACTION FOR INSURANCE FRAUD.—An insurer has a
1895 cause of action against any person convicted of, or who,



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1896 regardless of adjudication of guilt, pleads guilty or nolo
1897 contendere to, insurance fraud under s. 817.234, patient
1898 brokering under s. 817.505, or kickbacks under s. 456.054,
1899 associated with a claim for medical payments coverage benefits
1900 in accordance with this section. An insurer prevailing in an
1901 action brought under this subsection may recover compensatory,
1902 consequential, and punitive damages subject to the requirements
1903 and limitations of part II of chapter 768 and attorney fees and
1904 costs incurred in litigating a cause of action against any
1905 person convicted of, or who, regardless of adjudication of
1906 guilt, pleads guilty or nolo contendere to, insurance fraud
1907 under s. 817.234, patient brokering under s. 817.505, or
1908 kickbacks under s. 456.054, associated with a claim for medical
1909 payments coverage benefits in accordance with this section.

1910 (7) FRAUD ADVISORY NOTICE.—Upon receiving notice of a claim
1911 under this section, an insurer shall provide a notice to the
1912 insured or to a person for whom a claim for reimbursement for
1913 diagnosis or treatment of injuries has been filed, advising
1914 that:

1915 (a) Pursuant to s. 626.9892, the department may pay rewards
1916 of up to \$25,000 to persons who provide information leading to
1917 the arrest and conviction of persons committing crimes
1918 investigated by the Division of Investigative and Forensic
1919 Services arising from violations of s. 440.105, s. 624.15, s.
1920 626.9541, s. 626.989, or s. 817.234.

1921 (b) Solicitation of a person injured in a motor vehicle
1922 crash for purposes of filing medical payments coverage or tort
1923 claims could be a violation of s. 817.234, s. 817.505, or the
1924 rules regulating The Florida Bar and should be immediately



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1925 reported to the Division of Investigative and Forensic Services
1926 if such conduct has taken place.

1927 (8) NONREIMBURSABLE CLAIMS.—Claims generated as a result of
1928 activities that are unlawful pursuant to s. 817.505 are not
1929 reimbursable.

1930 (9) SECURE ELECTRONIC DATA TRANSFER.—A notice,
1931 documentation, transmission, or communication of any kind
1932 required or authorized under this section may be transmitted
1933 electronically if it is transmitted by secure electronic data
1934 transfer that is consistent with state and federal privacy and
1935 security laws.

1936 Section 40. Subsections (1) and (7) of section 627.727,
1937 Florida Statutes, are amended, and present subsections (8), (9),
1938 and (10) of that section are redesignated as subsections (7),
1939 (8), and (9), respectively, to read:

1940 627.727 Motor vehicle insurance; uninsured and underinsured
1941 vehicle coverage; insolvent insurer protection.—

1942 (1) A ~~No~~ motor vehicle liability insurance policy that
1943 ~~which~~ provides bodily injury liability coverage may not shall be
1944 delivered or issued for delivery in this state with respect to
1945 any specifically insured or identified motor vehicle registered
1946 or principally garaged in this state, unless uninsured motor
1947 vehicle coverage is provided therein or supplemental thereto for
1948 the protection of persons insured thereunder who are legally
1949 entitled to recover damages from owners or operators of
1950 uninsured motor vehicles because of bodily injury, sickness, or
1951 disease, including death, resulting therefrom. However, the
1952 coverage required under this section is not applicable if when,
1953 or to the extent that, an insured named in the policy makes a



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1954 written rejection of the coverage on behalf of all insureds
1955 under the policy. If ~~When~~ a motor vehicle is leased for a ~~period~~
1956 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1957 of the lease contract, provides liability coverage on the leased
1958 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
1959 privilege to reject uninsured motorist coverage or to select
1960 lower limits than the bodily injury liability limits, regardless
1961 of whether the lessor is qualified as a self-insurer pursuant to
1962 s. 324.171. Unless an insured, or lessee having the privilege of
1963 rejecting uninsured motorist coverage, requests such coverage or
1964 requests higher uninsured motorist limits in writing, the
1965 coverage or such higher uninsured motorist limits need not be
1966 provided in or supplemental to any other policy which renews,
1967 extends, changes, supersedes, or replaces an existing policy
1968 with the same bodily injury liability limits when an insured or
1969 lessee had rejected the coverage. When an insured or lessee has
1970 initially selected limits of uninsured motorist coverage lower
1971 than her or his bodily injury liability limits, higher limits of
1972 uninsured motorist coverage need not be provided in or
1973 supplemental to any other policy that ~~which~~ renews, extends,
1974 changes, supersedes, or replaces an existing policy with the
1975 same bodily injury liability limits unless an insured requests
1976 higher uninsured motorist coverage in writing. The rejection or
1977 selection of lower limits must ~~shall~~ be made on a form approved
1978 by the office. The form must ~~shall~~ fully advise the applicant of
1979 the nature of the coverage and must ~~shall~~ state that the
1980 coverage is equal to bodily injury liability limits unless lower
1981 limits are requested or the coverage is rejected. The heading of
1982 the form must ~~shall~~ be in 12-point bold type and must ~~shall~~



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1983 state: "You are electing not to purchase certain valuable
1984 coverage that ~~which~~ protects you and your family or you are
1985 purchasing uninsured motorist limits less than your bodily
1986 injury liability limits when you sign this form. Please read
1987 carefully." If this form is signed by a named insured, it will
1988 be conclusively presumed that there was an informed, knowing
1989 rejection of coverage or election of lower limits on behalf of
1990 all insureds. The insurer shall notify the named insured at
1991 least annually of her or his options as to the coverage required
1992 by this section. Such notice must ~~shall~~ be part of, and attached
1993 to, the notice of premium, must ~~shall~~ provide for a means to
1994 allow the insured to request such coverage, and must ~~shall~~ be
1995 given in a manner approved by the office. Receipt of this notice
1996 does not constitute an affirmative waiver of the insured's right
1997 to uninsured motorist coverage if ~~where~~ the insured has not
1998 signed a selection or rejection form. The coverage described
1999 under this section must ~~shall~~ be over and above, but may ~~shall~~
2000 not duplicate, the benefits available to an insured under any
2001 workers' compensation law, ~~personal injury protection benefits,~~
2002 disability benefits law, or similar law; under any automobile
2003 medical payments ~~expense~~ coverage; under any motor vehicle
2004 liability insurance coverage; or from the owner or operator of
2005 the uninsured motor vehicle or any other person or organization
2006 jointly or severally liable together with such owner or operator
2007 for the accident; and such coverage must ~~shall~~ cover the
2008 difference, if any, between the sum of such benefits and the
2009 damages sustained, up to the maximum amount of such coverage
2010 provided under this section. The amount of coverage available
2011 under this section may ~~shall~~ not be reduced by a setoff against



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2012 any coverage, including liability insurance. Such coverage does
2013 ~~shall~~ not inure directly or indirectly to the benefit of any
2014 workers' compensation or disability benefits carrier or any
2015 person or organization qualifying as a self-insurer under any
2016 workers' compensation or disability benefits law or similar law.

2017 ~~(7) The legal liability of an uninsured motorist coverage~~
2018 ~~insurer does not include damages in tort for pain, suffering,~~
2019 ~~mental anguish, and inconvenience unless the injury or disease~~
2020 ~~is described in one or more of paragraphs (a)-(d) of s.~~
2021 ~~627.737(2).~~

2022 Section 41. Subsection (1) and paragraphs (a) and (b) of
2023 subsection (2) of section 627.7275, Florida Statutes, are
2024 amended to read:

2025 627.7275 Motor vehicle liability.—

2026 (1) A motor vehicle insurance policy ~~providing personal~~
2027 ~~injury protection as set forth in s. 627.736~~ may not be
2028 delivered or issued for delivery in this state for a with
2029 ~~respect to any~~ specifically insured or identified motor vehicle
2030 registered or principally garaged in this state must provide
2031 bodily injury liability coverage and unless the policy also
2032 ~~provides coverage for~~ property damage liability coverage as
2033 required under by s. 324.022, and medical payments coverage as
2034 required under s. 627.7265.

2035 (2) (a) Insurers writing motor vehicle insurance in this
2036 state shall make available, subject to the insurers' usual
2037 underwriting restrictions:

2038 1. Coverage under policies as described in subsection (1)
2039 to an applicant for private passenger motor vehicle insurance
2040 coverage who is seeking the coverage in order to reinstate the



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2041 applicant's driving privileges in this state if the driving
2042 privileges were revoked or suspended pursuant to s. 316.646 or
2043 s. 324.0221 due to the failure of the applicant to maintain
2044 required security.

2045 2. Coverage under policies as described in subsection (1),
2046 which includes bodily injury ~~also provides~~ liability coverage
2047 and property damage liability coverage for bodily injury, death,
2048 ~~and property damage arising out of the ownership, maintenance,~~
2049 ~~or use of the motor vehicle~~ in an amount not less than the
2050 minimum limits required under ~~described in~~ s. 324.021(7) or s.
2051 324.023 and which conforms to the requirements of s. 324.151, to
2052 an applicant for private passenger motor vehicle insurance
2053 coverage who is seeking the coverage in order to reinstate the
2054 applicant's driving privileges in this state after such
2055 privileges were revoked or suspended under s. 316.193 or s.
2056 322.26(2) for driving under the influence.

2057 (b) The policies described in paragraph (a) must ~~shall~~ be
2058 issued for at least 6 months and, as to the minimum coverages
2059 required under this section, may not be canceled by the insured
2060 for any reason or by the insurer after 60 days, during which
2061 period the insurer is completing the underwriting of the policy.
2062 After the insurer has completed underwriting the policy, the
2063 insurer shall notify the Department of Highway Safety and Motor
2064 Vehicles that the policy is in full force and effect and is not
2065 cancelable for the remainder of the policy period. A premium
2066 must ~~shall~~ be collected and the coverage is in effect for the
2067 60-day period during which the insurer is completing the
2068 underwriting of the policy, whether or not the person's driver
2069 license, motor vehicle tag, and motor vehicle registration are



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2070 in effect. Once the noncancelable provisions of the policy
2071 become effective, the bodily injury liability and property
2072 damage liability coverages ~~for bodily injury, property damage,~~
2073 ~~and personal injury protection~~ may not be reduced below the
2074 minimum limits required under s. 324.021 or s. 324.023 during
2075 the policy period, and the medical payments coverage may not be
2076 reduced below the minimum limit required under s. 627.7265.

2077 Section 42. Paragraph (a) of subsection (1) of section
2078 627.728, Florida Statutes, is amended to read:

2079 627.728 Cancellations; nonrenewals.—

2080 (1) As used in this section, the term:

2081 (a) "Policy" means the bodily injury and property damage
2082 liability, ~~personal injury protection~~, medical payments,
2083 comprehensive, collision, and uninsured motorist coverage
2084 portions of a policy of motor vehicle insurance delivered or
2085 issued for delivery in this state:

2086 1. Insuring a natural person as named insured or one or
2087 more related individuals who are residents ~~resident~~ of the same
2088 household; and

2089 2. Insuring only a motor vehicle of the private passenger
2090 type or station wagon type which is not used as a public or
2091 livery conveyance for passengers or rented to others; or
2092 insuring any other four-wheel motor vehicle having a load
2093 capacity of 1,500 pounds or less which is not used in the
2094 occupation, profession, or business of the insured other than
2095 farming; other than any policy issued under an automobile
2096 insurance assigned risk plan or covering garage, automobile
2097 sales agency, repair shop, service station, or public parking
2098 place operation hazards.



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2099
2100 The term "policy" does not include a binder as defined in s.
2101 627.420 unless the duration of the binder period exceeds 60
2102 days.

2103 Section 43. Subsection (1), paragraph (a) of subsection
2104 (5), and subsections (6) and (7) of section 627.7295, Florida
2105 Statutes, are amended to read:

2106 627.7295 Motor vehicle insurance contracts.—

2107 (1) As used in this section, the term:

2108 (a) "Policy" means a motor vehicle insurance policy that
2109 provides bodily injury liability ~~personal injury protection~~
2110 coverage, property damage liability coverage, and medical
2111 payments coverage ~~or both~~.

2112 (b) "Binder" means a binder that provides motor vehicle
2113 bodily injury liability coverage, ~~personal injury protection and~~
2114 property damage liability coverage, and medical payments
2115 coverage.

2116 (5) (a) A licensed general lines agent may charge a per-
2117 policy fee up to not to exceed \$10 to cover the administrative
2118 costs of the agent associated with selling the motor vehicle
2119 insurance policy if the policy covers only bodily injury
2120 liability coverage, ~~personal injury protection coverage as~~
2121 ~~provided by s. 627.736 and~~ property damage liability coverage,
2122 and medical payments coverage as provided by s. 627.7275 and if
2123 no other insurance is sold or issued in conjunction with or
2124 collateral to the policy. The fee is not ~~considered~~ part of the
2125 premium.

2126 (6) If a motor vehicle owner's driver license, license
2127 plate, and registration have previously been suspended pursuant



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2128 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2129 only as provided in s. 627.7275.

2130 (7) A policy of private passenger motor vehicle insurance
2131 or a binder for such a policy may be initially issued in this
2132 state only if, before the effective date of such binder or
2133 policy, the insurer or agent has collected ~~from the insured an~~
2134 ~~amount equal to 2 months' premium~~ from the insured. An insurer,
2135 agent, or premium finance company may not, directly or
2136 indirectly, take any action that results ~~resulting~~ in the
2137 insured paying ~~having paid~~ from the insured's own funds an
2138 amount less than the 2 months' premium required by this
2139 subsection. This subsection applies without regard to whether
2140 the premium is financed by a premium finance company or is paid
2141 pursuant to a periodic payment plan of an insurer or an
2142 insurance agent.

2143 (a) This subsection does not apply:

2144 1. If an insured or member of the insured's family is
2145 renewing or replacing a policy or a binder for such policy
2146 written by the same insurer or a member of the same insurer
2147 group. ~~This subsection does not apply~~

2148 2. To an insurer that issues private passenger motor
2149 vehicle coverage primarily to active duty or former military
2150 personnel or their dependents. ~~This subsection does not apply~~

2151 3. If all policy payments are paid pursuant to a payroll
2152 deduction plan, an automatic electronic funds transfer payment
2153 plan from the policyholder, or a recurring credit card or debit
2154 card agreement with the insurer.

2155 (b) This subsection and subsection (4) do not apply if:

2156 1. All policy payments to an insurer are paid pursuant to



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2157 an automatic electronic funds transfer payment plan from an
2158 agent, a managing general agent, or a premium finance company
2159 and if the policy includes, at a minimum, bodily injury
2160 liability coverage, ~~personal injury protection pursuant to ss.~~
2161 ~~627.730-627.7405; motor vehicle property damage liability~~
2162 coverage, and medical payments coverage pursuant to s. 627.7275;
2163 or and bodily injury liability in at least the amount of \$10,000
2164 ~~because of bodily injury to, or death of, one person in any one~~
2165 ~~accident and in the amount of \$20,000 because of bodily injury~~
2166 ~~to, or death of, two or more persons in any one accident. This~~
2167 ~~subsection and subsection (4) do not apply if~~

2168 2. An insured has had a policy in effect for at least 6
2169 months, the insured's agent is terminated by the insurer that
2170 issued the policy, and the insured obtains coverage on the
2171 policy's renewal date with a new company through the terminated
2172 agent.

2173 Section 44. Subsections (1) and (2) of section 627.7415,
2174 Florida Statutes, are amended to read:

2175 627.7415 Commercial motor vehicles; additional liability
2176 insurance coverage.—Commercial motor vehicles, as defined in s.
2177 207.002 or s. 320.01, operated upon the roads and highways of
2178 this state shall be insured with the ~~following~~ minimum levels of
2179 combined bodily liability insurance and property damage
2180 liability insurance under subsections (1) and (2) in addition to
2181 any other insurance requirements. ÷

2182 (1) ~~Fifty thousand dollars per occurrence~~ For a commercial
2183 motor vehicle with a gross vehicle weight of 26,000 pounds or
2184 more, but less than 35,000 pounds:

2185 (a) Beginning January 1, 2019, through December 31, 2020,



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2186 no less than \$50,000 per occurrence.

2187 (b) Beginning January 1, 2021, and thereafter, no less than
2188 \$60,000 per occurrence.

2189 ~~(2) One hundred thousand dollars per occurrence~~ For a
2190 commercial motor vehicle with a gross vehicle weight of 35,000
2191 pounds or more, but less than 44,000 pounds:

2192 (a) Beginning January 1, 2019, through December 31, 2020,
2193 no less than \$100,000 per occurrence.

2194 (b) Beginning January 1, 2021, and thereafter, no less than
2195 \$120,000 per occurrence.

2196

2197 A violation of this section is a noncriminal traffic infraction,
2198 punishable as a nonmoving violation as provided in chapter 318.

2199 Section 45. Section 627.8405, Florida Statutes, is amended
2200 to read:

2201 627.8405 Prohibited acts; financing companies.—~~A~~ ~~no~~ premium
2202 finance company ~~shall~~, in a premium finance agreement or other
2203 agreement, may not finance the cost of or otherwise provide for
2204 the collection or remittance of dues, assessments, fees, or
2205 other periodic payments of money for the cost of:

2206 (1) A membership in an automobile club. The term
2207 "automobile club" means a legal entity that ~~which~~, in
2208 consideration of dues, assessments, or periodic payments of
2209 money, promises its members or subscribers to assist them in
2210 matters relating to the ownership, operation, use, or
2211 maintenance of a motor vehicle; however, the term ~~this~~
2212 ~~definition of "automobile club"~~ does not include persons,
2213 associations, or corporations ~~which are~~ organized and operated
2214 solely for the purpose of conducting, sponsoring, or sanctioning



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2215 motor vehicle races, exhibitions, or contests upon racetracks,
2216 or upon racecourses established and marked as such for the
2217 duration of such particular events. The term ~~words~~ "motor
2218 vehicle" used herein has ~~have~~ the same meaning as defined in
2219 chapter 320.

2220 (2) An accidental death and dismemberment policy sold in
2221 combination with a policy providing only medical payments
2222 coverage, bodily injury liability coverage, ~~personal injury~~
2223 protection and property damage liability coverage ~~only policy~~.

2224 (3) Any product not regulated under ~~the provisions of this~~
2225 insurance code.

2226
2227 This section also applies to premium financing by any insurance
2228 agent or insurance company under part XVI. The commission shall
2229 adopt rules to assure disclosure, at the time of sale, of
2230 coverages financed ~~with personal injury protection~~ and shall
2231 prescribe the form of such disclosure.

2232 Section 46. Subsection (1) of section 627.915, Florida
2233 Statutes, is amended to read:

2234 627.915 Insurer experience reporting.—

2235 (1) Each insurer transacting private passenger automobile
2236 insurance in this state shall report certain information
2237 annually to the office. The information will be due on or before
2238 July 1 of each year. The information must ~~shall~~ be divided into
2239 the following categories: bodily injury liability; property
2240 damage liability; uninsured motorist; ~~personal injury protection~~
2241 ~~benefits~~; medical payments; and comprehensive and collision. The
2242 information given must ~~shall~~ be on direct insurance writings in
2243 the state alone and ~~shall~~ represent total limits data. The



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2244 information set forth in paragraphs (a)-(f) is applicable to
2245 voluntary private passenger and Joint Underwriting Association
2246 private passenger writings and must ~~shall~~ be reported for each
2247 of the latest 3 calendar-accident years, with an evaluation date
2248 of March 31 of the current year. The information set forth in
2249 paragraphs (g)-(j) is applicable to voluntary private passenger
2250 writings and must ~~shall~~ be reported on a calendar-accident year
2251 basis ultimately seven times at seven different stages of
2252 development.

2253 (a) Premiums earned for the latest 3 calendar-accident
2254 years.

2255 (b) Loss development factors and the historic development
2256 of those factors.

2257 (c) Policyholder dividends incurred.

2258 (d) Expenses for other acquisition and general expense.

2259 (e) Expenses for agents' commissions and taxes, licenses,
2260 and fees.

2261 (f) Profit and contingency factors as utilized in the
2262 insurer's automobile rate filings for the applicable years.

2263 (g) Losses paid.

2264 (h) Losses unpaid.

2265 (i) Loss adjustment expenses paid.

2266 (j) Loss adjustment expenses unpaid.

2267 Section 47. Subsections (2) and (3) of section 628.909,
2268 Florida Statutes, are amended to read:

2269 628.909 Applicability of other laws.—

2270 (2) The following provisions of the Florida Insurance Code
2271 apply to captive insurance companies who are not industrial
2272 insured captive insurance companies to the extent that such



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2273 provisions are not inconsistent with this part:

2274 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2275 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2276 (b) Chapter 625, part II.

2277 (c) Chapter 626, part IX.

2278 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~
2279 ~~provided.~~

2280 ~~(e) Chapter 628.~~

2281 (3) The following provisions of the Florida Insurance Code
2282 shall apply to industrial insured captive insurance companies to
2283 the extent that such provisions are not inconsistent with this
2284 part:

2285 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2286 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2287 (b) Chapter 625, part II, if the industrial insured captive
2288 insurance company is incorporated in this state.

2289 (c) Chapter 626, part IX.

2290 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
2291 ~~provided.~~

2292 ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~
2293 ~~628.6018.~~

2294 Section 48. Subsections (2), (6), and (7) of section
2295 705.184, Florida Statutes, are amended to read:

2296 705.184 Derelict or abandoned motor vehicles on the
2297 premises of public-use airports.-

2298 (2) The airport director or the director's designee shall
2299 contact the Department of Highway Safety and Motor Vehicles to
2300 notify that department that the airport has possession of the
2301 abandoned or derelict motor vehicle and to determine the name



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2302 and address of the owner of the motor vehicle, the insurance
2303 company insuring the motor vehicle, ~~notwithstanding the~~
2304 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2305 the motor vehicle. Within 7 business days after receipt of the
2306 information, the director or the director's designee shall send
2307 notice by certified mail, return receipt requested, to the owner
2308 of the motor vehicle, the insurance company insuring the motor
2309 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2310 persons of record claiming a lien against the motor vehicle. The
2311 notice must ~~shall~~ state the fact of possession of the motor
2312 vehicle, that charges for reasonable towing, storage, and
2313 parking fees, if any, have accrued and the amount thereof, that
2314 a lien as provided in subsection (6) will be claimed, that the
2315 lien is subject to enforcement pursuant to law, that the owner
2316 or lienholder, if any, has the right to a hearing as set forth
2317 in subsection (4), and that any motor vehicle which, at the end
2318 of 30 calendar days after receipt of the notice, has not been
2319 removed from the airport upon payment in full of all accrued
2320 charges for reasonable towing, storage, and parking fees, if
2321 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2322 (d), or (e), including, but not limited to, the motor vehicle
2323 being sold free of all prior liens after 35 calendar days after
2324 the time the motor vehicle is stored if any prior liens on the
2325 motor vehicle are more than 5 years of age or after 50 calendar
2326 days after the time the motor vehicle is stored if any prior
2327 liens on the motor vehicle are 5 years of age or less.

2328 (6) The airport pursuant to this section or, if used, a
2329 licensed independent wrecker company pursuant to s. 713.78 shall
2330 have a lien on an abandoned or derelict motor vehicle for all



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2331 reasonable towing, storage, and accrued parking fees, if any,
2332 except that no storage fee may ~~shall~~ be charged if the motor
2333 vehicle is stored less than 6 hours. As a prerequisite to
2334 perfecting a lien under this section, the airport director or
2335 the director's designee must serve a notice in accordance with
2336 subsection (2) on the owner of the motor vehicle, the insurance
2337 company insuring the motor vehicle, ~~notwithstanding the~~
2338 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2339 lien against the motor vehicle. If attempts to notify the owner,
2340 the insurance company insuring the motor vehicle,
2341 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2342 not successful, the requirement of notice by mail shall be
2343 considered met. Serving of the notice does not dispense with
2344 recording the claim of lien.

2345 (7) (a) For the purpose of perfecting its lien under this
2346 section, the airport shall record a claim of lien which states
2347 ~~shall state:~~

2348 1. The name and address of the airport.

2349 2. The name of the owner of the motor vehicle, the
2350 insurance company insuring the motor vehicle, ~~notwithstanding~~
2351 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2352 a lien against the motor vehicle.

2353 3. The costs incurred from reasonable towing, storage, and
2354 parking fees, if any.

2355 4. A description of the motor vehicle sufficient for
2356 identification.

2357 (b) The claim of lien must ~~shall~~ be signed and sworn to or
2358 affirmed by the airport director or the director's designee.

2359 (c) The claim of lien is ~~shall be~~ sufficient if it is in



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2360 substantially the following form:

2361

2362 CLAIM OF LIEN

2363 State of

2364 County of

2365 Before me, the undersigned notary public, personally appeared

2366, who was duly sworn and says that he/she is the

2367 of, whose address is.....; and that the

2368 following described motor vehicle:

2369 ...(Description of motor vehicle)...

2370 owned by, whose address is, has accrued

2371 \$..... in fees for a reasonable tow, for storage, and for

2372 parking, if applicable; that the lienor served its notice to the

2373 owner, the insurance company insuring the motor vehicle

2374 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~

2375 and all persons of record claiming a lien against the motor

2376 vehicle on, ...(year)...., by.....

2377 ...(Signature)...

2378 Sworn to (or affirmed) and subscribed before me this day of

2379, ...(year)...., by ...(name of person making statement)....

2380 ...(Signature of Notary Public).....(Print, Type, or Stamp

2381 Commissioned name of Notary Public)...

2382 Personally Known...OR Produced...as identification.

2383

2384 However, the negligent inclusion or omission of any information

2385 in this claim of lien which does not prejudice the owner does

2386 not constitute a default that operates to defeat an otherwise

2387 valid lien.

2388 (d) The claim of lien must ~~shall~~ be served on the owner of



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2389 the motor vehicle, the insurance company insuring the motor
2390 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2391 persons of record claiming a lien against the motor vehicle. If
2392 attempts to notify the owner, the insurance company insuring the
2393 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
2394 lienholders are not successful, the requirement of notice by
2395 mail shall be considered met. The claim of lien must ~~shall~~ be so
2396 served before recordation.

2397 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2398 of court in the county where the airport is located. The
2399 recording of the claim of lien shall be constructive notice to
2400 all persons of the contents and effect of such claim. The lien
2401 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2402 ~~take~~ priority as of that time.

2403 Section 49. Subsection (4) of section 713.78, Florida
2404 Statutes, is amended to read:

2405 713.78 Liens for recovering, towing, or storing vehicles
2406 and vessels.-

2407 (4) (a) Any person regularly engaged in the business of
2408 recovering, towing, or storing vehicles or vessels who comes
2409 into possession of a vehicle or vessel pursuant to subsection
2410 (2), and who claims a lien for recovery, towing, or storage
2411 services, shall give notice to the registered owner, the
2412 insurance company insuring the vehicle ~~notwithstanding the~~
2413 ~~provisions of s. 627.736,~~ and to all persons claiming a lien
2414 thereon, as disclosed by the records in the Department of
2415 Highway Safety and Motor Vehicles or as disclosed by the records
2416 of any corresponding agency in any other state in which the
2417 vehicle is identified through a records check of the National



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2418 Motor Vehicle Title Information System or an equivalent
2419 commercially available system as being titled or registered.

2420 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
2421 removal of a vehicle or vessel or if a ~~whenever any~~ towing
2422 service, garage, repair shop, or automotive service, storage, or
2423 parking place notifies the law enforcement agency of possession
2424 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2425 enforcement agency of the jurisdiction where the vehicle or
2426 vessel is stored shall contact the Department of Highway Safety
2427 and Motor Vehicles, or the appropriate agency of the state of
2428 registration, if known, within 24 hours through the medium of
2429 electronic communications, giving the full description of the
2430 vehicle or vessel. Upon receipt of the full description of the
2431 vehicle or vessel, the department shall search its files to
2432 determine the owner's name, the insurance company insuring the
2433 vehicle or vessel, and whether any person has filed a lien upon
2434 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2435 notify the applicable law enforcement agency within 72 hours.
2436 The person in charge of the towing service, garage, repair shop,
2437 or automotive service, storage, or parking place shall obtain
2438 such information from the applicable law enforcement agency
2439 within 5 days after the date of storage and shall give notice
2440 pursuant to paragraph (a). The department may release the
2441 insurance company information to the requestor ~~notwithstanding~~
2442 ~~the provisions of s. 627.736.~~

2443 (c) Notice by certified mail must ~~shall~~ be sent within 7
2444 business days after the date of storage of the vehicle or vessel
2445 to the registered owner, the insurance company insuring the
2446 vehicle ~~notwithstanding the provisions of s. 627.736,~~ and all



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2447 persons of record claiming a lien against the vehicle or vessel.
2448 The notice must ~~It shall~~ state the fact of possession of the
2449 vehicle or vessel, that a lien as provided in subsection (2) is
2450 claimed, that charges have accrued and the amount thereof, that
2451 the lien is subject to enforcement pursuant to law, ~~and~~ that the
2452 owner or lienholder, if any, has the right to a hearing as set
2453 forth in subsection (5), and that any vehicle or vessel which
2454 remains unclaimed, or for which the charges for recovery,
2455 towing, or storage services remain unpaid, may be sold free of
2456 all prior liens after 35 days if the vehicle or vessel is more
2457 than 3 years of age or after 50 days if the vehicle or vessel is
2458 3 years of age or less.

2459 (d) If attempts to locate the name and address of the owner
2460 or lienholder prove unsuccessful, the towing-storage operator
2461 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,
2462 of the initial tow or storage, notify the public agency of
2463 jurisdiction where the vehicle or vessel is stored in writing by
2464 certified mail or acknowledged hand delivery that the towing-
2465 storage company has been unable to locate the name and address
2466 of the owner or lienholder and a physical search of the vehicle
2467 or vessel has disclosed no ownership information and a good
2468 faith effort has been made, including records checks of the
2469 Department of Highway Safety and Motor Vehicles database and the
2470 National Motor Vehicle Title Information System or an equivalent
2471 commercially available system. As used in ~~For purposes of~~ this
2472 paragraph and subsection (9), the term "good faith effort" means
2473 that the following checks have been performed by the company to
2474 establish prior state of registration and for title:

2475 1. Check of the Department of Highway Safety and Motor



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2476 Vehicles database for the owner and any lienholder.
2477 2. Check of the electronic National Motor Vehicle Title
2478 Information System or an equivalent commercially available
2479 system to determine the state of registration when there is not
2480 a current registration record for the vehicle on file with the
2481 Department of Highway Safety and Motor Vehicles.
2482 3. Check of vehicle or vessel for any type of tag, tag
2483 record, temporary tag, or regular tag.
2484 4. Check of law enforcement report for tag number or other
2485 information identifying the vehicle or vessel, if the vehicle or
2486 vessel was towed at the request of a law enforcement officer.
2487 5. Check of trip sheet or tow ticket of tow truck operator
2488 to see if a tag was on vehicle or vessel at beginning of tow, if
2489 private tow.
2490 6. If there is no address of the owner on the impound
2491 report, check of law enforcement report to see if an out-of-
2492 state address is indicated from driver license information.
2493 7. Check of vehicle or vessel for inspection sticker or
2494 other stickers and decals that may indicate a state of possible
2495 registration.
2496 8. Check of the interior of the vehicle or vessel for any
2497 papers that may be in the glove box, trunk, or other areas for a
2498 state of registration.
2499 9. Check of vehicle for vehicle identification number.
2500 10. Check of vessel for vessel registration number.
2501 11. Check of vessel hull for a hull identification number
2502 which should be carved, burned, stamped, embossed, or otherwise
2503 permanently affixed to the outboard side of the transom or, if
2504 there is no transom, to the outmost seaboard side at the end of



2505 the hull that bears the rudder or other steering mechanism.

2506 Section 50. Paragraph (a) of subsection (1), paragraph (c)
2507 of subsection (7), paragraphs (a), (b), and (c) of subsection
2508 (8), and subsections (9) and (10) of section 817.234, Florida
2509 Statutes, are amended to read:

2510 817.234 False and fraudulent insurance claims.—

2511 (1) (a) A person commits insurance fraud punishable as
2512 provided in subsection (11) if that person, with the intent to
2513 injure, defraud, or deceive any insurer:

2514 1. Presents or causes to be presented any written or oral
2515 statement as part of, or in support of, a claim for payment or
2516 other benefit pursuant to an insurance policy or a health
2517 maintenance organization subscriber or provider contract,
2518 knowing that such statement contains ~~any~~ false, incomplete, or
2519 misleading information concerning any fact or thing material to
2520 such claim;

2521 2. Prepares or makes any written or oral statement that is
2522 intended to be presented to an ~~any~~ insurer in connection with,
2523 or in support of, any claim for payment or other benefit
2524 pursuant to an insurance policy or a health maintenance
2525 organization subscriber or provider contract, knowing that such
2526 statement contains ~~any~~ false, incomplete, or misleading
2527 information concerning any fact or thing material to such claim;

2528 3.a. Knowingly presents, causes to be presented, or
2529 prepares or makes with knowledge or belief that it will be
2530 presented to an ~~any~~ insurer, purported insurer, servicing
2531 corporation, insurance broker, or insurance agent, or any
2532 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2533 information or a written or oral statement as part of, or in



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2534 support of, an application for the issuance of, or the rating
2535 of, any insurance policy, or a health maintenance organization
2536 subscriber or provider contract; or

2537 b. Knowingly conceals information concerning any fact
2538 material to such application; or

2539 4. Knowingly presents, causes to be presented, or prepares
2540 or makes with knowledge or belief that it will be presented to
2541 any insurer a claim for payment or other benefit under medical
2542 payments coverage in a motor vehicle ~~a personal injury~~
2543 ~~protection~~ insurance policy if the person knows that the payee
2544 knowingly submitted a false, misleading, or fraudulent
2545 application or other document when applying for licensure as a
2546 health care clinic, seeking an exemption from licensure as a
2547 health care clinic, or demonstrating compliance with part X of
2548 chapter 400.

2549 (7)

2550 ~~(c) An insurer, or any person acting at the direction of or~~
2551 ~~on behalf of an insurer, may not change an opinion in a mental~~
2552 ~~or physical report prepared under s. 627.736(7) or direct the~~
2553 ~~physician preparing the report to change such opinion; however,~~
2554 ~~this provision does not preclude the insurer from calling to the~~
2555 ~~attention of the physician errors of fact in the report based~~
2556 ~~upon information in the claim file. Any person who violates this~~
2557 ~~paragraph commits a felony of the third degree, punishable as~~
2558 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2559 (8) (a) It is unlawful for any person intending to defraud
2560 any other person to solicit or cause to be solicited any
2561 business from a person involved in a motor vehicle accident for
2562 the purpose of making, adjusting, or settling motor vehicle tort



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2563 claims or claims for benefits under medical payments coverage in
2564 a motor vehicle insurance policy ~~personal injury protection~~
2565 ~~benefits required by s. 627.736.~~ Any person who violates ~~the~~
2566 ~~provisions of~~ this paragraph commits a felony of the second
2567 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2568 775.084. A person who is convicted of a violation of this
2569 subsection shall be sentenced to a minimum term of imprisonment
2570 of 2 years.

2571 (b) A person may not solicit or cause to be solicited any
2572 business from a person involved in a motor vehicle accident by
2573 any means of communication other than advertising directed to
2574 the public for the purpose of making motor vehicle tort claims
2575 or claims for benefits under medical payments coverage in a
2576 motor vehicle insurance policy ~~personal injury protection~~
2577 ~~benefits required by s. 627.736,~~ within 60 days after the
2578 occurrence of the motor vehicle accident. Any person who
2579 violates this paragraph commits a felony of the third degree,
2580 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2581 (c) A lawyer, health care practitioner as defined in s.
2582 456.001, or owner or medical director of a clinic required to be
2583 licensed pursuant to s. 400.9905 may not, at any time after 60
2584 days have elapsed from the occurrence of a motor vehicle
2585 accident, solicit or cause to be solicited any business from a
2586 person involved in a motor vehicle accident by means of in
2587 person or telephone contact at the person's residence, for the
2588 purpose of making motor vehicle tort claims or claims for
2589 benefits under medical payments coverage in a motor vehicle
2590 insurance policy ~~personal injury protection benefits required by~~
2591 ~~s. 627.736.~~ Any person who violates this paragraph commits a



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2592 felony of the third degree, punishable as provided in s.
2593 775.082, s. 775.083, or s. 775.084.

2594 (9) A person may not organize, plan, or knowingly
2595 participate in an intentional motor vehicle crash or a scheme to
2596 create documentation of a motor vehicle crash that did not occur
2597 for the purpose of making motor vehicle tort claims or claims
2598 for benefits under medical payments coverage in a motor vehicle
2599 insurance policy ~~personal injury protection benefits as required~~
2600 ~~by s. 627.736~~. Any person who violates this subsection commits a
2601 felony of the second degree, punishable as provided in s.
2602 775.082, s. 775.083, or s. 775.084. A person who is convicted of
2603 a violation of this subsection shall be sentenced to a minimum
2604 term of imprisonment of 2 years.

2605 (10) A licensed health care practitioner who is found
2606 guilty of insurance fraud under this section for an act relating
2607 to a motor vehicle ~~personal injury protection~~ insurance policy
2608 loses his or her license to practice for 5 years and may not
2609 receive reimbursement under medical payments coverage in a motor
2610 vehicle insurance policy ~~for personal injury protection benefits~~
2611 for 10 years.

2612 Section 51. Applicability and construction; notice to
2613 policyholders.-

2614 (1) As used in this section, the term "minimum security
2615 requirements" means security that enables a person to respond in
2616 damages for liability on account of crashes arising out of the
2617 ownership, maintenance, or use of a motor vehicle in the amounts
2618 required by s. 324.021(7), Florida Statutes.

2619 (2) Effective January 1, 2019:

2620 (a) Motor vehicle insurance policies issued or renewed on



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2621 or after that date may not include personal injury protection.

2622 (b) All persons subject to s. 324.022, s. 324.032, s.
2623 627.7415, or s. 627.742, Florida Statutes, must maintain at
2624 least minimum security requirements.

2625 (c) Any new or renewal motor vehicle insurance policy
2626 delivered or issued for delivery in this state must provide
2627 coverage that complies with minimum security requirements.

2628 (d) Any new or renewal motor vehicle insurance policy
2629 furnished to an owner or operator of a motor vehicle as proof of
2630 financial responsibility pursuant to s. 324.022 or s. 324.031,
2631 Florida Statutes, must provide medical payments coverage that
2632 complies with s. 627.7265, Florida Statutes.

2633 (e) An existing motor vehicle insurance policy issued
2634 before that date which provides personal injury protection and
2635 property damage liability coverage that meets the requirements
2636 of s. 324.022, Florida Statutes, on December 31, 2018, but which
2637 does not meet minimum security requirements on or after January
2638 1, 2019, is deemed to meet the security requirements of s.
2639 324.022, Florida Statutes, and the medical payments coverage
2640 requirements of s. 627.7265, Florida Statutes, until such policy
2641 is renewed, nonrenewed, or canceled on or after January 1, 2019.

2642 (3) Each insurer shall allow each insured who has a new or
2643 renewal policy providing personal injury protection, which
2644 becomes effective before January 1, 2019, and whose policy does
2645 not meet minimum security requirements on or after January 1,
2646 2019, to change coverages so as to eliminate personal injury
2647 protection and obtain coverage providing minimum security
2648 requirements, which shall be effective on or after January 1,
2649 2019. The insurer is not required to provide coverage complying



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2650 with minimum security requirements in such policies if the
2651 insured does not pay the required premium, if any, by January 1,
2652 2019, or such later date as the insurer may allow. Any reduction
2653 in the premium must be refunded by the insurer. The insurer may
2654 not impose on the insured an additional fee or charge that
2655 applies solely to a change in coverage; however, the insurer may
2656 charge an additional required premium that is actuarially
2657 indicated.

2658 (4) By September 1, 2018, each motor vehicle insurer shall
2659 provide notice of this section to each motor vehicle
2660 policyholder who is subject to this section. The notice is
2661 subject to approval by the Office of Insurance Regulation and
2662 must clearly inform the policyholder that:

2663 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2664 effective January 1, 2019, and that on or after that date, the
2665 insured is no longer required to maintain personal injury
2666 protection insurance coverage, that personal injury protection
2667 coverage is no longer available for purchase in this state, and
2668 that all new or renewal policies issued on or after that date do
2669 not contain such coverage.

2670 (b) Effective January 1, 2019, a person subject to the
2671 financial responsibility requirements of s. 324.022, Florida
2672 Statutes, must maintain minimum security requirements that
2673 enable the person to respond in damages for liability on account
2674 of accidents arising out of the use of a motor vehicle in the
2675 following amounts:

2676 1. Beginning January 1, 2019, and continuing through
2677 December 31, 2020:

2678 a. Twenty thousand dollars for bodily injury to, or the



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2679 death of, one person in any one crash and, subject to such
2680 limits for one person, in the amount of \$40,000 for bodily
2681 injury to, or the death of, two or more persons in any one
2682 crash; and
2683 b. Ten thousand dollars for damage to, or destruction of,
2684 the property of others in any one crash.
2685 2. Beginning January 1, 2021, and thereafter:
2686 a. Twenty-five thousand dollars for bodily injury to, or
2687 the death of, one person in any one crash and, subject to such
2688 limits for one person, in the amount of \$50,000 for bodily
2689 injury to, or the death of, two or more persons in any one
2690 crash; and
2691 b. Ten thousand dollars for damage to, or destruction of,
2692 the property of others in any one crash.
2693 (c) Personal injury protection insurance paid covered
2694 medical expenses for injuries sustained in a motor vehicle crash
2695 by the policyholder, passengers, and relatives residing in the
2696 policyholder's household.
2697 (d) Bodily injury liability coverage protects the insured,
2698 up to the coverage limits, against loss if the insured is
2699 legally responsible for the death of or bodily injury to others
2700 in a motor vehicle accident.
2701 (e) Effective January 1, 2019, a person who purchases a
2702 motor vehicle liability insurance policy as proof of financial
2703 responsibility must maintain medical payments coverage that
2704 complies with s. 627.7265, Florida Statutes. Medical payments
2705 coverage pays covered medical expenses, up to the limits of such
2706 coverage, for injuries sustained in a motor vehicle crash by the
2707 policyholder, passengers, and relatives residing in the



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2708 policyholder's household, as provided in s. 627.7265, Florida
2709 Statutes. Medical payments coverage also provides a death
2710 benefit of at least \$5,000. Medical payments coverage provides
2711 reimbursement for the following if medically necessary and if an
2712 individual initially receives such treatment within 14 days
2713 after the motor vehicle accident:

- 2714 1. Emergency transportation and treatment.
- 2715 2. Emergency services and care provided by a hospital.
- 2716 3. Emergency services and care provided by a licensed
2717 physician or licensed dentist in a hospital, ambulatory surgical
2718 center, or mobile surgical facility licensed under chapter 395,
2719 Florida Statutes, and related hospital inpatient care.
- 2720 4. Hospital inpatient services, other than emergency
2721 services and care.
- 2722 5. Hospital outpatient services, other than emergency
2723 services and care.
- 2724 6. Physician services and care provided by a physician
2725 licensed under chapter 458 or chapter 459 or a chiropractic
2726 physician licensed under chapter 460; dental services and care
2727 provided by a dentist licensed under chapter 466; or, to the
2728 extent permitted by applicable law and under the supervision of
2729 such physician, osteopathic physician, chiropractic physician,
2730 or dentist, services and care provided by a physician assistant
2731 licensed under chapter 458 or chapter 459 or by an advanced
2732 registered nurse practitioner licensed under chapter 464.

2733 (f) The policyholder may obtain underinsured motorist
2734 coverage, which provides benefits, up to the limits of such
2735 coverage, to a policyholder or other insured entitled to recover
2736 damages for bodily injury, sickness, disease, or death resulting



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2737 from a motor vehicle accident with an uninsured or underinsured
2738 owner or operator of a motor vehicle.

2739 (g) If the policyholder's new or renewal motor vehicle
2740 insurance policy is effective before January 1, 2019, and
2741 contains personal injury protection and property damage
2742 liability coverage as required by state law before January 1,
2743 2019, but does not meet minimum security requirements on or
2744 after January 1, 2019, the policy is deemed to meet minimum
2745 security requirements until it is renewed, nonrenewed, or
2746 canceled on or after January 1, 2019.

2747 (h) A policyholder whose new or renewal policy becomes
2748 effective before January 1, 2019, but does not meet minimum
2749 security requirements on or after January 1, 2019, may change
2750 coverages under the policy so as to eliminate personal injury
2751 protection and to obtain coverage providing minimum security
2752 requirements, including bodily injury liability coverage, which
2753 are effective on or after January 1, 2019.

2754 (i) If the policyholder has any questions, he or she should
2755 contact the person named at the telephone number provided in the
2756 notice.

2757 (5) This section takes effect upon this act becoming a law.

2758 Section 52. Application of suspensions for failure to
2759 maintain security; reinstatement.—All suspensions for failure to
2760 maintain required security as required by law in effect before
2761 January 1, 2019, remain in full force and effect after January
2762 1, 2019. A driver may reinstate a suspended driver license or
2763 registration as provided under s. 324.0221, Florida Statutes.

2764 Section 53. For the 2018-2019 fiscal year, the sum of
2765 \$83,651 in nonrecurring funds is appropriated from the Insurance



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2766 Regulatory Trust Fund to the Office of Insurance Regulation for
2767 the purpose of implementing this act.

2768 Section 54. Except as otherwise expressly provided in this
2769 act and except for this section, which shall take effect upon
2770 this act becoming a law, this act shall take effect January 1,
2771 2019.

2772
2773 ===== T I T L E A M E N D M E N T =====

2774 And the title is amended as follows:

2775 Delete everything before the enacting clause
2776 and insert:

2777 A bill to be entitled
2778 An act relating to motor vehicle insurance; repealing
2779 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,
2780 627.734, 627.736, 627.737, 627.739, 627.7401,
2781 627.7403, and 627.7405, F.S., which comprise the
2782 Florida Motor Vehicle No-Fault Law; repealing s.
2783 627.7407, F.S., relating to application of the Florida
2784 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;
2785 revising a requirement for proof of security on a
2786 motor vehicle and the applicability of the
2787 requirement; amending s. 318.18, F.S.; conforming a
2788 provision to changes made by the act; amending s.
2789 320.02, F.S.; revising the motor vehicle insurance
2790 coverages that an applicant must show to register
2791 certain vehicles with the Department of Highway Safety
2792 and Motor Vehicles; deleting a requirement that
2793 specified information be included on a certain
2794 insurance proof-of-purchase card; revising



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2795 construction; amending s. 320.0609, F.S.; conforming a
2796 provision to changes made by the act; amending s.
2797 320.27, F.S.; defining the term "garage liability
2798 insurance"; revising garage liability insurance
2799 requirements for motor vehicle dealer applicants;
2800 conforming a provision to changes made by the act;
2801 amending s. 320.771, F.S.; revising garage liability
2802 insurance requirements for recreational vehicle dealer
2803 license applicants; amending ss. 322.251 and 322.34,
2804 F.S.; conforming provisions to changes made by the
2805 act; amending s. 324.011, F.S.; revising legislative
2806 intent; amending s. 324.021, F.S.; revising
2807 definitions of the terms "motor vehicle" and "proof of
2808 financial responsibility"; revising, at specified
2809 timeframes, minimum coverage requirements for proof of
2810 financial responsibility for specified motor vehicles;
2811 defining the term "for-hire passenger transportation
2812 vehicle"; conforming provisions to changes made by the
2813 act; amending s. 324.022, F.S.; revising, at specified
2814 timeframes, minimum liability coverage requirements
2815 for motor vehicle owners or operators; revising
2816 authorized methods for meeting such requirements;
2817 revising the vehicles that are excluded from the
2818 definition of the term "motor vehicle" and providing
2819 security requirements for certain excluded vehicles;
2820 conforming provisions to changes made by the act;
2821 conforming cross-references; amending s. 324.0221,
2822 F.S.; revising applicability of certain insurer
2823 reporting and notice requirements as to policies



2824 providing certain coverages; conforming provisions to
2825 changes made by the act; amending s. 324.023, F.S.;
2826 conforming cross-references; amending s. 324.031,
2827 F.S.; revising applicability of a provision
2828 authorizing certain methods of proving financial
2829 responsibility; revising, at specified timeframes, the
2830 amount of a certificate of deposit required for a
2831 specified method of proof of financial responsibility;
2832 revising excess liability coverage requirements for a
2833 person electing to use such method; amending s.
2834 324.032, F.S.; revising financial responsibility
2835 requirements for owners or lessees of for-hire
2836 passenger transportation vehicles and the
2837 applicability of such requirements; revising a
2838 requirement for a motor vehicle liability policy
2839 obtained to comply with such requirements; amending
2840 ss. 324.051, 324.071, 324.091, and 324.151, F.S.;
2841 making technical changes; amending s. 324.161, F.S.;
2842 revising requirements for a certificate of deposit
2843 that is required if a person elects a certain method
2844 of providing financial responsibility; amending s.
2845 324.171, F.S.; revising, at specified timeframes, the
2846 minimum net worth requirements to qualify certain
2847 persons as self-insurers; conforming provisions to
2848 changes made by the act; amending s. 324.251, F.S.;
2849 revising the short title and an effective date;
2850 amending s. 400.9905, F.S.; revising the definition of
2851 the term "clinic"; amending ss. 400.991 and 400.9935,
2852 F.S.; conforming provisions to changes made by the



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2853 act; amending s. 409.901, F.S.; revising the
2854 definition of the term "third-party benefit"; amending
2855 s. 409.910, F.S.; revising the definition of the term
2856 "medical coverage"; making technical changes; amending
2857 s. 456.057, F.S.; conforming a cross-reference;
2858 amending s. 456.072, F.S.; revising specified grounds
2859 for discipline for certain health professions;
2860 amending s. 626.9541, F.S.; conforming a provision to
2861 changes made by the act; revising the type of
2862 insurance coverage applicable to a certain prohibited
2863 act; conforming a cross-reference; amending s.
2864 626.989, F.S.; revising the definition of the term
2865 "fraudulent insurance act"; amending s. 627.06501,
2866 F.S.; revising coverages that may provide for a
2867 reduction in motor vehicle insurance policy premium
2868 charges under certain circumstances; amending s.
2869 627.0652, F.S.; revising coverages that must provide a
2870 premium charge reduction under certain circumstances;
2871 amending s. 627.0653, F.S.; revising coverages subject
2872 to premium discounts for specified motor vehicle
2873 equipment; amending s. 627.4132, F.S.; revising the
2874 coverages of a motor vehicle policy which are subject
2875 to a stacking prohibition; amending s. 627.7263, F.S.;
2876 revising provisions relating to designation of primary
2877 coverages for rental and leasing driver's insurance;
2878 conforming provisions to changes made by the act;
2879 creating s. 627.7265, F.S.; requiring specified motor
2880 vehicle liability insurance policies to include
2881 medical payments coverage; specifying persons such



2882 coverage must protect; specifying the minimum medical
2883 expense coverage and minimum death benefit required
2884 under such coverage; providing construction relating
2885 to limits on certain other coverages; prohibiting
2886 insurers from offering such coverage to an applicant
2887 or policyholder with a deductible; specifying medical
2888 services and care required to be covered under such
2889 coverage; authorizing insurers to exclude medical
2890 payment benefits under certain circumstances;
2891 providing that medical payments benefits are primary
2892 to certain health insurance benefits and apply to the
2893 coinsurance or deductible amounts required by certain
2894 health insurance policies, except under certain
2895 circumstances; providing that a medical payments
2896 insurance policy, under certain circumstances, may
2897 include a subrogation provision for medical payments
2898 benefits paid; requiring insurers, upon receiving a
2899 certain notice, to hold a specified reserve for
2900 certain purposes for a specified time; providing that
2901 the reserve requirement does not require insurers to
2902 establish a claim reserve for accounting purposes;
2903 specifying requirements, procedures, limitations, and
2904 prohibitions relating to charges and billing for care
2905 of bodily injuries under medical payments coverage;
2906 defining the term "service year"; requiring the
2907 Department of Health to adopt a certain rule;
2908 providing insurers a civil cause of action against
2909 certain persons who are convicted of or plead guilty
2910 or nolo contendere to certain acts of insurance fraud



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2911 associated with claims for medical payments coverage
2912 benefits; requiring insurers receiving notice of a
2913 claim to provide a specified fraud advisory notice to
2914 certain persons; providing that claims generated as a
2915 result of certain patient brokering activities are
2916 nonreimbursable; authorizing notices, documentation,
2917 transmissions, or communications to be transferred
2918 electronically in a secure manner; amending s.
2919 627.727, F.S.; conforming provisions to changes made
2920 by the act; amending s. 627.7275, F.S.; revising
2921 applicability and required coverages for a motor
2922 vehicle insurance policy; conforming provisions to
2923 changes made by the act; amending s. 627.728, F.S.;
2924 conforming a provision to changes made by the act;
2925 amending s. 627.7295, F.S.; revising the definitions
2926 of the terms "policy" and "binder"; revising the
2927 coverages of a motor vehicle insurance policy for
2928 which a licensed general lines agent may charge a
2929 specified fee; revising applicability; conforming a
2930 cross-reference; amending s. 627.7415, F.S.; revising,
2931 at specified intervals, the minimum levels of certain
2932 liability insurance required for commercial motor
2933 vehicles; amending s. 627.8405, F.S.; revising
2934 coverages in a policy sold in combination with an
2935 accidental death and dismemberment policy, which a
2936 premium finance company may not finance; revising
2937 rulemaking authority of the commission; amending ss.
2938 627.915, 628.909, 705.184, and 713.78, F.S.;

2939 conforming provisions to changes made by the act;



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2940 amending s. 817.234, F.S.; revising coverages that are
2941 the basis of specified prohibited false and fraudulent
2942 insurance claims; conforming a provision to changes
2943 made by the act; conforming a cross-reference;
2944 providing applicability and construction relating to
2945 changes made by the act; defining the term "minimum
2946 security requirements"; providing requirements and
2947 procedures relating to motor vehicle insurance
2948 policies that include personal injury protection as of
2949 a specified date; requiring an insurer to provide, by
2950 a specified date, a specified notice to policyholders
2951 relating to requirements under the act; providing for
2952 construction relating to suspensions for failure to
2953 maintain required security in effect before a
2954 specified date; providing an appropriation; providing
2955 effective dates.



236916

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/28/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Health and Human Services
(Rouson) recommended the following:

Senate Amendment to Amendment (244072)

Delete line 1642

and insert:

limit of at least \$15,000 per person for medical expense
incurred



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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Health and Human Services
(Passidomo) recommended the following:

1 **Senate Substitute for Amendment (244072) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
7 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
8 and 627.7405, Florida Statutes, which comprise the Florida Motor
9 Vehicle No-Fault Law, are repealed.

10 Section 2. Section 627.7407, Florida Statutes, is repealed.



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11 Section 3. Subsection (1) of section 316.646, Florida
12 Statutes, is amended to read:

13 316.646 Security required; proof of security and display
14 thereof.—

15 (1) Any person required by s. 324.022 to maintain liability
16 security for property damage, ~~liability security, required by s.~~
17 ~~324.023 to maintain liability security for~~ bodily injury, or
18 ~~death, or required by s. 627.733 to maintain personal injury~~
19 ~~protection security on a motor vehicle~~ shall have in his or her
20 immediate possession at all times while operating such motor
21 vehicle proper proof of maintenance of the ~~required~~ security
22 required under s. 324.021(7).

23 (a) Such proof must ~~shall~~ be in a uniform paper or
24 electronic format, as prescribed by the department, a valid
25 insurance policy, an insurance policy binder, a certificate of
26 insurance, or such other proof as may be prescribed by the
27 department.

28 (b)1. The act of presenting to a law enforcement officer an
29 electronic device displaying proof of insurance in an electronic
30 format does not constitute consent for the officer to access any
31 information on the device other than the displayed proof of
32 insurance.

33 2. The person who presents the device to the officer
34 assumes the liability for any resulting damage to the device.

35 Section 4. Paragraph (b) of subsection (2) of section
36 318.18, Florida Statutes, is amended to read:

37 318.18 Amount of penalties.—The penalties required for a
38 noncriminal disposition pursuant to s. 318.14 or a criminal
39 offense listed in s. 318.17 are as follows:



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40 (2) Thirty dollars for all nonmoving traffic violations
41 and:

42 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
43 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
44 320.07(1) shall be charged a delinquent fee pursuant to s.
45 320.07(4).

46 1. If a person who is cited for a violation of s. 320.0605
47 or s. 320.07 can show proof of having a valid registration at
48 the time of arrest, the clerk of the court may dismiss the case
49 and may assess a dismissal fee of up to \$10. A person who finds
50 it impossible or impractical to obtain a valid registration
51 certificate must submit an affidavit detailing the reasons for
52 the impossibility or impracticality. The reasons may include,
53 but are not limited to, the fact that the vehicle was sold,
54 stolen, or destroyed; that the state in which the vehicle is
55 registered does not issue a certificate of registration; or that
56 the vehicle is owned by another person.

57 2. If a person who is cited for a violation of s. 322.03,
58 s. 322.065, or s. 322.15 can show a driver license issued to him
59 or her and valid at the time of arrest, the clerk of the court
60 may dismiss the case and may assess a dismissal fee of up to
61 \$10.

62 3. If a person who is cited for a violation of s. 316.646
63 can show proof of security as required by s. 324.021(7) ~~s.~~
64 ~~627.733~~, issued to the person and valid at the time of arrest,
65 the clerk of the court may dismiss the case and may assess a
66 dismissal fee of up to \$10. A person who finds it impossible or
67 impractical to obtain proof of security must submit an affidavit
68 detailing the reasons for the impracticality. The reasons may



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69 include, but are not limited to, the fact that the vehicle has
70 since been sold, stolen, or destroyed; ~~that the owner or~~
71 ~~registrant of the vehicle is not required by s. 627.733 to~~
72 ~~maintain personal injury protection insurance;~~ or that the
73 vehicle is owned by another person.

74 Section 5. Paragraphs (a) and (d) of subsection (5) of
75 section 320.02, Florida Statutes, are amended to read:

76 320.02 Registration required; application for registration;
77 forms.—

78 (5) (a) Proof that bodily injury liability coverage and
79 property damage liability coverage ~~personal injury protection~~
80 ~~benefits~~ have been purchased if required under s. 324.022, s.
81 324.032, or s. 627.742 ~~s. 627.733, that property damage~~
82 ~~liability coverage has been purchased as required under s.~~
83 ~~324.022, that bodily injury liability or death~~ coverage has been
84 purchased if required under s. 324.023, and that combined bodily
85 liability insurance and property damage liability insurance have
86 been purchased if required under s. 627.7415 must ~~shall~~ be
87 provided in the manner prescribed by law by the applicant at the
88 time of application for registration of any motor vehicle that
89 is subject to such requirements. The issuing agent may not ~~shall~~
90 ~~refuse to~~ issue registration if such proof of purchase is not
91 provided. Insurers shall furnish uniform proof-of-purchase cards
92 in a paper or electronic format in a form prescribed by the
93 department and include the name of the insured's insurance
94 company, the coverage identification number, and the make, year,
95 and vehicle identification number of the vehicle insured. The
96 card must contain a statement notifying the applicant of the
97 penalty specified under s. 316.646(4). The card or insurance



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98 policy, insurance policy binder, or certificate of insurance or
99 a photocopy of any of these; an affidavit containing the name of
100 the insured's insurance company, the insured's policy number,
101 and the make and year of the vehicle insured; or such other
102 proof as may be prescribed by the department constitutes ~~shall~~
103 ~~constitute~~ sufficient proof of purchase. If an affidavit is
104 provided as proof, it must be in substantially the following
105 form:

106
107 Under penalty of perjury, I ...(Name of insured)... do hereby
108 certify that I have ...(bodily injury liability and Personal
109 ~~Injury Protection~~, property damage liability coverage, ~~and, if~~
110 ~~required, Bodily Injury Liability~~)... Insurance currently in
111 effect with ...(Name of insurance company)... under ...(policy
112 number)... covering ...(make, year, and vehicle identification
113 number of vehicle).... ...(Signature of Insured)...

114
115 Such affidavit must include the following warning:

116
117 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
118 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
119 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
120 SUBJECT TO PROSECUTION.

121
122 If an application is made through a licensed motor vehicle
123 dealer as required under s. 319.23, the original or a photocopy
124 ~~photostatic copy~~ of such card, insurance policy, insurance
125 policy binder, or certificate of insurance or the original
126 affidavit from the insured must ~~shall~~ be forwarded by the dealer



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127 to the tax collector of the county or the Department of Highway
128 Safety and Motor Vehicles for processing. By executing the
129 ~~aforsaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not
130 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
131 falsification of any statement contained therein. ~~A card must~~
132 ~~also indicate the existence of any bodily injury liability~~
133 ~~insurance voluntarily purchased.~~

134 (d) The verifying of ~~proof of personal injury protection~~
135 ~~insurance, proof of property damage liability insurance, proof~~
136 ~~of combined bodily liability insurance and property damage~~
137 ~~liability insurance, or proof of financial responsibility~~
138 ~~insurance~~ and the issuance or failure to issue the motor vehicle
139 registration under ~~the provisions of~~ this chapter may not be
140 construed in any court as a warranty of the reliability or
141 accuracy of the evidence of such proof, or that the provisions
142 of any insurance policy furnished as proof of financial
143 responsibility comply with state law. ~~Neither~~ The department or
144 ~~nor~~ any tax collector is not liable in damages for any
145 inadequacy, insufficiency, falsification, or unauthorized
146 modification of any item of ~~the proof of personal injury~~
147 ~~protection insurance, proof of property damage liability~~
148 ~~insurance, proof of combined bodily liability insurance and~~
149 ~~property damage liability insurance, or proof of financial~~
150 responsibility before insurance prior to, during, or subsequent
151 to the verification of the proof. The issuance of a motor
152 vehicle registration does not constitute prima facie evidence or
153 a presumption of insurance coverage.

154 Section 6. Paragraph (b) of subsection (1) of section
155 320.0609, Florida Statutes, is amended to read:



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156 320.0609 Transfer and exchange of registration license
157 plates; transfer fee.—

158 (1)

159 (b) The transfer of a license plate from a vehicle disposed
160 of to a newly acquired vehicle does not constitute a new
161 registration. The application for transfer shall be accepted
162 without requiring proof of ~~personal injury protection or~~
163 liability insurance.

164 Section 7. Paragraph (g) is added to subsection (1) of
165 section 320.27, Florida Statutes, and subsection (3) of that
166 section is amended, to read:

167 320.27 Motor vehicle dealers.—

168 (1) DEFINITIONS.—The following words, terms, and phrases
169 when used in this section have the meanings respectively
170 ascribed to them in this subsection, except where the context
171 clearly indicates a different meaning:

172 (g) "Garage liability insurance" means combined single-
173 limit liability coverage, including property damage and bodily
174 injury liability coverage, in the amount of:

175 1. Beginning January 1, 2019, and continuing through
176 December 31, 2020, at least \$50,000.

177 2. Beginning January 1, 2021, and continuing through
178 December 31, 2022, at least \$60,000.

179 3. Beginning January 1, 2023 and thereafter, at least
180 \$70,000.

181 (3) APPLICATION AND FEE.—The ~~application for the license~~
182 application must ~~shall~~ be in such form as may be prescribed by
183 the department and is ~~shall be~~ subject to such rules ~~with~~
184 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.



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185 Such application must ~~shall~~ be verified by oath or affirmation
186 and must ~~shall~~ contain a full statement of the name and birth
187 date of the person or persons applying for the license ~~therefor~~;
188 the name of the firm or copartnership, with the names and places
189 of residence of all members ~~thereof~~, if such applicant is a firm
190 or copartnership; the names and places of residence of the
191 principal officers, if the applicant is a body corporate or
192 other artificial body; the name of the state under whose laws
193 the corporation is organized; the present and former place or
194 places of residence of the applicant; and the prior business in
195 which the applicant has been engaged and its ~~the~~ location
196 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
197 location of the place of business and must ~~shall~~ state whether
198 the place of business is owned by the applicant and when
199 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
200 attached to the application. The applicant shall certify that
201 the location provides an adequately equipped office and is not a
202 residence; that the location affords sufficient unoccupied space
203 upon and within which adequately to store all motor vehicles
204 offered and displayed for sale; and that the location is a
205 suitable place where the applicant can in good faith carry on
206 such business and keep and maintain books, records, and files
207 necessary to conduct such business, which must ~~shall~~ be
208 available at all reasonable hours to inspection by the
209 department or any of its inspectors or other employees. The
210 applicant shall certify that the business of a motor vehicle
211 dealer is the principal business that will ~~which shall~~ be
212 conducted at that location. The application must ~~shall~~ contain a
213 statement that the applicant is either franchised by a



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214 manufacturer of motor vehicles, in which case the name of each
215 motor vehicle that the applicant is franchised to sell must
216 ~~shall~~ be included, or an independent (nonfranchised) motor
217 vehicle dealer. The application must ~~shall~~ contain other
218 relevant information as may be required by the department. The
219 applicant must furnish, including evidence, in a form approved
220 by the department, that the applicant is insured under a garage
221 liability insurance policy or a general liability insurance
222 policy coupled with a business automobile policy having the
223 garage liability insurance coverage required by this subsection,
224 ~~which shall include, at a minimum, \$25,000 combined single-limit~~
225 ~~liability coverage including bodily injury and property damage~~
226 ~~protection and \$10,000 personal injury protection.~~ However, a
227 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.
228 is exempt from the requirements for garage liability insurance
229 ~~and personal injury protection insurance~~ on those vehicles that
230 cannot be legally operated on roads, highways, or streets in
231 this state. Franchise dealers must submit a garage liability
232 insurance policy, and all other dealers must submit a garage
233 liability insurance policy or a general liability insurance
234 policy coupled with a business automobile policy. Such policy
235 must ~~shall~~ be for the license period, and evidence of a new or
236 continued policy must ~~shall~~ be delivered to the department at
237 the beginning of each license period. Upon making an initial
238 application, the applicant shall pay to the department a fee of
239 \$300 in addition to any other fees required by law. Applicants
240 may choose to extend the licensure period for 1 additional year
241 for a total of 2 years. An initial applicant shall pay to the
242 department a fee of \$300 for the first year and \$75 for the



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243 second year, in addition to any other fees required by law. An
244 applicant for renewal shall pay to the department \$75 for a 1-
245 year renewal or \$150 for a 2-year renewal, in addition to any
246 other fees required by law. Upon making an application for a
247 change of location, the applicant ~~person~~ shall pay a fee of \$50
248 in addition to any other fees now required by law. The
249 department shall, in the case of every application for initial
250 licensure, verify whether certain facts set forth in the
251 application are true. Each applicant, general partner in the
252 case of a partnership, or corporate officer and director in the
253 case of a corporate applicant shall, ~~must~~ file a set of
254 fingerprints with the department for the purpose of determining
255 any prior criminal record or any outstanding warrants. The
256 department shall submit the fingerprints to the Department of
257 Law Enforcement for state processing and forwarding to the
258 Federal Bureau of Investigation for federal processing. The
259 actual cost of state and federal processing must ~~shall~~ be borne
260 by the applicant and is in addition to the fee for licensure.
261 The department may issue a license to an applicant pending the
262 results of the fingerprint investigation, which license is fully
263 revocable if the department subsequently determines that any
264 facts set forth in the application are not true or correctly
265 represented.

266 Section 8. Paragraph (j) of subsection (3) of section
267 320.771, Florida Statutes, is amended to read:

268 320.771 License required of recreational vehicle dealers.—

269 (3) APPLICATION.—The application for such license shall be
270 in the form prescribed by the department and subject to such
271 rules as may be prescribed by it. The application shall be



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272 verified by oath or affirmation and shall contain:

273 (j) A statement that the applicant is insured under a
274 garage liability insurance policy in accordance with s.
275 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
276 ~~combined single-limit liability coverage, including bodily~~
277 ~~injury and property damage protection, and \$10,000 personal~~
278 ~~injury protection~~, if the applicant is to be licensed as a
279 dealer in, or intends to sell, recreational vehicles.

280

281 The department shall, if it deems necessary, cause an
282 investigation to be made to ascertain if the facts set forth in
283 the application are true and shall not issue a license to the
284 applicant until it is satisfied that the facts set forth in the
285 application are true.

286 Section 9. Subsections (1) and (2) of section 322.251,
287 Florida Statutes, are amended to read:

288 322.251 Notice of cancellation, suspension, revocation, or
289 disqualification of license.—

290 (1) All orders of cancellation, suspension, revocation, or
291 disqualification issued under ~~the provisions of~~ this chapter,
292 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~
293 be given either by personal delivery thereof to the licensee
294 whose license is being canceled, suspended, revoked, or
295 disqualified or by deposit in the United States mail in an
296 envelope, first class, postage prepaid, addressed to the
297 licensee at his or her last known mailing address furnished to
298 the department. Such mailing by the department constitutes
299 notification, and any failure by the person to receive the
300 mailed order will not affect or stay the effective date or term



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301 of the cancellation, suspension, revocation, or disqualification
302 of the licensee's driving privilege.

303 (2) The giving of notice and an order of cancellation,
304 suspension, revocation, or disqualification by mail is complete
305 upon expiration of 20 days after deposit in the United States
306 mail for all notices except those issued under chapter 324 ~~or~~
307 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
308 the United States mail. Proof of the giving of notice and an
309 order of cancellation, suspension, revocation, or
310 disqualification in either manner must ~~shall~~ be made by entry in
311 the records of the department that such notice was given. The
312 entry is admissible in the courts of this state and constitutes
313 sufficient proof that such notice was given.

314 Section 10. Paragraph (a) of subsection (8) of section
315 322.34, Florida Statutes, is amended to read:

316 322.34 Driving while license suspended, revoked, canceled,
317 or disqualified.—

318 (8) (a) Upon the arrest of a person for the offense of
319 driving while the person's driver license or driving privilege
320 is suspended or revoked, the arresting officer shall determine:

321 1. Whether the person's driver license is suspended or
322 revoked.

323 2. Whether the person's driver license has remained
324 suspended or revoked since a conviction for the offense of
325 driving with a suspended or revoked license.

326 3. Whether the suspension or revocation was made under s.
327 316.646 ~~or s. 627.733~~, relating to failure to maintain required
328 security, or under s. 322.264, relating to habitual traffic
329 offenders.



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330 4. Whether the driver is the registered owner or coowner of
331 the vehicle.

332 Section 11. Section 324.011, Florida Statutes, is amended
333 to read:

334 324.011 Legislative intent and purpose of chapter.—It is
335 the Legislature's intent of this chapter to ensure that the
336 privilege of owning or operating a motor vehicle in this state
337 be exercised ~~recognize the existing privilege to own or operate~~
338 ~~a motor vehicle on the public streets and highways of this state~~
339 ~~when such vehicles are used with due consideration for others'~~
340 safety ~~others~~ and their property, ~~and~~ to promote safety, and to
341 provide financial security requirements for ~~such~~ owners and ~~or~~
342 operators whose responsibility it is to recompense others for
343 injury to person or property caused by the operation of a motor
344 vehicle. Therefore, this chapter requires that every owner or
345 operator of a motor vehicle required to be registered in this
346 state establish, maintain, and it is required herein that the
347 ~~operator of a motor vehicle involved in a crash or convicted of~~
348 ~~certain traffic offenses meeting the operative provisions of s.~~
349 ~~324.051(2) shall respond for such damages and show proof of~~
350 financial ability to respond for damages arising out of the
351 ownership, maintenance, or use of a motor vehicle in future
352 ~~accidents~~ as a requisite to owning or operating a motor vehicle
353 in this state ~~his or her future exercise of such privileges.~~

354 Section 12. Subsections (1) and (7) and paragraph (c) of
355 subsection (9) of section 324.021, Florida Statutes, are
356 amended, and subsection (12) is added to that section, to read:

357 324.021 Definitions; minimum insurance required.—The
358 following words and phrases when used in this chapter shall, for



359 the purpose of this chapter, have the meanings respectively
360 ascribed to them in this section, except in those instances
361 where the context clearly indicates a different meaning:

362 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
363 designed and required to be licensed for use upon a highway,
364 including trailers and semitrailers designed for use with such
365 vehicles, except traction engines, road rollers, farm tractors,
366 power shovels, and well drillers, and every vehicle that is
367 propelled by electric power obtained from overhead wires but not
368 operated upon rails, but not including any personal delivery
369 device as defined in s. 316.003, bicycle, or moped. ~~However, the~~
370 ~~term "motor vehicle" does not include a motor vehicle as defined~~
371 ~~in s. 627.732(3) when the owner of such vehicle has complied~~
372 ~~with the requirements of ss. 627.730-627.7405, inclusive, unless~~
373 ~~the provisions of s. 324.051 apply; and, in such case, the~~
374 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

375 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~That~~ Proof of
376 ability to respond in damages for liability on account of
377 crashes arising out of the ownership, maintenance, or use of a
378 motor vehicle:

379 (a) With respect to a motor vehicle that is not a
380 commercial motor vehicle, nonpublic sector bus, or for-hire
381 passenger transportation vehicle:

382 1. Beginning January 1, 2019, and continuing through
383 December 31, 2020, in the amount of:

384 a. Twenty thousand dollars for ~~\$10,000 because of~~ bodily
385 injury to, or the death of, one person in any one crash and, †

386 ~~(b) subject to such limits for one person, in the amount of~~
387 \$40,000 for ~~\$20,000 because of~~ bodily injury to, or the death



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388 of, two or more persons in any one crash; and
389 b. Ten thousand dollars for damage to, or destruction of,
390 property of others in any one crash.
391 2. Beginning January 1, 2021, and continuing through
392 December 31, 2022, in the amount of:
393 a. Twenty-five thousand dollars for bodily injury to, or
394 the death of, one person in any one crash and, subject to such
395 limits for one person, in the amount of \$50,000 for bodily
396 injury to, or the death of, two or more persons in any one
397 crash; and
398 b. Ten thousand dollars for damage to, or destruction of,
399 property of others in any one crash.
400 3. Beginning January 1, 2023, and continuing thereafter, in
401 the amount of:
402 a. Thirty thousand dollars for bodily injury to, or the
403 death of, one person in any one crash and, subject to such
404 limits for one person, in the amount of \$60,000 for bodily
405 injury to, or the death of, two or more persons in any one
406 crash; and
407 b. ~~(e)~~ Ten thousand dollars for damage ~~in the amount of~~
408 ~~\$10,000 because of injury to, or destruction of, property of~~
409 ~~others in any one crash.~~; ~~and~~
410 (b) ~~(d)~~ With respect to commercial motor vehicles ~~and~~
411 ~~nonpublic sector buses, in the amounts specified in s. 627.7415~~
412 ~~ss. 627.7415 and 627.742, respectively.~~
413 (c) With respect to nonpublic sector buses, in the amounts
414 specified in s. 627.742.
415 (d) With respect to for-hire passenger transportation
416 vehicles, in the amounts specified in s. 324.032.



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417 (9) OWNER; OWNER/LESSOR.—

418 (c) *Application*.—

419 1. The limits on liability in subparagraphs (b)2. and 3. do
420 not apply to an owner of motor vehicles that are used for
421 commercial activity in the owner's ordinary course of business,
422 other than a rental company that rents or leases motor vehicles.
423 For purposes of this paragraph, the term "rental company"
424 includes only an entity that is engaged in the business of
425 renting or leasing motor vehicles to the general public and that
426 rents or leases a majority of its motor vehicles to persons with
427 no direct or indirect affiliation with the rental company. The
428 term also includes a motor vehicle dealer that provides
429 temporary replacement vehicles to its customers for up to 10
430 days. The term "rental company" also includes:

431 a. A related rental or leasing company that is a subsidiary
432 of the same parent company as that of the renting or leasing
433 company that rented or leased the vehicle.

434 b. The holder of a motor vehicle title or an equity
435 interest in a motor vehicle title if the title or equity
436 interest is held pursuant to or to facilitate an asset-backed
437 securitization of a fleet of motor vehicles used solely in the
438 business of renting or leasing motor vehicles to the general
439 public and under the dominion and control of a rental company,
440 as described in this subparagraph, in the operation of such
441 rental company's business.

442 2. Furthermore, with respect to commercial motor vehicles
443 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
444 liability in subparagraphs (b)2. and 3. do not apply if, at the
445 time of the incident, the commercial motor vehicle is being used



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446 in the transportation of materials found to be hazardous for the
447 purposes of the Hazardous Materials Transportation Authorization
448 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
449 required pursuant to such act to carry placards warning others
450 of the hazardous cargo, unless at the time of lease or rental
451 either:

452 a. The lessee indicates in writing that the vehicle will
453 not be used to transport materials found to be hazardous for the
454 purposes of the Hazardous Materials Transportation Authorization
455 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

456 b. The lessee or other operator of the commercial motor
457 vehicle has in effect insurance with limits of at least \$5
458 million ~~\$5,000,000~~ combined property damage and bodily injury
459 liability.

460 (12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every “for-
461 hire vehicle” as defined in s. 320.01(15) which is offered or
462 used to provide transportation for persons, including taxicabs,
463 limousines, and jitneys.

464 Section 13. Section 324.022, Florida Statutes, is amended
465 to read:

466 324.022 Financial responsibility requirements ~~for property~~
467 ~~damage.—~~

468 (1) (a) Every owner or operator of a motor vehicle required
469 to be registered in this state shall establish and continuously
470 maintain the ability to respond in damages for liability on
471 account of accidents arising out of the use of the motor vehicle
472 in the amount of:

473 1. Beginning January 1, 2019, and continuing through
474 December 31, 2020:



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475 a. Twenty thousand dollars for bodily injury to, or the
476 death of, one person in any one crash and, subject to such
477 limits for one person, in the amount of \$40,000 for bodily
478 injury to, or the death of, two or more persons in any one
479 crash; and

480 b. Ten thousand dollars for damage to, or destruction of,
481 property of others in any one crash.

482 2. Beginning January 1, 2021, and continuing through
483 December 31, 2022:

484 a. Twenty-five thousand dollars for bodily injury to, or
485 the death of, one person in any one crash and, subject to such
486 limits for one person, in the amount of \$50,000 for bodily
487 injury to, or the death of, two or more persons in any one
488 crash; and

489 b. Ten thousand dollars for damage to, or destruction of,
490 property of others in any one crash.

491 3. Beginning January 1, 2023, and continuing thereafter:

492 a. Thirty thousand dollars for bodily injury to, or the
493 death of, one person in any one crash and, subject to such
494 limits for one person, in the amount of \$60,000 for bodily
495 injury to, or the death of, two or more persons in any one
496 crash; and

497 b. Ten thousand dollars for ~~\$10,000 because of~~ damage to,
498 or destruction of, property of others in any one crash.

499 (b) The requirements of paragraph (a) ~~this section~~ may be
500 met by one of the methods established in s. 324.031; by self-
501 insuring as authorized by s. 768.28(16); or by maintaining a
502 motor vehicle liability insurance policy that ~~an insurance~~
503 policy providing coverage for property damage liability in the



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504 ~~amount of at least \$10,000 because of damage to, or destruction~~
505 ~~of, property of others in any one accident arising out of the~~
506 ~~use of the motor vehicle. The requirements of this section may~~
507 ~~also be met by having a policy which provides combined property~~
508 ~~damage liability and bodily injury liability coverage for any~~
509 ~~one crash arising out of the ownership, maintenance, or use of a~~
510 ~~motor vehicle which conforms to the requirements of s. 324.151~~
511 ~~in the amount of:~~

512 1. At least \$50,000 for every owner or operator subject to
513 the financial responsibility required in subparagraph (1) (a)1.

514 2. At least \$60,000 for every owner or operator subject to
515 the financial responsibility required in subparagraph (1) (a)2.

516 3. At least \$70,000 for every owner or operator subject to
517 the financial responsibility required in subparagraph (1) (a)3.

518 ~~\$30,000 for combined property damage liability and bodily injury~~
519 ~~liability for any one crash arising out of the use of the motor~~
520 ~~vehicle. The policy, with respect to coverage for property~~
521 ~~damage liability, must meet the applicable requirements of s.~~
522 ~~324.151, subject to the usual policy exclusions that have been~~
523 ~~approved in policy forms by the Office of Insurance Regulation.~~
524 ~~No insurer shall have any duty to defend uncovered claims~~
525 ~~irrespective of their joinder with covered claims.~~

526 (2) As used in this section, the term:

527 (a) "Motor vehicle" means any self-propelled vehicle that
528 has four or more wheels and that is of a type designed and
529 required to be licensed for use on the highways of this state,
530 and any trailer or semitrailer designed for use with such
531 vehicle. The term does not include the following:

532 1. A mobile home as defined in s. 320.01.



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533 2. A motor vehicle that is used in mass transit and
534 designed to transport more than five passengers, exclusive of
535 the operator of the motor vehicle, and that is owned by a
536 municipality, transit authority, or political subdivision of the
537 state.

538 3. A school bus as defined in s. 1006.25, which shall
539 maintain security as required under s. 316.615.

540 4. A commercial motor vehicle as defined in s. 207.002 or
541 s. 320.01, which shall maintain security as required under ss.
542 324.031 and 627.7415.

543 5. A nonpublic sector bus, which shall maintain security as
544 required under ss. 324.031 and 627.742.

545 ~~6.4. A vehicle providing for-hire passenger transportation~~
546 ~~vehicle, which that is subject to the provisions of s. 324.031.~~
547 ~~A taxicab shall maintain security as required under s. 324.032~~
548 ~~s. 324.032(1).~~

549 ~~7.5.~~ A personal delivery device as defined in s. 316.003.

550 (b) "Owner" means the person who holds legal title to a
551 motor vehicle or the debtor or lessee who has the right to
552 possession of a motor vehicle that is the subject of a security
553 agreement or lease with an option to purchase.

554 (3) Each nonresident owner or registrant of a motor vehicle
555 that, whether operated or not, has been physically present
556 within this state for more than 90 days during the preceding 365
557 days shall maintain security as required by subsection (1). The
558 security must be ~~that is~~ in effect continuously throughout the
559 period the motor vehicle remains within this state.

560 (4) An ~~The~~ owner or registrant of a motor vehicle who is
561 ~~exempt from the requirements of this section if she or he is a~~



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562 member of the United States Armed Forces and is called to or on
563 active duty outside the United States in an emergency situation
564 ~~is exempt from this section while he or she. The exemption~~
565 ~~provided by this subsection applies only as long as the member~~
566 ~~of the Armed Forces is on such active duty. This exemption~~
567 ~~outside the United States and applies only while the vehicle~~
568 ~~covered by the security is not operated by any person. Upon~~
569 receipt of a written request by the insured to whom the
570 exemption provided in this subsection applies, the insurer shall
571 cancel the coverages and return any unearned premium or suspend
572 the security required by this section. Notwithstanding s.
573 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
574 registration or operator's license of an ~~any~~ owner or registrant
575 of a motor vehicle during the time she or he qualifies for the
576 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
577 of a motor vehicle who qualifies for the ~~an~~ exemption under this
578 subsection shall immediately notify the department before ~~prior~~
579 ~~to~~ and at the end of the expiration of the exemption.

580 Section 14. Subsections (1) and (2) of section 324.0221,
581 Florida Statutes, are amended to read:

582 324.0221 Reports by insurers to the department; suspension
583 of driver license and vehicle registrations; reinstatement.—

584 (1) (a) Each insurer that has issued a policy providing
585 ~~personal injury protection coverage or property damage~~ liability
586 coverage shall report the cancellation or nonrenewal thereof to
587 the department within 10 days after the processing date or
588 effective date of each cancellation or nonrenewal. Upon the
589 issuance of a policy providing ~~personal injury protection~~
590 ~~coverage or property damage~~ liability coverage to a named



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591 insured not previously insured by the insurer during that
592 calendar year, the insurer shall report the issuance of the new
593 policy to the department within 10 days. The report must ~~shall~~
594 be in the form ~~and format~~ and contain any information required
595 by the department and must be provided in a format that is
596 compatible with the data processing capabilities of the
597 department. Failure by an insurer to file proper reports with
598 the department as required by this subsection constitutes a
599 violation of the Florida Insurance Code. These records may ~~shall~~
600 be used by the department only for enforcement and regulatory
601 purposes, including the generation by the department of data
602 regarding compliance by owners of motor vehicles with the
603 requirements for financial responsibility coverage.

604 (b) With respect to an insurance policy providing ~~personal~~
605 ~~injury protection coverage or property damage~~ liability
606 coverage, each insurer shall notify the named insured, or the
607 first-named insured in the case of a commercial fleet policy, in
608 writing that any cancellation or nonrenewal of the policy will
609 be reported by the insurer to the department. The notice must
610 also inform the named insured that failure to maintain bodily
611 injury liability ~~personal injury protection~~ coverage and
612 property damage liability coverage on a motor vehicle when
613 required by law may result in the loss of registration and
614 driving privileges in this state and inform the named insured of
615 the amount of the reinstatement fees required by this section.
616 This notice is for informational purposes only, and an insurer
617 is not civilly liable for failing to provide this notice.

618 (2) The department shall suspend, after due notice and an
619 opportunity to be heard, the registration and driver license of



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620 any owner or registrant of a motor vehicle for ~~with respect to~~
621 which security is required under s. 324.022, s. 324.032, s.
622 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

623 (a) The department's records showing that the owner or
624 registrant of such motor vehicle did not have the ~~in full force~~
625 ~~and effect when~~ required security in full force and effect ~~that~~
626 ~~complies with the requirements of ss. 324.022 and 627.733;~~ or

627 (b) Notification by the insurer to the department, in a
628 form approved by the department, of cancellation or termination
629 of the required security.

630 Section 15. Section 324.023, Florida Statutes, is amended
631 to read:

632 324.023 Financial responsibility for bodily injury or
633 death.—In addition to any other financial responsibility
634 required by law, every owner or operator of a motor vehicle that
635 is required to be registered in this state, or that is located
636 within this state, and who, regardless of adjudication of guilt,
637 has been found guilty of or entered a plea of guilty or nolo
638 contendere to a charge of driving under the influence under s.
639 316.193 after October 1, 2007, shall, by one of the methods
640 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
641 establish and maintain the ability to respond in damages for
642 liability on account of accidents arising out of the use of a
643 motor vehicle in the amount of \$100,000 because of bodily injury
644 to, or death of, one person in any one crash and, subject to
645 such limits for one person, in the amount of \$300,000 because of
646 bodily injury to, or death of, two or more persons in any one
647 crash and in the amount of \$50,000 because of property damage in
648 any one crash. If the owner or operator chooses to establish and



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649 maintain such ability by furnishing a certificate of deposit
650 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
651 deposit must be at least \$350,000. Such higher limits must be
652 carried for a minimum period of 3 years. If the owner or
653 operator has not been convicted of driving under the influence
654 or a felony traffic offense for a period of 3 years from the
655 date of reinstatement of driving privileges for a violation of
656 s. 316.193, the owner or operator shall be exempt from this
657 section.

658 Section 16. Section 324.031, Florida Statutes, is amended
659 to read:

660 324.031 Manner of proving financial responsibility.-

661 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~
662 ~~or any other for-hire passenger transportation vehicle may prove~~
663 ~~financial responsibility by providing satisfactory evidence of~~
664 ~~holding a motor vehicle liability policy as defined in s.~~
665 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
666 ~~carrier which is a member of the Florida Insurance Guaranty~~
667 ~~Association. The operator or owner of a motor vehicle other than~~
668 ~~a for-hire passenger transportation vehicle any other vehicle~~
669 may prove his or her financial responsibility by:

670 ~~(a)(1)~~ Furnishing satisfactory evidence of holding a motor
671 vehicle liability policy as defined in ss. 324.021(8) and
672 324.151;

673 ~~(b)(2)~~ Furnishing a certificate of self-insurance showing a
674 deposit of cash in accordance with s. 324.161; or

675 ~~(c)(3)~~ Furnishing a certificate of self-insurance issued by
676 the department in accordance with s. 324.171.

677 ~~(2)(a) Any person, including any firm, partnership,~~



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678 ~~association, corporation, or other person, other than a natural~~
679 ~~person,~~ electing to use the method of proof specified in
680 paragraph (1)(b) subsection (2) shall furnish a certificate of
681 deposit equal to the number of vehicles owned times:

682 1. Fifty thousand dollars, to a maximum of \$200,000, from
683 January 1, 2019, through December 31, 2020.

684 2. Sixty thousand dollars, to a maximum of \$240,000, from
685 January 1, 2021, through December 31, 2022.

686 3. Seventy thousand dollars, ~~\$30,000,~~ to a maximum of
687 \$280,000, from January 1, 2023, and thereafter. ~~\$120,000;~~

688 (b) In addition, any such person, other than a natural
689 person, shall maintain insurance providing coverage conforming
690 to the requirements of s. 324.151 in excess of the amount of the
691 certificate of deposit, with limits of at least:

692 1. One hundred twenty-five thousand dollars for bodily
693 injury to, or the death of, one person in any one crash and,
694 subject to such limits for one person, in the amount of \$250,000
695 for bodily injury to, or the death of, two or more persons in
696 any one crash, and \$50,000 for damage to, or destruction of,
697 property of others in any one crash; or ~~\$10,000/20,000/10,000 or~~
698 ~~\$30,000 combined single limits, and such excess insurance shall~~
699 ~~provide minimum limits of \$125,000/250,000/50,000 or \$300,000~~
700 ~~combined single limits. These increased limits shall not affect~~
701 ~~the requirements for proving financial responsibility under s.~~
702 ~~324.032(1).~~

703 2. Three hundred thousand dollars for combined bodily
704 injury liability and property damage liability for any one
705 crash.

706 Section 17. Section 324.032, Florida Statutes, is amended



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707 to read:

708 324.032 ~~Manner of proving~~ Financial responsibility for
709 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
710 ~~provisions of s. 324.031:~~

711 (1) An owner or lessee of a for-hire passenger
712 transportation vehicle that is required to be registered in this
713 state shall establish and continuously maintain the ability to
714 respond in damages for liability on account of accidents arising
715 out of the ownership, maintenance, or use of the for-hire
716 passenger transportation vehicle, in the amount of:

717 (a) One hundred twenty-five thousand dollars for bodily
718 injury to, or the death of, one person in any one crash and,
719 subject to such limits for one person, in the amount of \$250,000
720 for bodily injury to, or the death of, two or more persons in
721 any one crash; and ~~A person who is either the owner or a lessee~~
722 ~~required to maintain insurance under s. 627.733(1) (b) and who~~
723 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
724 ~~for-hire passenger transportation vehicles may prove financial~~
725 ~~responsibility by furnishing satisfactory evidence of holding a~~
726 ~~motor vehicle liability policy, but with minimum limits of~~
727 ~~\$125,000/250,000/50,000.~~

728 (b) Fifty thousand dollars for damage to, or destruction
729 of, property of others in any one crash ~~A person who is either~~
730 ~~the owner or a lessee required to maintain insurance under s.~~
731 ~~324.021(9) (b) and who operates limousines, jitneys, or any other~~
732 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
733 ~~financial responsibility by furnishing satisfactory evidence of~~
734 ~~holding a motor vehicle liability policy as defined in s.~~
735 ~~324.031.~~



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736 (2) Except as provided in subsection (3), the requirements
737 of this section must be met by the owner or lessee providing
738 satisfactory evidence of holding a motor vehicle liability
739 policy conforming to the requirements of s. 324.151 which is
740 issued by an insurance carrier that is a member of the Florida
741 Insurance Guaranty Association.

742 (3)-(2) An owner or a lessee who is required to maintain
743 insurance under s. 324.021(9)(b) and who operates at least 300
744 taxicabs, limousines, jitneys, or any other for-hire passenger
745 transportation vehicles may provide financial responsibility by
746 complying with the provisions of s. 324.171, such compliance to
747 be demonstrated by maintaining at its principal place of
748 business an audited financial statement, prepared in accordance
749 with generally accepted accounting principles, and providing to
750 the department a certification issued by a certified public
751 accountant that the applicant's net worth is at least equal to
752 the requirements of s. 324.171 as determined by the Office of
753 Insurance Regulation of the Financial Services Commission,
754 including claims liabilities in an amount certified as adequate
755 by a Fellow of the Casualty Actuarial Society.

756
757 Upon request by the department, the applicant shall ~~must~~ provide
758 the department at the applicant's principal place of business in
759 this state access to the applicant's underlying financial
760 information and financial statements that provide the basis of
761 the certified public accountant's certification. The applicant
762 shall reimburse the requesting department for all reasonable
763 costs incurred by it in reviewing the supporting information.
764 The maximum amount of self-insurance permissible under this



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765 subsection is \$300,000 and must be stated on a per-occurrence
766 basis, and the applicant shall maintain adequate excess
767 insurance issued by an authorized or eligible insurer licensed
768 or approved by the Office of Insurance Regulation. All risks
769 self-insured shall remain with the owner or lessee providing it,
770 and the risks are not transferable to any other person, unless a
771 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
772 obtained.

773 Section 18. Paragraph (b) of subsection (2) of section
774 324.051, Florida Statutes, is amended to read:

775 324.051 Reports of crashes; suspensions of licenses and
776 registrations.—

777 (2)

778 (b) This subsection does ~~shall~~ not apply:

779 1. To such operator or owner if such operator or owner had
780 in effect at the time of such crash or traffic conviction a
781 motor vehicle ~~an automobile~~ liability policy with respect to all
782 of the registered motor vehicles owned by such operator or
783 owner.

784 2. To such operator, if not the owner of such motor
785 vehicle, if there was in effect at the time of such crash or
786 traffic conviction a motor vehicle ~~an automobile~~ liability
787 policy or bond with respect to his or her operation of motor
788 vehicles not owned by him or her.

789 3. To such operator or owner if the liability of such
790 operator or owner for damages resulting from such crash is, in
791 the judgment of the department, covered by any other form of
792 liability insurance or bond.

793 4. To any person who has obtained from the department a



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794 certificate of self-insurance, in accordance with s. 324.171, or
795 to any person operating a motor vehicle for such self-insurer.

796
797 No such policy or bond shall be effective under this subsection
798 unless it contains limits of not less than those specified in s.
799 324.021(7).

800 Section 19. Section 324.071, Florida Statutes, is amended
801 to read:

802 324.071 Reinstatement; renewal of license; reinstatement
803 fee.—An ~~Any~~ operator or owner whose license or registration has
804 been suspended pursuant to s. 324.051(2), s. 324.072, s.
805 324.081, or s. 324.121 may effect its reinstatement upon
806 compliance with ~~the provisions of~~ s. 324.051(2) (a)3. or 4., or
807 s. 324.081(2) and (3), as the case may be, and with one of the
808 provisions of s. 324.031 and upon payment to the department of a
809 nonrefundable reinstatement fee of \$15. Only one such fee may
810 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
811 number of licenses and registrations to be then reinstated or
812 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
813 a department trust fund. If ~~When~~ the reinstatement of any
814 license or registration is effected by compliance with s.
815 324.051(2) (a)3. or 4., the department may ~~shall~~ not renew the
816 license or registration within ~~a period of~~ 3 years after ~~from~~
817 such reinstatement, nor may ~~shall~~ any other license or
818 registration be issued in the name of such person, unless the
819 operator continues ~~is continuing~~ to comply with ~~one of the~~
820 ~~provisions of~~ s. 324.031.

821 Section 20. Subsection (1) of section 324.091, Florida
822 Statutes, is amended to read:



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823 324.091 Notice to department; notice to insurer.-

824 (1) Each owner and operator involved in a crash or
825 conviction case within the purview of this chapter shall furnish
826 evidence of automobile liability insurance or motor vehicle
827 liability insurance within 14 days after the date of the mailing
828 of notice of crash by the department in the form and manner as
829 it may designate. Upon receipt of evidence that a ~~an automobile~~
830 ~~liability policy or~~ motor vehicle liability policy was in effect
831 at the time of the crash or conviction case, the department
832 shall forward to the insurer such information for verification
833 in a method as determined by the department. The insurer shall
834 respond to the department within 20 days after the notice as to
835 whether or not such information is valid. If the department
836 determines that a ~~an automobile liability policy or~~ motor
837 vehicle liability policy was not in effect and did not provide
838 coverage for both the owner and the operator, it must ~~shall~~ take
839 action as it is authorized to do under this chapter.

840 Section 21. Section 324.151, Florida Statutes, is amended
841 to read:

842 324.151 Motor vehicle liability policies; required
843 provisions.-

844 (1) A motor vehicle liability policy that serves as ~~to be~~
845 proof of financial responsibility under s. 324.031(1) must
846 ~~shall~~ be issued to owners or operators of motor vehicles under
847 the following provisions:

848 (a) A motor vehicle ~~An owner's~~ liability insurance policy
849 issued to an owner of a motor vehicle registered in this state
850 must ~~shall~~ designate by explicit description or by appropriate
851 reference all motor vehicles for ~~with respect to~~ which coverage



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852 is thereby granted. The policy must ~~and shall~~ insure the person
853 or persons ~~owner~~ named therein and any other person as operator
854 using such motor vehicle or motor vehicles with the express or
855 implied permission of such owner against loss from the liability
856 imposed by law for damage arising out of the ownership,
857 maintenance, or use of any ~~such~~ motor vehicle or motor vehicles
858 within the United States or the Dominion of Canada, subject to
859 limits, exclusive of interest and costs with respect to each
860 such motor vehicle as is provided for under s. 324.021(7).
861 Insurers may make available, with respect to property damage
862 liability coverage, a deductible amount not to exceed \$500. In
863 the event of a property damage loss covered by a policy
864 containing a property damage deductible provision, the insurer
865 shall pay to the third-party claimant the amount of any property
866 damage liability settlement or judgment, subject to policy
867 limits, as if no deductible existed.

868 (b) An operator's motor vehicle liability policy of
869 insurance must ~~shall~~ insure the person or persons named therein
870 against loss from the liability imposed ~~upon him or her~~ by law
871 for damages arising out of the use by the person of any motor
872 vehicle not owned by him or her, with the same territorial
873 limits and subject to the same limits of liability as referred
874 to above with respect to an owner's policy of liability
875 insurance.

876 (c) All such motor vehicle liability policies must ~~shall~~
877 state the name and address of the named insured, the coverage
878 afforded by the policy, the premium charged therefor, the policy
879 period, the limits of liability, and must ~~shall~~ contain an
880 agreement or be endorsed that insurance is provided in



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881 accordance with the coverage defined in this chapter ~~as respects~~
882 ~~bodily injury and death or property damage or both~~ and is
883 subject to all provisions of this chapter. The said policies
884 must ~~shall~~ also contain a provision that the satisfaction by an
885 insured of a judgment for such injury or damage may ~~shall~~ not be
886 a condition precedent to the right or duty of the insurance
887 carrier to make payment on account of such injury or damage, and
888 must ~~shall~~ also contain a provision that bankruptcy or
889 insolvency of the insured or of the insured's estate may ~~shall~~
890 not relieve the insurance carrier of any of its obligations
891 under the said policy.

892 (2) ~~The provisions of~~ This section is ~~shall~~ not be
893 applicable to any automobile liability policy unless and until
894 it is furnished as proof of financial responsibility for the
895 future pursuant to s. 324.031, and then only from and after the
896 date the said policy is so furnished.

897 Section 22. Section 324.161, Florida Statutes, is amended
898 to read:

899 324.161 Proof of financial responsibility; deposit.—If a
900 person elects to prove his or her financial responsibility under
901 the method of proof specified in s. 324.031(1)(b), he or she
902 must obtain proof of a certificate of deposit annually, in the
903 amount required under s. 324.031(2), from a financial
904 institution insured by the Federal Deposit Insurance Corporation
905 or the National Credit Union Administration. Proof of such
906 certificate of deposit ~~Annually, before any certificate of~~
907 ~~insurance may be issued to a person, including any firm,~~
908 ~~partnership, association, corporation, or other person, other~~
909 ~~than a natural person, proof of a certificate of deposit of~~



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910 ~~\$30,000 issued and held by a financial institution~~ must be
911 submitted to the department annually. A power of attorney will
912 be issued to and held by the department and may be executed upon
913 a judgment issued against such person making the deposit, for
914 damages for ~~because of~~ bodily injury to or death of any person
915 or for damages for ~~because of~~ injury to or destruction of
916 property resulting from the use or operation of any motor
917 vehicle occurring after such deposit was made. Money so
918 deposited is ~~shall~~ not be subject to attachment or execution
919 unless such attachment or execution arises ~~shall arise~~ out of a
920 lawsuit ~~suit~~ for such damages ~~as aforesaid~~.

921 Section 23. Subsections (1) and (2) of section 324.171,
922 Florida Statutes, are amended to read:

923 324.171 Self-insurer.—

924 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
925 a certificate of self-insurance from the department. ~~which may,~~
926 ~~in its discretion and~~ Upon application of such a person, the
927 department may issue a said certificate of self-insurance if the
928 applicant ~~when such person~~ has satisfied the requirements of
929 this section ~~to qualify as a self-insurer under this section:~~

930 (a) A private individual with private passenger vehicles
931 must ~~shall~~ possess a net unencumbered worth: ~~of~~

932 1. Beginning January 1, 2019, through December 31, 2020, of
933 at least \$80,000.

934 2. Beginning January 1, 2021, through December 31, 2022, of
935 at least \$100,000.

936 3. Beginning January 1, 2023, and thereafter, of at least
937 \$120,000 ~~\$40,000.~~

938 (b) A person, including any firm, partnership, association,



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939 corporation, or other person, other than a natural person, must
940 ~~shall~~:

941 1. Possess a net unencumbered worth: ~~of~~

942 a. Beginning January 1, 2019, through December 31, 2020, of
943 at least \$80,000 for the first motor vehicle and \$40,000 for
944 each additional motor vehicle.

945 b. Beginning January 1, 2021, through December 31, 2022, of
946 at least \$100,000 for the first motor vehicle and \$50,000 for
947 each additional motor vehicle.

948 c. Beginning January 1, 2023, and thereafter, of at least
949 \$120,000 ~~\$40,000~~ for the first motor vehicle and \$60,000 ~~\$20,000~~
950 for each additional motor vehicle; or

951 2. Maintain sufficient net worth, in an amount determined
952 by the department, to be financially responsible for potential
953 losses. The department shall annually determine the minimum net
954 worth sufficient to satisfy this subparagraph ~~as determined~~
955 ~~annually by the department,~~ pursuant to rules adopted
956 ~~promulgated~~ by the department, with the assistance of the Office
957 of Insurance Regulation of the Financial Services Commission, ~~to~~
958 ~~be financially responsible for potential losses.~~ The rules must
959 ~~consider any shall take into consideration~~ excess insurance
960 carried by the applicant. The department's determination must
961 ~~shall~~ be based upon reasonable actuarial principles considering
962 the frequency, severity, and loss development of claims incurred
963 by casualty insurers writing coverage on the type of motor
964 vehicles for which a certificate of self-insurance is desired.

965 (c) The owner of a commercial motor vehicle, as defined in
966 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
967 to the standards provided ~~for~~ in subparagraph (b)2.



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968 (2) The self-insurance certificate must ~~shall~~ provide
969 limits of liability insurance in the amounts specified under s.
970 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
971 ~~protection coverage under s. 627.733(3)(b).~~

972 Section 24. Section 324.251, Florida Statutes, is amended
973 to read:

974 324.251 Short title.—This chapter may be cited as the
975 “Financial Responsibility Law of 2018 1955” and is ~~shall become~~
976 effective at 12:01 a.m., January 1, 2019 ~~October 1, 1955.~~

977 Section 25. Subsection (4) of section 400.9905, Florida
978 Statutes, is amended to read:

979 400.9905 Definitions.—

980 (4) “Clinic” means an entity where health care services are
981 provided to individuals and which tenders charges for
982 reimbursement for such services, including a mobile clinic and a
983 portable equipment provider. As used in this part, the term does
984 not include and the licensure requirements of this part do not
985 apply to:

986 (a) Entities licensed or registered by the state under
987 chapter 395; entities licensed or registered by the state and
988 providing only health care services within the scope of services
989 authorized under their respective licenses under ss. 383.30-
990 383.335, chapter 390, chapter 394, chapter 397, this chapter
991 except part X, chapter 429, chapter 463, chapter 465, chapter
992 466, chapter 478, part I of chapter 483, chapter 484, or chapter
993 651; end-stage renal disease providers authorized under 42
994 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
995 part 485, subpart B or subpart H; or any entity that provides
996 neonatal or pediatric hospital-based health care services or



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997 other health care services by licensed practitioners solely
998 within a hospital licensed under chapter 395.

999 (b) Entities that own, directly or indirectly, entities
1000 licensed or registered by the state pursuant to chapter 395;
1001 entities that own, directly or indirectly, entities licensed or
1002 registered by the state and providing only health care services
1003 within the scope of services authorized pursuant to their
1004 respective licenses under ss. 383.30-383.335, chapter 390,
1005 chapter 394, chapter 397, this chapter except part X, chapter
1006 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1007 of chapter 483, chapter 484, or chapter 651; end-stage renal
1008 disease providers authorized under 42 C.F.R. part 405, subpart
1009 U; providers certified under 42 C.F.R. part 485, subpart B or
1010 subpart H; or any entity that provides neonatal or pediatric
1011 hospital-based health care services by licensed practitioners
1012 solely within a hospital licensed under chapter 395.

1013 (c) Entities that are owned, directly or indirectly, by an
1014 entity licensed or registered by the state pursuant to chapter
1015 395; entities that are owned, directly or indirectly, by an
1016 entity licensed or registered by the state and providing only
1017 health care services within the scope of services authorized
1018 pursuant to their respective licenses under ss. 383.30-383.335,
1019 chapter 390, chapter 394, chapter 397, this chapter except part
1020 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1021 478, part I of chapter 483, chapter 484, or chapter 651; end-
1022 stage renal disease providers authorized under 42 C.F.R. part
1023 405, subpart U; providers certified under 42 C.F.R. part 485,
1024 subpart B or subpart H; or any entity that provides neonatal or
1025 pediatric hospital-based health care services by licensed



1026 practitioners solely within a hospital under chapter 395.
1027 (d) Entities that are under common ownership, directly or
1028 indirectly, with an entity licensed or registered by the state
1029 pursuant to chapter 395; entities that are under common
1030 ownership, directly or indirectly, with an entity licensed or
1031 registered by the state and providing only health care services
1032 within the scope of services authorized pursuant to their
1033 respective licenses under ss. 383.30-383.335, chapter 390,
1034 chapter 394, chapter 397, this chapter except part X, chapter
1035 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1036 of chapter 483, chapter 484, or chapter 651; end-stage renal
1037 disease providers authorized under 42 C.F.R. part 405, subpart
1038 U; providers certified under 42 C.F.R. part 485, subpart B or
1039 subpart H; or any entity that provides neonatal or pediatric
1040 hospital-based health care services by licensed practitioners
1041 solely within a hospital licensed under chapter 395.
1042 (e) An entity that is exempt from federal taxation under 26
1043 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1044 under 26 U.S.C. s. 409 that has a board of trustees at least
1045 two-thirds of which are Florida-licensed health care
1046 practitioners and provides only physical therapy services under
1047 physician orders, any community college or university clinic,
1048 and any entity owned or operated by the federal or state
1049 government, including agencies, subdivisions, or municipalities
1050 thereof.
1051 (f) A sole proprietorship, group practice, partnership, or
1052 corporation that provides health care services by physicians
1053 covered by s. 627.419, that is directly supervised by one or
1054 more of such physicians, and that is wholly owned by one or more



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1055 of those physicians or by a physician and the spouse, parent,
1056 child, or sibling of that physician.

1057 (g) A sole proprietorship, group practice, partnership, or
1058 corporation that provides health care services by licensed
1059 health care practitioners under chapter 457, chapter 458,
1060 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1061 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1062 chapter 490, chapter 491, or part I, part III, part X, part
1063 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1064 wholly owned by one or more licensed health care practitioners,
1065 or the licensed health care practitioners set forth in this
1066 paragraph and the spouse, parent, child, or sibling of a
1067 licensed health care practitioner if one of the owners who is a
1068 licensed health care practitioner is supervising the business
1069 activities and is legally responsible for the entity's
1070 compliance with all federal and state laws. However, a health
1071 care practitioner may not supervise services beyond the scope of
1072 the practitioner's license, except that, for the purposes of
1073 this part, a clinic owned by a licensee in s. 456.053(3) (b)
1074 which provides only services authorized pursuant to s.
1075 456.053(3) (b) may be supervised by a licensee specified in s.
1076 456.053(3) (b).

1077 (h) Clinical facilities affiliated with an accredited
1078 medical school at which training is provided for medical
1079 students, residents, or fellows.

1080 (i) Entities that provide only oncology or radiation
1081 therapy services by physicians licensed under chapter 458 or
1082 chapter 459 or entities that provide oncology or radiation
1083 therapy services by physicians licensed under chapter 458 or



1084 chapter 459 which are owned by a corporation whose shares are
1085 publicly traded on a recognized stock exchange.

1086 (j) Clinical facilities affiliated with a college of
1087 chiropractic accredited by the Council on Chiropractic Education
1088 at which training is provided for chiropractic students.

1089 (k) Entities that provide licensed practitioners to staff
1090 emergency departments or to deliver anesthesia services in
1091 facilities licensed under chapter 395 and that derive at least
1092 90 percent of their gross annual revenues from the provision of
1093 such services. Entities claiming an exemption from licensure
1094 under this paragraph must provide documentation demonstrating
1095 compliance.

1096 (l) Orthotic, prosthetic, pediatric cardiology, or
1097 perinatology clinical facilities or anesthesia clinical
1098 facilities that are not otherwise exempt under paragraph (a) or
1099 paragraph (k) and that are a publicly traded corporation or are
1100 wholly owned, directly or indirectly, by a publicly traded
1101 corporation. As used in this paragraph, a publicly traded
1102 corporation is a corporation that issues securities traded on an
1103 exchange registered with the United States Securities and
1104 Exchange Commission as a national securities exchange.

1105 (m) Entities that are owned by a corporation that has \$250
1106 million or more in total annual sales of health care services
1107 provided by licensed health care practitioners where one or more
1108 of the persons responsible for the operations of the entity is a
1109 health care practitioner who is licensed in this state and who
1110 is responsible for supervising the business activities of the
1111 entity and is responsible for the entity's compliance with state
1112 law for purposes of this part.



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1113 (n) Entities that employ 50 or more licensed health care
1114 practitioners licensed under chapter 458 or chapter 459 where
1115 the billing for medical services is under a single tax
1116 identification number. The application for exemption under this
1117 subsection must include ~~shall contain information that includes:~~
1118 the name, residence, and business address and telephone ~~phone~~
1119 number of the entity that owns the practice; a complete list of
1120 the names and contact information of all the officers and
1121 directors of the corporation; the name, residence address,
1122 business address, and medical license number of each licensed
1123 Florida health care practitioner employed by the entity; the
1124 corporate tax identification number of the entity seeking an
1125 exemption; a listing of health care services to be provided by
1126 the entity at the health care clinics owned or operated by the
1127 entity; and a certified statement prepared by an independent
1128 certified public accountant which states that the entity and the
1129 health care clinics owned or operated by the entity have not
1130 received payment for health care services under motor vehicle
1131 ~~personal injury protection~~ insurance coverage for the preceding
1132 year. If the agency determines that an entity that ~~which~~ is
1133 exempt under this subsection has received payments for medical
1134 services under motor vehicle ~~personal injury protection~~
1135 insurance coverage, the agency may deny or revoke the exemption
1136 from licensure under this subsection.

1137
1138 Notwithstanding this subsection, an entity shall be deemed a
1139 clinic and must be licensed under this part in order to receive
1140 reimbursement under a motor vehicle insurance policy ~~the Florida~~
1141 ~~Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~



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1142 ~~exempted under s. 627.736(5)(h).~~

1143 Section 26. Subsection (6) of section 400.991, Florida
1144 Statutes, is amended to read:

1145 400.991 License requirements; background screenings;
1146 prohibitions.-

1147 (6) All agency forms for licensure application or exemption
1148 from licensure under this part must contain the following
1149 statement:

1150
1151 INSURANCE FRAUD NOTICE.-A person commits a fraudulent
1152 insurance act, as defined in s. 626.989, Florida
1153 Statutes, if the person who knowingly submits a false,
1154 misleading, or fraudulent application or other
1155 document when applying for licensure as a health care
1156 clinic, seeking an exemption from licensure as a
1157 health care clinic, or demonstrating compliance with
1158 part X of chapter 400, Florida Statutes, with the
1159 intent to use the license, exemption from licensure,
1160 or demonstration of compliance to provide services or
1161 seek reimbursement under a motor vehicle liability
1162 insurance policy ~~the Florida Motor Vehicle No-Fault~~
1163 ~~Law, commits a fraudulent insurance act, as defined in~~
1164 ~~s. 626.989, Florida Statutes.~~ A person who presents a
1165 claim for benefits under a motor vehicle insurance
1166 policy, personal injury protection benefits knowing
1167 that the payee knowingly submitted such health care
1168 clinic application or document, commits insurance
1169 fraud, as defined in s. 817.234, Florida Statutes.
1170 Section 27. Paragraph (g) of subsection (1) of section



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1171 400.9935, Florida Statutes, is amended to read:

1172 400.9935 Clinic responsibilities.—

1173 (1) Each clinic shall appoint a medical director or clinic
1174 director who shall agree in writing to accept legal
1175 responsibility for the following activities on behalf of the
1176 clinic. The medical director or the clinic director shall:

1177 (g) Conduct systematic reviews of clinic billings to ensure
1178 that the billings are not fraudulent or unlawful. Upon discovery
1179 of an unlawful charge, the medical director or clinic director
1180 shall take immediate corrective action. If the clinic performs
1181 only the technical component of magnetic resonance imaging,
1182 static radiographs, computed tomography, or positron emission
1183 tomography, and provides the professional interpretation of such
1184 services, in a fixed facility that is accredited by a national
1185 accrediting organization that is approved by the Centers for
1186 Medicare and Medicaid Services for magnetic resonance imaging
1187 and advanced diagnostic imaging services and if, in the
1188 preceding quarter, the percentage of scans performed by that
1189 clinic which was billed to motor vehicle ~~all personal injury~~
1190 ~~protection~~ insurance carriers was less than 15 percent, the
1191 chief financial officer of the clinic may, in a written
1192 acknowledgment provided to the agency, assume the responsibility
1193 for the conduct of the systematic reviews of clinic billings to
1194 ensure that the billings are not fraudulent or unlawful.

1195 Section 28. Subsection (28) of section 409.901, Florida
1196 Statutes, is amended to read:

1197 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1198 409.901-409.920, except as otherwise specifically provided, the
1199 term:



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1200 (28) "Third-party benefit" means any benefit that is or may
1201 be available at any time through contract, court award,
1202 judgment, settlement, agreement, or any arrangement between a
1203 third party and any person or entity, including, without
1204 limitation, a Medicaid recipient, a provider, another third
1205 party, an insurer, or the agency, for any Medicaid-covered
1206 injury, illness, goods, or services, including costs of medical
1207 services related thereto, for bodily ~~personal~~ injury or for
1208 death of the recipient, but specifically excluding ~~policies of~~
1209 life insurance policies on the recipient, unless available under
1210 terms of the policy to pay medical expenses before ~~prior to~~
1211 death. The term includes, without limitation, collateral, as
1212 defined in this section, health insurance, any benefit under a
1213 health maintenance organization, a preferred provider
1214 arrangement, a prepaid health clinic, liability insurance,
1215 uninsured motorist insurance ~~or personal injury protection~~
1216 ~~coverage~~, medical benefits under workers' compensation, and any
1217 obligation under law or equity to provide medical support.

1218 Section 29. Paragraph (f) of subsection (11) of section
1219 409.910, Florida Statutes, is amended to read:

1220 409.910 Responsibility for payments on behalf of Medicaid-
1221 eligible persons when other parties are liable.—

1222 (11) The agency may, as a matter of right, in order to
1223 enforce its rights under this section, institute, intervene in,
1224 or join any legal or administrative proceeding in its own name
1225 in one or more of the following capacities: individually, as
1226 subrogee of the recipient, as assignee of the recipient, or as
1227 lienholder of the collateral.

1228 (f) Notwithstanding any provision in this section to the



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1229 contrary, in the event of an action in tort against a third
1230 party in which the recipient or his or her legal representative
1231 is a party which results in a judgment, award, or settlement
1232 from a third party, the amount recovered shall be distributed as
1233 follows:

1234 1. After attorney ~~attorney's~~ fees and taxable costs as
1235 defined by the Florida Rules of Civil Procedure, one-half of the
1236 remaining recovery shall be paid to the agency up to the total
1237 amount of medical assistance provided by Medicaid.

1238 2. The remaining amount of the recovery shall be paid to
1239 the recipient.

1240 3. For purposes of calculating the agency's recovery of
1241 medical assistance benefits paid, the fee for services of an
1242 attorney retained by the recipient or his or her legal
1243 representative shall be calculated at 25 percent of the
1244 judgment, award, or settlement.

1245 4. Notwithstanding any other provision of this section to
1246 the contrary, the agency shall be entitled to all medical
1247 coverage benefits up to the total amount of medical assistance
1248 provided by Medicaid. For purposes of this paragraph, the term
1249 "medical coverage" means any benefits under health insurance, a
1250 health maintenance organization, a preferred provider
1251 arrangement, or a prepaid health clinic, and the portion of
1252 benefits designated for medical payments under ~~coverage for~~
1253 workers' compensation coverage, motor vehicle insurance
1254 coverage, personal injury protection, and casualty coverage.

1255 Section 30. Paragraph (k) of subsection (2) of section
1256 456.057, Florida Statutes, is amended to read:

1257 456.057 Ownership and control of patient records; report or



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1258 copies of records to be furnished; disclosure of information.-

1259 (2) As used in this section, the terms "records owner,"
1260 "health care practitioner," and "health care practitioner's
1261 employer" do not include any of the following persons or
1262 entities; furthermore, the following persons or entities are not
1263 authorized to acquire or own medical records, but are authorized
1264 under the confidentiality and disclosure requirements of this
1265 section to maintain those documents required by the part or
1266 chapter under which they are licensed or regulated:

1267 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1268 Section 31. Paragraphs (ee) and (ff) of subsection (1) of
1269 section 456.072, Florida Statutes, are amended to read:

1270 456.072 Grounds for discipline; penalties; enforcement.-

1271 (1) The following acts shall constitute grounds for which
1272 the disciplinary actions specified in subsection (2) may be
1273 taken:

1274 (ee) With respect to making a motor vehicle insurance
1275 personal injury protection claim as required by s. 627.736,
1276 intentionally submitting a claim, statement, or bill that has
1277 been upcoded. As used in this paragraph, the term "upcoded"
1278 means an action that submits a billing code that would result in
1279 payment greater in amount than would be paid using a billing
1280 code that accurately describes the services performed. The term
1281 does not include an otherwise lawful bill by a magnetic
1282 resonance imaging facility, which globally combines both
1283 technical and professional components, if the amount of the
1284 global bill is not more than the components if billed
1285 separately; however, payment of such a bill constitutes payment
1286 in full for all components of such service ~~"upcoded" as defined~~



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1287 ~~in s. 627.732.~~

1288 (ff) With respect to making a motor vehicle insurance
1289 ~~personal injury protection claim as required by s. 627.736,~~
1290 intentionally submitting a claim, statement, or bill for payment
1291 of services that were not rendered.

1292 Section 32. Paragraphs (i) and (o) of subsection (1) of
1293 section 626.9541, Florida Statutes, are amended to read:

1294 626.9541 Unfair methods of competition and unfair or
1295 deceptive acts or practices defined.—

1296 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1297 ACTS.—The following are defined as unfair methods of competition
1298 and unfair or deceptive acts or practices:

1299 (i) *Unfair claim settlement practices.*—

1300 1. Attempting to settle claims on the basis of an
1301 application, when serving as a binder or intended to become a
1302 part of the policy, or any other material document which was
1303 altered without notice to, or knowledge or consent of, the
1304 insured;

1305 2. A material misrepresentation made to an insured or any
1306 other person having an interest in the proceeds payable under
1307 such contract or policy, for the purpose and with the intent of
1308 effecting settlement of such claims, loss, or damage under such
1309 contract or policy on less favorable terms than those provided
1310 in, and contemplated by, such contract or policy; ~~or~~

1311 3. Committing or performing with such frequency as to
1312 indicate a general business practice any of the following:

1313 a. Failing to adopt and implement standards for the proper
1314 investigation of claims;

1315 b. Misrepresenting pertinent facts or insurance policy



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1316 provisions relating to coverages at issue;
1317 c. Failing to acknowledge and act promptly upon
1318 communications with respect to claims;
1319 d. Denying claims without conducting reasonable
1320 investigations based upon available information;
1321 e. Failing to affirm or deny full or partial coverage of
1322 claims, and, as to partial coverage, the dollar amount or extent
1323 of coverage, or failing to provide a written statement that the
1324 claim is being investigated, upon the written request of the
1325 insured within 30 days after proof-of-loss statements have been
1326 completed;
1327 f. Failing to promptly provide a reasonable explanation in
1328 writing to the insured of the basis in the insurance policy, in
1329 relation to the facts or applicable law, for denial of a claim
1330 or for the offer of a compromise settlement;
1331 g. Failing to promptly notify the insured of any additional
1332 information necessary for the processing of a claim; or
1333 h. Failing to clearly explain the nature of the requested
1334 information and the reasons why such information is necessary.
1335 ~~i. Failing to pay personal injury protection insurance~~
1336 ~~claims within the time periods required by s. 627.736(4) (b). The~~
1337 ~~office may order the insurer to pay restitution to a~~
1338 ~~policyholder, medical provider, or other claimant, including~~
1339 ~~interest at a rate consistent with the amount set forth in s.~~
1340 ~~55.03(1), for the time period within which an insurer fails to~~
1341 ~~pay claims as required by law. Restitution is in addition to any~~
1342 ~~other penalties allowed by law, including, but not limited to,~~
1343 ~~the suspension of the insurer's certificate of authority.~~
1344 4. Failing to pay undisputed amounts of partial or full



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1345 benefits owed under first-party property insurance policies
1346 within 90 days after an insurer receives notice of a residential
1347 property insurance claim, determines the amounts of partial or
1348 full benefits, and agrees to coverage, unless payment of the
1349 undisputed benefits is prevented by an act of God, prevented by
1350 the impossibility of performance, or due to actions by the
1351 insured or claimant that constitute fraud, lack of cooperation,
1352 or intentional misrepresentation regarding the claim for which
1353 benefits are owed.

1354 (o) *Illegal dealings in premiums; excess or reduced charges*
1355 *for insurance.*—

1356 1. Knowingly collecting any sum as a premium or charge for
1357 insurance, which is not then provided, or is not in due course
1358 to be provided, subject to acceptance of the risk by the
1359 insurer, by an insurance policy issued by an insurer as
1360 permitted by this code.

1361 2. Knowingly collecting as a premium or charge for
1362 insurance any sum in excess of or less than the premium or
1363 charge applicable to such insurance, in accordance with the
1364 applicable classifications and rates as filed with and approved
1365 by the office, and as specified in the policy; or, in cases when
1366 classifications, premiums, or rates are not required by this
1367 code to be so filed and approved, premiums and charges collected
1368 from a Florida resident in excess of or less than those
1369 specified in the policy and as fixed by the insurer.

1370 Notwithstanding any other provision of law, this provision shall
1371 not be deemed to prohibit the charging and collection, by
1372 surplus lines agents licensed under part VIII of this chapter,
1373 of the amount of applicable state and federal taxes, or fees as



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1374 authorized by s. 626.916(4), in addition to the premium required
1375 by the insurer or the charging and collection, by licensed
1376 agents, of the exact amount of any discount or other such fee
1377 charged by a credit card facility in connection with the use of
1378 a credit card, as authorized by subparagraph (q)3., in addition
1379 to the premium required by the insurer. This subparagraph shall
1380 not be construed to prohibit collection of a premium for a
1381 universal life or a variable or indeterminate value insurance
1382 policy made in accordance with the terms of the contract.

1383 3.a. Imposing or requesting an additional premium for
1384 bodily injury liability coverage, property damage liability
1385 coverage a policy of motor vehicle liability, personal injury
1386 protection, medical payments coverage payment, or collision
1387 coverage in a motor vehicle liability insurance policy insurance
1388 or any combination thereof or refusing to renew the policy
1389 solely because the insured was involved in a motor vehicle
1390 accident unless the insurer's file contains information from
1391 which the insurer in good faith determines that the insured was
1392 substantially at fault in the accident.

1393 b. An insurer which imposes and collects such a surcharge
1394 or which refuses to renew such policy shall, in conjunction with
1395 the notice of premium due or notice of nonrenewal, notify the
1396 named insured that he or she is entitled to reimbursement of
1397 such amount or renewal of the policy under the conditions listed
1398 below and will subsequently reimburse him or her or renew the
1399 policy, if the named insured demonstrates that the operator
1400 involved in the accident was:

1401 (I) Lawfully parked;

1402 (II) Reimbursed by, or on behalf of, a person responsible



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1403 for the accident or has a judgment against such person;
1404 (III) Struck in the rear by another vehicle headed in the
1405 same direction and was not convicted of a moving traffic
1406 violation in connection with the accident;
1407 (IV) Hit by a "hit-and-run" driver, if the accident was
1408 reported to the proper authorities within 24 hours after
1409 discovering the accident;
1410 (V) Not convicted of a moving traffic violation in
1411 connection with the accident, but the operator of the other
1412 automobile involved in such accident was convicted of a moving
1413 traffic violation;
1414 (VI) Finally adjudicated not to be liable by a court of
1415 competent jurisdiction;
1416 (VII) In receipt of a traffic citation which was dismissed
1417 or nolle prossed; or
1418 (VIII) Not at fault as evidenced by a written statement
1419 from the insured establishing facts demonstrating lack of fault
1420 which are not rebutted by information in the insurer's file from
1421 which the insurer in good faith determines that the insured was
1422 substantially at fault.
1423 c. In addition to the other provisions of this
1424 subparagraph, an insurer may not fail to renew a policy if the
1425 insured has had only one accident in which he or she was at
1426 fault within the current 3-year period. However, an insurer may
1427 nonrenew a policy for reasons other than accidents in accordance
1428 with s. 627.728. This subparagraph does not prohibit nonrenewal
1429 of a policy under which the insured has had three or more
1430 accidents, regardless of fault, during the most recent 3-year
1431 period.



1432 4. Imposing or requesting an additional premium for, or
1433 refusing to renew, a policy for motor vehicle insurance solely
1434 because the insured committed a noncriminal traffic infraction
1435 as described in s. 318.14 unless the infraction is:

1436 a. A second infraction committed within an 18-month period,
1437 or a third or subsequent infraction committed within a 36-month
1438 period.

1439 b. A violation of s. 316.183, when such violation is a
1440 result of exceeding the lawful speed limit by more than 15 miles
1441 per hour.

1442 5. Upon the request of the insured, the insurer and
1443 licensed agent shall supply to the insured the complete proof of
1444 fault or other criteria which justifies the additional charge or
1445 cancellation.

1446 6. No insurer shall impose or request an additional premium
1447 for motor vehicle insurance, cancel or refuse to issue a policy,
1448 or refuse to renew a policy because the insured or the applicant
1449 is a handicapped or physically disabled person, so long as such
1450 handicap or physical disability does not substantially impair
1451 such person's mechanically assisted driving ability.

1452 7. No insurer may cancel or otherwise terminate any
1453 insurance contract or coverage, or require execution of a
1454 consent to rate endorsement, during the stated policy term for
1455 the purpose of offering to issue, or issuing, a similar or
1456 identical contract or coverage to the same insured with the same
1457 exposure at a higher premium rate or continuing an existing
1458 contract or coverage with the same exposure at an increased
1459 premium.

1460 8. No insurer may issue a nonrenewal notice on any



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1461 insurance contract or coverage, or require execution of a
1462 consent to rate endorsement, for the purpose of offering to
1463 issue, or issuing, a similar or identical contract or coverage
1464 to the same insured at a higher premium rate or continuing an
1465 existing contract or coverage at an increased premium without
1466 meeting any applicable notice requirements.

1467 9. No insurer shall, with respect to premiums charged for
1468 motor vehicle insurance, unfairly discriminate solely on the
1469 basis of age, sex, marital status, or scholastic achievement.

1470 10. Imposing or requesting an additional premium for motor
1471 vehicle comprehensive or uninsured motorist coverage solely
1472 because the insured was involved in a motor vehicle accident or
1473 was convicted of a moving traffic violation.

1474 11. No insurer shall cancel or issue a nonrenewal notice on
1475 any insurance policy or contract without complying with any
1476 applicable cancellation or nonrenewal provision required under
1477 the Florida Insurance Code.

1478 12. No insurer shall impose or request an additional
1479 premium, cancel a policy, or issue a nonrenewal notice on any
1480 insurance policy or contract because of any traffic infraction
1481 when adjudication has been withheld and no points have been
1482 assessed pursuant to s. 318.14(9) and (10). However, this
1483 subparagraph does not apply to traffic infractions involving
1484 accidents in which the insurer has incurred a loss due to the
1485 fault of the insured.

1486 Section 33. Paragraph (a) of subsection (1) of section
1487 626.989, Florida Statutes, is amended to read:

1488 626.989 Investigation by department or Division of
1489 Investigative and Forensic Services; compliance; immunity;



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1490 confidential information; reports to division; division
1491 investigator's power of arrest.-

1492 (1) For the purposes of this section:

1493 (a) A person commits a "fraudulent insurance act" if the
1494 person:

1495 1. Knowingly and with intent to defraud presents, causes to
1496 be presented, or prepares with knowledge or belief that it will
1497 be presented, to or by an insurer, self-insurer, self-insurance
1498 fund, servicing corporation, purported insurer, broker, or any
1499 agent thereof, any written statement as part of, or in support
1500 of, an application for the issuance of, or the rating of, any
1501 insurance policy, or a claim for payment or other benefit
1502 pursuant to any insurance policy, which the person knows to
1503 contain materially false information concerning any fact
1504 material thereto or if the person conceals, for the purpose of
1505 misleading another, information concerning any fact material
1506 thereto.

1507 2. Knowingly submits:

1508 a. A false, misleading, or fraudulent application or other
1509 document when applying for licensure as a health care clinic,
1510 seeking an exemption from licensure as a health care clinic, or
1511 demonstrating compliance with part X of chapter 400 with an
1512 intent to use the license, exemption from licensure, or
1513 demonstration of compliance to provide services or seek
1514 reimbursement under a motor vehicle liability insurance policy
1515 ~~the Florida Motor Vehicle No-Fault Law.~~

1516 b. A claim for payment or other benefit under a motor
1517 vehicle pursuant to a personal injury protection insurance
1518 policy under the Florida Motor Vehicle No-Fault Law if the



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1519 person knows that the payee knowingly submitted a false,
1520 misleading, or fraudulent application or other document when
1521 applying for licensure as a health care clinic, seeking an
1522 exemption from licensure as a health care clinic, or
1523 demonstrating compliance with part X of chapter 400.

1524 Section 34. Subsection (1) of section 627.06501, Florida
1525 Statutes, is amended to read:

1526 627.06501 Insurance discounts for certain persons
1527 completing driver improvement course.—

1528 (1) Any rate, rating schedule, or rating manual for the
1529 bodily injury and property damage liability coverage, ~~personal~~
1530 ~~injury protection, and collision coverages~~ of a motor vehicle
1531 insurance policy filed with the office may provide for an
1532 appropriate reduction in premium charges as to such coverages if
1533 ~~when~~ the principal operator on the covered vehicle has
1534 successfully completed a driver improvement course approved and
1535 certified by the Department of Highway Safety and Motor Vehicles
1536 which is effective in reducing crash or violation rates, or
1537 both, as determined pursuant to s. 318.1451(5). Any discount,
1538 not to exceed 10 percent, used by an insurer is presumed to be
1539 appropriate unless credible data demonstrates otherwise.

1540 Section 35. Subsection (1) of section 627.0652, Florida
1541 Statutes, is amended to read:

1542 627.0652 Insurance discounts for certain persons completing
1543 safety course.—

1544 (1) Any rates, rating schedules, or rating manuals for the
1545 bodily injury and property damage liability coverage, ~~personal~~
1546 ~~injury protection, and collision coverages~~ of a motor vehicle
1547 insurance policy filed with the office must ~~shall~~ provide for an



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1548 appropriate reduction in premium charges as to such coverages if
1549 ~~when~~ the principal operator on the covered vehicle is an insured
1550 55 years of age or older who has successfully completed a motor
1551 vehicle accident prevention course approved by the Department of
1552 Highway Safety and Motor Vehicles. Any discount used by an
1553 insurer is presumed to be appropriate unless credible data
1554 demonstrates otherwise.

1555 Section 36. Subsections (1), (3), and (6) of section
1556 627.0653, Florida Statutes, are amended to read:

1557 627.0653 Insurance discounts for specified motor vehicle
1558 equipment.—

1559 (1) Any rates, rating schedules, or rating manuals for the
1560 bodily injury and property damage liability coverage, ~~personal~~
1561 ~~injury protection, and collision coverages~~ of a motor vehicle
1562 insurance policy filed with the office must ~~shall~~ provide a
1563 premium discount if the insured vehicle is equipped with
1564 factory-installed, four-wheel antilock brakes.

1565 (3) Any rates, rating schedules, or rating manuals for the
1566 bodily injury liability ~~personal injury protection~~ coverage and
1567 medical payments coverage, if offered, of a motor vehicle
1568 insurance policy filed with the office must ~~shall~~ provide a
1569 premium discount if the insured vehicle is equipped with one or
1570 more air bags that ~~which~~ are factory installed.

1571 (6) The Office of Insurance Regulation may approve a
1572 premium discount to any rates, rating schedules, or rating
1573 manuals for the bodily injury and property damage liability
1574 coverage, ~~personal injury protection, and collision coverages~~ of
1575 a motor vehicle insurance policy filed with the office if the
1576 insured vehicle is equipped with autonomous driving technology



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1577 or electronic vehicle collision avoidance technology that is
1578 factory installed or a retrofitted system and that complies with
1579 National Highway Traffic Safety Administration standards.

1580 Section 37. Section 627.4132, Florida Statutes, is amended
1581 to read:

1582 627.4132 Stacking of coverages prohibited.—If an insured or
1583 named insured is protected by any type of motor vehicle
1584 insurance policy for bodily injury and property damage
1585 ~~liability, personal injury protection, or other coverage~~, the
1586 policy must ~~shall~~ provide that the insured or named insured is
1587 protected only to the extent of the coverage she or he has on
1588 the vehicle involved in the accident. However, if none of the
1589 insured's or named insured's vehicles are ~~is~~ involved in the
1590 accident, coverage is available only to the extent of coverage
1591 on any one of the vehicles with applicable coverage. Coverage on
1592 any other vehicles may ~~shall~~ not be added to or stacked upon
1593 that coverage. This section does not apply:

1594 (1) To uninsured motorist coverage that ~~which~~ is separately
1595 governed by s. 627.727.

1596 (2) To reduce the coverage available by reason of insurance
1597 policies insuring different named insureds.

1598 Section 38. Section 627.7263, Florida Statutes, is amended
1599 to read:

1600 627.7263 Rental and leasing driver's insurance to be
1601 primary; exception.—

1602 (1) The valid and collectible bodily injury and property
1603 damage liability insurance ~~or personal injury protection~~
1604 ~~insurance~~ providing coverage for the lessor of a motor vehicle
1605 for rent or lease is primary unless otherwise stated in at least



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1606 10-point type on the face of the rental or lease agreement. Such
1607 insurance is primary for the limits of liability ~~and personal~~
1608 ~~injury protection~~ coverage as required by s. 324.021(7) ~~ss.~~
1609 ~~324.021(7) and 627.736.~~

1610 (2) If the lessee's coverage is to be primary, the rental
1611 or lease agreement must contain the following language, in at
1612 least 10-point type:

1613
1614 "The valid and collectible bodily injury and property
1615 damage liability insurance ~~and personal injury~~
1616 ~~protection insurance~~ of an ~~any~~ authorized rental or
1617 leasing driver is primary for the limits of liability
1618 ~~and personal injury protection~~ coverage required under
1619 s. 324.021(7) ~~by ss. 324.021(7) and 627.736~~, Florida
1620 Statutes."

1621 Section 39. Subsections (1) and (7) of section 627.727,
1622 Florida Statutes, are amended, and present subsections (8), (9),
1623 and (10) of that section are redesignated as subsections (7),
1624 (8), and (9), respectively, to read:

1625 627.727 Motor vehicle insurance; uninsured and underinsured
1626 vehicle coverage; insolvent insurer protection.—

1627 (1) A ~~No~~ motor vehicle liability insurance policy that
1628 ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be
1629 delivered or issued for delivery in this state with respect to
1630 any specifically insured or identified motor vehicle registered
1631 or principally garaged in this state, unless uninsured motor
1632 vehicle coverage is provided therein or supplemental thereto for
1633 the protection of persons insured thereunder who are legally
1634 entitled to recover damages from owners or operators of



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1635 uninsured motor vehicles because of bodily injury, sickness, or
1636 disease, including death, resulting therefrom. However, the
1637 coverage required under this section is not applicable if ~~when~~,
1638 or to the extent that, an insured named in the policy makes a
1639 written rejection of the coverage on behalf of all insureds
1640 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~
1641 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1642 of the lease contract, provides liability coverage on the leased
1643 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
1644 privilege to reject uninsured motorist coverage or to select
1645 lower limits than the bodily injury liability limits, regardless
1646 of whether the lessor is qualified as a self-insurer pursuant to
1647 s. 324.171. Unless an insured, or lessee having the privilege of
1648 rejecting uninsured motorist coverage, requests such coverage or
1649 requests higher uninsured motorist limits in writing, the
1650 coverage or such higher uninsured motorist limits need not be
1651 provided in or supplemental to any other policy which renews,
1652 extends, changes, supersedes, or replaces an existing policy
1653 with the same bodily injury liability limits when an insured or
1654 lessee had rejected the coverage. When an insured or lessee has
1655 initially selected limits of uninsured motorist coverage lower
1656 than her or his bodily injury liability limits, higher limits of
1657 uninsured motorist coverage need not be provided in or
1658 supplemental to any other policy that ~~which~~ renews, extends,
1659 changes, supersedes, or replaces an existing policy with the
1660 same bodily injury liability limits unless an insured requests
1661 higher uninsured motorist coverage in writing. The rejection or
1662 selection of lower limits must ~~shall~~ be made on a form approved
1663 by the office. The form must ~~shall~~ fully advise the applicant of



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1664 the nature of the coverage and must ~~shall~~ state that the
1665 coverage is equal to bodily injury liability limits unless lower
1666 limits are requested or the coverage is rejected. The heading of
1667 the form must ~~shall~~ be in 12-point bold type and must ~~shall~~
1668 state: "You are electing not to purchase certain valuable
1669 coverage that ~~which~~ protects you and your family or you are
1670 purchasing uninsured motorist limits less than your bodily
1671 injury liability limits when you sign this form. Please read
1672 carefully." If this form is signed by a named insured, it will
1673 be conclusively presumed that there was an informed, knowing
1674 rejection of coverage or election of lower limits on behalf of
1675 all insureds. The insurer shall notify the named insured at
1676 least annually of her or his options as to the coverage required
1677 by this section. Such notice must ~~shall~~ be part of, and attached
1678 to, the notice of premium, must ~~shall~~ provide for a means to
1679 allow the insured to request such coverage, and must ~~shall~~ be
1680 given in a manner approved by the office. Receipt of this notice
1681 does not constitute an affirmative waiver of the insured's right
1682 to uninsured motorist coverage if ~~where~~ the insured has not
1683 signed a selection or rejection form. The coverage described
1684 under this section must ~~shall~~ be over and above, but may ~~shall~~
1685 not duplicate, the benefits available to an insured under any
1686 workers' compensation law, ~~personal injury protection benefits,~~
1687 disability benefits law, or similar law; under any automobile
1688 medical payments ~~expense~~ coverage; under any motor vehicle
1689 liability insurance coverage; or from the owner or operator of
1690 the uninsured motor vehicle or any other person or organization
1691 jointly or severally liable together with such owner or operator
1692 for the accident; and such coverage must ~~shall~~ cover the



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1693 difference, if any, between the sum of such benefits and the
1694 damages sustained, up to the maximum amount of such coverage
1695 provided under this section. The amount of coverage available
1696 under this section may ~~shall~~ not be reduced by a setoff against
1697 any coverage, including liability insurance. Such coverage does
1698 ~~shall~~ not inure directly or indirectly to the benefit of any
1699 workers' compensation or disability benefits carrier or any
1700 person or organization qualifying as a self-insurer under any
1701 workers' compensation or disability benefits law or similar law.

1702 ~~(7) The legal liability of an uninsured motorist coverage~~
1703 ~~insurer does not include damages in tort for pain, suffering,~~
1704 ~~mental anguish, and inconvenience unless the injury or disease~~
1705 ~~is described in one or more of paragraphs (a) (d) of s.~~
1706 ~~627.737(2).~~

1707 Section 40. Section 627.7275, Florida Statutes, is amended
1708 to read:

1709 627.7275 Motor vehicle liability; bad faith actions;
1710 insurer liability; requirements and construction.-

1711 (1) A motor vehicle insurance policy ~~providing personal~~
1712 ~~injury protection as set forth in s. 627.736 may not be~~
1713 delivered or issued for delivery in this state for a with
1714 ~~respect to any~~ specifically insured or identified motor vehicle
1715 registered or principally garaged in this state must provide
1716 bodily injury liability coverage and unless the policy also
1717 ~~provides coverage for~~ property damage liability coverage as
1718 required under ~~by~~ s. 324.022.

1719 (2) (a) Insurers writing motor vehicle insurance in this
1720 state shall make available, subject to the insurers' usual
1721 underwriting restrictions:



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1722 1. Coverage under policies as described in subsection (1)
1723 to an applicant for private passenger motor vehicle insurance
1724 coverage who is seeking the coverage in order to reinstate the
1725 applicant's driving privileges in this state if the driving
1726 privileges were revoked or suspended pursuant to s. 316.646 or
1727 s. 324.0221 due to the failure of the applicant to maintain
1728 required security.

1729 2. Coverage under policies as described in subsection (1),
1730 which includes bodily injury ~~also provides~~ liability coverage
1731 and property damage liability coverage for bodily injury, death,
1732 ~~and property damage arising out of the ownership, maintenance,~~
1733 ~~or use of the motor vehicle~~ in an amount not less than the
1734 minimum limits required under ~~described in~~ s. 324.021(7) or s.
1735 324.023 and which conforms to the requirements of s. 324.151, to
1736 an applicant for private passenger motor vehicle insurance
1737 coverage who is seeking the coverage in order to reinstate the
1738 applicant's driving privileges in this state after such
1739 privileges were revoked or suspended under s. 316.193 or s.
1740 322.26(2) for driving under the influence.

1741 (b) The policies described in paragraph (a) must ~~shall~~ be
1742 issued for at least 6 months and, as to the minimum coverages
1743 required under this section, may not be canceled by the insured
1744 for any reason or by the insurer after 60 days, during which
1745 period the insurer is completing the underwriting of the policy.
1746 After the insurer has completed underwriting the policy, the
1747 insurer shall notify the Department of Highway Safety and Motor
1748 Vehicles that the policy is in full force and effect and is not
1749 cancelable for the remainder of the policy period. A premium
1750 must ~~shall~~ be collected and the coverage is in effect for the



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1751 60-day period during which the insurer is completing the
1752 underwriting of the policy, whether or not the person's driver
1753 license, motor vehicle tag, and motor vehicle registration are
1754 in effect. Once the noncancelable provisions of the policy
1755 become effective, the bodily injury liability and property
1756 damage liability coverages ~~for bodily injury, property damage,~~
1757 ~~and personal injury protection~~ may not be reduced below the
1758 minimum limits required under s. 324.021 or s. 324.023 during
1759 the policy period.

1760 (c) This subsection controls to the extent of any conflict
1761 with any other section.

1762 (d) An insurer issuing a policy subject to this section may
1763 cancel the policy if, during the policy term, the named insured,
1764 or any other operator who resides in the same household or
1765 customarily operates an automobile insured under the policy, has
1766 his or her driver license suspended or revoked.

1767 (e) This subsection does not require an insurer to offer a
1768 policy of insurance to an applicant if such offer would be
1769 inconsistent with the insurer's underwriting guidelines and
1770 procedures.

1771 (3) (a) As a condition precedent to a statutory or common
1772 law action for a bad faith failure to settle a motor vehicle
1773 liability claim, the insured, claimant, or the representative of
1774 the insured or claimant must provide the insurer with a written
1775 notice of loss. If the motor vehicle liability insurer complies
1776 with a request for a disclosure statement described in s.
1777 627.4137, and, within 45 days after receipt of the written
1778 notice of loss, offers to pay the claimant the lesser of the
1779 amount the claimant is willing to accept or the limits of the



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1780 motor vehicle liability coverage applicable to the claimant's
1781 claim in exchange for full release of the insureds from any
1782 liability arising from the incident and the notice of loss, the
1783 insurer does not violate the duty to attempt in good faith to
1784 settle the claim and is not liable for a bad faith failure to
1785 settle under this section or under the common law.

1786 (b) In evaluating whether the insurer attempted in good
1787 faith to settle the claim when, under the totality of the
1788 circumstances, it could have and should have done so had it
1789 acted fairly and honestly toward its insured and with due regard
1790 for his or her interests, the trier of fact must also consider
1791 whether the insured, claimant, or representative of the insured
1792 or claimant made good faith efforts to cooperate with the
1793 insurer in the investigation of the claim.

1794 (c) If two or more third-party claimants in a motor vehicle
1795 liability claim make competing claims arising out of a single
1796 occurrence which in total exceed the available policy limits of
1797 one or more of the insured parties who may be liable to the
1798 third-party claimants, an insurer is not liable beyond the
1799 available policy limits for failure to pay all or any portion of
1800 the available policy limits to one or more of the third-party
1801 claimants, if, within 90 days after receiving notice of the
1802 competing claims in excess of the available policy limits, the
1803 insurer files an interpleader action under the Florida Rules of
1804 Civil Procedure. The claims of the competing third-party
1805 claimants are entitled to a prorated share of the policy limits
1806 as determined by the trier of fact. An insurer's interpleader
1807 action does not alter or amend the insurer's obligation to
1808 defend its insured.



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1809 Section 41. Paragraph (a) of subsection (1) of section
1810 627.728, Florida Statutes, is amended to read:

1811 627.728 Cancellations; nonrenewals.—

1812 (1) As used in this section, the term:

1813 (a) "Policy" means the bodily injury and property damage
1814 liability, ~~personal injury protection~~, medical payments,
1815 comprehensive, collision, and uninsured motorist coverage
1816 portions of a policy of motor vehicle insurance delivered or
1817 issued for delivery in this state:

1818 1. Insuring a natural person as named insured or one or
1819 more related individuals who are residents ~~resident~~ of the same
1820 household; and

1821 2. Insuring only a motor vehicle of the private passenger
1822 type or station wagon type which is not used as a public or
1823 livery conveyance for passengers or rented to others; or
1824 insuring any other four-wheel motor vehicle having a load
1825 capacity of 1,500 pounds or less which is not used in the
1826 occupation, profession, or business of the insured other than
1827 farming; other than any policy issued under an automobile
1828 insurance assigned risk plan or covering garage, automobile
1829 sales agency, repair shop, service station, or public parking
1830 place operation hazards.

1831
1832 The term "policy" does not include a binder as defined in s.
1833 627.420 unless the duration of the binder period exceeds 60
1834 days.

1835 Section 42. Subsection (1), paragraph (a) of subsection
1836 (5), and subsections (6) and (7) of section 627.7295, Florida
1837 Statutes, are amended to read:



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1838 627.7295 Motor vehicle insurance contracts.-

1839 (1) As used in this section, the term:

1840 (a) "Policy" means a motor vehicle insurance policy that
1841 provides bodily injury liability ~~personal injury protection~~
1842 coverage, property damage liability coverage, or both.

1843 (b) "Binder" means a binder that provides motor vehicle
1844 bodily injury liability coverage, ~~personal injury protection~~ and
1845 property damage liability coverage.

1846 (5) (a) A licensed general lines agent may charge a per-
1847 policy fee up to ~~not to exceed~~ \$10 to cover the administrative
1848 costs of the agent associated with selling the motor vehicle
1849 insurance policy if the policy covers only bodily injury
1850 liability coverage ~~personal injury protection coverage as~~
1851 ~~provided by s. 627.736~~ and property damage liability coverage as
1852 provided by s. 627.7275 and if no other insurance is sold or
1853 issued in conjunction with or collateral to the policy. The fee
1854 is not ~~considered~~ part of the premium.

1855 (6) If a motor vehicle owner's driver license, license
1856 plate, and registration have previously been suspended pursuant
1857 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
1858 only as provided in s. 627.7275.

1859 (7) A policy of private passenger motor vehicle insurance
1860 or a binder for such a policy may be initially issued in this
1861 state only if, before the effective date of such binder or
1862 policy, the insurer or agent has collected ~~from the insured an~~
1863 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
1864 agent, or premium finance company may not, directly or
1865 indirectly, take any action that results ~~resulting~~ in the
1866 insured paying ~~having paid~~ from the insured's own funds an



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1867 amount less than the 2 months' premium required by this
1868 subsection. This subsection applies without regard to whether
1869 the premium is financed by a premium finance company or is paid
1870 pursuant to a periodic payment plan of an insurer or an
1871 insurance agent.

1872 (a) This subsection does not apply:

1873 1. If an insured or member of the insured's family is
1874 renewing or replacing a policy or a binder for such policy
1875 written by the same insurer or a member of the same insurer
1876 group. ~~This subsection does not apply~~

1877 2. To an insurer that issues private passenger motor
1878 vehicle coverage primarily to active duty or former military
1879 personnel or their dependents. ~~This subsection does not apply~~

1880 3. If all policy payments are paid pursuant to a payroll
1881 deduction plan, an automatic electronic funds transfer payment
1882 plan from the policyholder, or a recurring credit card or debit
1883 card agreement with the insurer.

1884 (b) This subsection and subsection (4) do not apply if:

1885 1. All policy payments to an insurer are paid pursuant to
1886 an automatic electronic funds transfer payment plan from an
1887 agent, a managing general agent, or a premium finance company
1888 and if the policy includes, at a minimum, bodily injury
1889 liability coverage and ~~personal injury protection pursuant to~~
1890 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~
1891 coverage pursuant to s. 627.7275; or ~~and bodily injury liability~~
1892 ~~in at least the amount of \$10,000 because of bodily injury to,~~
1893 ~~or death of, one person in any one accident and in the amount of~~
1894 ~~\$20,000 because of bodily injury to, or death of, two or more~~
1895 ~~persons in any one accident. This subsection and subsection (4)~~



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1896 ~~do not apply if~~

1897 2. An insured has had a policy in effect for at least 6
1898 months, the insured's agent is terminated by the insurer that
1899 issued the policy, and the insured obtains coverage on the
1900 policy's renewal date with a new company through the terminated
1901 agent.

1902 Section 43. Subsections (1) and (2) of section 627.7415,
1903 Florida Statutes, are amended to read:

1904 627.7415 Commercial motor vehicles; additional liability
1905 insurance coverage.—Commercial motor vehicles, as defined in s.
1906 207.002 or s. 320.01, operated upon the roads and highways of
1907 this state shall be insured with the ~~following~~ minimum levels of
1908 combined bodily liability insurance and property damage
1909 liability insurance under subsections (1) and (2) in addition to
1910 any other insurance requirements.

1911 (1) ~~Fifty thousand dollars per occurrence~~ For a commercial
1912 motor vehicle with a gross vehicle weight of 26,000 pounds or
1913 more, but less than 35,000 pounds:

1914 (a) Beginning January 1, 2019, through December 31, 2020,
1915 no less than \$50,000 per occurrence.

1916 (b) Beginning January 1, 2021, through December 31, 2022,
1917 no less than \$60,000 per occurrence.

1918 (c) Beginning January 1, 2023, and thereafter, no less than
1919 \$70,000 per occurrence.

1920 (2) ~~One hundred thousand dollars per occurrence~~ For a
1921 commercial motor vehicle with a gross vehicle weight of 35,000
1922 pounds or more, but less than 44,000 pounds:

1923 (a) Beginning January 1, 2019, through December 31, 2020,
1924 no less than \$100,000 per occurrence.



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1925 (b) Beginning January 1, 2021, through December 31, 2022,
1926 no less than \$120,000 per occurrence.

1927 (c) Beginning January 1, 2023, and thereafter, no less than
1928 \$140,000 per occurrence.

1929

1930 A violation of this section is a noncriminal traffic infraction,
1931 punishable as a nonmoving violation as provided in chapter 318.

1932 Section 44. Section 627.8405, Florida Statutes, is amended
1933 to read:

1934 627.8405 Prohibited acts; financing companies.—A ~~No~~ premium
1935 finance company ~~shall~~, in a premium finance agreement or other
1936 agreement, may not finance the cost of or otherwise provide for
1937 the collection or remittance of dues, assessments, fees, or
1938 other periodic payments of money for the cost of:

1939 (1) A membership in an automobile club. The term
1940 "automobile club" means a legal entity that ~~which~~, in
1941 consideration of dues, assessments, or periodic payments of
1942 money, promises its members or subscribers to assist them in
1943 matters relating to the ownership, operation, use, or
1944 maintenance of a motor vehicle; however, the term ~~this~~
1945 ~~definition of "automobile club"~~ does not include persons,
1946 associations, or corporations ~~which are~~ organized and operated
1947 solely for the purpose of conducting, sponsoring, or sanctioning
1948 motor vehicle races, exhibitions, or contests upon racetracks,
1949 or upon racecourses established and marked as such for the
1950 duration of such particular events. The term ~~words~~ "motor
1951 vehicle" used herein has ~~have~~ the same meaning as defined in
1952 chapter 320.

1953 (2) An accidental death and dismemberment policy sold in



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1954 combination with a policy providing only bodily injury liability
1955 coverage ~~personal injury protection~~ and property damage
1956 liability coverage only policy.

1957 (3) Any product not regulated under ~~the provisions of this~~
1958 insurance code.

1959
1960 This section also applies to premium financing by any insurance
1961 agent or insurance company under part XVI. The commission shall
1962 adopt rules to assure disclosure, at the time of sale, of
1963 coverages financed ~~with personal injury protection~~ and shall
1964 prescribe the form of such disclosure.

1965 Section 45. Subsection (1) of section 627.915, Florida
1966 Statutes, is amended to read:

1967 627.915 Insurer experience reporting.-

1968 (1) Each insurer transacting private passenger automobile
1969 insurance in this state shall report certain information
1970 annually to the office. The information will be due on or before
1971 July 1 of each year. The information must ~~shall~~ be divided into
1972 the following categories: bodily injury liability; property
1973 damage liability; uninsured motorist; ~~personal injury protection~~
1974 ~~benefits~~; medical payments; and comprehensive and collision. The
1975 information given must ~~shall~~ be on direct insurance writings in
1976 the state alone and ~~shall~~ represent total limits data. The
1977 information set forth in paragraphs (a)-(f) is applicable to
1978 voluntary private passenger and Joint Underwriting Association
1979 private passenger writings and must ~~shall~~ be reported for each
1980 of the latest 3 calendar-accident years, with an evaluation date
1981 of March 31 of the current year. The information set forth in
1982 paragraphs (g)-(j) is applicable to voluntary private passenger



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1983 writings and must ~~shall~~ be reported on a calendar-accident year
1984 basis ultimately seven times at seven different stages of
1985 development.

1986 (a) Premiums earned for the latest 3 calendar-accident
1987 years.

1988 (b) Loss development factors and the historic development
1989 of those factors.

1990 (c) Policyholder dividends incurred.

1991 (d) Expenses for other acquisition and general expense.

1992 (e) Expenses for agents' commissions and taxes, licenses,
1993 and fees.

1994 (f) Profit and contingency factors as utilized in the
1995 insurer's automobile rate filings for the applicable years.

1996 (g) Losses paid.

1997 (h) Losses unpaid.

1998 (i) Loss adjustment expenses paid.

1999 (j) Loss adjustment expenses unpaid.

2000 Section 46. Subsections (2) and (3) of section 628.909,
2001 Florida Statutes, are amended to read:

2002 628.909 Applicability of other laws.—

2003 (2) The following provisions of the Florida Insurance Code
2004 apply to captive insurance companies who are not industrial
2005 insured captive insurance companies to the extent that such
2006 provisions are not inconsistent with this part:

2007 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2008 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2009 (b) Chapter 625, part II.

2010 (c) Chapter 626, part IX.

2011 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~



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2012 ~~provided.~~

2013 ~~(e)~~ Chapter 628.

2014 (3) The following provisions of the Florida Insurance Code
2015 ~~shall~~ apply to industrial insured captive insurance companies to
2016 the extent that such provisions are not inconsistent with this
2017 part:

2018 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2019 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2020 (b) Chapter 625, part II, if the industrial insured captive
2021 insurance company is incorporated in this state.

2022 (c) Chapter 626, part IX.

2023 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
2024 ~~provided.~~

2025 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
2026 628.6018.

2027 Section 47. Subsections (2), (6), and (7) of section
2028 705.184, Florida Statutes, are amended to read:

2029 705.184 Derelict or abandoned motor vehicles on the
2030 premises of public-use airports.-

2031 (2) The airport director or the director's designee shall
2032 contact the Department of Highway Safety and Motor Vehicles to
2033 notify that department that the airport has possession of the
2034 abandoned or derelict motor vehicle and to determine the name
2035 and address of the owner of the motor vehicle, the insurance
2036 company insuring the motor vehicle, ~~notwithstanding the~~
2037 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2038 the motor vehicle. Within 7 business days after receipt of the
2039 information, the director or the director's designee shall send
2040 notice by certified mail, return receipt requested, to the owner



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2041 of the motor vehicle, the insurance company insuring the motor
2042 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2043 persons of record claiming a lien against the motor vehicle. The
2044 notice must ~~shall~~ state the fact of possession of the motor
2045 vehicle, that charges for reasonable towing, storage, and
2046 parking fees, if any, have accrued and the amount thereof, that
2047 a lien as provided in subsection (6) will be claimed, that the
2048 lien is subject to enforcement pursuant to law, that the owner
2049 or lienholder, if any, has the right to a hearing as set forth
2050 in subsection (4), and that any motor vehicle which, at the end
2051 of 30 calendar days after receipt of the notice, has not been
2052 removed from the airport upon payment in full of all accrued
2053 charges for reasonable towing, storage, and parking fees, if
2054 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2055 (d), or (e), including, but not limited to, the motor vehicle
2056 being sold free of all prior liens after 35 calendar days after
2057 the time the motor vehicle is stored if any prior liens on the
2058 motor vehicle are more than 5 years of age or after 50 calendar
2059 days after the time the motor vehicle is stored if any prior
2060 liens on the motor vehicle are 5 years of age or less.

2061 (6) The airport pursuant to this section or, if used, a
2062 licensed independent wrecker company pursuant to s. 713.78 shall
2063 have a lien on an abandoned or derelict motor vehicle for all
2064 reasonable towing, storage, and accrued parking fees, if any,
2065 except that no storage fee may ~~shall~~ be charged if the motor
2066 vehicle is stored less than 6 hours. As a prerequisite to
2067 perfecting a lien under this section, the airport director or
2068 the director's designee must serve a notice in accordance with
2069 subsection (2) on the owner of the motor vehicle, the insurance



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2070 company insuring the motor vehicle, ~~notwithstanding the~~
2071 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2072 lien against the motor vehicle. If attempts to notify the owner,
2073 the insurance company insuring the motor vehicle,
2074 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2075 not successful, the requirement of notice by mail shall be
2076 considered met. Serving of the notice does not dispense with
2077 recording the claim of lien.

2078 (7) (a) For the purpose of perfecting its lien under this
2079 section, the airport shall record a claim of lien which states
2080 ~~shall state:~~

2081 1. The name and address of the airport.

2082 2. The name of the owner of the motor vehicle, the
2083 insurance company insuring the motor vehicle, ~~notwithstanding~~
2084 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2085 a lien against the motor vehicle.

2086 3. The costs incurred from reasonable towing, storage, and
2087 parking fees, if any.

2088 4. A description of the motor vehicle sufficient for
2089 identification.

2090 (b) The claim of lien must ~~shall~~ be signed and sworn to or
2091 affirmed by the airport director or the director's designee.

2092 (c) The claim of lien is ~~shall be~~ sufficient if it is in
2093 substantially the following form:

2094

2095 CLAIM OF LIEN

2096 State of

2097 County of

2098 Before me, the undersigned notary public, personally appeared



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2099 , who was duly sworn and says that he/she is the
2100 of , whose address is.....; and that the
2101 following described motor vehicle:

2102 ...(Description of motor vehicle)...

2103 owned by , whose address is , has accrued
2104 \$..... in fees for a reasonable tow, for storage, and for
2105 parking, if applicable; that the lienor served its notice to the
2106 owner, the insurance company insuring the motor vehicle
2107 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
2108 and all persons of record claiming a lien against the motor
2109 vehicle on, ...(year)...., by.....

2110 ...(Signature)...

2111 Sworn to (or affirmed) and subscribed before me this day of
2112, ...(year)...., by ...(name of person making statement)....

2113 ...(Signature of Notary Public).....(Print, Type, or Stamp
2114 Commissioned name of Notary Public)...

2115 Personally Known...OR Produced...as identification.

2116
2117 However, the negligent inclusion or omission of any information
2118 in this claim of lien which does not prejudice the owner does
2119 not constitute a default that operates to defeat an otherwise
2120 valid lien.

2121 (d) The claim of lien must ~~shall~~ be served on the owner of
2122 the motor vehicle, the insurance company insuring the motor
2123 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2124 persons of record claiming a lien against the motor vehicle. If
2125 attempts to notify the owner, the insurance company insuring the
2126 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
2127 lienholders are not successful, the requirement of notice by



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2128 mail shall be considered met. The claim of lien must ~~shall~~ be so
2129 served before recordation.

2130 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2131 of court in the county where the airport is located. The
2132 recording of the claim of lien shall be constructive notice to
2133 all persons of the contents and effect of such claim. The lien
2134 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2135 ~~take~~ priority as of that time.

2136 Section 48. Subsection (4) of section 713.78, Florida
2137 Statutes, is amended to read:

2138 713.78 Liens for recovering, towing, or storing vehicles
2139 and vessels.-

2140 (4) (a) Any person regularly engaged in the business of
2141 recovering, towing, or storing vehicles or vessels who comes
2142 into possession of a vehicle or vessel pursuant to subsection
2143 (2), and who claims a lien for recovery, towing, or storage
2144 services, shall give notice to the registered owner, the
2145 insurance company insuring the vehicle ~~notwithstanding the~~
2146 ~~provisions of s. 627.736~~, and to all persons claiming a lien
2147 thereon, as disclosed by the records in the Department of
2148 Highway Safety and Motor Vehicles or as disclosed by the records
2149 of any corresponding agency in any other state in which the
2150 vehicle is identified through a records check of the National
2151 Motor Vehicle Title Information System or an equivalent
2152 commercially available system as being titled or registered.

2153 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
2154 removal of a vehicle or vessel or if a ~~whenever any~~ towing
2155 service, garage, repair shop, or automotive service, storage, or
2156 parking place notifies the law enforcement agency of possession



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2157 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2158 enforcement agency of the jurisdiction where the vehicle or
2159 vessel is stored shall contact the Department of Highway Safety
2160 and Motor Vehicles, or the appropriate agency of the state of
2161 registration, if known, within 24 hours through the medium of
2162 electronic communications, giving the full description of the
2163 vehicle or vessel. Upon receipt of the full description of the
2164 vehicle or vessel, the department shall search its files to
2165 determine the owner's name, the insurance company insuring the
2166 vehicle or vessel, and whether any person has filed a lien upon
2167 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2168 notify the applicable law enforcement agency within 72 hours.
2169 The person in charge of the towing service, garage, repair shop,
2170 or automotive service, storage, or parking place shall obtain
2171 such information from the applicable law enforcement agency
2172 within 5 days after the date of storage and shall give notice
2173 pursuant to paragraph (a). The department may release the
2174 insurance company information to the requestor ~~notwithstanding~~
2175 ~~the provisions of s. 627.736.~~

2176 (c) Notice by certified mail must ~~shall~~ be sent within 7
2177 business days after the date of storage of the vehicle or vessel
2178 to the registered owner, the insurance company insuring the
2179 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
2180 persons of record claiming a lien against the vehicle or vessel.
2181 The notice must ~~It shall~~ state the fact of possession of the
2182 vehicle or vessel, that a lien as provided in subsection (2) is
2183 claimed, that charges have accrued and the amount thereof, that
2184 the lien is subject to enforcement pursuant to law, ~~and~~ that the
2185 owner or lienholder, if any, has the right to a hearing as set



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2186 forth in subsection (5), and that any vehicle or vessel which
2187 remains unclaimed, or for which the charges for recovery,
2188 towing, or storage services remain unpaid, may be sold free of
2189 all prior liens after 35 days if the vehicle or vessel is more
2190 than 3 years of age or after 50 days if the vehicle or vessel is
2191 3 years of age or less.

2192 (d) If attempts to locate the name and address of the owner
2193 or lienholder prove unsuccessful, the towing-storage operator
2194 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,
2195 of the initial tow or storage, notify the public agency of
2196 jurisdiction where the vehicle or vessel is stored in writing by
2197 certified mail or acknowledged hand delivery that the towing-
2198 storage company has been unable to locate the name and address
2199 of the owner or lienholder and a physical search of the vehicle
2200 or vessel has disclosed no ownership information and a good
2201 faith effort has been made, including records checks of the
2202 Department of Highway Safety and Motor Vehicles database and the
2203 National Motor Vehicle Title Information System or an equivalent
2204 commercially available system. As used in ~~For purposes of~~ this
2205 paragraph and subsection (9), the term "good faith effort" means
2206 that the following checks have been performed by the company to
2207 establish prior state of registration and for title:

2208 1. Check of the Department of Highway Safety and Motor
2209 Vehicles database for the owner and any lienholder.

2210 2. Check of the electronic National Motor Vehicle Title
2211 Information System or an equivalent commercially available
2212 system to determine the state of registration when there is not
2213 a current registration record for the vehicle on file with the
2214 Department of Highway Safety and Motor Vehicles.



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- 2215 3. Check of vehicle or vessel for any type of tag, tag
2216 record, temporary tag, or regular tag.
- 2217 4. Check of law enforcement report for tag number or other
2218 information identifying the vehicle or vessel, if the vehicle or
2219 vessel was towed at the request of a law enforcement officer.
- 2220 5. Check of trip sheet or tow ticket of tow truck operator
2221 to see if a tag was on vehicle or vessel at beginning of tow, if
2222 private tow.
- 2223 6. If there is no address of the owner on the impound
2224 report, check of law enforcement report to see if an out-of-
2225 state address is indicated from driver license information.
- 2226 7. Check of vehicle or vessel for inspection sticker or
2227 other stickers and decals that may indicate a state of possible
2228 registration.
- 2229 8. Check of the interior of the vehicle or vessel for any
2230 papers that may be in the glove box, trunk, or other areas for a
2231 state of registration.
- 2232 9. Check of vehicle for vehicle identification number.
- 2233 10. Check of vessel for vessel registration number.
- 2234 11. Check of vessel hull for a hull identification number
2235 which should be carved, burned, stamped, embossed, or otherwise
2236 permanently affixed to the outboard side of the transom or, if
2237 there is no transom, to the outmost seaboard side at the end of
2238 the hull that bears the rudder or other steering mechanism.
- 2239 Section 49. Paragraph (a) of subsection (1), paragraph (c)
2240 of subsection (7), paragraphs (a), (b), and (c) of subsection
2241 (8), and subsections (9) and (10) of section 817.234, Florida
2242 Statutes, are amended to read:
- 2243 817.234 False and fraudulent insurance claims.—



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2244 (1) (a) A person commits insurance fraud punishable as
2245 provided in subsection (11) if that person, with the intent to
2246 injure, defraud, or deceive any insurer:

2247 1. Presents or causes to be presented any written or oral
2248 statement as part of, or in support of, a claim for payment or
2249 other benefit pursuant to an insurance policy or a health
2250 maintenance organization subscriber or provider contract,
2251 knowing that such statement contains ~~any~~ false, incomplete, or
2252 misleading information concerning any fact or thing material to
2253 such claim;

2254 2. Prepares or makes any written or oral statement that is
2255 intended to be presented to an ~~any~~ insurer in connection with,
2256 or in support of, any claim for payment or other benefit
2257 pursuant to an insurance policy or a health maintenance
2258 organization subscriber or provider contract, knowing that such
2259 statement contains ~~any~~ false, incomplete, or misleading
2260 information concerning any fact or thing material to such claim;

2261 3.a. Knowingly presents, causes to be presented, or
2262 prepares or makes with knowledge or belief that it will be
2263 presented to an ~~any~~ insurer, purported insurer, servicing
2264 corporation, insurance broker, or insurance agent, or any
2265 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2266 information or a written or oral statement as part of, or in
2267 support of, an application for the issuance of, or the rating
2268 of, any insurance policy, or a health maintenance organization
2269 subscriber or provider contract; or

2270 b. Knowingly conceals information concerning any fact
2271 material to such application; or

2272 4. Knowingly presents, causes to be presented, or prepares



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2273 or makes with knowledge or belief that it will be presented to
2274 any insurer a claim for payment or other benefit under a motor
2275 vehicle ~~a personal injury protection~~ insurance policy if the
2276 person knows that the payee knowingly submitted a false,
2277 misleading, or fraudulent application or other document when
2278 applying for licensure as a health care clinic, seeking an
2279 exemption from licensure as a health care clinic, or
2280 demonstrating compliance with part X of chapter 400.

2281 (7)

2282 ~~(c) An insurer, or any person acting at the direction of or~~
2283 ~~on behalf of an insurer, may not change an opinion in a mental~~
2284 ~~or physical report prepared under s. 627.736(7) or direct the~~
2285 ~~physician preparing the report to change such opinion; however,~~
2286 ~~this provision does not preclude the insurer from calling to the~~
2287 ~~attention of the physician errors of fact in the report based~~
2288 ~~upon information in the claim file. Any person who violates this~~
2289 ~~paragraph commits a felony of the third degree, punishable as~~
2290 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2291 (8) (a) It is unlawful for any person intending to defraud
2292 any other person to solicit or cause to be solicited any
2293 business from a person involved in a motor vehicle accident for
2294 the purpose of making, adjusting, or settling motor vehicle tort
2295 claims or claims for benefits under a motor vehicle insurance
2296 policy ~~personal injury protection benefits required by s.~~
2297 ~~627.736. Any person who violates the provisions of this~~
2298 paragraph commits a felony of the second degree, punishable as
2299 provided in s. 775.082, s. 775.083, or s. 775.084. A person who
2300 is convicted of a violation of this subsection shall be
2301 sentenced to a minimum term of imprisonment of 2 years.



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2302 (b) A person may not solicit or cause to be solicited any
2303 business from a person involved in a motor vehicle accident by
2304 any means of communication other than advertising directed to
2305 the public for the purpose of making motor vehicle tort claims
2306 or claims for benefits under a motor vehicle insurance policy
2307 ~~personal injury protection benefits required by s. 627.736,~~
2308 within 60 days after the occurrence of the motor vehicle
2309 accident. Any person who violates this paragraph commits a
2310 felony of the third degree, punishable as provided in s.
2311 775.082, s. 775.083, or s. 775.084.

2312 (c) A lawyer, health care practitioner as defined in s.
2313 456.001, or owner or medical director of a clinic required to be
2314 licensed pursuant to s. 400.9905 may not, at any time after 60
2315 days have elapsed from the occurrence of a motor vehicle
2316 accident, solicit or cause to be solicited any business from a
2317 person involved in a motor vehicle accident by means of in
2318 person or telephone contact at the person's residence, for the
2319 purpose of making motor vehicle tort claims or claims for
2320 benefits under a motor vehicle insurance policy ~~personal injury~~
2321 ~~protection benefits required by s. 627.736.~~ Any person who
2322 violates this paragraph commits a felony of the third degree,
2323 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2324 (9) A person may not organize, plan, or knowingly
2325 participate in an intentional motor vehicle crash or a scheme to
2326 create documentation of a motor vehicle crash that did not occur
2327 for the purpose of making motor vehicle tort claims or claims
2328 for benefits under a motor vehicle insurance policy ~~personal~~
2329 ~~injury protection benefits as required by s. 627.736.~~ Any person
2330 who violates this subsection commits a felony of the second



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2331 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2332 775.084. A person who is convicted of a violation of this
2333 subsection shall be sentenced to a minimum term of imprisonment
2334 of 2 years.

2335 (10) A licensed health care practitioner who is found
2336 guilty of insurance fraud under this section for an act relating
2337 to a motor vehicle personal injury protection insurance policy
2338 loses his or her license to practice for 5 years and may not
2339 receive reimbursement under a motor vehicle insurance policy ~~for~~
2340 personal injury protection benefits for 10 years.

2341 Section 50. Applicability and construction; notice to
2342 policyholders.-

2343 (1) As used in this section, the term "minimum security
2344 requirements" means security that enables a person to respond in
2345 damages for liability on account of crashes arising out of the
2346 ownership, maintenance, or use of a motor vehicle in the amounts
2347 required by s. 324.021(7), Florida Statutes.

2348 (2) Effective January 1, 2019:

2349 (a) Motor vehicle insurance policies issued or renewed on
2350 or after that date may not include personal injury protection.

2351 (b) All persons subject to s. 324.022, s. 324.032, s.
2352 627.7415, or s. 627.742, Florida Statutes, must maintain at
2353 least minimum security requirements.

2354 (c) Any new or renewal motor vehicle insurance policy
2355 delivered or issued for delivery in this state must provide
2356 coverage that complies with minimum security requirements.

2357 (d) An existing motor vehicle insurance policy issued
2358 before that date which provides personal injury protection and
2359 property damage liability coverage that meets the requirements



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2360 of s. 324.022, Florida Statutes, on December 31, 2018, but which
2361 does not meet minimum security requirements on or after January
2362 1, 2019, is deemed to meet the security requirements of s.
2363 324.022, Florida Statutes, until such policy is renewed,
2364 nonrenewed, or canceled on or after January 1, 2019.

2365 (3) Each insurer shall allow each insured who has a new or
2366 renewal policy providing personal injury protection, which
2367 becomes effective before January 1, 2019, and whose policy does
2368 not meet minimum security requirements on or after January 1,
2369 2019, to change coverages so as to eliminate personal injury
2370 protection and obtain coverage providing minimum security
2371 requirements, which shall be effective on or after January 1,
2372 2019. The insurer is not required to provide coverage complying
2373 with minimum security requirements in such policies if the
2374 insured does not pay the required premium, if any, by January 1,
2375 2019, or such later date as the insurer may allow. Any reduction
2376 in the premium must be refunded by the insurer. The insurer may
2377 not impose on the insured an additional fee or charge that
2378 applies solely to a change in coverage; however, the insurer may
2379 charge an additional required premium that is actuarially
2380 indicated.

2381 (4) By September 1, 2018, each motor vehicle insurer shall
2382 provide notice of this section to each motor vehicle
2383 policyholder who is subject to this section. The notice is
2384 subject to approval by the Office of Insurance Regulation and
2385 must clearly inform the policyholder that:

2386 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2387 effective January 1, 2019, and that on or after that date, the
2388 insured is no longer required to maintain personal injury



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2389 protection insurance coverage, that personal injury protection
2390 coverage is no longer available for purchase in this state, and
2391 that all new or renewal policies issued on or after that date do
2392 not contain such coverage.

2393 (b) Effective January 1, 2019, a person subject to the
2394 financial responsibility requirements of s. 324.022, Florida
2395 Statutes, must maintain minimum security requirements that
2396 enable the person to respond in damages for liability on account
2397 of accidents arising out of the use of a motor vehicle in the
2398 following amounts:

2399 1. Beginning January 1, 2019, and continuing through
2400 December 31, 2020:

2401 a. Twenty thousand dollars for bodily injury to, or the
2402 death of, one person in any one crash and, subject to such
2403 limits for one person, in the amount of \$40,000 for bodily
2404 injury to, or the death of, two or more persons in any one
2405 crash; and

2406 b. Ten thousand dollars for damage to, or destruction of,
2407 the property of others in any one crash.

2408 2. Beginning January 1, 2021, and continuing through
2409 December 31, 2022:

2410 a. Twenty-five thousand dollars for bodily injury to, or
2411 the death of, one person in any one crash and, subject to such
2412 limits for one person, in the amount of \$50,000 for bodily
2413 injury to, or the death of, two or more persons in any one
2414 crash; and

2415 b. Ten thousand dollars for damage to, or destruction of,
2416 the property of others in any one crash.

2417 3. Beginning January 1, 2023, and continuing thereafter:



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2418 a. Thirty thousand dollars for bodily injury to, or the
2419 death of, one person in any one crash and, subject to such
2420 limits for one person, in the amount of \$60,000 for bodily
2421 injury to, or the death of, two or more persons in any one
2422 crash; and

2423 b. Ten thousand dollars for damage to, or destruction of,
2424 the property of others in any one crash.

2425 (c) Personal injury protection insurance paid covered
2426 medical expenses for injuries sustained in a motor vehicle crash
2427 by the policyholder, passengers, and relatives residing in the
2428 policyholder's household.

2429 (d) Bodily injury liability coverage protects the insured,
2430 up to the coverage limits, against loss if the insured is
2431 legally responsible for the death of or bodily injury to others
2432 in a motor vehicle accident.

2433 (e) The policyholder may obtain underinsured motorist
2434 coverage, which provides benefits, up to the limits of such
2435 coverage, to a policyholder or other insured entitled to recover
2436 damages for bodily injury, sickness, disease, or death resulting
2437 from a motor vehicle accident with an uninsured or underinsured
2438 owner or operator of a motor vehicle.

2439 (f) If the policyholder's new or renewal motor vehicle
2440 insurance policy is effective before January 1, 2019, and
2441 contains personal injury protection and property damage
2442 liability coverage as required by state law before January 1,
2443 2019, but does not meet minimum security requirements on or
2444 after January 1, 2019, the policy is deemed to meet minimum
2445 security requirements until it is renewed, nonrenewed, or
2446 canceled on or after January 1, 2019.



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2447 (g) A policyholder whose new or renewal policy becomes
2448 effective before January 1, 2019, but does not meet minimum
2449 security requirements on or after January 1, 2019, may change
2450 coverages under the policy so as to eliminate personal injury
2451 protection and to obtain coverage providing minimum security
2452 requirements, including bodily injury liability coverage, which
2453 are effective on or after January 1, 2019.

2454 (h) If the policyholder has any questions, he or she should
2455 contact the person named at the telephone number provided in the
2456 notice.

2457 (5) This section takes effect upon this act becoming a law.

2458 Section 51. Application of suspensions for failure to
2459 maintain security; reinstatement.—All suspensions for failure to
2460 maintain required security as required by law in effect before
2461 January 1, 2019, remain in full force and effect after January
2462 1, 2019. A driver may reinstate a suspended driver license or
2463 registration as provided under s. 324.0221, Florida Statutes.

2464 Section 52. Except as otherwise expressly provided in this
2465 act and except for this section, which shall take effect upon
2466 this act becoming a law, this act shall take effect January 1,
2467 2019.

2468
2469 ===== T I T L E A M E N D M E N T =====

2470 And the title is amended as follows:

2471 Delete everything before the enacting clause
2472 and insert:

2473 A bill to be entitled
2474 An act relating to motor vehicle insurance; repealing
2475 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,



2476 627.734, 627.736, 627.737, 627.739, 627.7401,
2477 627.7403, and 627.7405, F.S., which comprise the
2478 Florida Motor Vehicle No-Fault Law; repealing s.
2479 627.7407, F.S., relating to application of the Florida
2480 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;
2481 revising a requirement for proof of security on a
2482 motor vehicle and the applicability of the
2483 requirement; amending s. 318.18, F.S.; conforming a
2484 provision to changes made by the act; amending s.
2485 320.02, F.S.; revising the motor vehicle insurance
2486 coverages that an applicant must show to register
2487 certain vehicles with the Department of Highway Safety
2488 and Motor Vehicles; deleting a requirement that
2489 specified information be included on a certain
2490 insurance proof-of-purchase card; revising
2491 construction; conforming provisions to changes made by
2492 the act; amending s. 320.0609, F.S.; conforming a
2493 provision to changes made by the act; amending s.
2494 320.27, F.S.; defining the term "garage liability
2495 insurance"; revising garage liability insurance
2496 requirements for motor vehicle dealer applicants;
2497 conforming a provision to changes made by the act;
2498 amending s. 320.771, F.S.; revising garage liability
2499 insurance requirements for recreational vehicle dealer
2500 license applicants; amending ss. 322.251 and 322.34,
2501 F.S.; conforming provisions to changes made by the
2502 act; amending s. 324.011, F.S.; revising legislative
2503 intent; amending s. 324.021, F.S.; revising
2504 definitions of the terms "motor vehicle" and "proof of



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2505 financial responsibility"; revising, at specified
2506 timeframes, minimum coverage requirements for proof of
2507 financial responsibility for specified motor vehicles;
2508 defining the term "for-hire passenger transportation
2509 vehicle"; conforming provisions to changes made by the
2510 act; amending s. 324.022, F.S.; revising, at specified
2511 timeframes, minimum liability coverage requirements
2512 for motor vehicle owners or operators; revising
2513 authorized methods for meeting such requirements;
2514 revising the vehicles that are excluded from the
2515 definition of the term "motor vehicle" and providing
2516 security requirements for certain excluded vehicles;
2517 conforming provisions to changes made by the act;
2518 conforming cross-references; amending s. 324.0221,
2519 F.S.; revising applicability of certain insurer
2520 reporting and notice requirements as to policies
2521 providing certain liability coverages; conforming
2522 provisions to changes made by the act; amending s.
2523 324.023, F.S.; conforming cross-references; amending
2524 s. 324.031, F.S.; revising applicability of a
2525 provision authorizing certain methods of proving
2526 financial responsibility; revising, at specified
2527 timeframes, the amount of a certificate of deposit
2528 required for a specified method of proof of financial
2529 responsibility; revising excess liability coverage
2530 requirements for a person electing to use such method;
2531 amending s. 324.032, F.S.; revising financial
2532 responsibility requirements for owners or lessees of
2533 for-hire passenger transportation vehicles and the



2534 applicability of such requirements; revising a
2535 requirement for a motor vehicle liability policy
2536 obtained to comply with such requirements; amending
2537 ss. 324.051, 324.071, 324.091, and 324.151, F.S.;
2538 making technical changes; amending s. 324.161, F.S.;
2539 revising requirements for a certificate of deposit
2540 that is required if a person elects a certain method
2541 of providing financial responsibility; amending s.
2542 324.171, F.S.; revising, at specified timeframes, the
2543 minimum net worth requirements to qualify certain
2544 persons as self-insurers; conforming provisions to
2545 changes made by the act; amending s. 324.251, F.S.;
2546 revising the short title and an effective date;
2547 amending s. 400.9905, F.S.; revising the definition of
2548 the term "clinic" relating to reimbursements for
2549 health care services under motor vehicle insurance
2550 coverage; amending s. 400.991, F.S.; conforming a
2551 provision to changes made by the act; amending s.
2552 400.9935, F.S.; revising a condition relating to
2553 certain clinic billings to apply to motor vehicle
2554 insurance carriers rather than to personal injury
2555 protection insurance carriers; amending s. 409.901,
2556 F.S.; revising the definition of the term "third-party
2557 benefit"; amending s. 409.910, F.S.; revising the
2558 definition of the term "medical coverage"; making
2559 technical changes; amending s. 456.057, F.S.;
2560 conforming a provision to changes made by the act;
2561 amending s. 456.072, F.S.; revising specified grounds
2562 for discipline for certain health professions relating



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2563 to motor vehicle insurance claims rather than personal
2564 injury protection claims; defining the term "upcoded";
2565 amending s. 626.9541, F.S.; conforming a provision to
2566 changes made by the act; revising the type of
2567 insurance coverage applicable to a certain prohibited
2568 act; conforming a cross-reference; amending s.
2569 626.989, F.S.; revising the definition of the term
2570 "fraudulent insurance act" to include certain acts
2571 under a motor vehicle insurance policy rather than
2572 under the Florida Motor Vehicle No-Fault Law; amending
2573 s. 627.06501, F.S.; revising coverages that may
2574 provide for a reduction in motor vehicle insurance
2575 policy premium charges under certain circumstances;
2576 amending s. 627.0652, F.S.; revising coverages that
2577 must provide a premium charge reduction under certain
2578 circumstances; amending s. 627.0653, F.S.; revising
2579 coverages subject to premium discounts for specified
2580 motor vehicle equipment; amending s. 627.4132, F.S.;
2581 revising the coverages of a motor vehicle policy which
2582 are subject to a stacking prohibition; amending s.
2583 627.7263, F.S.; revising provisions relating to the
2584 designation of primary insurance for rental and
2585 leasing driver's insurance; conforming provisions to
2586 changes made by the act; amending s. 627.727, F.S.;
2587 conforming provisions to changes made by the act;
2588 amending s. 627.7275, F.S.; revising applicability and
2589 required coverages for a motor vehicle insurance
2590 policy; requiring insureds or claimants, or their
2591 representatives, to provide insurers with a written



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2592 notice of loss before bringing certain bad faith
2593 actions; providing that if an insurer complies with
2594 certain conditions, it does not violate a certain good
2595 faith duty and is not liable for a certain bad faith
2596 failure; requiring the trier of fact, in making
2597 certain evaluations, to consider whether the insurer
2598 or claimant made certain good faith efforts to
2599 cooperate with the insurer's investigation; providing
2600 a limitation on an insurer's liability relating to
2601 multiple third-party claimants under certain
2602 circumstances, if the insurer files an interpleader
2603 action within a specified timeframe; providing
2604 construction relating to the interpleader action;
2605 conforming provisions to changes made by the act;
2606 amending s. 627.728, F.S.; conforming a provision to
2607 changes made by the act; amending s. 627.7295, F.S.;
2608 revising the definitions of the terms "policy" and
2609 "binder"; revising the coverages of a motor vehicle
2610 insurance policy for which a licensed general lines
2611 agent may charge a specified fee; revising
2612 applicability; conforming a cross-reference; amending
2613 s. 627.7415, F.S.; revising, at specified intervals,
2614 the minimum levels of certain liability insurance
2615 required for commercial motor vehicles; amending s.
2616 627.8405, F.S.; revising coverages in a policy sold in
2617 combination with an accidental death and dismemberment
2618 policy, which a premium finance company may not
2619 finance; revising rulemaking authority of the
2620 commission; amending ss. 627.915, 628.909, 705.184,



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2621 and 713.78, F.S.; conforming provisions to changes
2622 made by the act; amending s. 817.234, F.S.; revising
2623 specified prohibited false and fraudulent insurance
2624 claims for benefits to those under a motor vehicle
2625 insurance policy rather than a personal injury
2626 protection insurance policy; conforming a provision to
2627 changes made by the act; conforming a cross-reference;
2628 providing applicability and construction relating to
2629 changes made by the act; defining the term "minimum
2630 security requirements"; providing requirements and
2631 procedures relating to motor vehicle insurance
2632 policies that include personal injury protection as of
2633 a specified date; requiring an insurer to provide, by
2634 a specified date, a specified notice to policyholders
2635 relating to requirements under the act; providing for
2636 construction relating to suspensions for failure to
2637 maintain required security in effect before a
2638 specified date; providing effective dates.

By the Committee on Banking and Insurance; and Senator Lee

597-01963-18

2018150c1

1 A bill to be entitled
 2 An act relating to motor vehicle insurance; repealing
 3 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,
 4 627.734, 627.736, 627.737, 627.739, 627.7401,
 5 627.7403, and 627.7405, F.S., which comprise the
 6 Florida Motor Vehicle No-Fault Law; repealing s.
 7 627.7407, F.S., relating to application of the Florida
 8 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;
 9 revising a requirement for proof of security on a
 10 motor vehicle and the applicability of the
 11 requirement; amending s. 318.18, F.S.; conforming a
 12 provision to changes made by the act; amending s.
 13 320.02, F.S.; revising the motor vehicle insurance
 14 coverages that an applicant must show to register
 15 certain vehicles with the Department of Highway Safety
 16 and Motor Vehicles; deleting a requirement that
 17 specified information be included on a certain
 18 insurance proof-of-purchase card; revising
 19 construction; amending s. 320.0609, F.S.; conforming a
 20 provision to changes made by the act; amending s.
 21 320.27, F.S.; defining the term "garage liability
 22 insurance"; revising garage liability insurance
 23 requirements for motor vehicle dealer applicants;
 24 conforming a provision to changes made by the act;
 25 amending s. 320.771, F.S.; revising garage liability
 26 insurance requirements for recreational vehicle dealer
 27 license applicants; amending ss. 322.251 and 322.34,
 28 F.S.; conforming provisions to changes made by the
 29 act; amending s. 324.011, F.S.; revising legislative

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2018150c1

30 intent; amending s. 324.021, F.S.; revising
 31 definitions of the terms "motor vehicle" and "proof of
 32 financial responsibility"; revising, at specified
 33 timeframes, minimum coverage requirements for proof of
 34 financial responsibility for specified motor vehicles;
 35 defining the term "for-hire passenger transportation
 36 vehicle"; conforming provisions to changes made by the
 37 act; amending s. 324.022, F.S.; revising, at specified
 38 timeframes, minimum liability coverage requirements
 39 for motor vehicle owners or operators; revising
 40 authorized methods for meeting such requirements;
 41 revising the vehicles that are excluded from the
 42 definition of the term "motor vehicle" and providing
 43 security requirements for certain excluded vehicles;
 44 conforming provisions to changes made by the act;
 45 conforming cross-references; amending s. 324.0221,
 46 F.S.; revising applicability of certain insurer
 47 reporting and notice requirements as to policies
 48 providing certain coverages; conforming provisions to
 49 changes made by the act; amending s. 324.023, F.S.;
 50 conforming cross-references; amending s. 324.031,
 51 F.S.; revising applicability of a provision
 52 authorizing certain methods of proving financial
 53 responsibility; revising, at specified timeframes, the
 54 amount of a certificate of deposit required for a
 55 specified method of proof of financial responsibility;
 56 revising excess liability coverage requirements for a
 57 person electing to use such method; amending s.
 58 324.032, F.S.; revising financial responsibility

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59 requirements for owners or lessees of for-hire
60 passenger transportation vehicles and the
61 applicability of such requirements; revising a
62 requirement for a motor vehicle liability policy
63 obtained to comply with such requirements; amending
64 ss. 324.051, 324.071, 324.091, and 324.151, F.S.;
65 making technical changes; amending s. 324.161, F.S.;
66 revising requirements for a certificate of deposit
67 that is required if a person elects a certain method
68 of providing financial responsibility; amending s.
69 324.171, F.S.; revising, at specified timeframes, the
70 minimum net worth requirements to qualify certain
71 persons as self-insurers; conforming provisions to
72 changes made by the act; amending s. 324.251, F.S.;
73 revising the short title and an effective date;
74 amending s. 400.9905, F.S.; revising the definition of
75 the term "clinic"; amending ss. 400.991 and 400.9935,
76 F.S.; conforming provisions to changes made by the
77 act; amending s. 409.901, F.S.; revising the
78 definition of the term "third-party benefit"; amending
79 s. 409.910, F.S.; revising the definition of the term
80 "medical coverage"; making technical changes; amending
81 s. 456.057, F.S.; conforming a cross-reference;
82 amending s. 456.072, F.S.; revising specified grounds
83 for discipline for certain health professions;
84 amending s. 626.9541, F.S.; conforming a provision to
85 changes made by the act; revising the type of
86 insurance coverage applicable to a certain prohibited
87 act; conforming a cross-reference; amending s.

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88 626.989, F.S.; revising the definition of the term
89 "fraudulent insurance act"; amending s. 627.06501,
90 F.S.; revising coverages that may provide for a
91 reduction in motor vehicle insurance policy premium
92 charges under certain circumstances; amending s.
93 627.0652, F.S.; revising coverages that must provide a
94 premium charge reduction under certain circumstances;
95 amending s. 627.0653, F.S.; revising coverages subject
96 to premium discounts for specified motor vehicle
97 equipment; amending s. 627.4132, F.S.; revising the
98 coverages of a motor vehicle policy which are subject
99 to a stacking prohibition; amending s. 627.7263, F.S.;
100 revising provisions relating to designation of primary
101 coverages for rental and leasing driver's insurance;
102 conforming provisions to changes made by the act;
103 creating s. 627.7265, F.S.; requiring specified motor
104 vehicle liability insurance policies to include
105 medical payments coverage; specifying persons such
106 coverage must protect; specifying the minimum medical
107 expense coverage and minimum death benefit required
108 under such coverage; providing construction relating
109 to limits on certain other coverages; prohibiting
110 insurers from offering such coverage to an applicant
111 or policyholder with a deductible; specifying medical
112 services and care required under such coverage;
113 authorizing insurers to exclude medical payment
114 benefits under certain circumstances; providing that
115 medical payments benefits are primary to certain
116 health insurance benefits and apply to the coinsurance

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117 or deductible amounts required by certain health
 118 insurance policies, except under certain
 119 circumstances; providing that a medical payments
 120 insurance policy, under certain circumstances, may
 121 include a subrogation provision for medical payments
 122 benefits paid; requiring insurers, upon receiving a
 123 certain notice, to hold a specified reserve for
 124 certain purposes for a specified time; providing that
 125 the reserve requirement does not require insurers to
 126 establish a claim reserve for accounting purposes;
 127 specifying requirements, procedures, limitations, and
 128 prohibitions relating to charges and billing for care
 129 of bodily injuries under medical payments coverage;
 130 defining the term "service year"; requiring the
 131 Department of Health to adopt a certain rule;
 132 providing insurers a civil cause of action against
 133 certain persons who are convicted of or plead guilty
 134 or nolo contendere to certain acts of insurance fraud
 135 associated with claims for medical payments coverage
 136 benefits; requiring insurers receiving notice of a
 137 claim to provide a specified fraud advisory notice to
 138 certain persons; providing that claims generated as a
 139 result of certain patient brokering activities are
 140 nonreimbursable; authorizing notices, documentation,
 141 transmissions, or communications to be transferred
 142 electronically in a secure manner; amending s.
 143 627.727, F.S.; conforming provisions to changes made
 144 by the act; amending s. 627.7275, F.S.; revising
 145 applicability and required coverages for a motor

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146 vehicle insurance policy; conforming provisions to
 147 changes made by the act; amending s. 627.728, F.S.;
 148 conforming a provision to changes made by the act;
 149 amending s. 627.7295, F.S.; revising the definitions
 150 of the terms "policy" and "binder"; revising the
 151 coverages of a motor vehicle insurance policy for
 152 which a licensed general lines agent may charge a
 153 specified fee; revising applicability; conforming a
 154 cross-reference; amending s. 627.7415, F.S.; revising,
 155 at specified intervals, the minimum levels of certain
 156 liability insurance required for commercial motor
 157 vehicles; amending s. 627.8405, F.S.; revising
 158 coverages in a policy sold in combination with an
 159 accidental death and dismemberment policy, which a
 160 premium finance company may not finance; revising
 161 rulemaking authority of the commission; amending ss.
 162 627.915, 628.909, 705.184, and 713.78, F.S.;
 163 conforming provisions to changes made by the act;
 164 amending s. 817.234, F.S.; revising coverages that are
 165 the basis of specified prohibited false and fraudulent
 166 insurance claims; conforming a provision to changes
 167 made by the act; conforming a cross-reference;
 168 providing applicability and construction relating to
 169 changes made by the act; defining the term "minimum
 170 security requirements"; providing requirements and
 171 procedures relating to motor vehicle insurance
 172 policies that include personal injury protection as of
 173 a specified date; requiring an insurer to provide, by
 174 a specified date, a specified notice to policyholders

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175 relating to requirements under the act; providing for
176 construction relating to suspensions for failure to
177 maintain required security in effect before a
178 specified date; providing effective dates.

179
180 Be It Enacted by the Legislature of the State of Florida:

181
182 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
183 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
184 and 627.7405, Florida Statutes, which comprise the Florida Motor
185 Vehicle No-Fault Law, are repealed.

186 Section 2. Section 627.7407, Florida Statutes, is repealed.

187 Section 3. Subsection (1) of section 316.646, Florida
188 Statutes, is amended to read:

189 316.646 Security required; proof of security and display
190 thereof.—

191 (1) Any person required by s. 324.022 to maintain liability
192 security for property damage, liability security, required by s.
193 324.023 to maintain liability security for bodily injury, or
194 death, or required by s. 627.733 to maintain personal injury
195 protection security on a motor vehicle shall have in his or her
196 immediate possession at all times while operating such motor
197 vehicle proper proof of maintenance of the ~~required~~ security
198 required under s. 324.021(7).

199 (a) Such proof ~~must~~ shall be in a uniform paper or
200 electronic format, as prescribed by the department, a valid
201 insurance policy, an insurance policy binder, a certificate of
202 insurance, or such other proof as may be prescribed by the
203 department.

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204 (b)1. The act of presenting to a law enforcement officer an
205 electronic device displaying proof of insurance in an electronic
206 format does not constitute consent for the officer to access any
207 information on the device other than the displayed proof of
208 insurance.

209 2. The person who presents the device to the officer
210 assumes the liability for any resulting damage to the device.

211 Section 4. Paragraph (b) of subsection (2) of section
212 318.18, Florida Statutes, is amended to read:

213 318.18 Amount of penalties.—The penalties required for a
214 noncriminal disposition pursuant to s. 318.14 or a criminal
215 offense listed in s. 318.17 are as follows:

216 (2) Thirty dollars for all nonmoving traffic violations
217 and:

218 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
219 and 322.15(1). ~~A~~ Any person who is cited for a violation of s.
220 320.07(1) shall be charged a delinquent fee pursuant to s.
221 320.07(4).

222 1. If a person who is cited for a violation of s. 320.0605
223 or s. 320.07 can show proof of having a valid registration at
224 the time of arrest, the clerk of the court may dismiss the case
225 and may assess a dismissal fee of up to \$10. A person who finds
226 it impossible or impractical to obtain a valid registration
227 certificate must submit an affidavit detailing the reasons for
228 the impossibility or impracticality. The reasons may include,
229 but are not limited to, the fact that the vehicle was sold,
230 stolen, or destroyed; that the state in which the vehicle is
231 registered does not issue a certificate of registration; or that
232 the vehicle is owned by another person.

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233 2. If a person who is cited for a violation of s. 322.03,
 234 s. 322.065, or s. 322.15 can show a driver license issued to him
 235 or her and valid at the time of arrest, the clerk of the court
 236 may dismiss the case and may assess a dismissal fee of up to
 237 \$10.

238 3. If a person who is cited for a violation of s. 316.646
 239 can show proof of security as required by s. 324.021(7) ~~s.~~
 240 ~~627.733~~, issued to the person and valid at the time of arrest,
 241 the clerk of the court may dismiss the case and may assess a
 242 dismissal fee of up to \$10. A person who finds it impossible or
 243 impractical to obtain proof of security must submit an affidavit
 244 detailing the reasons for the impracticality. The reasons may
 245 include, but are not limited to, the fact that the vehicle has
 246 since been sold, stolen, or destroyed; ~~that the owner or~~
 247 ~~registrant of the vehicle is not required by s. 627.733 to~~
 248 ~~maintain personal injury protection insurance;~~ or that the
 249 vehicle is owned by another person.

250 Section 5. Paragraphs (a) and (d) of subsection (5) of
 251 section 320.02, Florida Statutes, are amended to read:

252 320.02 Registration required; application for registration;
 253 forms.-

254 (5) (a) Proof that bodily injury liability coverage and
 255 property damage liability coverage ~~personal injury protection~~
 256 ~~benefits~~ have been purchased if required under s. 324.022, s.
 257 324.032, or s. 627.742, that medical payments coverage has been
 258 purchased if required under s. 627.7265 ~~s. 627.733, that~~
 259 ~~property damage liability coverage has been purchased as~~
 260 ~~required under s. 324.022, that bodily injury liability or death~~
 261 coverage has been purchased if required under s. 324.023, and

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262 that combined bodily liability insurance and property damage
 263 liability insurance have been purchased if required under s.
 264 627.7415 ~~must shall~~ be provided in the manner prescribed by law
 265 by the applicant at the time of application for registration of
 266 any motor vehicle that is subject to such requirements. The
 267 issuing agent ~~may not shall refuse to~~ issue registration if such
 268 proof of purchase is not provided. Insurers shall furnish
 269 uniform proof-of-purchase cards in a paper or electronic format
 270 in a form prescribed by the department and include the name of
 271 the insured's insurance company, the coverage identification
 272 number, and the make, year, and vehicle identification number of
 273 the vehicle insured. The card must contain a statement notifying
 274 the applicant of the penalty specified under s. 316.646(4). The
 275 card or insurance policy, insurance policy binder, or
 276 certificate of insurance or a photocopy of any of these; an
 277 affidavit containing the name of the insured's insurance
 278 company, the insured's policy number, and the make and year of
 279 the vehicle insured; or such other proof as may be prescribed by
 280 the department constitutes ~~shall constitute~~ sufficient proof of
 281 purchase. If an affidavit is provided as proof, it must be in
 282 substantially the following form:

283
 284 Under penalty of perjury, I ...(Name of insured)... do hereby
 285 certify that I have ...(bodily injury liability and ~~Personal~~
 286 ~~Injury Protection~~, property damage liability coverage, and
 287 medical payments coverage, ~~and, if required, Bodily Injury~~
 288 Liability)... ~~Insurance~~ currently in effect with ...(Name of
 289 insurance company)... under ...(policy number)... covering
 290 ...(make, year, and vehicle identification number of

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291 vehicle).... ...(Signature of Insured)...

292

293 Such affidavit must include the following warning:

294

295 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
296 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
297 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
298 SUBJECT TO PROSECUTION.

299

300 If an application is made through a licensed motor vehicle
301 dealer as required under s. 319.23, the original or a photocopy
302 ~~photostatic copy~~ of such card, insurance policy, insurance
303 policy binder, or certificate of insurance or the original
304 affidavit from the insured must ~~shall~~ be forwarded by the dealer
305 to the tax collector of the county or the Department of Highway
306 Safety and Motor Vehicles for processing. By executing the
307 ~~aforesaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not
308 will be liable in damages for any inadequacy, insufficiency, or
309 falsification of any statement contained therein. ~~A card must~~
310 ~~also indicate the existence of any bodily injury liability~~
311 ~~insurance voluntarily purchased.~~

312 (d) The verifying of ~~proof of personal injury protection~~
313 ~~insurance, proof of property damage liability insurance, proof~~
314 ~~of combined bodily liability insurance and property damage~~
315 ~~liability insurance, or~~ proof of financial responsibility
316 ~~insurance~~ and the issuance or failure to issue the motor vehicle
317 registration under ~~the provisions of~~ this chapter may not be
318 construed in any court as a warranty of the reliability or
319 accuracy of the evidence of such proof, or that the provisions

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320 of any insurance policy furnished as proof of financial
321 responsibility comply with state law. ~~Neither~~ The department or
322 ~~nor~~ any tax collector is not liable in damages for any
323 inadequacy, insufficiency, falsification, or unauthorized
324 modification of any item of ~~the proof of personal injury~~
325 ~~protection insurance, proof of property damage liability~~
326 ~~insurance, proof of combined bodily liability insurance and~~
327 ~~property damage liability insurance, or~~ proof of financial
328 responsibility before ~~insurance prior to~~, during, or subsequent
329 to the verification of the proof. The issuance of a motor
330 vehicle registration does not constitute prima facie evidence or
331 a presumption of insurance coverage.

332 Section 6. Paragraph (b) of subsection (1) of section
333 320.0609, Florida Statutes, is amended to read:

334 320.0609 Transfer and exchange of registration license
335 plates; transfer fee.—

336 (1)

337 (b) The transfer of a license plate from a vehicle disposed
338 of to a newly acquired vehicle does not constitute a new
339 registration. The application for transfer shall be accepted
340 without requiring proof of ~~personal injury protection or~~
341 liability insurance.

342 Section 7. Paragraph (g) is added to subsection (1) of
343 section 320.27, Florida Statutes, and subsection (3) of that
344 section is amended, to read:

345 320.27 Motor vehicle dealers.—

346 (1) DEFINITIONS.—The following words, terms, and phrases
347 when used in this section have the meanings respectively
348 ascribed to them in this subsection, except where the context

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349 clearly indicates a different meaning:

350 (g) "Garage liability insurance" means combined single-
 351 limit liability coverage, including property damage and bodily
 352 injury liability coverage, in the amount of:

353 1. Beginning January 1, 2019, and continuing through
 354 December 31, 2020, at least \$50,000.

355 2. Beginning January 1, 2021, and continuing through
 356 December 31, 2022, at least \$60,000.

357 3. Beginning January 1, 2023 and thereafter, at least
 358 \$70,000.

359 (3) APPLICATION AND FEE.—~~The application for the license~~
 360 application must shall be in such form as may be prescribed by
 361 the department and is shall be subject to such rules ~~with~~
 362 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.
 363 Such application must shall be verified by oath or affirmation
 364 and must shall contain a full statement of the name and birth
 365 date of the person or persons applying for the license ~~therefor~~;
 366 the name of the firm or copartnership, with the names and places
 367 of residence of all members ~~thereof~~, if such applicant is a firm
 368 or copartnership; the names and places of residence of the
 369 principal officers, if the applicant is a body corporate or
 370 other artificial body; the name of the state under whose laws
 371 the corporation is organized; the present and former place or
 372 places of residence of the applicant; and the prior business in
 373 which the applicant has been engaged and its the location
 374 ~~thereof~~. ~~The~~ Such application must shall describe the exact
 375 location of the place of business and must shall state whether
 376 the place of business is owned by the applicant and when
 377 acquired, or, if leased, a true copy of the lease must shall be

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378 attached to the application. The applicant shall certify that
 379 the location provides an adequately equipped office and is not a
 380 residence; that the location affords sufficient unoccupied space
 381 upon and within which adequately to store all motor vehicles
 382 offered and displayed for sale; and that the location is a
 383 suitable place where the applicant can in good faith carry on
 384 such business and keep and maintain books, records, and files
 385 necessary to conduct such business, which ~~must shall~~ be
 386 available at all reasonable hours to inspection by the
 387 department or any of its inspectors or other employees. The
 388 applicant shall certify that the business of a motor vehicle
 389 dealer is the principal business that will ~~which shall~~ be
 390 conducted at that location. The application must shall contain a
 391 statement that the applicant is either franchised by a
 392 manufacturer of motor vehicles, in which case the name of each
 393 motor vehicle that the applicant is franchised to sell must
 394 ~~shall~~ be included, or an independent (nonfranchised) motor
 395 vehicle dealer. The application must shall contain other
 396 relevant information as may be required by the department. The
 397 applicant must furnish, including ~~evidence, in a form approved~~
 398 by the department, that the applicant is insured under a garage
 399 liability insurance policy or a general liability insurance
 400 policy coupled with a business automobile policy having the
 401 garage liability insurance coverage required by this subsection,
 402 ~~which shall include, at a minimum, \$25,000 combined single-limit~~
 403 ~~liability coverage including bodily injury and property damage~~
 404 ~~protection and \$10,000 personal injury protection~~. However, a
 405 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.
 406 is exempt from the requirements for garage liability insurance

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407 ~~and medical payments coverage insurance and personal injury~~
 408 ~~protection insurance~~ on those vehicles that cannot be legally
 409 operated on roads, highways, or streets in this state. Franchise
 410 dealers must submit a garage liability insurance policy, and all
 411 other dealers must submit a garage liability insurance policy or
 412 a general liability insurance policy coupled with a business
 413 automobile policy. Such policy ~~must shall~~ be for the license
 414 period, and evidence of a new or continued policy ~~must shall~~ be
 415 delivered to the department at the beginning of each license
 416 period. Upon making an initial application, the applicant shall
 417 pay to the department a fee of \$300 in addition to any other
 418 fees required by law. Applicants may choose to extend the
 419 licensure period for 1 additional year for a total of 2 years.
 420 An initial applicant shall pay to the department a fee of \$300
 421 for the first year and \$75 for the second year, in addition to
 422 any other fees required by law. An applicant for renewal shall
 423 pay to the department \$75 for a 1-year renewal or \$150 for a 2-
 424 year renewal, in addition to any other fees required by law.
 425 Upon making an application for a change of location, the
 426 applicant person shall pay a fee of \$50 in addition to any other
 427 fees now required by law. The department shall, in the case of
 428 every application for initial licensure, verify whether certain
 429 facts set forth in the application are true. Each applicant,
 430 general partner in the case of a partnership, or corporate
 431 officer and director in the case of a corporate applicant shall,
 432 ~~must~~ file a set of fingerprints with the department for the
 433 purpose of determining any prior criminal record or any
 434 outstanding warrants. The department shall submit the
 435 fingerprints to the Department of Law Enforcement for state

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436 processing and forwarding to the Federal Bureau of Investigation
 437 for federal processing. The actual cost of state and federal
 438 processing ~~must shall~~ be borne by the applicant and is in
 439 addition to the fee for licensure. The department may issue a
 440 license to an applicant pending the results of the fingerprint
 441 investigation, which license is fully revocable if the
 442 department subsequently determines that any facts set forth in
 443 the application are not true or correctly represented.

444 Section 8. Paragraph (j) of subsection (3) of section
 445 320.771, Florida Statutes, is amended to read:

446 320.771 License required of recreational vehicle dealers.-
 447 (3) APPLICATION.-The application for such license shall be
 448 in the form prescribed by the department and subject to such
 449 rules as may be prescribed by it. The application shall be
 450 verified by oath or affirmation and shall contain:

451 (j) A statement that the applicant is insured under a
 452 garage liability insurance policy in accordance with s.
 453 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
 454 ~~combined single-limit liability coverage, including bodily~~
 455 ~~injury and property damage protection, and \$10,000 personal~~
 456 ~~injury protection,~~ if the applicant is to be licensed as a
 457 dealer in, or intends to sell, recreational vehicles.

458
 459 The department shall, if it deems necessary, cause an
 460 investigation to be made to ascertain if the facts set forth in
 461 the application are true and shall not issue a license to the
 462 applicant until it is satisfied that the facts set forth in the
 463 application are true.

464 Section 9. Subsections (1) and (2) of section 322.251,

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465 Florida Statutes, are amended to read:

466 322.251 Notice of cancellation, suspension, revocation, or
467 disqualification of license.—

468 (1) All orders of cancellation, suspension, revocation, or
469 disqualification issued under ~~the provisions of~~ this chapter,
470 chapter 318, or chapter 324 ~~must, or ss. 627.732-627.734 shall~~
471 be given either by personal delivery thereof to the licensee
472 whose license is being canceled, suspended, revoked, or
473 disqualified or by deposit in the United States mail in an
474 envelope, first class, postage prepaid, addressed to the
475 licensee at his or her last known mailing address furnished to
476 the department. Such mailing by the department constitutes
477 notification, and any failure by the person to receive the
478 mailed order will not affect or stay the effective date or term
479 of the cancellation, suspension, revocation, or disqualification
480 of the licensee's driving privilege.

481 (2) The giving of notice and an order of cancellation,
482 suspension, revocation, or disqualification by mail is complete
483 upon expiration of 20 days after deposit in the United States
484 mail for all notices except those issued under chapter 324 ~~or~~
485 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
486 the United States mail. Proof of the giving of notice and an
487 order of cancellation, suspension, revocation, or
488 disqualification in either manner ~~must shall~~ be made by entry in
489 the records of the department that such notice was given. The
490 entry is admissible in the courts of this state and constitutes
491 sufficient proof that such notice was given.

492 Section 10. Paragraph (a) of subsection (8) of section
493 322.34, Florida Statutes, is amended to read:

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494 322.34 Driving while license suspended, revoked, canceled,
495 or disqualified.—

496 (8) (a) Upon the arrest of a person for the offense of
497 driving while the person's driver license or driving privilege
498 is suspended or revoked, the arresting officer shall determine:

499 1. Whether the person's driver license is suspended or
500 revoked.

501 2. Whether the person's driver license has remained
502 suspended or revoked since a conviction for the offense of
503 driving with a suspended or revoked license.

504 3. Whether the suspension or revocation was made under s.
505 316.646 ~~or s. 627.733~~, relating to failure to maintain required
506 security, or under s. 322.264, relating to habitual traffic
507 offenders.

508 4. Whether the driver is the registered owner or coowner of
509 the vehicle.

510 Section 11. Section 324.011, Florida Statutes, is amended
511 to read:

512 324.011 Legislative intent and purpose of chapter.—It is
513 the Legislature's intent of this chapter to ensure that the
514 privilege of owning or operating a motor vehicle in this state
515 be exercised ~~recognize the existing privilege to own or operate~~
516 ~~a motor vehicle on the public streets and highways of this state~~
517 ~~when such vehicles are used with due consideration for others'~~
518 safety ~~others~~ and their property, ~~and~~ to promote safety, and to
519 provide financial security requirements for ~~such~~ owners and ~~or~~
520 operators whose responsibility it is to recompense others for
521 injury to person or property caused by the operation of a motor
522 vehicle. Therefore, this chapter requires that every owner or

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523 ~~operator of a motor vehicle required to be registered in this~~
 524 ~~state establish, maintain, and it is required herein that the~~
 525 ~~operator of a motor vehicle involved in a crash or convicted of~~
 526 ~~certain traffic offenses meeting the operative provisions of s.~~
 527 ~~324.051(2) shall respond for such damages and show proof of~~
 528 ~~financial ability to respond for damages arising out of the~~
 529 ~~ownership, maintenance, or use of a motor vehicle in future~~
 530 ~~accidents as a requisite to owning or operating a motor vehicle~~
 531 ~~in this state his or her future exercise of such privileges.~~

532 Section 12. Subsections (1) and (7) and paragraph (c) of
 533 subsection (9) of section 324.021, Florida Statutes, are
 534 amended, and subsection (12) is added to that section, to read:

535 324.021 Definitions; minimum insurance required.—The
 536 following words and phrases when used in this chapter shall, for
 537 the purpose of this chapter, have the meanings respectively
 538 ascribed to them in this section, except in those instances
 539 where the context clearly indicates a different meaning:

540 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
 541 designed and required to be licensed for use upon a highway,
 542 including trailers and semitrailers designed for use with such
 543 vehicles, except traction engines, road rollers, farm tractors,
 544 power shovels, and well drillers, and every vehicle that is
 545 propelled by electric power obtained from overhead wires but not
 546 operated upon rails, but not including any personal delivery
 547 device as defined in s. 316.003, bicycle, or moped. ~~However, the~~
 548 ~~term "motor vehicle" does not include a motor vehicle as defined~~
 549 ~~in s. 627.732(3) when the owner of such vehicle has complied~~
 550 ~~with the requirements of ss. 627.730-627.7405, inclusive, unless~~
 551 ~~the provisions of s. 324.051 apply; and, in such case, the~~

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552 ~~applicable proof of insurance provisions of s. 320.02 apply.~~
 553 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~That~~ Proof of
 554 ability to respond in damages for liability on account of
 555 crashes arising out of the ownership, maintenance, or use of a
 556 motor vehicle:

557 (a) With respect to a motor vehicle that is not a
 558 commercial motor vehicle, nonpublic sector bus, or for-hire
 559 passenger transportation vehicle:

560 1. Beginning January 1, 2019, and continuing through
 561 December 31, 2020, in the amount of:

562 a. Twenty thousand dollars for ~~\$10,000 because of~~ bodily
 563 injury to, or the death of, one person in any one crash ~~and,~~
 564 ~~(b) subject to such limits for one person, in the amount of~~
 565 \$40,000 for ~~\$20,000 because of~~ bodily injury to, or the death
 566 of, two or more persons in any one crash; and

567 b. Ten thousand dollars for damage to, or destruction of,
 568 property of others in any one crash.

569 2. Beginning January 1, 2021, and continuing through
 570 December 31, 2022, in the amount of:

571 a. Twenty-five thousand dollars for bodily injury to, or
 572 the death of, one person in any one crash and, subject to such
 573 limits for one person, in the amount of \$50,000 for bodily
 574 injury to, or the death of, two or more persons in any one
 575 crash; and

576 b. Ten thousand dollars for damage to, or destruction of,
 577 property of others in any one crash.

578 3. Beginning January 1, 2023, and continuing thereafter, in
 579 the amount of:

580 a. Thirty thousand dollars for bodily injury to, or the

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581 death of, one person in any one crash and, subject to such
 582 limits for one person, in the amount of \$60,000 for bodily
 583 injury to, or the death of, two or more persons in any one
 584 crash; and
 585 ~~b. (c) Ten thousand dollars for damage in the amount of~~
 586 ~~\$10,000 because of injury to, or destruction of, property of~~
 587 ~~others in any one crash, and~~
 588 ~~(b) (d) With respect to commercial motor vehicles and~~
 589 ~~nonpublic sector buses, in the amounts specified in s. 627.7415~~
 590 ~~ss. 627.7415 and 627.742, respectively.~~
 591 (c) With respect to nonpublic sector buses, in the amounts
 592 specified in s. 627.742.
 593 (d) With respect to for-hire passenger transportation
 594 vehicles, in the amounts specified in s. 324.032.
 595 (9) OWNER; OWNER/LESSOR.—
 596 (c) Application.—
 597 1. The limits on liability in subparagraphs (b)2. and 3. do
 598 not apply to an owner of motor vehicles that are used for
 599 commercial activity in the owner's ordinary course of business,
 600 other than a rental company that rents or leases motor vehicles.
 601 For purposes of this paragraph, the term "rental company"
 602 includes only an entity that is engaged in the business of
 603 renting or leasing motor vehicles to the general public and that
 604 rents or leases a majority of its motor vehicles to persons with
 605 no direct or indirect affiliation with the rental company. The
 606 term also includes a motor vehicle dealer that provides
 607 temporary replacement vehicles to its customers for up to 10
 608 days. The term "rental company" also includes:
 609 a. A related rental or leasing company that is a subsidiary

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610 of the same parent company as that of the renting or leasing
 611 company that rented or leased the vehicle.
 612 b. The holder of a motor vehicle title or an equity
 613 interest in a motor vehicle title if the title or equity
 614 interest is held pursuant to or to facilitate an asset-backed
 615 securitization of a fleet of motor vehicles used solely in the
 616 business of renting or leasing motor vehicles to the general
 617 public and under the dominion and control of a rental company,
 618 as described in this subparagraph, in the operation of such
 619 rental company's business.
 620 2. Furthermore, with respect to commercial motor vehicles
 621 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
 622 liability in subparagraphs (b)2. and 3. do not apply if, at the
 623 time of the incident, the commercial motor vehicle is being used
 624 in the transportation of materials found to be hazardous for the
 625 purposes of the Hazardous Materials Transportation Authorization
 626 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
 627 required pursuant to such act to carry placards warning others
 628 of the hazardous cargo, unless at the time of lease or rental
 629 either:
 630 a. The lessee indicates in writing that the vehicle will
 631 not be used to transport materials found to be hazardous for the
 632 purposes of the Hazardous Materials Transportation Authorization
 633 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or
 634 b. The lessee or other operator of the commercial motor
 635 vehicle has in effect insurance with limits of at least \$5
 636 million ~~\$5,000,000~~ combined property damage and bodily injury
 637 liability.
 638 (12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every "for-

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639 hire vehicle” as defined in s. 320.01(15) which is offered or
 640 used to provide transportation for persons, including taxicabs,
 641 limousines, and jitneys.

642 Section 13. Section 324.022, Florida Statutes, is amended
 643 to read:

644 324.022 Financial responsibility requirements for property
 645 damage.—

646 (1) (a) Every owner or operator of a motor vehicle required
 647 to be registered in this state shall establish and continuously
 648 maintain the ability to respond in damages for liability on
 649 account of accidents arising out of the use of the motor vehicle
 650 in the amount of:

651 1. Beginning January 1, 2019, and continuing through
 652 December 31, 2020:

653 a. Twenty thousand dollars for bodily injury to, or the
 654 death of, one person in any one crash and, subject to such
 655 limits for one person, in the amount of \$40,000 for bodily
 656 injury to, or the death of, two or more persons in any one
 657 crash; and

658 b. Ten thousand dollars for damage to, or destruction of,
 659 property of others in any one crash.

660 2. Beginning January 1, 2021, and continuing through
 661 December 31, 2022:

662 a. Twenty-five thousand dollars for bodily injury to, or
 663 the death of, one person in any one crash and, subject to such
 664 limits for one person, in the amount of \$50,000 for bodily
 665 injury to, or the death of, two or more persons in any one
 666 crash; and

667 b. Ten thousand dollars for damage to, or destruction of,

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668 property of others in any one crash.

669 3. Beginning January 1, 2023, and continuing thereafter:

670 a. Thirty thousand dollars for bodily injury to, or the
 671 death of, one person in any one crash and, subject to such
 672 limits for one person, in the amount of \$60,000 for bodily
 673 injury to, or the death of, two or more persons in any one
 674 crash; and

675 b. Ten thousand dollars for ~~\$10,000 because of~~ damage to,
 676 or destruction of, property of others in any one crash.

677 (b) The requirements of paragraph (a) this section may be
 678 met by one of the methods established in s. 324.031; by self-
 679 insuring as authorized by s. 768.28(16); or by maintaining
 680 medical payments coverage under s. 627.7265 and a motor vehicle
 681 liability insurance policy that an insurance policy providing
 682 coverage for property damage liability in the amount of at least
 683 \$10,000 because of damage to, or destruction of, property of
 684 others in any one accident arising out of the use of the motor
 685 vehicle. The requirements of this section may also be met by
 686 having a policy which provides combined property damage
 687 liability and bodily injury liability coverage for any one crash
 688 arising out of the ownership, maintenance, or use of a motor
 689 vehicle which conforms to the requirements of s. 324.151 in the
 690 amount of:

691 1. At least \$50,000 for every owner or operator subject to
 692 the financial responsibility required in subparagraph (1)(a)1.

693 2. At least \$60,000 for every owner or operator subject to
 694 the financial responsibility required in subparagraph (1)(a)2.

695 3. At least \$70,000 for every owner or operator subject to
 696 the financial responsibility required in subparagraph (1)(a)3.

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697 ~~\$30,000 for combined property damage liability and bodily injury~~
 698 ~~liability for any one crash arising out of the use of the motor~~
 699 ~~vehicle. The policy, with respect to coverage for property~~
 700 ~~damage liability, must meet the applicable requirements of s.~~
 701 ~~324.151, subject to the usual policy exclusions that have been~~
 702 ~~approved in policy forms by the Office of Insurance Regulation.~~
 703 ~~No insurer shall have any duty to defend uncovered claims~~
 704 ~~irrespective of their joinder with covered claims.~~

705 (2) As used in this section, the term:

706 (a) "Motor vehicle" means any self-propelled vehicle that
 707 has four or more wheels and that is of a type designed and
 708 required to be licensed for use on the highways of this state,
 709 and any trailer or semitrailer designed for use with such
 710 vehicle. The term does not include the following:

711 1. A mobile home as defined in s. 320.01.

712 2. A motor vehicle that is used in mass transit and
 713 designed to transport more than five passengers, exclusive of
 714 the operator of the motor vehicle, and that is owned by a
 715 municipality, transit authority, or political subdivision of the
 716 state.

717 3. A school bus as defined in s. 1006.25, which shall
 718 maintain security as required under s. 316.615.

719 4. A commercial motor vehicle as defined in s. 207.002 or
 720 s. 320.01, which shall maintain security as required under ss.
 721 324.031 and 627.7415.

722 5. A nonpublic sector bus, which shall maintain security as
 723 required under ss. 324.031 and 627.742.

724 ~~6.4. A vehicle providing for-hire passenger transportation~~
 725 ~~vehicle, which that is subject to the provisions of s. 324.031.~~

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726 ~~A taxicab~~ shall maintain security as required under s. 324.032
 727 ~~s. 324.032(1).~~

728 ~~7.5.~~ A personal delivery device as defined in s. 316.003.

729 (b) "Owner" means the person who holds legal title to a
 730 motor vehicle or the debtor or lessee who has the right to
 731 possession of a motor vehicle that is the subject of a security
 732 agreement or lease with an option to purchase.

733 (3) Each nonresident owner or registrant of a motor vehicle
 734 that, whether operated or not, has been physically present
 735 within this state for more than 90 days during the preceding 365
 736 days shall maintain security as required by subsection (1). The
 737 security must be that is in effect continuously throughout the
 738 period the motor vehicle remains within this state.

739 (4) ~~An~~ The owner or registrant of a motor vehicle who is
 740 ~~exempt from the requirements of this section if she or he is a~~
 741 ~~member of the United States Armed Forces and is called to or on~~
 742 ~~active duty outside the United States in an emergency situation~~
 743 ~~is exempt from this section while he or she.~~ The exemption
 744 provided by this subsection applies only as long as the member
 745 of the Armed Forces is on such active duty. This exemption
 746 outside the United States and applies only while the vehicle
 747 covered by the security is not operated by any person. Upon
 748 receipt of a written request by the insured to whom the
 749 exemption provided in this subsection applies, the insurer shall
 750 cancel the coverages and return any unearned premium or suspend
 751 the security required by this section. Notwithstanding s.
 752 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
 753 registration or operator's license of an any owner or registrant
 754 of a motor vehicle during the time she or he qualifies for the

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755 ~~an~~ exemption under this subsection. An Any owner or registrant
 756 of a motor vehicle who qualifies for ~~the~~ an exemption under this
 757 subsection shall immediately notify the department ~~before~~ prior
 758 ~~to~~ and at the end of the expiration of the exemption.

759 Section 14. Subsections (1) and (2) of section 324.0221,
 760 Florida Statutes, are amended to read:

761 324.0221 Reports by insurers to the department; suspension
 762 of driver license and vehicle registrations; reinstatement.—

763 (1) (a) Each insurer that has issued a policy providing
 764 medical payments coverage or personal injury protection coverage
 765 ~~or property damage liability coverage~~ shall report the
 766 cancellation or nonrenewal thereof to the department within 10
 767 days after the processing date or effective date of each
 768 cancellation or nonrenewal. Upon the issuance of a policy
 769 providing medical payments coverage or personal injury
 770 ~~protection coverage or property damage liability coverage~~ to a
 771 named insured not previously insured by the insurer during that
 772 calendar year, the insurer shall report the issuance of the new
 773 policy to the department within 10 days. The report must ~~shall~~
 774 be in the form ~~and format~~ and contain any information required
 775 by the department and must be provided in a format that is
 776 compatible with the data processing capabilities of the
 777 department. Failure by an insurer to file proper reports with
 778 the department as required by this subsection constitutes a
 779 violation of the Florida Insurance Code. These records may ~~shall~~
 780 be used by the department only for enforcement and regulatory
 781 purposes, including the generation by the department of data
 782 regarding compliance by owners of motor vehicles with the
 783 requirements for financial responsibility coverage.

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784 (b) With respect to an insurance policy providing medical
 785 payments coverage or personal injury protection coverage or
 786 ~~property damage liability coverage~~, each insurer shall notify
 787 the named insured, or the first-named insured in the case of a
 788 commercial fleet policy, in writing that any cancellation or
 789 nonrenewal of the policy will be reported by the insurer to the
 790 department. The notice must also inform the named insured that
 791 failure to maintain medical payments coverage, bodily injury
 792 liability ~~personal injury protection coverage~~, and property
 793 damage liability coverage on a motor vehicle when required by
 794 law may result in the loss of registration and driving
 795 privileges in this state and inform the named insured of the
 796 amount of the reinstatement fees required by this section. This
 797 notice is for informational purposes only, and an insurer is not
 798 civilly liable for failing to provide this notice.

799 (2) The department shall suspend, after due notice and an
 800 opportunity to be heard, the registration and driver license of
 801 any owner or registrant of a motor vehicle for ~~with respect to~~
 802 which security is required under s. 324.022, s. 324.032, s.
 803 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

804 (a) The department's records showing that the owner or
 805 registrant of such motor vehicle did not have ~~the in full force~~
 806 ~~and effect when~~ required security in full force and effect ~~that~~
 807 ~~complies with the requirements of ss. 324.022 and 627.733~~; or

808 (b) Notification by the insurer to the department, in a
 809 form approved by the department, of cancellation or termination
 810 of the required security.

811 Section 15. Section 324.023, Florida Statutes, is amended
 812 to read:

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813 324.023 Financial responsibility for bodily injury or
 814 death.—In addition to any other financial responsibility
 815 required by law, every owner or operator of a motor vehicle that
 816 is required to be registered in this state, or that is located
 817 within this state, and who, regardless of adjudication of guilt,
 818 has been found guilty of or entered a plea of guilty or nolo
 819 contendere to a charge of driving under the influence under s.
 820 316.193 after October 1, 2007, shall, by one of the methods
 821 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
 822 establish and maintain the ability to respond in damages for
 823 liability on account of accidents arising out of the use of a
 824 motor vehicle in the amount of \$100,000 because of bodily injury
 825 to, or death of, one person in any one crash and, subject to
 826 such limits for one person, in the amount of \$300,000 because of
 827 bodily injury to, or death of, two or more persons in any one
 828 crash and in the amount of \$50,000 because of property damage in
 829 any one crash. If the owner or operator chooses to establish and
 830 maintain such ability by furnishing a certificate of deposit
 831 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
 832 deposit must be at least \$350,000. Such higher limits must be
 833 carried for a minimum period of 3 years. If the owner or
 834 operator has not been convicted of driving under the influence
 835 or a felony traffic offense for a period of 3 years from the
 836 date of reinstatement of driving privileges for a violation of
 837 s. 316.193, the owner or operator shall be exempt from this
 838 section.

839 Section 16. Section 324.031, Florida Statutes, is amended
 840 to read:

841 324.031 Manner of proving financial responsibility.—

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842 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~
 843 ~~or any other for-hire passenger transportation vehicle may prove~~
 844 ~~financial responsibility by providing satisfactory evidence of~~
 845 ~~holding a motor vehicle liability policy as defined in s.~~
 846 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
 847 ~~carrier which is a member of the Florida Insurance Guaranty~~
 848 ~~Association.~~ The operator or owner of a motor vehicle other than
 849 a for-hire passenger transportation vehicle ~~any other vehicle~~
 850 may prove his or her financial responsibility by:

851 ~~(a)(1)~~ Furnishing satisfactory evidence of holding a motor
 852 vehicle liability policy as defined in ss. 324.021(8) and
 853 324.151;

854 ~~(b)(2)~~ Furnishing a certificate of self-insurance showing a
 855 deposit of cash in accordance with s. 324.161; or

856 ~~(c)(3)~~ Furnishing a certificate of self-insurance issued by
 857 the department in accordance with s. 324.171.

858 ~~(2) (a) Any person, including any firm, partnership,~~
 859 ~~association, corporation, or other person, other than a natural~~
 860 ~~person,~~ electing to use the method of proof specified in
 861 paragraph (1)(b) subsection (2) shall furnish a certificate of
 862 deposit equal to the number of vehicles owned times:

863 1. Fifty thousand dollars, to a maximum of \$200,000, from
 864 January 1, 2019, through December 31, 2020.

865 2. Sixty thousand dollars, to a maximum of \$240,000, from
 866 January 1, 2021, through December 31, 2022.

867 3. Seventy thousand dollars, ~~\$30,000,~~ to a maximum of
 868 \$280,000, from January 1, 2023, and thereafter. ~~\$120,000.~~

869 ~~(b)~~ In addition, any such person, ~~other than a natural~~
 870 person, shall maintain insurance providing coverage conforming

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871 to the requirements of s. 324.151 in excess of the amount of the
 872 certificate of deposit, with limits of at least:

873 1. One hundred twenty-five thousand dollars for bodily
 874 injury to, or the death of, one person in any one crash and,
 875 subject to such limits for one person, in the amount of \$250,000
 876 for bodily injury to, or the death of, two or more persons in
 877 any one crash, and \$50,000 for damage to, or destruction of,
 878 property of others in any one crash; or \$10,000/20,000/10,000 or
 879 \$30,000 combined single limits, and such excess insurance shall
 880 provide minimum limits of \$125,000/250,000/50,000 or \$300,000
 881 combined single limits. These increased limits shall not affect
 882 the requirements for proving financial responsibility under s.
 883 324.032(1).

884 2. Three hundred thousand dollars for combined bodily
 885 injury liability and property damage liability for any one
 886 crash.

887 Section 17. Section 324.032, Florida Statutes, is amended
 888 to read:

889 324.032 ~~Manner of proving~~ Financial responsibility for
 890 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
 891 ~~provisions of s. 324.031.~~

892 (1) An owner or lessee of a for-hire passenger
 893 transportation vehicle that is required to be registered in this
 894 state shall establish and continuously maintain the ability to
 895 respond in damages for liability on account of accidents arising
 896 out of the ownership, maintenance, or use of the for-hire
 897 passenger transportation vehicle, in the amount of:

898 (a) One hundred twenty-five thousand dollars for bodily
 899 injury to, or the death of, one person in any one crash and,

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900 subject to such limits for one person, in the amount of \$250,000
 901 for bodily injury to, or the death of, two or more persons in
 902 any one crash; and A person who is either the owner or a lessee
 903 required to maintain insurance under s. 627.733(1)(b) and who
 904 operates one or more taxicabs, limousines, jitneys, or any other
 905 for-hire passenger transportation vehicles may prove financial
 906 responsibility by furnishing satisfactory evidence of holding a
 907 motor vehicle liability policy, but with minimum limits of
 908 \$125,000/250,000/50,000.

909 (b) Fifty thousand dollars for damage to, or destruction
 910 of, property of others in any one crash A person who is either
 911 the owner or a lessee required to maintain insurance under s.
 912 324.021(9)(b) and who operates limousines, jitneys, or any other
 913 for-hire passenger vehicles, other than taxicabs, may prove
 914 financial responsibility by furnishing satisfactory evidence of
 915 holding a motor vehicle liability policy as defined in s.
 916 324.031.

917 (2) Except as provided in subsection (3), the requirements
 918 of this section must be met by the owner or lessee providing
 919 satisfactory evidence of holding a motor vehicle liability
 920 policy conforming to the requirements of s. 324.151 which is
 921 issued by an insurance carrier that is a member of the Florida
 922 Insurance Guaranty Association.

923 (3)(2) An owner or a lessee who is required to maintain
 924 insurance under s. 324.021(9)(b) and who operates at least 300
 925 taxicabs, limousines, jitneys, or any other for-hire passenger
 926 transportation vehicles may provide financial responsibility by
 927 complying with the provisions of s. 324.171, such compliance to
 928 be demonstrated by maintaining at its principal place of

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929 business an audited financial statement, prepared in accordance
 930 with generally accepted accounting principles, and providing to
 931 the department a certification issued by a certified public
 932 accountant that the applicant's net worth is at least equal to
 933 the requirements of s. 324.171 as determined by the Office of
 934 Insurance Regulation of the Financial Services Commission,
 935 including claims liabilities in an amount certified as adequate
 936 by a Fellow of the Casualty Actuarial Society.

937
 938 Upon request by the department, the applicant shall ~~must~~ provide
 939 the department at the applicant's principal place of business in
 940 this state access to the applicant's underlying financial
 941 information and financial statements that provide the basis of
 942 the certified public accountant's certification. The applicant
 943 shall reimburse the requesting department for all reasonable
 944 costs incurred by it in reviewing the supporting information.
 945 The maximum amount of self-insurance permissible under this
 946 subsection is \$300,000 and must be stated on a per-occurrence
 947 basis, and the applicant shall maintain adequate excess
 948 insurance issued by an authorized or eligible insurer licensed
 949 or approved by the Office of Insurance Regulation. All risks
 950 self-insured shall remain with the owner or lessee providing it,
 951 and the risks are not transferable to any other person, unless a
 952 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
 953 obtained.

954 Section 18. Paragraph (b) of subsection (2) of section
 955 324.051, Florida Statutes, is amended to read:

956 324.051 Reports of crashes; suspensions of licenses and
 957 registrations.-

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958 (2)

959 (b) This subsection does ~~shall~~ not apply:

960 1. To such operator or owner if such operator or owner had
 961 in effect at the time of such crash or traffic conviction a
 962 motor vehicle ~~an automobile~~ liability policy with respect to all
 963 of the registered motor vehicles owned by such operator or
 964 owner.

965 2. To such operator, if not the owner of such motor
 966 vehicle, if there was in effect at the time of such crash or
 967 traffic conviction a motor vehicle ~~an automobile~~ liability
 968 policy or bond with respect to his or her operation of motor
 969 vehicles not owned by him or her.

970 3. To such operator or owner if the liability of such
 971 operator or owner for damages resulting from such crash is, in
 972 the judgment of the department, covered by any other form of
 973 liability insurance or bond.

974 4. To any person who has obtained from the department a
 975 certificate of self-insurance, in accordance with s. 324.171, or
 976 to any person operating a motor vehicle for such self-insurer.

977
 978 No such policy or bond shall be effective under this subsection
 979 unless it contains limits of not less than those specified in s.
 980 324.021(7).

981 Section 19. Section 324.071, Florida Statutes, is amended
 982 to read:

983 324.071 Reinstatement; renewal of license; reinstatement
 984 fee.-An ~~Any~~ operator or owner whose license or registration has
 985 been suspended pursuant to s. 324.051(2), s. 324.072, s.
 986 324.081, or s. 324.121 may effect its reinstatement upon

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 987 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
 988 s. 324.081(2) and (3), as the case may be, and with one of the
 989 provisions of s. 324.031 and upon payment to the department of a
 990 nonrefundable reinstatement fee of \$15. Only one such fee may
 991 ~~shall~~ be paid by any one person regardless irrespective of the
 992 number of licenses and registrations to be then reinstated or
 993 issued to such person. All Such fees must shall be deposited to
 994 a department trust fund. If When the reinstatement of any
 995 license or registration is effected by compliance with s.
 996 324.051(2)(a)3. or 4., the department may shall not renew the
 997 license or registration within a period of 3 years after from
 998 such reinstatement, nor may shall any other license or
 999 registration be issued in the name of such person, unless the
 1000 operator continues is continuing to comply with one of the
 1001 provisions of s. 324.031.

1002 Section 20. Subsection (1) of section 324.091, Florida
 1003 Statutes, is amended to read:

1004 324.091 Notice to department; notice to insurer.—

1005 (1) Each owner and operator involved in a crash or
 1006 conviction case within the purview of this chapter shall furnish
 1007 evidence of automobile liability insurance or motor vehicle
 1008 liability insurance within 14 days after the date of the mailing
 1009 of notice of crash by the department in the form and manner as
 1010 it may designate. Upon receipt of evidence that a an automobile
 1011 liability policy or motor vehicle liability policy was in effect
 1012 at the time of the crash or conviction case, the department
 1013 shall forward to the insurer such information for verification
 1014 in a method as determined by the department. The insurer shall
 1015 respond to the department within 20 days after the notice as to

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 1016 whether or not such information is valid. If the department
 1017 determines that a an automobile liability policy or motor
 1018 vehicle liability policy was not in effect and did not provide
 1019 coverage for both the owner and the operator, it must shall take
 1020 action as it is authorized to do under this chapter.

1021 Section 21. Section 324.151, Florida Statutes, is amended
 1022 to read:

1023 324.151 Motor vehicle liability policies; required
 1024 provisions.—

1025 (1) A motor vehicle liability policy that serves as to be
 1026 proof of financial responsibility under s. 324.031(1) must-
 1027 shall be issued to owners or operators of motor vehicles under
 1028 the following provisions:

1029 (a) A motor vehicle An owner's liability insurance policy
 1030 issued to an owner of a motor vehicle registered in this state
 1031 must shall designate by explicit description or by appropriate
 1032 reference all motor vehicles for with respect to which coverage
 1033 is thereby granted. The policy must and shall insure the person
 1034 or persons owner named therein and any other person as operator
 1035 using such motor vehicle or motor vehicles with the express or
 1036 implied permission of such owner against loss from the liability
 1037 imposed by law for damage arising out of the ownership,
 1038 maintenance, or use of any such motor vehicle or motor vehicles
 1039 within the United States or the Dominion of Canada, subject to
 1040 limits, exclusive of interest and costs with respect to each
 1041 such motor vehicle as is provided for under s. 324.021(7).
 1042 Insurers may make available, with respect to property damage
 1043 liability coverage, a deductible amount not to exceed \$500. In
 1044 the event of a property damage loss covered by a policy

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1045 containing a property damage deductible provision, the insurer
1046 shall pay to the third-party claimant the amount of any property
1047 damage liability settlement or judgment, subject to policy
1048 limits, as if no deductible existed.

1049 (b) An operator's motor vehicle liability policy of
1050 insurance ~~must shall~~ insure the person or persons named therein
1051 against loss from the liability imposed ~~upon him or her~~ by law
1052 for damages arising out of the use by the person of any motor
1053 vehicle not owned by him or her, with the same territorial
1054 limits and subject to the same limits of liability as referred
1055 to above with respect to an owner's policy of liability
1056 insurance.

1057 (c) All such motor vehicle liability policies ~~must shall~~
1058 state the name and address of the named insured, the coverage
1059 afforded by the policy, the premium charged therefor, the policy
1060 period, the limits of liability, and ~~must shall~~ contain an
1061 agreement or be endorsed that insurance is provided in
1062 accordance with the coverage defined in this chapter ~~as respects~~
1063 ~~bodily injury and death or property damage or both~~ and is
1064 subject to all provisions of this chapter. ~~The said~~ policies
1065 ~~must shall~~ also contain a provision that the satisfaction by an
1066 insured of a judgment for such injury or damage ~~may shall~~ not be
1067 a condition precedent to the right or duty of the insurance
1068 carrier to make payment on account of such injury or damage, and
1069 ~~must shall~~ also contain a provision that bankruptcy or
1070 insolvency of the insured or of the insured's estate ~~may shall~~
1071 not relieve the insurance carrier of any of its obligations
1072 under ~~the said~~ policy.

1073 (2) ~~The provisions of~~ This section ~~is shall~~ not be

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1074 applicable to any automobile liability policy unless and until
1075 it is furnished as proof of financial responsibility for the
1076 future pursuant to s. 324.031, and then only from and after the
1077 date ~~the said~~ policy is so furnished.

1078 Section 22. Section 324.161, Florida Statutes, is amended
1079 to read:

1080 324.161 Proof of financial responsibility; deposit.—If a
1081 person elects to prove his or her financial responsibility under
1082 the method of proof specified in s. 324.031(1)(b), he or she
1083 must obtain proof of a certificate of deposit annually, in the
1084 amount required under s. 324.031(2), from a financial
1085 institution insured by the Federal Deposit Insurance Corporation
1086 or the National Credit Union Administration. Proof of such
1087 certificate of deposit Annually, before any certificate of
1088 insurance may be issued to a person, including any firm,
1089 partnership, association, corporation, or other person, other
1090 than a natural person, proof of a certificate of deposit of
1091 \$30,000 issued and held by a financial institution must be
1092 submitted to the department annually. A power of attorney will
1093 be issued to and held by the department and may be executed upon
1094 a judgment issued against such person making the deposit, for
1095 damages ~~for because of~~ bodily injury to or death of any person
1096 or for damages ~~for because of~~ injury to or destruction of
1097 property resulting from the use or operation of any motor
1098 vehicle occurring after such deposit was made. Money so
1099 deposited ~~is shall~~ not be subject to attachment or execution
1100 unless such attachment or execution ~~arises shall arise~~ out of a
1101 lawsuit ~~suit~~ for such damages as aforesaid.

1102 Section 23. Subsections (1) and (2) of section 324.171,

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1103 Florida Statutes, are amended to read:

1104 324.171 Self-insurer.—

1105 (1) ~~A Any~~ person may qualify as a self-insurer by obtaining
 1106 a certificate of self-insurance from the department, ~~which may,~~
 1107 ~~in its discretion and~~ Upon application of such a person, the
 1108 department may issue a said certificate of self-insurance if the
 1109 applicant when such person has satisfied the requirements of
 1110 this section ~~to qualify as a self-insurer under this section:~~

1111 (a) A private individual with private passenger vehicles
 1112 must shall possess a net unencumbered worth: ~~of~~

1113 1. Beginning January 1, 2019, through December 31, 2020, of
 1114 at least \$80,000.

1115 2. Beginning January 1, 2021, through December 31, 2022, of
 1116 at least \$100,000.

1117 3. Beginning January 1, 2023, and thereafter, of at least
 1118 \$120,000 ~~\$40,000~~.

1119 (b) A person, including any firm, partnership, association,
 1120 corporation, or other person, other than a natural person, must
 1121 shall:

1122 1. Possess a net unencumbered worth: of

1123 a. Beginning January 1, 2019, through December 31, 2020, of
 1124 at least \$80,000 for the first motor vehicle and \$40,000 for
 1125 each additional motor vehicle.

1126 b. Beginning January 1, 2021, through December 31, 2022, of
 1127 at least \$100,000 for the first motor vehicle and \$50,000 for
 1128 each additional motor vehicle.

1129 c. Beginning January 1, 2023, and thereafter, of at least
 1130 \$120,000 ~~\$40,000~~ for the first motor vehicle and \$60,000 ~~\$20,000~~
 1131 for each additional motor vehicle; or

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1132 2. Maintain sufficient net worth, in an amount determined
 1133 by the department, to be financially responsible for potential
 1134 losses. The department shall annually determine the minimum net
 1135 worth sufficient to satisfy this subparagraph as determined
 1136 ~~annually by the department,~~ pursuant to rules adopted
 1137 ~~promulgated~~ by the department, with the assistance of the Office
 1138 of Insurance Regulation of the Financial Services Commission, ~~to~~
 1139 ~~be financially responsible for potential losses.~~ The rules must
 1140 consider any shall take into consideration excess insurance
 1141 carried by the applicant. The department's determination must
 1142 shall be based upon reasonable actuarial principles considering
 1143 the frequency, severity, and loss development of claims incurred
 1144 by casualty insurers writing coverage on the type of motor
 1145 vehicles for which a certificate of self-insurance is desired.

1146 (c) The owner of a commercial motor vehicle, as defined in
 1147 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
 1148 to the standards provided ~~for~~ in subparagraph (b)2.

1149 (2) The self-insurance certificate must shall provide
 1150 limits of liability insurance in the amounts specified under s.
 1151 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
 1152 ~~protection coverage under s. 627.733(3)(b).~~

1153 Section 24. Section 324.251, Florida Statutes, is amended
 1154 to read:

1155 324.251 Short title.—This chapter may be cited as the
 1156 "Financial Responsibility Law of 2018 1955" and is shall become
 1157 effective at 12:01 a.m., January 1, 2019 ~~October 1, 1955~~.

1158 Section 25. Subsection (4) of section 400.9905, Florida
 1159 Statutes, is amended to read:

1160 400.9905 Definitions.—

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1161 (4) "Clinic" means an entity where health care services are
 1162 provided to individuals and which tenders charges for
 1163 reimbursement for such services, including a mobile clinic and a
 1164 portable equipment provider. As used in this part, the term does
 1165 not include and the licensure requirements of this part do not
 1166 apply to:

1167 (a) Entities licensed or registered by the state under
 1168 chapter 395; entities licensed or registered by the state and
 1169 providing only health care services within the scope of services
 1170 authorized under their respective licenses under ss. 383.30-
 1171 383.335, chapter 390, chapter 394, chapter 397, this chapter
 1172 except part X, chapter 429, chapter 463, chapter 465, chapter
 1173 466, chapter 478, part I of chapter 483, chapter 484, or chapter
 1174 651; end-stage renal disease providers authorized under 42
 1175 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
 1176 part 485, subpart B or subpart H; or any entity that provides
 1177 neonatal or pediatric hospital-based health care services or
 1178 other health care services by licensed practitioners solely
 1179 within a hospital licensed under chapter 395.

1180 (b) Entities that own, directly or indirectly, entities
 1181 licensed or registered by the state pursuant to chapter 395;
 1182 entities that own, directly or indirectly, entities licensed or
 1183 registered by the state and providing only health care services
 1184 within the scope of services authorized pursuant to their
 1185 respective licenses under ss. 383.30-383.335, chapter 390,
 1186 chapter 394, chapter 397, this chapter except part X, chapter
 1187 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
 1188 of chapter 483, chapter 484, or chapter 651; end-stage renal
 1189 disease providers authorized under 42 C.F.R. part 405, subpart

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1190 U; providers certified under 42 C.F.R. part 485, subpart B or
 1191 subpart H; or any entity that provides neonatal or pediatric
 1192 hospital-based health care services by licensed practitioners
 1193 solely within a hospital licensed under chapter 395.

1194 (c) Entities that are owned, directly or indirectly, by an
 1195 entity licensed or registered by the state pursuant to chapter
 1196 395; entities that are owned, directly or indirectly, by an
 1197 entity licensed or registered by the state and providing only
 1198 health care services within the scope of services authorized
 1199 pursuant to their respective licenses under ss. 383.30-383.335,
 1200 chapter 390, chapter 394, chapter 397, this chapter except part
 1201 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
 1202 478, part I of chapter 483, chapter 484, or chapter 651; end-
 1203 stage renal disease providers authorized under 42 C.F.R. part
 1204 405, subpart U; providers certified under 42 C.F.R. part 485,
 1205 subpart B or subpart H; or any entity that provides neonatal or
 1206 pediatric hospital-based health care services by licensed
 1207 practitioners solely within a hospital under chapter 395.

1208 (d) Entities that are under common ownership, directly or
 1209 indirectly, with an entity licensed or registered by the state
 1210 pursuant to chapter 395; entities that are under common
 1211 ownership, directly or indirectly, with an entity licensed or
 1212 registered by the state and providing only health care services
 1213 within the scope of services authorized pursuant to their
 1214 respective licenses under ss. 383.30-383.335, chapter 390,
 1215 chapter 394, chapter 397, this chapter except part X, chapter
 1216 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
 1217 of chapter 483, chapter 484, or chapter 651; end-stage renal
 1218 disease providers authorized under 42 C.F.R. part 405, subpart

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1219 U; providers certified under 42 C.F.R. part 485, subpart B or
 1220 subpart H; or any entity that provides neonatal or pediatric
 1221 hospital-based health care services by licensed practitioners
 1222 solely within a hospital licensed under chapter 395.

1223 (e) An entity that is exempt from federal taxation under 26
 1224 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
 1225 under 26 U.S.C. s. 409 that has a board of trustees at least
 1226 two-thirds of which are Florida-licensed health care
 1227 practitioners and provides only physical therapy services under
 1228 physician orders, any community college or university clinic,
 1229 and any entity owned or operated by the federal or state
 1230 government, including agencies, subdivisions, or municipalities
 1231 thereof.

1232 (f) A sole proprietorship, group practice, partnership, or
 1233 corporation that provides health care services by physicians
 1234 covered by s. 627.419, that is directly supervised by one or
 1235 more of such physicians, and that is wholly owned by one or more
 1236 of those physicians or by a physician and the spouse, parent,
 1237 child, or sibling of that physician.

1238 (g) A sole proprietorship, group practice, partnership, or
 1239 corporation that provides health care services by licensed
 1240 health care practitioners under chapter 457, chapter 458,
 1241 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
 1242 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
 1243 chapter 490, chapter 491, or part I, part III, part X, part
 1244 XIII, or part XIV of chapter 468, or s. 464.012, and that is
 1245 wholly owned by one or more licensed health care practitioners,
 1246 or the licensed health care practitioners set forth in this
 1247 paragraph and the spouse, parent, child, or sibling of a

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1248 licensed health care practitioner if one of the owners who is a
 1249 licensed health care practitioner is supervising the business
 1250 activities and is legally responsible for the entity's
 1251 compliance with all federal and state laws. However, a health
 1252 care practitioner may not supervise services beyond the scope of
 1253 the practitioner's license, except that, for the purposes of
 1254 this part, a clinic owned by a licensee in s. 456.053(3)(b)
 1255 which provides only services authorized pursuant to s.
 1256 456.053(3)(b) may be supervised by a licensee specified in s.
 1257 456.053(3)(b).

1258 (h) Clinical facilities affiliated with an accredited
 1259 medical school at which training is provided for medical
 1260 students, residents, or fellows.

1261 (i) Entities that provide only oncology or radiation
 1262 therapy services by physicians licensed under chapter 458 or
 1263 chapter 459 or entities that provide oncology or radiation
 1264 therapy services by physicians licensed under chapter 458 or
 1265 chapter 459 which are owned by a corporation whose shares are
 1266 publicly traded on a recognized stock exchange.

1267 (j) Clinical facilities affiliated with a college of
 1268 chiropractic accredited by the Council on Chiropractic Education
 1269 at which training is provided for chiropractic students.

1270 (k) Entities that provide licensed practitioners to staff
 1271 emergency departments or to deliver anesthesia services in
 1272 facilities licensed under chapter 395 and that derive at least
 1273 90 percent of their gross annual revenues from the provision of
 1274 such services. Entities claiming an exemption from licensure
 1275 under this paragraph must provide documentation demonstrating
 1276 compliance.

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1277 (l) Orthotic, prosthetic, pediatric cardiology, or
 1278 perinatology clinical facilities or anesthesia clinical
 1279 facilities that are not otherwise exempt under paragraph (a) or
 1280 paragraph (k) and that are a publicly traded corporation or are
 1281 wholly owned, directly or indirectly, by a publicly traded
 1282 corporation. As used in this paragraph, a publicly traded
 1283 corporation is a corporation that issues securities traded on an
 1284 exchange registered with the United States Securities and
 1285 Exchange Commission as a national securities exchange.

1286 (m) Entities that are owned by a corporation that has \$250
 1287 million or more in total annual sales of health care services
 1288 provided by licensed health care practitioners where one or more
 1289 of the persons responsible for the operations of the entity is a
 1290 health care practitioner who is licensed in this state and who
 1291 is responsible for supervising the business activities of the
 1292 entity and is responsible for the entity's compliance with state
 1293 law for purposes of this part.

1294 (n) Entities that employ 50 or more licensed health care
 1295 practitioners licensed under chapter 458 or chapter 459 where
 1296 the billing for medical services is under a single tax
 1297 identification number. The application for exemption under this
 1298 subsection must include ~~shall contain information that includes:~~
 1299 the name, residence, and business address and telephone phone
 1300 number of the entity that owns the practice; a complete list of
 1301 the names and contact information of all the officers and
 1302 directors of the corporation; the name, residence address,
 1303 business address, and medical license number of each licensed
 1304 Florida health care practitioner employed by the entity; the
 1305 corporate tax identification number of the entity seeking an

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1306 exemption; a listing of health care services to be provided by
 1307 the entity at the health care clinics owned or operated by the
 1308 entity; and a certified statement prepared by an independent
 1309 certified public accountant which states that the entity and the
 1310 health care clinics owned or operated by the entity have not
 1311 received payment for health care services under medical payments
 1312 ~~personal injury protection~~ insurance coverage for the preceding
 1313 year. If the agency determines that an entity that which is
 1314 exempt under this subsection has received payments for medical
 1315 services under medical payments ~~personal injury protection~~
 1316 insurance coverage, the agency may deny or revoke the exemption
 1317 from licensure under this subsection.

1318
 1319 Notwithstanding this subsection, an entity shall be deemed a
 1320 clinic and must be licensed under this part in order to receive
 1321 medical payments coverage reimbursement under s. 627.7265 ~~the~~
 1322 ~~Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~
 1323 ~~exempted under s. 627.736(5)(h).~~

1324 Section 26. Subsection (6) of section 400.991, Florida
 1325 Statutes, is amended to read:

1326 400.991 License requirements; background screenings;
 1327 prohibitions.-

1328 (6) All agency forms for licensure application or exemption
 1329 from licensure under this part must contain the following
 1330 statement:

1331
 1332 INSURANCE FRAUD NOTICE.-A person commits a fraudulent
 1333 insurance act, as defined in s. 626.989, Florida
 1334 Statutes, if the person ~~who~~ knowingly submits a false,

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1335 misleading, or fraudulent application or other
 1336 document when applying for licensure as a health care
 1337 clinic, seeking an exemption from licensure as a
 1338 health care clinic, or demonstrating compliance with
 1339 part X of chapter 400, Florida Statutes, with the
 1340 intent to use the license, exemption from licensure,
 1341 or demonstration of compliance to provide services or
 1342 seek reimbursement under a motor vehicle liability
 1343 insurance policy's medical payments coverage ~~the~~
 1344 ~~Florida Motor Vehicle No-Fault Law, commits a~~
 1345 ~~fraudulent insurance act, as defined in s. 626.989,~~
 1346 ~~Florida Statutes.~~ A person who presents a claim for
 1347 benefits under medical payments coverage, personal
 1348 ~~injury protection benefits~~ knowing that the payee
 1349 knowingly submitted such health care clinic
 1350 application or document, commits insurance fraud, as
 1351 defined in s. 817.234, Florida Statutes.
 1352 Section 27. Paragraph (g) of subsection (1) of section
 1353 400.9935, Florida Statutes, is amended to read:
 1354 400.9935 Clinic responsibilities.—
 1355 (1) Each clinic shall appoint a medical director or clinic
 1356 director who shall agree in writing to accept legal
 1357 responsibility for the following activities on behalf of the
 1358 clinic. The medical director or the clinic director shall:
 1359 (g) Conduct systematic reviews of clinic billings to ensure
 1360 that the billings are not fraudulent or unlawful. Upon discovery
 1361 of an unlawful charge, the medical director or clinic director
 1362 shall take immediate corrective action. If the clinic performs
 1363 only the technical component of magnetic resonance imaging,

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1364 static radiographs, computed tomography, or positron emission
 1365 tomography, and provides the professional interpretation of such
 1366 services, in a fixed facility that is accredited by a national
 1367 accrediting organization that is approved by the Centers for
 1368 Medicare and Medicaid Services for magnetic resonance imaging
 1369 and advanced diagnostic imaging services and if, in the
 1370 preceding quarter, the percentage of scans performed by that
 1371 clinic which was billed to motor vehicle ~~all personal injury~~
 1372 ~~protection~~ insurance carriers under medical payments coverage
 1373 was less than 15 percent, the chief financial officer of the
 1374 clinic may, in a written acknowledgment provided to the agency,
 1375 assume the responsibility for the conduct of the systematic
 1376 reviews of clinic billings to ensure that the billings are not
 1377 fraudulent or unlawful.
 1378 Section 28. Subsection (28) of section 409.901, Florida
 1379 Statutes, is amended to read:
 1380 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
 1381 409.901-409.920, except as otherwise specifically provided, the
 1382 term:
 1383 (28) "Third-party benefit" means any benefit that is or may
 1384 be available at any time through contract, court award,
 1385 judgment, settlement, agreement, or any arrangement between a
 1386 third party and any person or entity, including, without
 1387 limitation, a Medicaid recipient, a provider, another third
 1388 party, an insurer, or the agency, for any Medicaid-covered
 1389 injury, illness, goods, or services, including costs of medical
 1390 services related thereto, for bodily personal ~~injury~~ or for
 1391 death of the recipient, but specifically excluding ~~policies of~~
 1392 life insurance policies on the recipient, unless available under

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1393 terms of the policy to pay medical expenses before ~~prior to~~
 1394 death. The term includes, without limitation, collateral, as
 1395 defined in this section, health insurance, any benefit under a
 1396 health maintenance organization, a preferred provider
 1397 arrangement, a prepaid health clinic, liability insurance,
 1398 uninsured motorist insurance, medical payments coverage ~~or~~
 1399 ~~personal injury protection coverage~~, medical benefits under
 1400 workers' compensation, and any obligation under law or equity to
 1401 provide medical support.

1402 Section 29. Paragraph (f) of subsection (11) of section
 1403 409.910, Florida Statutes, is amended to read:

1404 409.910 Responsibility for payments on behalf of Medicaid-
 1405 eligible persons when other parties are liable.-

1406 (11) The agency may, as a matter of right, in order to
 1407 enforce its rights under this section, institute, intervene in,
 1408 or join any legal or administrative proceeding in its own name
 1409 in one or more of the following capacities: individually, as
 1410 subrogee of the recipient, as assignee of the recipient, or as
 1411 lienholder of the collateral.

1412 (f) Notwithstanding any provision in this section to the
 1413 contrary, in the event of an action in tort against a third
 1414 party in which the recipient or his or her legal representative
 1415 is a party which results in a judgment, award, or settlement
 1416 from a third party, the amount recovered shall be distributed as
 1417 follows:

1418 1. After attorney ~~attorney's~~ fees and taxable costs as
 1419 defined by the Florida Rules of Civil Procedure, one-half of the
 1420 remaining recovery shall be paid to the agency up to the total
 1421 amount of medical assistance provided by Medicaid.

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1422 2. The remaining amount of the recovery shall be paid to
 1423 the recipient.

1424 3. For purposes of calculating the agency's recovery of
 1425 medical assistance benefits paid, the fee for services of an
 1426 attorney retained by the recipient or his or her legal
 1427 representative shall be calculated at 25 percent of the
 1428 judgment, award, or settlement.

1429 4. Notwithstanding any other provision of this section to
 1430 the contrary, the agency shall be entitled to all medical
 1431 coverage benefits up to the total amount of medical assistance
 1432 provided by Medicaid. For purposes of this paragraph, the term
 1433 "medical coverage" means any benefits under health insurance, a
 1434 health maintenance organization, a preferred provider
 1435 arrangement, or a prepaid health clinic, and the portion of
 1436 benefits designated for medical payments under ~~coverage for~~
 1437 workers' compensation coverage, motor vehicle insurance
 1438 coverage, personal injury protection, and casualty coverage.

1439 Section 30. Paragraph (k) of subsection (2) of section
 1440 456.057, Florida Statutes, is amended to read:

1441 456.057 Ownership and control of patient records; report or
 1442 copies of records to be furnished; disclosure of information.-

1443 (2) As used in this section, the terms "records owner,"
 1444 "health care practitioner," and "health care practitioner's
 1445 employer" do not include any of the following persons or
 1446 entities; furthermore, the following persons or entities are not
 1447 authorized to acquire or own medical records, but are authorized
 1448 under the confidentiality and disclosure requirements of this
 1449 section to maintain those documents required by the part or
 1450 chapter under which they are licensed or regulated:

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1451 (k) Persons or entities practicing under s. 627.7265 ~~s-~~
 1452 ~~627.736(7)~~.

1453 Section 31. Paragraphs (ee) and (ff) of subsection (1) of
 1454 section 456.072, Florida Statutes, are amended to read:

1455 456.072 Grounds for discipline; penalties; enforcement.—

1456 (1) The following acts shall constitute grounds for which
 1457 the disciplinary actions specified in subsection (2) may be
 1458 taken:

1459 (ee) With respect to making a medical payments coverage
 1460 ~~personal injury protection~~ claim under s. 627.7265 ~~as required~~
 1461 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
 1462 bill that has been upcoded. As used in this paragraph, the term
 1463 "upcoded" means an action that submits a billing code that would
 1464 result in payment greater in amount than would be paid using a
 1465 billing code that accurately describes the services performed.
 1466 The term does not include an otherwise lawful bill by a magnetic
 1467 resonance imaging facility, which globally combines both
 1468 technical and professional components, if the amount of the
 1469 global bill is not more than the components if billed
 1470 separately; however, payment of such a bill constitutes payment
 1471 in full for all components of such service ~~"upcoded"~~ ~~as defined~~
 1472 ~~in s. 627.732~~.

1473 (ff) With respect to making a medical payments coverage
 1474 ~~personal injury protection~~ claim as required under s. 627.7265
 1475 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
 1476 bill for payment of services that were not rendered.

1477 Section 32. Paragraphs (i) and (o) of subsection (1) of
 1478 section 626.9541, Florida Statutes, are amended to read:

1479 626.9541 Unfair methods of competition and unfair or

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1480 deceptive acts or practices defined.—

1481 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 1482 ACTS.—The following are defined as unfair methods of competition
 1483 and unfair or deceptive acts or practices:

1484 (i) *Unfair claim settlement practices*.—

1485 1. Attempting to settle claims on the basis of an
 1486 application, when serving as a binder or intended to become a
 1487 part of the policy, or any other material document which was
 1488 altered without notice to, or knowledge or consent of, the
 1489 insured;

1490 2. A material misrepresentation made to an insured or any
 1491 other person having an interest in the proceeds payable under
 1492 such contract or policy, for the purpose and with the intent of
 1493 effecting settlement of such claims, loss, or damage under such
 1494 contract or policy on less favorable terms than those provided
 1495 in, and contemplated by, such contract or policy; ~~or~~

1496 3. Committing or performing with such frequency as to
 1497 indicate a general business practice any of the following:

1498 a. Failing to adopt and implement standards for the proper
 1499 investigation of claims;

1500 b. Misrepresenting pertinent facts or insurance policy
 1501 provisions relating to coverages at issue;

1502 c. Failing to acknowledge and act promptly upon
 1503 communications with respect to claims;

1504 d. Denying claims without conducting reasonable
 1505 investigations based upon available information;

1506 e. Failing to affirm or deny full or partial coverage of
 1507 claims, and, as to partial coverage, the dollar amount or extent
 1508 of coverage, or failing to provide a written statement that the

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1509 claim is being investigated, upon the written request of the
 1510 insured within 30 days after proof-of-loss statements have been
 1511 completed;

1512 f. Failing to promptly provide a reasonable explanation in
 1513 writing to the insured of the basis in the insurance policy, in
 1514 relation to the facts or applicable law, for denial of a claim
 1515 or for the offer of a compromise settlement;

1516 g. Failing to promptly notify the insured of any additional
 1517 information necessary for the processing of a claim; or

1518 h. Failing to clearly explain the nature of the requested
 1519 information and the reasons why such information is necessary.

1520 i. Failing to pay personal injury protection insurance
 1521 claims within the time periods required by s. 627.736(4) (b). The
 1522 office may order the insurer to pay restitution to a
 1523 policyholder, medical provider, or other claimant, including
 1524 interest at a rate consistent with the amount set forth in s.
 1525 55.03(1), for the time period within which an insurer fails to
 1526 pay claims as required by law. Restitution is in addition to any
 1527 other penalties allowed by law, including, but not limited to,
 1528 the suspension of the insurer's certificate of authority.

1529 4. Failing to pay undisputed amounts of partial or full
 1530 benefits owed under first-party property insurance policies
 1531 within 90 days after an insurer receives notice of a residential
 1532 property insurance claim, determines the amounts of partial or
 1533 full benefits, and agrees to coverage, unless payment of the
 1534 undisputed benefits is prevented by an act of God, prevented by
 1535 the impossibility of performance, or due to actions by the
 1536 insured or claimant that constitute fraud, lack of cooperation,
 1537 or intentional misrepresentation regarding the claim for which

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1538 benefits are owed.

1539 (o) *Illegal dealings in premiums; excess or reduced charges*
 1540 *for insurance.*-

1541 1. Knowingly collecting any sum as a premium or charge for
 1542 insurance, which is not then provided, or is not in due course
 1543 to be provided, subject to acceptance of the risk by the
 1544 insurer, by an insurance policy issued by an insurer as
 1545 permitted by this code.

1546 2. Knowingly collecting as a premium or charge for
 1547 insurance any sum in excess of or less than the premium or
 1548 charge applicable to such insurance, in accordance with the
 1549 applicable classifications and rates as filed with and approved
 1550 by the office, and as specified in the policy; or, in cases when
 1551 classifications, premiums, or rates are not required by this
 1552 code to be so filed and approved, premiums and charges collected
 1553 from a Florida resident in excess of or less than those
 1554 specified in the policy and as fixed by the insurer.
 1555 Notwithstanding any other provision of law, this provision shall
 1556 not be deemed to prohibit the charging and collection, by
 1557 surplus lines agents licensed under part VIII of this chapter,
 1558 of the amount of applicable state and federal taxes, or fees as
 1559 authorized by s. 626.916(4), in addition to the premium required
 1560 by the insurer or the charging and collection, by licensed
 1561 agents, of the exact amount of any discount or other such fee
 1562 charged by a credit card facility in connection with the use of
 1563 a credit card, as authorized by subparagraph (q)3., in addition
 1564 to the premium required by the insurer. This subparagraph shall
 1565 not be construed to prohibit collection of a premium for a
 1566 universal life or a variable or indeterminate value insurance

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1567 policy made in accordance with the terms of the contract.

1568 3.a. Imposing or requesting an additional premium for

1569 bodily injury liability coverage, property damage liability

1570 coverage ~~a policy of motor vehicle liability, personal injury~~

1571 ~~protection~~, medical payment coverage, or collision coverage in a

1572 motor vehicle liability insurance policy ~~insurance or any~~

1573 ~~combination thereof~~ or refusing to renew the policy solely

1574 because the insured was involved in a motor vehicle accident

1575 unless the insurer's file contains information from which the

1576 insurer in good faith determines that the insured was

1577 substantially at fault in the accident.

1578 b. An insurer which imposes and collects such a surcharge

1579 or which refuses to renew such policy shall, in conjunction with

1580 the notice of premium due or notice of nonrenewal, notify the

1581 named insured that he or she is entitled to reimbursement of

1582 such amount or renewal of the policy under the conditions listed

1583 below and will subsequently reimburse him or her or renew the

1584 policy, if the named insured demonstrates that the operator

1585 involved in the accident was:

1586 (I) Lawfully parked;

1587 (II) Reimbursed by, or on behalf of, a person responsible

1588 for the accident or has a judgment against such person;

1589 (III) Struck in the rear by another vehicle headed in the

1590 same direction and was not convicted of a moving traffic

1591 violation in connection with the accident;

1592 (IV) Hit by a "hit-and-run" driver, if the accident was

1593 reported to the proper authorities within 24 hours after

1594 discovering the accident;

1595 (V) Not convicted of a moving traffic violation in

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1596 connection with the accident, but the operator of the other

1597 automobile involved in such accident was convicted of a moving

1598 traffic violation;

1599 (VI) Finally adjudicated not to be liable by a court of

1600 competent jurisdiction;

1601 (VII) In receipt of a traffic citation which was dismissed

1602 or nolle prossed; or

1603 (VIII) Not at fault as evidenced by a written statement

1604 from the insured establishing facts demonstrating lack of fault

1605 which are not rebutted by information in the insurer's file from

1606 which the insurer in good faith determines that the insured was

1607 substantially at fault.

1608 c. In addition to the other provisions of this

1609 subparagraph, an insurer may not fail to renew a policy if the

1610 insured has had only one accident in which he or she was at

1611 fault within the current 3-year period. However, an insurer may

1612 nonrenew a policy for reasons other than accidents in accordance

1613 with s. 627.728. This subparagraph does not prohibit nonrenewal

1614 of a policy under which the insured has had three or more

1615 accidents, regardless of fault, during the most recent 3-year

1616 period.

1617 4. Imposing or requesting an additional premium for, or

1618 refusing to renew, a policy for motor vehicle insurance solely

1619 because the insured committed a noncriminal traffic infraction

1620 as described in s. 318.14 unless the infraction is:

1621 a. A second infraction committed within an 18-month period,

1622 or a third or subsequent infraction committed within a 36-month

1623 period.

1624 b. A violation of s. 316.183, when such violation is a

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1625 result of exceeding the lawful speed limit by more than 15 miles
1626 per hour.

1627 5. Upon the request of the insured, the insurer and
1628 licensed agent shall supply to the insured the complete proof of
1629 fault or other criteria which justifies the additional charge or
1630 cancellation.

1631 6. No insurer shall impose or request an additional premium
1632 for motor vehicle insurance, cancel or refuse to issue a policy,
1633 or refuse to renew a policy because the insured or the applicant
1634 is a handicapped or physically disabled person, so long as such
1635 handicap or physical disability does not substantially impair
1636 such person's mechanically assisted driving ability.

1637 7. No insurer may cancel or otherwise terminate any
1638 insurance contract or coverage, or require execution of a
1639 consent to rate endorsement, during the stated policy term for
1640 the purpose of offering to issue, or issuing, a similar or
1641 identical contract or coverage to the same insured with the same
1642 exposure at a higher premium rate or continuing an existing
1643 contract or coverage with the same exposure at an increased
1644 premium.

1645 8. No insurer may issue a nonrenewal notice on any
1646 insurance contract or coverage, or require execution of a
1647 consent to rate endorsement, for the purpose of offering to
1648 issue, or issuing, a similar or identical contract or coverage
1649 to the same insured at a higher premium rate or continuing an
1650 existing contract or coverage at an increased premium without
1651 meeting any applicable notice requirements.

1652 9. No insurer shall, with respect to premiums charged for
1653 motor vehicle insurance, unfairly discriminate solely on the

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1654 basis of age, sex, marital status, or scholastic achievement.

1655 10. Imposing or requesting an additional premium for motor
1656 vehicle comprehensive or uninsured motorist coverage solely
1657 because the insured was involved in a motor vehicle accident or
1658 was convicted of a moving traffic violation.

1659 11. No insurer shall cancel or issue a nonrenewal notice on
1660 any insurance policy or contract without complying with any
1661 applicable cancellation or nonrenewal provision required under
1662 the Florida Insurance Code.

1663 12. No insurer shall impose or request an additional
1664 premium, cancel a policy, or issue a nonrenewal notice on any
1665 insurance policy or contract because of any traffic infraction
1666 when adjudication has been withheld and no points have been
1667 assessed pursuant to s. 318.14(9) and (10). However, this
1668 subparagraph does not apply to traffic infractions involving
1669 accidents in which the insurer has incurred a loss due to the
1670 fault of the insured.

1671 Section 33. Paragraph (a) of subsection (1) of section
1672 626.989, Florida Statutes, is amended to read:

1673 626.989 Investigation by department or Division of
1674 Investigative and Forensic Services; compliance; immunity;
1675 confidential information; reports to division; division
1676 investigator's power of arrest.—

1677 (1) For the purposes of this section:

1678 (a) A person commits a "fraudulent insurance act" if the
1679 person:

1680 1. Knowingly and with intent to defraud presents, causes to
1681 be presented, or prepares with knowledge or belief that it will
1682 be presented, to or by an insurer, self-insurer, self-insurance

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1683 fund, servicing corporation, purported insurer, broker, or any
 1684 agent thereof, any written statement as part of, or in support
 1685 of, an application for the issuance of, or the rating of, any
 1686 insurance policy, or a claim for payment or other benefit
 1687 pursuant to any insurance policy, which the person knows to
 1688 contain materially false information concerning any fact
 1689 material thereto or if the person conceals, for the purpose of
 1690 misleading another, information concerning any fact material
 1691 thereto.

1692 2. Knowingly submits:

1693 a. A false, misleading, or fraudulent application or other
 1694 document when applying for licensure as a health care clinic,
 1695 seeking an exemption from licensure as a health care clinic, or
 1696 demonstrating compliance with part X of chapter 400 with an
 1697 intent to use the license, exemption from licensure, or
 1698 demonstration of compliance to provide services or seek
 1699 reimbursement under a motor vehicle liability insurance policy's
 1700 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
 1701 ~~Law.~~

1702 b. A claim for payment or other benefit under medical
 1703 payments coverage ~~pursuant to a personal injury protection~~
 1704 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
 1705 the person knows that the payee knowingly submitted a false,
 1706 misleading, or fraudulent application or other document when
 1707 applying for licensure as a health care clinic, seeking an
 1708 exemption from licensure as a health care clinic, or
 1709 demonstrating compliance with part X of chapter 400.

1710 Section 34. Subsection (1) of section 627.06501, Florida
 1711 Statutes, is amended to read:

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1712 627.06501 Insurance discounts for certain persons
 1713 completing driver improvement course.-

1714 (1) Any rate, rating schedule, or rating manual for the
 1715 liability, medical payments ~~personal injury protection~~, and
 1716 collision coverages of a motor vehicle insurance policy filed
 1717 with the office may provide for an appropriate reduction in
 1718 premium charges as to such coverages ~~if when~~ the principal
 1719 operator on the covered vehicle has successfully completed a
 1720 driver improvement course approved and certified by the
 1721 Department of Highway Safety and Motor Vehicles which is
 1722 effective in reducing crash or violation rates, or both, as
 1723 determined pursuant to s. 318.1451(5). Any discount, not to
 1724 exceed 10 percent, used by an insurer is presumed to be
 1725 appropriate unless credible data demonstrates otherwise.

1726 Section 35. Subsection (1) of section 627.0652, Florida
 1727 Statutes, is amended to read:

1728 627.0652 Insurance discounts for certain persons completing
 1729 safety course.-

1730 (1) Any rates, rating schedules, or rating manuals for the
 1731 liability, medical payments ~~personal injury protection~~, and
 1732 collision coverages of a motor vehicle insurance policy filed
 1733 with the office ~~must shall~~ provide for an appropriate reduction
 1734 in premium charges as to such coverages ~~if when~~ the principal
 1735 operator on the covered vehicle is an insured 55 years of age or
 1736 older who has successfully completed a motor vehicle accident
 1737 prevention course approved by the Department of Highway Safety
 1738 and Motor Vehicles. Any discount used by an insurer is presumed
 1739 to be appropriate unless credible data demonstrates otherwise.

1740 Section 36. Subsections (1), (3), and (6) of section

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1741 627.0653, Florida Statutes, are amended to read:

1742 627.0653 Insurance discounts for specified motor vehicle
1743 equipment.-

1744 (1) Any rates, rating schedules, or rating manuals for the
1745 liability, medical payments ~~personal injury protection~~, and
1746 collision coverages of a motor vehicle insurance policy filed
1747 with the office must ~~shall~~ provide a premium discount if the
1748 insured vehicle is equipped with factory-installed, four-wheel
1749 antilock brakes.

1750 (3) Any rates, rating schedules, or rating manuals for
1751 ~~personal injury protection coverage and medical payments~~
1752 ~~coverage, if offered,~~ of a motor vehicle insurance policy filed
1753 with the office must ~~shall~~ provide a premium discount if the
1754 insured vehicle is equipped with one or more air bags that ~~which~~
1755 are factory installed.

1756 (6) The Office of Insurance Regulation may approve a
1757 premium discount to any rates, rating schedules, or rating
1758 manuals for the liability, medical payments ~~personal injury~~
1759 ~~protection~~, and collision coverages of a motor vehicle insurance
1760 policy filed with the office if the insured vehicle is equipped
1761 with autonomous driving technology or electronic vehicle
1762 collision avoidance technology that is factory installed or a
1763 retrofitted system and that complies with National Highway
1764 Traffic Safety Administration standards.

1765 Section 37. Section 627.4132, Florida Statutes, is amended
1766 to read:

1767 627.4132 Stacking of coverages prohibited.-If an insured or
1768 named insured is protected by any type of motor vehicle
1769 insurance policy for bodily injury and property damage

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1770 liability, ~~personal injury protection, or other coverage~~, the
1771 policy must ~~shall~~ provide that the insured or named insured is
1772 protected only to the extent of the coverage she or he has on
1773 the vehicle involved in the accident. However, if none of the
1774 insured's or named insured's vehicles are ~~is~~ involved in the
1775 accident, coverage is available only to the extent of coverage
1776 on any one of the vehicles with applicable coverage. Coverage on
1777 any other vehicles may ~~shall~~ not be added to or stacked upon
1778 that coverage. This section does not apply:

1779 (1) To uninsured motorist coverage that ~~which~~ is separately
1780 governed by s. 627.727.

1781 (2) To reduce the coverage available by reason of insurance
1782 policies insuring different named insureds.

1783 Section 38. Section 627.7263, Florida Statutes, is amended
1784 to read:

1785 627.7263 Rental and leasing driver's insurance to be
1786 primary; exception.-

1787 (1) The valid and collectible liability insurance and
1788 medical payments coverage ~~or personal injury protection~~
1789 ~~insurance providing coverage~~ for the lessor of a motor vehicle
1790 for rent or lease is primary unless otherwise stated in at least
1791 10-point type on the face of the rental or lease agreement. Such
1792 insurance is primary for the limits of liability ~~and personal~~
1793 ~~injury protection~~ coverage as required by s. 324.021(7) and
1794 medical payments coverage as required under s. 627.7265 ~~ss-~~
1795 ~~324.021(7) and 627.736.~~

1796 (2) If the lessee's coverage is to be primary, the rental
1797 or lease agreement must contain the following language, in at
1798 least 10-point type:

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1799
 1800 "The valid and collectible liability insurance and
 1801 medical payments coverage ~~personal injury protection~~
 1802 ~~insurance of an any~~ authorized rental or leasing
 1803 driver is primary for the limits of liability ~~and~~
 1804 ~~personal injury protection~~ coverage and medical
 1805 payments coverage required under ss. 324.021(7) and
 1806 627.7265 ~~by ss. 324.021(7) and 627.736~~, Florida
 1807 Statutes."

1808 Section 39. Section 627.7265, Florida Statutes, is created
 1809 to read:

1810 627.7265 Motor vehicle insurance; medical payments
 1811 coverage.-

1812 (1) MEDICAL PAYMENTS COVERAGE REQUIRED.-A motor vehicle
 1813 liability insurance policy that is furnished as proof of
 1814 financial responsibility pursuant to s. 324.031 must include
 1815 medical payments coverage as provided in this section. The
 1816 medical payments coverage must protect the named insured,
 1817 resident relatives, persons operating the insured motor vehicle,
 1818 passengers in the insured motor vehicle, and persons who are
 1819 struck by the insured motor vehicle and suffer bodily injury
 1820 while not an occupant of a self-propelled motor vehicle, to a
 1821 limit of at least \$5,000 per person for medical expense incurred
 1822 due to bodily injury, sickness, or disease arising out of the
 1823 ownership, maintenance, or use of a motor vehicle. The medical
 1824 payments coverage must also provide each such person with a
 1825 death benefit of at least \$5,000. This section may not be
 1826 construed to limit any other coverage made available by an
 1827 insurer. An insurer may not offer medical payments coverage with

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1828 a deductible to an applicant or policyholder.

1829 (2) REQUIRED BENEFITS.-Medical payments coverage must
 1830 provide coverage for all of the following if medically necessary
 1831 and the individual initially receives such treatment within 14
 1832 days after the motor vehicle accident:

1833 (a) Emergency transport and treatment by a provider
 1834 licensed under chapter 401.

1835 (b) Emergency services and care provided by a hospital
 1836 licensed under chapter 395.

1837 (c) Emergency services and care as defined in s. 395.002,
 1838 provided in a facility licensed under chapter 395 and rendered
 1839 by a physician or dentist, and related hospital inpatient
 1840 services rendered by a physician or dentist.

1841 (d) Hospital inpatient services, other than emergency
 1842 services and care.

1843 (e) Hospital outpatient services, other than emergency
 1844 services and care.

1845 (f) Physician services and care provided by a physician
 1846 licensed under chapter 458 or chapter 459 or a chiropractic
 1847 physician licensed under chapter 460, or dental services and
 1848 care provided by a dentist licensed under chapter 466.

1849 (3) AUTHORIZED EXCLUSIONS.-Notwithstanding any other
 1850 requirement in this section, an insurer may exclude medical
 1851 payment benefits:

1852 (a) For injury sustained by the named insured or a resident
 1853 relative while occupying another motor vehicle owned by the
 1854 named insured and not insured under the policy, unless such
 1855 vehicle qualifies as a newly acquired vehicle or temporary
 1856 substitute vehicle.

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1857 (b) For injury sustained by any person operating the
 1858 insured motor vehicle without the express or implied consent of
 1859 the insured.

1860 (c) For any person who intentionally causes injury to
 1861 himself or herself.

1862 (d) For any person injured while committing a felony.

1863 (4) PAYMENT OF BENEFITS.—

1864 (a) Benefits due from an insurer under medical payments
 1865 coverage are primary to any health insurance benefit of a person
 1866 injured in a motor vehicle accident and apply to any coinsurance
 1867 or deductible amount required by the injured person's health
 1868 insurance policy, except that:

1869 1. Benefits received under any workers' compensation law
 1870 must be credited against medical payments coverage benefits, and
 1871 are due and payable as losses accrue, upon reasonable proof of
 1872 such losses and the amount of expenses and losses incurred which
 1873 are covered by the policy issued under this section.

1874 2. When the Agency for Health Care Administration provides,
 1875 pays for, or becomes liable for medical assistance under the
 1876 Medicaid program which is related to injury, sickness, disease,
 1877 or death arising out of the ownership, maintenance, or use of a
 1878 motor vehicle, medical payments benefits are subject to the
 1879 provisions of the Medicaid program, and, within 30 days after
 1880 receiving notice that the Medicaid program paid such benefits,
 1881 the insurer must repay the full amount of the benefits to the
 1882 Medicaid program.

1883 (b) A medical payments insurance policy may include a
 1884 provision allowing subrogation for medical payments benefits
 1885 paid, if the expenses giving rise to the payments were caused by

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1886 wrongful act or omission of another.

1887 (c) Upon receiving notice of an accident that is
 1888 potentially covered by medical payments coverage benefits, the
 1889 insurer must reserve \$2,500 of medical payments coverage
 1890 benefits for payment to physicians licensed under chapter 458 or
 1891 chapter 459 or dentists licensed under chapter 466 who provide
 1892 emergency services and care, as defined in s. 395.002, or who
 1893 provide hospital inpatient care. The amount required to be held
 1894 in reserve may be used only to pay claims from such physicians
 1895 or dentists until 30 days after the date the insurer receives
 1896 notice of the accident. After the 30-day period, any amount of
 1897 the reserve for which the insurer has not received notice of
 1898 such claims may be used by the insurer to pay other claims. This
 1899 paragraph does not require an insurer to establish a claim
 1900 reserve for insurance accounting purposes.

1901 (5) CHARGES FOR CARE OF INJURED PERSONS.—

1902 (a) A physician, hospital, clinic, or other person or
 1903 institution lawfully providing medical care to an injured person
 1904 for a bodily injury covered by medical payments coverage may
 1905 charge the insurer and injured party only a reasonable amount
 1906 pursuant to this section. However, such charges may not exceed
 1907 the amount the person or institution customarily charges for
 1908 like medical care. In determining whether a charge for a
 1909 particular service, treatment, supply, or prescription is
 1910 reasonable, consideration may be given to evidence of usual and
 1911 customary charges and payments accepted by the provider involved
 1912 in the dispute; reimbursement levels in the community and
 1913 various federal and state medical fee schedules applicable to
 1914 motor vehicle and other insurance coverages; and other

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1915 information relevant to the reasonableness of the reimbursement
 1916 for the service, treatment, supply, or prescription.
 1917 1. The insurer may limit reimbursement to the following
 1918 schedule of maximum charges:
 1919 a. For emergency transport and treatment by providers
 1920 licensed under chapter 401, 200 percent of Medicare.
 1921 b. For emergency services and care provided by a hospital
 1922 licensed under chapter 395, 75 percent of the hospital's usual
 1923 and customary charges.
 1924 c. For emergency services and care, as defined in s.
 1925 395.002, provided in a facility licensed under chapter 395 and
 1926 rendered by a physician or dentist, and related hospital
 1927 inpatient services rendered by a physician or dentist, the usual
 1928 and customary charges in the community.
 1929 d. For hospital inpatient services other than emergency
 1930 services and care, 200 percent of the Medicare Part A
 1931 prospective payment applicable to the specific hospital
 1932 providing the inpatient services.
 1933 e. For hospital outpatient services other than emergency
 1934 services and care, 200 percent of the Medicare Part A Ambulatory
 1935 Payment Classification for the specific hospital providing the
 1936 outpatient services.
 1937
 1938 However, if such services, supplies, or care is not reimbursable
 1939 under Medicare Part B as provided in this sub-subparagraph, the
 1940 insurer may limit reimbursement to 80 percent of the maximum
 1941 reimbursable allowance under workers' compensation. Services,
 1942 supplies, or care that is not reimbursable under Medicare or
 1943 workers' compensation is not required to be reimbursed by the

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1944 insurer.
 1945 2. For purposes of subparagraph 1., the applicable fee
 1946 schedule or payment limitation under Medicare is the fee
 1947 schedule or payment limitation in effect on March 1 of the
 1948 service year in which the services, supplies, or care is
 1949 rendered and for the area in which the services, supplies, or
 1950 care is rendered. The applicable fee schedule or payment
 1951 limitation applies to services, supplies, or care rendered
 1952 during that service year notwithstanding any subsequent change
 1953 made to the fee schedule or payment limitation; however, it may
 1954 not be less than the allowable amount under the applicable
 1955 schedule of Medicare Part B for 2007 for medical services,
 1956 supplies, and care subject to Medicare Part B. For purposes of
 1957 this subparagraph, the term "service year" means the period from
 1958 March 1 through the end of February of the following year.
 1959 3. For purposes of subparagraph 1., the applicable fee
 1960 schedule or payment limitation under workers' compensation is
 1961 determined under s. 440.13 and rules adopted thereunder which
 1962 are in effect at the time such services, supplies, or care is
 1963 provided.
 1964 4. Subparagraph 1. does not authorize the insurer to apply
 1965 any limitation on the number of treatments or other utilization
 1966 limits that apply under Medicare or workers' compensation. An
 1967 insurer that applies the allowable payment limitations of
 1968 subparagraph 1. must reimburse a provider who lawfully provided
 1969 medical care under the scope of his or her license, regardless
 1970 of whether the provider is entitled to reimbursement under
 1971 Medicare or workers' compensation due to restrictions or
 1972 limitations on the types or discipline of health care providers

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1973 who may be reimbursed for particular procedures or procedure
 1974 codes. However, subparagraph 1. does not prohibit an insurer
 1975 from using the Medicare coding policies and payment
 1976 methodologies of the federal Centers for Medicare and Medicaid
 1977 Services, including applicable modifiers, to determine the
 1978 appropriate amount of reimbursement for medical services,
 1979 supplies, or care, if the coding policy or payment methodology
 1980 does not constitute a utilization limit.

1981 5. If an insurer limits payment as authorized by
 1982 subparagraph 1., the person providing such medical care may not
 1983 bill or attempt to collect from the insured any amount in excess
 1984 of such limits, except for amounts that are not covered by the
 1985 insured's medical payments benefits due to the maximum policy
 1986 limits.

1987 6. An insurer may limit payment as authorized by this
 1988 paragraph only if the insurance policy includes a notice at the
 1989 time of issuance or renewal that the insurer may limit payment
 1990 pursuant to the schedule of charges specified in this paragraph.
 1991 A policy form approved by the office satisfies this requirement.
 1992 If a provider submits a charge for an amount less than the
 1993 amount allowed under subparagraph 1., the insurer may pay the
 1994 amount of the charge submitted.

1995 (b)1. An insurer or insured is not required to pay a claim
 1996 or charges:

1997 a. For any service or treatment that was not lawful at the
 1998 time rendered;

1999 b. To any person who knowingly submits a false or
 2000 misleading statement relating to the claim or charges; or

2001 c. For any treatment or service that is upcoded or that is

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2002 unbundled when the treatment or services should be bundled. To
 2003 facilitate prompt payment of lawful services, an insurer may
 2004 change codes that it determines have been improperly or
 2005 incorrectly upcoded or unbundled and may make payment based on
 2006 the changed codes, without affecting the right of the provider
 2007 to dispute the change by the insurer, if, before doing so, the
 2008 insurer contacts the health care provider and discusses the
 2009 reasons for the insurer's change and the health care provider's
 2010 reason for the coding, or makes a reasonable good faith effort
 2011 to do so, as documented in the insurer's file.

2012 2. The Department of Health, in consultation with the
 2013 appropriate professional licensing boards, shall adopt by rule a
 2014 list of diagnostic tests deemed not to be medically necessary
 2015 for use in the treatment of persons sustaining bodily injury
 2016 covered by medical payments benefits under this section. The
 2017 list must be revised from time to time as determined by the
 2018 Department of Health in consultation with the respective
 2019 professional licensing boards. Inclusion of a test on the list
 2020 must be based on a lack of demonstrated medical value and a
 2021 level of general acceptance by the relevant provider community
 2022 and may not be dependent on results based entirely upon
 2023 subjective patient response. Notwithstanding its inclusion on a
 2024 fee schedule in this subsection, an insurer or insured is not
 2025 required to pay any charges or reimburse claims for an invalid
 2026 diagnostic test as determined by the Department of Health.

2027 (c) With respect to any medical care other than medical
 2028 services billed by a hospital or other provider for emergency
 2029 services and care, as defined in s. 395.002, or inpatient
 2030 services rendered at a hospital-owned facility, the statement of

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2031 charges must be furnished to the insurer by the provider.
 2032 (d) All statements and bills for medical services rendered
 2033 by a physician, hospital, clinic, or other person or institution
 2034 must be submitted to the insurer on a properly completed Centers
 2035 for Medicare and Medicaid Services Form CMS-1500, a UB-92 form,
 2036 or any other standard form approved by the office and adopted by
 2037 the commission for purposes of this paragraph. All billings for
 2038 such services rendered by providers must, to the extent
 2039 applicable, comply with the Form CMS-1500 instructions, the
 2040 codes established by the American Medical Association's Current
 2041 Procedural Terminology Editorial Panel, and the Healthcare
 2042 Common Procedure Coding System (HCPCS) and must follow the
 2043 Physicians' Current Procedural Terminology (CPT), the HCPCS in
 2044 effect for the year in which services are rendered, and the
 2045 International Classification of Diseases adopted by the United
 2046 States Department of Health and Human Services in effect for the
 2047 year in which services are rendered. The guidance for
 2048 determining compliance with applicable CPT and HCPCS coding must
 2049 be provided by the CPT or the HCPCS in effect for the year in
 2050 which services were rendered, the Office of the Inspector
 2051 General, Physicians Compliance Guidelines, and other
 2052 authoritative treatises designated by rule by the Agency for
 2053 Health Care Administration. A statement of medical services may
 2054 not include charges for medical services of a person or entity
 2055 that performed such services without possessing the valid
 2056 licenses required to perform such services.
 2057 (6) CIVIL ACTION FOR INSURANCE FRAUD.—An insurer has a
 2058 cause of action against any person convicted of, or who,
 2059 regardless of adjudication of guilt, pleads guilty or nolo

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2060 contendere to, insurance fraud under s. 817.234, patient
 2061 brokering under s. 817.505, or kickbacks under s. 456.054,
 2062 associated with a claim for medical payments coverage benefits
 2063 in accordance with this section. An insurer prevailing in an
 2064 action brought under this subsection may recover compensatory,
 2065 consequential, and punitive damages subject to the requirements
 2066 and limitations of part II of chapter 768 and attorney fees and
 2067 costs incurred in litigating a cause of action against any
 2068 person convicted of, or who, regardless of adjudication of
 2069 guilt, pleads guilty or nolo contendere to, insurance fraud
 2070 under s. 817.234, patient brokering under s. 817.505, or
 2071 kickbacks under s. 456.054, associated with a claim for medical
 2072 payments coverage benefits in accordance with this section.
 2073 (7) FRAUD ADVISORY NOTICE.—Upon receiving notice of a claim
 2074 under this section, an insurer shall provide a notice to the
 2075 insured or to a person for whom a claim for reimbursement for
 2076 diagnosis or treatment of injuries has been filed, advising
 2077 that:
 2078 (a) Pursuant to s. 626.9892, the department may pay rewards
 2079 of up to \$25,000 to persons who provide information leading to
 2080 the arrest and conviction of persons committing crimes
 2081 investigated by the Division of Investigative and Forensic
 2082 Services arising from violations of s. 440.105, s. 624.15, s.
 2083 626.9541, s. 626.989, or s. 817.234.
 2084 (b) Solicitation of a person injured in a motor vehicle
 2085 crash for purposes of filing medical payments coverage or tort
 2086 claims could be a violation of s. 817.234, s. 817.505, or the
 2087 rules regulating The Florida Bar and should be immediately
 2088 reported to the Division of Investigative and Forensic Services

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2089 if such conduct has taken place.

2090 (8) NONREIMBURSABLE CLAIMS.—Claims generated as a result of
 2091 activities that are unlawful pursuant to s. 817.505 are not
 2092 reimbursable.

2093 (9) SECURE ELECTRONIC DATA TRANSFER.—A notice,
 2094 documentation, transmission, or communication of any kind
 2095 required or authorized under this section may be transmitted
 2096 electronically if it is transmitted by secure electronic data
 2097 transfer that is consistent with state and federal privacy and
 2098 security laws.

2099 Section 40. Subsections (1) and (7) of section 627.727,
 2100 Florida Statutes, are amended, and present subsections (8), (9),
 2101 and (10) of that section are redesignated as subsections (7),
 2102 (8), and (9), respectively, to read:

2103 627.727 Motor vehicle insurance; uninsured and underinsured
 2104 vehicle coverage; insolvent insurer protection.—

2105 (1) A ~~Ne~~ motor vehicle liability insurance policy that
 2106 ~~which~~ provides bodily injury liability coverage may not shall be
 2107 delivered or issued for delivery in this state with respect to
 2108 any specifically insured or identified motor vehicle registered
 2109 or principally garaged in this state, unless uninsured motor
 2110 vehicle coverage is provided therein or supplemental thereto for
 2111 the protection of persons insured thereunder who are legally
 2112 entitled to recover damages from owners or operators of
 2113 uninsured motor vehicles because of bodily injury, sickness, or
 2114 disease, including death, resulting therefrom. However, the
 2115 coverage required under this section is not applicable if when,
 2116 or to the extent that, an insured named in the policy makes a
 2117 written rejection of the coverage on behalf of all insureds

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2118 under the policy. If ~~When~~ a motor vehicle is leased for a ~~period~~
 2119 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
 2120 of the lease contract, provides liability coverage on the leased
 2121 vehicle, the lessee of such vehicle has shall have the sole
 2122 privilege to reject uninsured motorist coverage or to select
 2123 lower limits than the bodily injury liability limits, regardless
 2124 of whether the lessor is qualified as a self-insurer pursuant to
 2125 s. 324.171. Unless an insured, or lessee having the privilege of
 2126 rejecting uninsured motorist coverage, requests such coverage or
 2127 requests higher uninsured motorist limits in writing, the
 2128 coverage or such higher uninsured motorist limits need not be
 2129 provided in or supplemental to any other policy which renews,
 2130 extends, changes, supersedes, or replaces an existing policy
 2131 with the same bodily injury liability limits when an insured or
 2132 lessee had rejected the coverage. When an insured or lessee has
 2133 initially selected limits of uninsured motorist coverage lower
 2134 than her or his bodily injury liability limits, higher limits of
 2135 uninsured motorist coverage need not be provided in or
 2136 supplemental to any other policy that which renews, extends,
 2137 changes, supersedes, or replaces an existing policy with the
 2138 same bodily injury liability limits unless an insured requests
 2139 higher uninsured motorist coverage in writing. The rejection or
 2140 selection of lower limits must shall be made on a form approved
 2141 by the office. The form must shall fully advise the applicant of
 2142 the nature of the coverage and must shall state that the
 2143 coverage is equal to bodily injury liability limits unless lower
 2144 limits are requested or the coverage is rejected. The heading of
 2145 the form must shall be in 12-point bold type and must shall
 2146 state: "You are electing not to purchase certain valuable

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2147 coverage ~~that which~~ protects you and your family or you are
 2148 purchasing uninsured motorist limits less than your bodily
 2149 injury liability limits when you sign this form. Please read
 2150 carefully." If this form is signed by a named insured, it will
 2151 be conclusively presumed that there was an informed, knowing
 2152 rejection of coverage or election of lower limits on behalf of
 2153 all insureds. The insurer shall notify the named insured at
 2154 least annually of her or his options as to the coverage required
 2155 by this section. Such notice must ~~shall~~ be part of, and attached
 2156 to, the notice of premium, must ~~shall~~ provide for a means to
 2157 allow the insured to request such coverage, and must ~~shall~~ be
 2158 given in a manner approved by the office. Receipt of this notice
 2159 does not constitute an affirmative waiver of the insured's right
 2160 to uninsured motorist coverage if ~~where~~ the insured has not
 2161 signed a selection or rejection form. The coverage described
 2162 under this section must ~~shall~~ be over and above, but may ~~shall~~
 2163 not duplicate, the benefits available to an insured under any
 2164 workers' compensation law, ~~personal injury protection benefits,~~
 2165 disability benefits law, or similar law; under any automobile
 2166 medical payments ~~expense~~ coverage; under any motor vehicle
 2167 liability insurance coverage; or from the owner or operator of
 2168 the uninsured motor vehicle or any other person or organization
 2169 jointly or severally liable together with such owner or operator
 2170 for the accident; and such coverage must ~~shall~~ cover the
 2171 difference, if any, between the sum of such benefits and the
 2172 damages sustained, up to the maximum amount of such coverage
 2173 provided under this section. The amount of coverage available
 2174 under this section may ~~shall~~ not be reduced by a setoff against
 2175 any coverage, including liability insurance. Such coverage does

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2176 ~~shall~~ not inure directly or indirectly to the benefit of any
 2177 workers' compensation or disability benefits carrier or any
 2178 person or organization qualifying as a self-insurer under any
 2179 workers' compensation or disability benefits law or similar law.

2180 ~~(7) The legal liability of an uninsured motorist coverage~~
 2181 ~~insurer does not include damages in tort for pain, suffering,~~
 2182 ~~mental anguish, and inconvenience unless the injury or disease~~
 2183 ~~is described in one or more of paragraphs (a)-(d) of s.~~
 2184 ~~627.737(2).~~

2185 Section 41. Subsection (1) and paragraphs (a) and (b) of
 2186 subsection (2) of section 627.7275, Florida Statutes, are
 2187 amended to read:

2188 627.7275 Motor vehicle liability.-
 2189 (1) A motor vehicle insurance policy ~~providing personal~~
 2190 ~~injury protection as set forth in s. 627.736~~ may not be
 2191 delivered or issued for delivery in this state for a ~~with~~
 2192 ~~respect to any~~ specifically insured or identified motor vehicle
 2193 registered or principally garaged in this state must provide
 2194 bodily injury liability coverage and unless the policy also
 2195 ~~provides coverage for~~ property damage liability coverage as
 2196 required under ~~by~~ s. 324.022, and medical payments coverage as
 2197 required under s. 627.7265.

2198 (2) (a) Insurers writing motor vehicle insurance in this
 2199 state shall make available, subject to the insurers' usual
 2200 underwriting restrictions:

2201 1. Coverage under policies as described in subsection (1)
 2202 to an applicant for private passenger motor vehicle insurance
 2203 coverage who is seeking the coverage in order to reinstate the
 2204 applicant's driving privileges in this state if the driving

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2205 privileges were revoked or suspended pursuant to s. 316.646 or
 2206 s. 324.0221 due to the failure of the applicant to maintain
 2207 required security.

2208 2. Coverage under policies as described in subsection (1),
 2209 which includes bodily injury ~~also provides~~ liability coverage
 2210 and property damage liability coverage for bodily injury, death,
 2211 ~~and property damage arising out of the ownership, maintenance,~~
 2212 ~~or use of the motor vehicle~~ in an amount not less than the
 2213 minimum limits required under described in s. 324.021(7) or s.
 2214 324.023 and which conforms to the requirements of s. 324.151, to
 2215 an applicant for private passenger motor vehicle insurance
 2216 coverage who is seeking the coverage in order to reinstate the
 2217 applicant's driving privileges in this state after such
 2218 privileges were revoked or suspended under s. 316.193 or s.
 2219 322.26(2) for driving under the influence.

2220 (b) The policies described in paragraph (a) must ~~shall~~ be
 2221 issued for at least 6 months and, as to the minimum coverages
 2222 required under this section, may not be canceled by the insured
 2223 for any reason or by the insurer after 60 days, during which
 2224 period the insurer is completing the underwriting of the policy.
 2225 After the insurer has completed underwriting the policy, the
 2226 insurer shall notify the Department of Highway Safety and Motor
 2227 Vehicles that the policy is in full force and effect and is not
 2228 cancelable for the remainder of the policy period. A premium
 2229 must ~~shall~~ be collected and the coverage is in effect for the
 2230 60-day period during which the insurer is completing the
 2231 underwriting of the policy, whether or not the person's driver
 2232 license, motor vehicle tag, and motor vehicle registration are
 2233 in effect. Once the noncancelable provisions of the policy

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2234 become effective, the bodily injury liability and property
 2235 damage liability coverages ~~for bodily injury, property damage,~~
 2236 ~~and personal injury protection~~ may not be reduced below the
 2237 minimum limits required under s. 324.021 or s. 324.023 during
 2238 the policy period, and the medical payments coverage may not be
 2239 reduced below the minimum limit required under s. 627.7265.

2240 Section 42. Paragraph (a) of subsection (1) of section
 2241 627.728, Florida Statutes, is amended to read:

2242 627.728 Cancellations; nonrenewals.—

2243 (1) As used in this section, the term:

2244 (a) "Policy" means the bodily injury and property damage
 2245 liability, ~~personal injury protection~~, medical payments,
 2246 comprehensive, collision, and uninsured motorist coverage
 2247 portions of a policy of motor vehicle insurance delivered or
 2248 issued for delivery in this state:

2249 1. Insuring a natural person as named insured or one or
 2250 more related individuals who are residents ~~resident~~ of the same
 2251 household; and

2252 2. Insuring only a motor vehicle of the private passenger
 2253 type or station wagon type which is not used as a public or
 2254 livery conveyance for passengers or rented to others; or
 2255 insuring any other four-wheel motor vehicle having a load
 2256 capacity of 1,500 pounds or less which is not used in the
 2257 occupation, profession, or business of the insured other than
 2258 farming; other than any policy issued under an automobile
 2259 insurance assigned risk plan or covering garage, automobile
 2260 sales agency, repair shop, service station, or public parking
 2261 place operation hazards.

2262

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2263 The term "policy" does not include a binder as defined in s.
2264 627.420 unless the duration of the binder period exceeds 60
2265 days.

2266 Section 43. Subsection (1), paragraph (a) of subsection
2267 (5), and subsections (6) and (7) of section 627.7295, Florida
2268 Statutes, are amended to read:

2269 627.7295 Motor vehicle insurance contracts.—

2270 (1) As used in this section, the term:

2271 (a) "Policy" means a motor vehicle insurance policy that
2272 provides bodily injury liability ~~personal injury protection~~
2273 coverage, property damage liability coverage, and medical
2274 payments coverage ~~or both~~.

2275 (b) "Binder" means a binder that provides motor vehicle
2276 bodily injury liability coverage, ~~personal injury protection and~~
2277 property damage liability coverage, and medical payments
2278 coverage.

2279 (5) (a) A licensed general lines agent may charge a per-
2280 policy fee up to not to exceed \$10 to cover the administrative
2281 costs of the agent associated with selling the motor vehicle
2282 insurance policy if the policy covers only bodily injury
2283 liability coverage, ~~personal injury protection coverage as~~
2284 ~~provided by s. 627.736 and property damage liability coverage,~~
2285 and medical payments coverage as provided by s. 627.7275 and if
2286 no other insurance is sold or issued in conjunction with or
2287 collateral to the policy. The fee is not ~~considered~~ part of the
2288 premium.

2289 (6) If a motor vehicle owner's driver license, license
2290 plate, and registration have previously been suspended pursuant
2291 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy

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2292 only as provided in s. 627.7275.

2293 (7) A policy of private passenger motor vehicle insurance
2294 or a binder for such a policy may be initially issued in this
2295 state only if, before the effective date of such binder or
2296 policy, the insurer or agent has collected ~~from the insured an~~
2297 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
2298 agent, or premium finance company may not, directly or
2299 indirectly, take any action that results ~~resulting~~ in the
2300 insured paying ~~having paid~~ from the insured's own funds an
2301 amount less than the 2 months' premium required by this
2302 subsection. This subsection applies without regard to whether
2303 the premium is financed by a premium finance company or is paid
2304 pursuant to a periodic payment plan of an insurer or an
2305 insurance agent.

2306 (a) This subsection does not apply:

2307 1. If an insured or member of the insured's family is
2308 renewing or replacing a policy or a binder for such policy
2309 written by the same insurer or a member of the same insurer
2310 group. ~~This subsection does not apply~~

2311 2. To an insurer that issues private passenger motor
2312 vehicle coverage primarily to active duty or former military
2313 personnel or their dependents. ~~This subsection does not apply~~

2314 3. If all policy payments are paid pursuant to a payroll
2315 deduction plan, an automatic electronic funds transfer payment
2316 plan from the policyholder, or a recurring credit card or debit
2317 card agreement with the insurer.

2318 (b) This subsection and subsection (4) do not apply if:

2319 1. All policy payments to an insurer are paid pursuant to
2320 an automatic electronic funds transfer payment plan from an

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2321 agent, a managing general agent, or a premium finance company
 2322 and if the policy includes, at a minimum, bodily injury
 2323 liability coverage, personal injury protection pursuant to ss.
 2324 627.730-627.7405, motor vehicle property damage liability
 2325 coverage, and medical payments coverage pursuant to s. 627.7275;
 2326 or and bodily injury liability in at least the amount of \$10,000
 2327 because of bodily injury to, or death of, one person in any one
 2328 accident and in the amount of \$20,000 because of bodily injury
 2329 to, or death of, two or more persons in any one accident. This
 2330 subsection and subsection (4) do not apply if

2331 2. An insured has had a policy in effect for at least 6
 2332 months, the insured's agent is terminated by the insurer that
 2333 issued the policy, and the insured obtains coverage on the
 2334 policy's renewal date with a new company through the terminated
 2335 agent.

2336 Section 44. Subsections (1) and (2) of section 627.7415,
 2337 Florida Statutes, are amended to read:

2338 627.7415 Commercial motor vehicles; additional liability
 2339 insurance coverage.—Commercial motor vehicles, as defined in s.
 2340 207.002 or s. 320.01, operated upon the roads and highways of
 2341 this state shall be insured with the ~~following~~ minimum levels of
 2342 combined bodily liability insurance and property damage
 2343 liability insurance under subsections (1) and (2) in addition to
 2344 any other insurance requirements.†

2345 (1) ~~Fifty thousand dollars per occurrence~~ For a commercial
 2346 motor vehicle with a gross vehicle weight of 26,000 pounds or
 2347 more, but less than 35,000 pounds:

2348 (a) Beginning January 1, 2019, through December 31, 2020,
 2349 no less than \$50,000 per occurrence.

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2350 (b) Beginning January 1, 2021, through December 31, 2022,
 2351 no less than \$60,000 per occurrence.

2352 (c) Beginning January 1, 2023, and thereafter, no less than
 2353 \$70,000 per occurrence.

2354 ~~(2) One hundred thousand dollars per occurrence~~ For a
 2355 commercial motor vehicle with a gross vehicle weight of 35,000
 2356 pounds or more, but less than 44,000 pounds:

2357 (a) Beginning January 1, 2019, through December 31, 2020,
 2358 no less than \$100,000 per occurrence.

2359 (b) Beginning January 1, 2021, through December 31, 2022,
 2360 no less than \$120,000 per occurrence.

2361 (c) Beginning January 1, 2023, and thereafter, no less than
 2362 \$140,000 per occurrence.

2363
 2364 A violation of this section is a noncriminal traffic infraction,
 2365 punishable as a nonmoving violation as provided in chapter 318.

2366 Section 45. Section 627.8405, Florida Statutes, is amended
 2367 to read:

2368 627.8405 Prohibited acts; financing companies.—~~A~~ ~~ne~~ premium
 2369 finance company ~~shall~~, in a premium finance agreement or other
 2370 agreement, may not finance the cost of or otherwise provide for
 2371 the collection or remittance of dues, assessments, fees, or
 2372 other periodic payments of money for the cost of:

2373 (1) A membership in an automobile club. The term
 2374 "automobile club" means a legal entity that ~~which~~, in
 2375 consideration of dues, assessments, or periodic payments of
 2376 money, promises its members or subscribers to assist them in
 2377 matters relating to the ownership, operation, use, or
 2378 maintenance of a motor vehicle; however, the term this

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2379 ~~definition of "automobile club"~~ does not include persons,
 2380 associations, or corporations ~~which are~~ organized and operated
 2381 solely for the purpose of conducting, sponsoring, or sanctioning
 2382 motor vehicle races, exhibitions, or contests upon racetracks,
 2383 or upon racecourses established and marked as such for the
 2384 duration of such particular events. The term words "motor
 2385 vehicle" used herein has ~~have~~ the same meaning as defined in
 2386 chapter 320.

2387 (2) An accidental death and dismemberment policy sold in
 2388 combination with a policy providing only medical payments
 2389 coverage, bodily injury liability coverage, personal injury
 2390 protection and property damage liability coverage only policy.

2391 (3) Any product not regulated under ~~the provisions of this~~
 2392 insurance code.

2393

2394 This section also applies to premium financing by any insurance
 2395 agent or insurance company under part XVI. The commission shall
 2396 adopt rules to assure disclosure, at the time of sale, of
 2397 coverages financed ~~with personal injury protection~~ and shall
 2398 prescribe the form of such disclosure.

2399 Section 46. Subsection (1) of section 627.915, Florida
 2400 Statutes, is amended to read:

2401 627.915 Insurer experience reporting.—

2402 (1) Each insurer transacting private passenger automobile
 2403 insurance in this state shall report certain information
 2404 annually to the office. The information will be due on or before
 2405 July 1 of each year. The information must ~~shall~~ be divided into
 2406 the following categories: bodily injury liability; property
 2407 damage liability; uninsured motorist; ~~personal injury protection~~

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2408 ~~benefits,~~ medical payments; and comprehensive and collision. The
 2409 information given must ~~shall~~ be on direct insurance writings in
 2410 the state alone and ~~shall~~ represent total limits data. The
 2411 information set forth in paragraphs (a)-(f) is applicable to
 2412 voluntary private passenger and Joint Underwriting Association
 2413 private passenger writings and must ~~shall~~ be reported for each
 2414 of the latest 3 calendar-accident years, with an evaluation date
 2415 of March 31 of the current year. The information set forth in
 2416 paragraphs (g)-(j) is applicable to voluntary private passenger
 2417 writings and must ~~shall~~ be reported on a calendar-accident year
 2418 basis ultimately seven times at seven different stages of
 2419 development.

2420 (a) Premiums earned for the latest 3 calendar-accident
 2421 years.

2422 (b) Loss development factors and the historic development
 2423 of those factors.

2424 (c) Policyholder dividends incurred.

2425 (d) Expenses for other acquisition and general expense.

2426 (e) Expenses for agents' commissions and taxes, licenses,
 2427 and fees.

2428 (f) Profit and contingency factors as utilized in the
 2429 insurer's automobile rate filings for the applicable years.

2430 (g) Losses paid.

2431 (h) Losses unpaid.

2432 (i) Loss adjustment expenses paid.

2433 (j) Loss adjustment expenses unpaid.

2434 Section 47. Subsections (2) and (3) of section 628.909,
 2435 Florida Statutes, are amended to read:

2436 628.909 Applicability of other laws.—

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2437 (2) The following provisions of the Florida Insurance Code
 2438 apply to captive insurance companies who are not industrial
 2439 insured captive insurance companies to the extent that such
 2440 provisions are not inconsistent with this part:

2441 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
 2442 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2443 (b) Chapter 625, part II.

2444 (c) Chapter 626, part IX.

2445 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~
 2446 ~~provided.~~

2447 ~~(e)~~ Chapter 628.

2448 (3) The following provisions of the Florida Insurance Code
 2449 ~~shall~~ apply to industrial insured captive insurance companies to
 2450 the extent that such provisions are not inconsistent with this
 2451 part:

2452 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
 2453 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2454 (b) Chapter 625, part II, if the industrial insured captive
 2455 insurance company is incorporated in this state.

2456 (c) Chapter 626, part IX.

2457 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
 2458 ~~provided.~~

2459 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
 2460 628.6018.

2461 Section 48. Subsections (2), (6), and (7) of section
 2462 705.184, Florida Statutes, are amended to read:

2463 705.184 Derelict or abandoned motor vehicles on the
 2464 premises of public-use airports.—

2465 (2) The airport director or the director's designee shall

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2466 contact the Department of Highway Safety and Motor Vehicles to
 2467 notify that department that the airport has possession of the
 2468 abandoned or derelict motor vehicle and to determine the name
 2469 and address of the owner of the motor vehicle, the insurance
 2470 company insuring the motor vehicle, ~~notwithstanding the~~
 2471 ~~provisions of s. 627.736~~, and any person who has filed a lien on
 2472 the motor vehicle. Within 7 business days after receipt of the
 2473 information, the director or the director's designee shall send
 2474 notice by certified mail, return receipt requested, to the owner
 2475 of the motor vehicle, the insurance company insuring the motor
 2476 vehicle, ~~notwithstanding the provisions of s. 627.736~~, and all
 2477 persons of record claiming a lien against the motor vehicle. The
 2478 notice must ~~shall~~ state the fact of possession of the motor
 2479 vehicle, that charges for reasonable towing, storage, and
 2480 parking fees, if any, have accrued and the amount thereof, that
 2481 a lien as provided in subsection (6) will be claimed, that the
 2482 lien is subject to enforcement pursuant to law, that the owner
 2483 or lienholder, if any, has the right to a hearing as set forth
 2484 in subsection (4), and that any motor vehicle which, at the end
 2485 of 30 calendar days after receipt of the notice, has not been
 2486 removed from the airport upon payment in full of all accrued
 2487 charges for reasonable towing, storage, and parking fees, if
 2488 any, may be disposed of as provided in s. 705.182(2) (a), (b),
 2489 (d), or (e), including, but not limited to, the motor vehicle
 2490 being sold free of all prior liens after 35 calendar days after
 2491 the time the motor vehicle is stored if any prior liens on the
 2492 motor vehicle are more than 5 years of age or after 50 calendar
 2493 days after the time the motor vehicle is stored if any prior
 2494 liens on the motor vehicle are 5 years of age or less.

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2495 (6) The airport pursuant to this section or, if used, a
 2496 licensed independent wrecker company pursuant to s. 713.78 shall
 2497 have a lien on an abandoned or derelict motor vehicle for all
 2498 reasonable towing, storage, and accrued parking fees, if any,
 2499 except that no storage fee ~~may shall~~ be charged if the motor
 2500 vehicle is stored less than 6 hours. As a prerequisite to
 2501 perfecting a lien under this section, the airport director or
 2502 the director's designee must serve a notice in accordance with
 2503 subsection (2) on the owner of the motor vehicle, the insurance
 2504 company insuring the motor vehicle, ~~notwithstanding the~~
 2505 ~~provisions of s. 627.736,~~ and all persons of record claiming a
 2506 lien against the motor vehicle. If attempts to notify the owner,
 2507 the insurance company insuring the motor vehicle,
 2508 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
 2509 not successful, the requirement of notice by mail shall be
 2510 considered met. Serving of the notice does not dispense with
 2511 recording the claim of lien.

2512 (7) (a) For the purpose of perfecting its lien under this
 2513 section, the airport shall record a claim of lien which states
 2514 ~~shall state:~~

- 2515 1. The name and address of the airport.
- 2516 2. The name of the owner of the motor vehicle, the
 2517 insurance company insuring the motor vehicle, ~~notwithstanding~~
 2518 ~~the provisions of s. 627.736,~~ and all persons of record claiming
 2519 a lien against the motor vehicle.
- 2520 3. The costs incurred from reasonable towing, storage, and
 2521 parking fees, if any.
- 2522 4. A description of the motor vehicle sufficient for
 2523 identification.

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2524 (b) The claim of lien must ~~shall~~ be signed and sworn to or
 2525 affirmed by the airport director or the director's designee.
 2526 (c) The claim of lien ~~is shall~~ be sufficient if it is in
 2527 substantially the following form:

2528 CLAIM OF LIEN

2529 State of
 2530 County of
 2531 Before me, the undersigned notary public, personally appeared
 2532, who was duly sworn and says that he/she is the
 2533 of, whose address is.....; and that the
 2534 following described motor vehicle:
 2535 ...(Description of motor vehicle)...
 2536 owned by, whose address is, has accrued
 2537 \$..... in fees for a reasonable tow, for storage, and for
 2538 parking, if applicable; that the lienor served its notice to the
 2539 owner, the insurance company insuring the motor vehicle
 2540 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
 2541 and all persons of record claiming a lien against the motor
 2542 vehicle on, ...(year)..., by.....
 2543 ...(Signature)..
 2544 Sworn to (or affirmed) and subscribed before me this day of
 2545, ...(year)..., by ...(name of person making statement)....
 2546 ...(Signature of Notary Public).....(Print, Type, or Stamp
 2547 Commissioned name of Notary Public)..
 2548 Personally Known...OR Produced...as identification.
 2549
 2550
 2551 However, the negligent inclusion or omission of any information
 2552 in this claim of lien which does not prejudice the owner does

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2553 not constitute a default that operates to defeat an otherwise
2554 valid lien.

2555 (d) The claim of lien must ~~shall~~ be served on the owner of
2556 the motor vehicle, the insurance company insuring the motor
2557 vehicle, ~~notwithstanding the provisions of s. 627.736~~, and all
2558 persons of record claiming a lien against the motor vehicle. If
2559 attempts to notify the owner, the insurance company insuring the
2560 motor vehicle ~~notwithstanding the provisions of s. 627.736~~, or
2561 lienholders are not successful, the requirement of notice by
2562 mail shall be considered met. The claim of lien must ~~shall~~ be so
2563 served before recordation.

2564 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2565 of court in the county where the airport is located. The
2566 recording of the claim of lien shall be constructive notice to
2567 all persons of the contents and effect of such claim. The lien
2568 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2569 ~~take~~ priority as of that time.

2570 Section 49. Subsection (4) of section 713.78, Florida
2571 Statutes, is amended to read:

2572 713.78 Liens for recovering, towing, or storing vehicles
2573 and vessels.—

2574 (4) (a) Any person regularly engaged in the business of
2575 recovering, towing, or storing vehicles or vessels who comes
2576 into possession of a vehicle or vessel pursuant to subsection
2577 (2), and who claims a lien for recovery, towing, or storage
2578 services, shall give notice to the registered owner, the
2579 insurance company insuring the vehicle ~~notwithstanding the~~
2580 ~~provisions of s. 627.736~~, and to all persons claiming a lien
2581 thereon, as disclosed by the records in the Department of

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2582 Highway Safety and Motor Vehicles or as disclosed by the records
2583 of any corresponding agency in any other state in which the
2584 vehicle is identified through a records check of the National
2585 Motor Vehicle Title Information System or an equivalent
2586 commercially available system as being titled or registered.

2587 (b) ~~If a Whenever any~~ law enforcement agency authorizes the
2588 removal of a vehicle or vessel or if a ~~whenever any~~ towing
2589 service, garage, repair shop, or automotive service, storage, or
2590 parking place notifies the law enforcement agency of possession
2591 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2592 enforcement agency of the jurisdiction where the vehicle or
2593 vessel is stored shall contact the Department of Highway Safety
2594 and Motor Vehicles, or the appropriate agency of the state of
2595 registration, if known, within 24 hours through the medium of
2596 electronic communications, giving the full description of the
2597 vehicle or vessel. Upon receipt of the full description of the
2598 vehicle or vessel, the department shall search its files to
2599 determine the owner's name, the insurance company insuring the
2600 vehicle or vessel, and whether any person has filed a lien upon
2601 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2602 notify the applicable law enforcement agency within 72 hours.
2603 The person in charge of the towing service, garage, repair shop,
2604 or automotive service, storage, or parking place shall obtain
2605 such information from the applicable law enforcement agency
2606 within 5 days after the date of storage and shall give notice
2607 pursuant to paragraph (a). The department may release the
2608 insurance company information to the requestor ~~notwithstanding~~
2609 ~~the provisions of s. 627.736~~.

2610 (c) Notice by certified mail must ~~shall~~ be sent within 7

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2611 business days after the date of storage of the vehicle or vessel
 2612 to the registered owner, the insurance company insuring the
 2613 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
 2614 persons of record claiming a lien against the vehicle or vessel.
 2615 The notice must ~~it shall~~ state the fact of possession of the
 2616 vehicle or vessel, that a lien as provided in subsection (2) is
 2617 claimed, that charges have accrued and the amount thereof, that
 2618 the lien is subject to enforcement pursuant to law, ~~and~~ that the
 2619 owner or lienholder, if any, has the right to a hearing as set
 2620 forth in subsection (5), and that any vehicle or vessel which
 2621 remains unclaimed, or for which the charges for recovery,
 2622 towing, or storage services remain unpaid, may be sold free of
 2623 all prior liens after 35 days if the vehicle or vessel is more
 2624 than 3 years of age or after 50 days if the vehicle or vessel is
 2625 3 years of age or less.

2626 (d) If attempts to locate the name and address of the owner
 2627 or lienholder prove unsuccessful, the towing-storage operator
 2628 must shall, after 7 working days, excluding Saturday and Sunday,
 2629 of the initial tow or storage, notify the public agency of
 2630 jurisdiction where the vehicle or vessel is stored in writing by
 2631 certified mail or acknowledged hand delivery that the towing-
 2632 storage company has been unable to locate the name and address
 2633 of the owner or lienholder and a physical search of the vehicle
 2634 or vessel has disclosed no ownership information and a good
 2635 faith effort has been made, including records checks of the
 2636 Department of Highway Safety and Motor Vehicles database and the
 2637 National Motor Vehicle Title Information System or an equivalent
 2638 commercially available system. As used in ~~For purposes of~~ this
 2639 paragraph and subsection (9), the term "good faith effort" means

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2640 that the following checks have been performed by the company to
 2641 establish prior state of registration and for title:
 2642 1. Check of the Department of Highway Safety and Motor
 2643 Vehicles database for the owner and any lienholder.
 2644 2. Check of the electronic National Motor Vehicle Title
 2645 Information System or an equivalent commercially available
 2646 system to determine the state of registration when there is not
 2647 a current registration record for the vehicle on file with the
 2648 Department of Highway Safety and Motor Vehicles.
 2649 3. Check of vehicle or vessel for any type of tag, tag
 2650 record, temporary tag, or regular tag.
 2651 4. Check of law enforcement report for tag number or other
 2652 information identifying the vehicle or vessel, if the vehicle or
 2653 vessel was towed at the request of a law enforcement officer.
 2654 5. Check of trip sheet or tow ticket of tow truck operator
 2655 to see if a tag was on vehicle or vessel at beginning of tow, if
 2656 private tow.
 2657 6. If there is no address of the owner on the impound
 2658 report, check of law enforcement report to see if an out-of-
 2659 state address is indicated from driver license information.
 2660 7. Check of vehicle or vessel for inspection sticker or
 2661 other stickers and decals that may indicate a state of possible
 2662 registration.
 2663 8. Check of the interior of the vehicle or vessel for any
 2664 papers that may be in the glove box, trunk, or other areas for a
 2665 state of registration.
 2666 9. Check of vehicle for vehicle identification number.
 2667 10. Check of vessel for vessel registration number.
 2668 11. Check of vessel hull for a hull identification number

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2669 which should be carved, burned, stamped, embossed, or otherwise
 2670 permanently affixed to the outboard side of the transom or, if
 2671 there is no transom, to the outmost seaboard side at the end of
 2672 the hull that bears the rudder or other steering mechanism.

2673 Section 50. Paragraph (a) of subsection (1), paragraph (c)
 2674 of subsection (7), paragraphs (a), (b), and (c) of subsection
 2675 (8), and subsections (9) and (10) of section 817.234, Florida
 2676 Statutes, are amended to read:

2677 817.234 False and fraudulent insurance claims.—

2678 (1) (a) A person commits insurance fraud punishable as
 2679 provided in subsection (11) if that person, with the intent to
 2680 injure, defraud, or deceive any insurer:

2681 1. Presents or causes to be presented any written or oral
 2682 statement as part of, or in support of, a claim for payment or
 2683 other benefit pursuant to an insurance policy or a health
 2684 maintenance organization subscriber or provider contract,
 2685 knowing that such statement contains ~~any~~ false, incomplete, or
 2686 misleading information concerning any fact or thing material to
 2687 such claim;

2688 2. Prepares or makes any written or oral statement that is
 2689 intended to be presented to an ~~any~~ insurer in connection with,
 2690 or in support of, any claim for payment or other benefit
 2691 pursuant to an insurance policy or a health maintenance
 2692 organization subscriber or provider contract, knowing that such
 2693 statement contains ~~any~~ false, incomplete, or misleading
 2694 information concerning any fact or thing material to such claim;

2695 3.a. Knowingly presents, causes to be presented, or
 2696 prepares or makes with knowledge or belief that it will be
 2697 presented to an ~~any~~ insurer, purported insurer, servicing

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2698 corporation, insurance broker, or insurance agent, or any
 2699 employee or agent thereof, ~~any~~ false, incomplete, or misleading
 2700 information or a written or oral statement as part of, or in
 2701 support of, an application for the issuance of, or the rating
 2702 of, any insurance policy, or a health maintenance organization
 2703 subscriber or provider contract; or

2704 b. Knowingly conceals information concerning any fact
 2705 material to such application; or

2706 4. Knowingly presents, causes to be presented, or prepares
 2707 or makes with knowledge or belief that it will be presented to
 2708 any insurer a claim for payment or other benefit under medical
 2709 payments coverage in a motor vehicle a personal injury
 2710 ~~protection~~ insurance policy if the person knows that the payee
 2711 knowingly submitted a false, misleading, or fraudulent
 2712 application or other document when applying for licensure as a
 2713 health care clinic, seeking an exemption from licensure as a
 2714 health care clinic, or demonstrating compliance with part X of
 2715 chapter 400.

2716 (7)

2717 ~~(c) An insurer, or any person acting at the direction of or~~
 2718 ~~on behalf of an insurer, may not change an opinion in a mental~~
 2719 ~~or physical report prepared under s. 627.736(7) or direct the~~
 2720 ~~physician preparing the report to change such opinion; however,~~
 2721 ~~this provision does not preclude the insurer from calling to the~~
 2722 ~~attention of the physician errors of fact in the report based~~
 2723 ~~upon information in the claim file. Any person who violates this~~
 2724 ~~paragraph commits a felony of the third degree, punishable as~~
 2725 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2726 (8) (a) It is unlawful for any person intending to defraud

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2727 any other person to solicit or cause to be solicited any
 2728 business from a person involved in a motor vehicle accident for
 2729 the purpose of making, adjusting, or settling motor vehicle tort
 2730 claims or claims for benefits under medical payments coverage in
 2731 a motor vehicle insurance policy ~~personal injury protection~~
 2732 ~~benefits required by s. 627.736~~. Any person who violates the
 2733 ~~provisions of~~ this paragraph commits a felony of the second
 2734 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2735 775.084. A person who is convicted of a violation of this
 2736 subsection shall be sentenced to a minimum term of imprisonment
 2737 of 2 years.

2738 (b) A person may not solicit or cause to be solicited any
 2739 business from a person involved in a motor vehicle accident by
 2740 any means of communication other than advertising directed to
 2741 the public for the purpose of making motor vehicle tort claims
 2742 or claims for benefits under medical payments coverage in a
 2743 motor vehicle insurance policy ~~personal injury protection~~
 2744 ~~benefits required by s. 627.736~~, within 60 days after the
 2745 occurrence of the motor vehicle accident. Any person who
 2746 violates this paragraph commits a felony of the third degree,
 2747 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2748 (c) A lawyer, health care practitioner as defined in s.
 2749 456.001, or owner or medical director of a clinic required to be
 2750 licensed pursuant to s. 400.9905 may not, at any time after 60
 2751 days have elapsed from the occurrence of a motor vehicle
 2752 accident, solicit or cause to be solicited any business from a
 2753 person involved in a motor vehicle accident by means of in
 2754 person or telephone contact at the person's residence, for the
 2755 purpose of making motor vehicle tort claims or claims for

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2756 benefits under medical payments coverage in a motor vehicle
 2757 insurance policy ~~personal injury protection benefits required by~~
 2758 ~~s. 627.736~~. Any person who violates this paragraph commits a
 2759 felony of the third degree, punishable as provided in s.
 2760 775.082, s. 775.083, or s. 775.084.

2761 (9) A person may not organize, plan, or knowingly
 2762 participate in an intentional motor vehicle crash or a scheme to
 2763 create documentation of a motor vehicle crash that did not occur
 2764 for the purpose of making motor vehicle tort claims or claims
 2765 for benefits under medical payments coverage in a motor vehicle
 2766 insurance policy ~~personal injury protection benefits as required~~
 2767 ~~by s. 627.736~~. Any person who violates this subsection commits a
 2768 felony of the second degree, punishable as provided in s.
 2769 775.082, s. 775.083, or s. 775.084. A person who is convicted of
 2770 a violation of this subsection shall be sentenced to a minimum
 2771 term of imprisonment of 2 years.

2772 (10) A licensed health care practitioner who is found
 2773 guilty of insurance fraud under this section for an act relating
 2774 to a motor vehicle ~~personal injury protection~~ insurance policy
 2775 loses his or her license to practice for 5 years and may not
 2776 receive reimbursement under medical payments coverage in a motor
 2777 vehicle insurance policy ~~for personal injury protection benefits~~
 2778 for 10 years.

2779 Section 51. Applicability and construction; notice to
 2780 policyholders.-

2781 (1) As used in this section, the term "minimum security
 2782 requirements" means security that enables a person to respond in
 2783 damages for liability on account of crashes arising out of the
 2784 ownership, maintenance, or use of a motor vehicle in the amounts

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2785 required by s. 324.021(7), Florida Statutes.

2786 (2) Effective January 1, 2019:

2787 (a) Motor vehicle insurance policies issued or renewed on
 2788 or after that date may not include personal injury protection.

2789 (b) All persons subject to s. 324.022, s. 324.032, s.
 2790 627.7415, or s. 627.742, Florida Statutes, must maintain at
 2791 least minimum security requirements.

2792 (c) Any new or renewal motor vehicle insurance policy
 2793 delivered or issued for delivery in this state must provide
 2794 coverage that complies with minimum security requirements.

2795 (d) Any new or renewal motor vehicle insurance policy
 2796 furnished to an owner or operator of a motor vehicle as proof of
 2797 financial responsibility pursuant to s. 324.022 or s. 324.031,
 2798 Florida Statutes, must provide medical payments coverage that
 2799 complies with s. 627.7265, Florida Statutes.

2800 (e) An existing motor vehicle insurance policy issued
 2801 before that date which provides personal injury protection and
 2802 property damage liability coverage that meets the requirements
 2803 of s. 324.022, Florida Statutes, on December 31, 2018, but which
 2804 does not meet minimum security requirements on or after January
 2805 1, 2019, is deemed to meet the security requirements of s.
 2806 324.022, Florida Statutes, and the medical payments coverage
 2807 requirements of s. 627.7265, Florida Statutes, until such policy
 2808 is renewed, nonrenewed, or canceled on or after January 1, 2019.

2809 (3) Each insurer shall allow each insured who has a new or
 2810 renewal policy providing personal injury protection, which
 2811 becomes effective before January 1, 2019, and whose policy does
 2812 not meet minimum security requirements on or after January 1,
 2813 2019, to change coverages so as to eliminate personal injury

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2814 protection and obtain coverage providing minimum security
 2815 requirements, which shall be effective on or after January 1,
 2816 2019. The insurer is not required to provide coverage complying
 2817 with minimum security requirements in such policies if the
 2818 insured does not pay the required premium, if any, by January 1,
 2819 2019, or such later date as the insurer may allow. Any reduction
 2820 in the premium must be refunded by the insurer. The insurer may
 2821 not impose on the insured an additional fee or charge that
 2822 applies solely to a change in coverage; however, the insurer may
 2823 charge an additional required premium that is actuarially
 2824 indicated.

2825 (4) By September 1, 2018, each motor vehicle insurer shall
 2826 provide notice of this section to each motor vehicle
 2827 policyholder who is subject to this section. The notice is
 2828 subject to approval by the Office of Insurance Regulation and
 2829 must clearly inform the policyholder that:

2830 (a) The Florida Motor Vehicle No-Fault Law is repealed,
 2831 effective January 1, 2019, and that on or after that date, the
 2832 insured is no longer required to maintain personal injury
 2833 protection insurance coverage, that personal injury protection
 2834 coverage is no longer available for purchase in this state, and
 2835 that all new or renewal policies issued on or after that date do
 2836 not contain such coverage.

2837 (b) Effective January 1, 2019, a person subject to the
 2838 financial responsibility requirements of s. 324.022, Florida
 2839 Statutes, must maintain minimum security requirements that
 2840 enable the person to respond in damages for liability on account
 2841 of accidents arising out of the use of a motor vehicle in the
 2842 following amounts:

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2843 1. Beginning January 1, 2019, and continuing through
 2844 December 31, 2020:
 2845 a. Twenty thousand dollars for bodily injury to, or the
 2846 death of, one person in any one crash and, subject to such
 2847 limits for one person, in the amount of \$40,000 for bodily
 2848 injury to, or the death of, two or more persons in any one
 2849 crash; and
 2850 b. Ten thousand dollars for damage to, or destruction of,
 2851 the property of others in any one crash.
 2852 2. Beginning January 1, 2021, and continuing through
 2853 December 31, 2022:
 2854 a. Twenty-five thousand dollars for bodily injury to, or
 2855 the death of, one person in any one crash and, subject to such
 2856 limits for one person, in the amount of \$50,000 for bodily
 2857 injury to, or the death of, two or more persons in any one
 2858 crash; and
 2859 b. Ten thousand dollars for damage to, or destruction of,
 2860 the property of others in any one crash.
 2861 3. Beginning January 1, 2023, and continuing thereafter:
 2862 a. Thirty thousand dollars for bodily injury to, or the
 2863 death of, one person in any one crash and, subject to such
 2864 limits for one person, in the amount of \$60,000 for bodily
 2865 injury to, or the death of, two or more persons in any one
 2866 crash; and
 2867 b. Ten thousand dollars for damage to, or destruction of,
 2868 the property of others in any one crash.
 2869 (c) Personal injury protection insurance paid covered
 2870 medical expenses for injuries sustained in a motor vehicle crash
 2871 by the policyholder, passengers, and relatives residing in the

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2872 policyholder's household.
 2873 (d) Bodily injury liability coverage protects the insured,
 2874 up to the coverage limits, against loss if the insured is
 2875 legally responsible for the death of or bodily injury to others
 2876 in a motor vehicle accident.
 2877 (e) Effective January 1, 2019, a person who purchases a
 2878 motor vehicle liability insurance policy as proof of financial
 2879 responsibility must maintain medical payments coverage that
 2880 complies with s. 627.7265, Florida Statutes. Medical payments
 2881 coverage pays covered medical expenses, up to the limits of such
 2882 coverage, for injuries sustained in a motor vehicle crash by the
 2883 policyholder, passengers, and relatives residing in the
 2884 policyholder's household, as provided in s. 627.7265, Florida
 2885 Statutes. Medical payments coverage also provides a death
 2886 benefit of at least \$5,000. Medical payments coverage reimburses
 2887 fewer medical services and care than were reimbursable under
 2888 personal injury protection. Medical payments coverage provides
 2889 reimbursement for the following if medically necessary and if an
 2890 individual initially receives such treatment within 14 days
 2891 after the motor vehicle accident:
 2892 1. Emergency transportation and treatment.
 2893 2. Emergency services and care provided by a hospital.
 2894 3. Emergency services and care provided by a licensed
 2895 physician or licensed dentist in a hospital, ambulatory surgical
 2896 center, or mobile surgical facility licensed under chapter 395,
 2897 Florida Statutes, and related hospital inpatient care.
 2898 4. Hospital inpatient services, other than emergency
 2899 services and care.
 2900 5. Hospital outpatient services, other than emergency

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2901 services and care.

2902 (f) The policyholder may obtain underinsured motorist
 2903 coverage, which provides benefits, up to the limits of such
 2904 coverage, to a policyholder or other insured entitled to recover
 2905 damages for bodily injury, sickness, disease, or death resulting
 2906 from a motor vehicle accident with an uninsured or underinsured
 2907 owner or operator of a motor vehicle.

2908 (g) If the policyholder's new or renewal motor vehicle
 2909 insurance policy is effective before January 1, 2019, and
 2910 contains personal injury protection and property damage
 2911 liability coverage as required by state law before January 1,
 2912 2019, but does not meet minimum security requirements on or
 2913 after January 1, 2019, the policy is deemed to meet minimum
 2914 security requirements until it is renewed, nonrenewed, or
 2915 canceled on or after January 1, 2019.

2916 (h) A policyholder whose new or renewal policy becomes
 2917 effective before January 1, 2019, but does not meet minimum
 2918 security requirements on or after January 1, 2019, may change
 2919 coverages under the policy so as to eliminate personal injury
 2920 protection and to obtain coverage providing minimum security
 2921 requirements, including bodily injury liability coverage, which
 2922 are effective on or after January 1, 2019.

2923 (i) If the policyholder has any questions, he or she should
 2924 contact the person named at the telephone number provided in the
 2925 notice.

2926 (5) This section takes effect upon this act becoming a law.

2927 Section 52. Application of suspensions for failure to
 2928 maintain security; reinstatement.-All suspensions for failure to
 2929 maintain required security as required by law in effect before

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2930 January 1, 2019, remain in full force and effect after January
 2931 1, 2019. A driver may reinstate a suspended driver license or
 2932 registration as provided under s. 324.0221, Florida Statutes.

2933 Section 53. Except as otherwise expressly provided in this
 2934 act and except for this section, which shall take effect upon
 2935 this act becoming a law, this act shall take effect January 1,
 2936 2019.

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The Florida Senate

Committee Agenda Request

To: Senator Anitere Flores, Chair
Appropriations Subcommittee on Health and Human Services

Subject: Committee Agenda Request

Date: January 10th, 2018

I respectfully request that **Senate Bill #150**, relating to **Motor Vehicle Insurance**, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Tom Lee".

Senator Tom Lee
Florida Senate, District 20

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/17

Meeting Date

150

Bill Number (if applicable)

216138

Amendment Barcode (if applicable)

Topic MIP repeal

Name Ron Watson

Job Title hobbyist

Address 3738 Mardon Way

Street

Tallahassee

City

State

FL

Zip

32309

Phone 850 567-1202

Email watson_strategies

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Chiropractic Physician Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/2018

Meeting Date

CS/SB 150

Bill Number (if applicable)

371248 (Passive demo)

Amendment Barcode (if applicable)

Topic Motor Vehicle Insurance

Name Dale Swope

Job Title President

Address 218 S. Monroe St.

Phone

Street

Tallah.

FL

32301

City

State

Zip

Email

Speaking: For [] Against [X] Information []

Waive Speaking: In Support [] Against [] (The Chair will read this information into the record.)

Representing Florida Justice Association

Appearing at request of Chair: Yes [] No [X]

Lobbyist registered with Legislature: Yes [] No [X]

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18
Meeting Date

150
Bill Number (if applicable)

Topic Insurance

Amendment Barcode (if applicable)

Name BRAD NAIL

Job Title SR. RISK & PUBLIC POLICY MANAGER

Address 1717 Rhode Island Ave NW
Street

Phone 417-686-5071

Washington
City

DC
State

20201
Zip

Email nail@uber.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing UBER

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18
Meeting Date

150
Bill Number (if applicable)

Topic PIA

Amendment Barcode (if applicable)

Name Mac Phillips

Job Title Attorney

Address 212 SE 8th St., Ste. 103
Street

Phone 954-642-8885

Fort Lauderdale FL 33316
City State Zip

Email mphilips@phillipstator.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Floridians for Fair Insurance, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/2018

Meeting Date

CS/SB 150

Bill Number (if applicable)

Topic Motor Vehicle Insurance

Amendment Barcode (if applicable)

Name David Altmaier

Job Title Insurance Commissioner

Address 200 E Gaines St
Street

Phone _____

Tallahassee FL
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Office of Insurance Regulation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18
Meeting Date

150
Bill Number (if applicable)

Topic Bodily Injury / PIP

Amendment Barcode (if applicable)

Name Doug Bell

Job Title _____

Address 119 S. Monroe St
Street

Phone 205-9000

TLH
City State Zip

Email doug.bell@mhdfirm.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Progressive Insurance Co.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

150

Bill Number (if applicable)

Topic PIP

Amendment Barcode (if applicable)

Name STUART KOENIGSBERG

Job Title ATTORNEY

Address 8877 SW 131st St.

Phone 305-899-8900

Street

MIAMI

FL

City

State

Zip

Email stunt@koenigsberglaw.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ~~SELF~~ FLORIDIANS FOR FAIR INSURANCE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

CS/SB 150

Bill Number (if applicable)

Meeting Date _____

Topic Repeal PIP

Amendment Barcode (if applicable) _____

Name Christine Rodriguez

Job Title _____

Address 11425 Crescent Pines Blvd

Phone 352-874-5002

Street

Chermont

FL

34711

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

SB 150

Bill Number (if applicable)

Topic PIP

Amendment Barcode (if applicable)

Name Gary Guzzo

Job Title Lobbyist

Address 108 S Monroe St.

Phone (850) 681-0024

Street

Tallahassee, FL 32301

Email gguzzo@flapartners.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing US Chamber Institute for Legal Reform

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

SB 150

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jeff Scott

Job Title _____

Address 1430 Piedmont Dr. E.

Phone 850 224-6496

Street

Tallahassee FL 32308

City

State

Zip

Email j.scott@flmedical.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Medical Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

150

Bill Number (if applicable)

Topic PIP Repeal

Amendment Barcode (if applicable)

Name Michael Carlson

Job Title President

Address 215 S. Monroe St. Ste. 835

Phone 850-597-7425

Street

Tallahassee

FL

32312

Email michael.carlson@piff.net

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Personal Insurance Federation of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

150

Bill Number (if applicable)

Topic PIP

Amendment Barcode (if applicable)

Name Coretta Anthony - Smith

Job Title Attorney

Address 5401 S. Kirkman Rd.

Phone (407) 299-8589

Street

Orlando FL 32819

City

State

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

150

Bill Number (if applicable)

Topic PIP

Amendment Barcode (if applicable)

Name Melisa Coyle

Job Title Attorney

Address 407 Lincoln Rd, Ste 8-E

Phone 305-604-0077

Street

Miami Beach, FL 33139

City

State

Zip

Email MCoyle@the.coylelawfirm

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Floridians for Fair Insurance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/17

Meeting Date

HB19/SB150

Bill Number (if applicable)

Topic Motor vehicle insurance

Amendment Barcode (if applicable)

Name Alyson Laderman

Job Title Attorney / Mediator

Address 940 Centre Circle, Ste 3002

Phone 407-512-4394

Street

Altamonte Springs, FL 32714

City

State

Zip

Email aladerman@theorlandolawgroup.com

Speaking: [] For [X] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02.28.17
Meeting Date

SB 150
Bill Number (if applicable)

Topic MOTOR VEHICLES LICENSES

~~SA~~
Amendment Barcode (if applicable)

Name ROD JACKSON

Job Title VP STATE AFFAIRS

Address 2107 N. DOCATUE RD, SUITE B
Street

Phone 904.261.8839

DOCATUE CA 30030
City State Zip

Email jackson@aiadc.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AMERICAN INSURANCE ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

150

Bill Number (if applicable)

Topic B1/ PIP

Amendment Barcode (if applicable)

Name Doug Bell

Job Title _____

Address 119 S. Monroe

Street

Phone 205 9000

City

State

Zip

Email doug.bell@unhdfirm.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Avis Budget Group Rental Cars

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

SB 150

Bill Number (if applicable)

Topic Motor Vehicle Insurance

Amendment Barcode (if applicable)

Name Dawn Brown-Cross, P.T., MBA., EdD., CLT

Job Title _____

Address 800 N. Calhoun Street #1a

Phone 850-222-1243

Street

Tallahassee FL 32303

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Physical Therapy Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02.28.18

Meeting Date

150

Bill Number (if applicable)

Topic Motor Vehicle Insurance

Amendment Barcode (if applicable)

Name Rick Parker

Job Title _____

Address 3600 Maclay Blvd.

Phone 850-894-4111

Street

Tallahassee

FL

32312

Email jparker@butler.legal

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Justice Reform Institute

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-28-2018

Meeting Date

CS/SB150

Bill Number (if applicable)

Topic Auto Insurance

Amendment Barcode (if applicable)

Name Kim Driggers

Job Title _____

Address 3770 Piney Grove Dr.

Phone 850-597-1355

Street

Tally

City

State

32311

Zip

Email Kdrigger@driggers-law.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Chiropractic Assn.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 28

Meeting Date

150

Bill Number (if applicable)

Topic Speak on Bill

Amendment Barcode (if applicable)

Name Tim Meenan

Job Title _____

Address 300 S. Duval St.

Phone (850) 425-4000

Street

Tallahassee FL 32312

Email Tim@MeenanLawfirm.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing National Association of Insurance & Financial Advisors - Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/23/18

Meeting Date

SB150

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Leslie Dughi

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email dughile@atlau

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Enterprise National and Alamo

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/23/13

Meeting Date

150

Bill Number (if applicable)

Topic PIP

Amendment Barcode (if applicable)

Name KYLE ULRICH

Job Title SVP

Address 3159 SHAMROCK S.

Phone 850-893-4155

Street

TALLAHASSEE FL 32309

City

State

Zip

Email KULRICH@FAIA.COM

Speaking: [] For [x] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing FL. ASSOC. OF INSURANCE AGENTS

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28

Meeting Date

SR150

Bill Number (if applicable)

Topic Auto Ins

Amendment Barcode (if applicable)

Name Mark Delegal

Job Title Retained Counsel

Address 315 S. Calhoun St

Phone 850 224-7000

Street

Tallahassee FL 32301

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing State Farm Mutual Auto. Ins Co.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/2018

Meeting Date

CS/SB 150
Bill Number (if applicable)

Topic Motor Vehicle Insurance

Amendment Barcode (if applicable)

Name Dale Swope

Job Title President

Address 218 S. Monroe St.

Phone

Street

Tallahassee

FL

32301

Email

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Justice Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/17

Meeting Date

150

Bill Number (if applicable)

Topic Motor Vehicle Insurance

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Policy Director

Address 136 S Brimough St

Phone 850-521-1200

Street

Tallahassee

FL

32301

City

State

Zip

Email cjohnson@flchamber.com

Speaking: For [] Against [x] Information []

Waive Speaking: In Support [] Against [] (The Chair will read this information into the record.)

Representing FL Chamber of Commerce

Appearing at request of Chair: Yes [] No [x]

Lobbyist registered with Legislature: Yes [x] No []

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

150

Bill Number (if applicable)

Topic PIP Repeal

Amendment Barcode (if applicable)

Name Logan McFaddin

Job Title Regional Manager

Address 215 S. Monroe St. Suite 720

Phone 850 681 2615

Street

Tallahassee FL 32301

City

State

Zip

Email logan.mcfaddin@pci2.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Property Casualty Insurers Assoc. of America (PCI)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7/28/18

Meeting Date

150

Bill Number (if applicable)

Topic Vehicle Insurance

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior VP

Address _____
Street

Phone 224-7173

City

State

Zip

Email bbevis

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/17

Meeting Date

150.

Bill Number (if applicable)



M7304

Amendment Barcode (if applicable)

Topic PIP repeal

Name Ron Watson

Job Title Lobbyist

Address 3738 Mardon Way

Street

Tallahassee FL 32309

City

State

Zip

Phone 850 567-1202

Email watson.strategies@comcast.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Chiropractic Physician Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/2018

Meeting Date

CS/EB 157

Bill Number (if applicable)

177304 (Rouson)

Amendment Barcode (if applicable)

Topic Motor Vehicle Insurance

Name Date Swope

Job Title President

Address 218 S. Monroe St

Street

Phone _____

Tallah

City

FL

State

32301

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Justice Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

150

Bill Number (if applicable)

371248

Amendment Barcode (if applicable)

Topic _____

Name Chris Nuland

Job Title _____

Address 1000 Riverside Ave #240
Street

Phone 904-233-3051

Jacksonville FL 32204
City State Zip

Email nulandlaw@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Chapter, American College of PB Surgeons

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

150

Bill Number (if applicable)

371248

Amendment Barcode (if applicable)

Topic _____

Name Jason Goldman, MD

Job Title _____

Address 3001 Coral Hills Drive

Street

Coral Springs, FL 33065

City

State

Zip

Phone 954-227-1234

Email goldmanmd@bellsouth.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Chapter, American College of Physicians

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/25/17

Meeting Date

150

Bill Number (if applicable)



371248

Amendment Barcode (if applicable)

Topic PIP repeal

Name Ron Watson

Job Title Lobbyist

Address 3738 Murdon Way

Street

Tallahassee

City

FL

State

32309

Zip

Phone 850 567-1202

Email watson.strategies@comcast.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Chiropractic Physician Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb. 28, 18

Meeting Date

150

Bill Number (if applicable)

371248

Amendment Barcode (if applicable)

Passidomo Amendment

Topic

PIP / Emergency Med Pay

Name

Toni Large

Job Title

Address

519 E. Park Ave

Street

Tallahassee

City

FL

State

32308

Zip

Phone

(850) 556-1461

Email

toni@sulaw.net

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

(The Chair will read this information into the record.)

Representing

Florida College of Emergency Physicians & Florida Orthopedic Society

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/15

Meeting Date

150

Bill Number (if applicable)

371248

Amendment Barcode (if applicable)

- by Sen. Passidomo

Topic _____

Name Kim Driggers

Job Title Lawyer

Address 3770 Diney Grove Dr.

Street

Tallahassee FL 32311

City

State

Zip

Phone 850.597.1355

Email Kdriggers@wdriggers-law.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA CHIROPRACTIC ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/20/18

Meeting Date

SB 150

Bill Number (if applicable)

371248

Amendment Barcode (if applicable)

Topic

Name Jeff Scott

Job Title

Address 1430 Piedmont Dr. E.

Phone 850 224-6496

Tallahassee FL 32308

Email jscott@flmedical.org

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Florida Medical Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02.08.18

150

Meeting Date

Bill Number (if applicable)

371248

Topic Motor Vehicle Insurance

Amendment Barcode (if applicable)

Name Rick Parker

Job Title _____

Address 3600 Maclay Blvd.

Phone 850-894-4111

Street

Tallahassee

FL

32312

Email jparker@butler.legal

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Justice Reform Institute

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18
Meeting Date

CS SB 150
Bill Number (if applicable)

371248
Amendment Barcode (if applicable)

SUPPORT

Topic _____

Name GEORGE MEROS

Job Title ATTORNEY

Address 315 S. CALHOUN

Street

TALL
City

FL
State

32301
Zip

Phone 425 5472

Email GEORGE.MEROS@HKLAW.

COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing U.S. CHAMBER, INSTITUTE FOR LEGAL REFORM

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

150

Bill Number (if applicable)

244072

Amendment Barcode (if applicable)

Topic _____

Name Jason Goldman, MD

Job Title _____

Address 3001 Coral Hills Drive
Street

Phone 954-227-1234

Coral Springs, FL 33065
City State Zip

Email ~~netand@...~~ jgoldmanmd@bellsouth.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Chapter, American College of Physicians

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/18

Meeting Date

150

Bill Number (if applicable)

244072

Amendment Barcode (if applicable)

Topic _____

Name Chris Nuland

Job Title _____

Address 1000 Riverside Ave

Street

Phone 904-233-3051

Jacksonville, FL 32204

City

State

Zip

Email nulandlaw@acl.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Chapter, American College of Surgeons

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/28/17

Meeting Date

150

Bill Number (if applicable)



2441072

Amendment Barcode (if applicable)

Topic PIP repeal

Name Ron Watson

Job Title Lobbyist

Address 3738 Mardon Way

Street

Tallahassee FL 32309

City

State

Zip

Phone 850 567-1202

Email watson.strategies@caucast.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Chiropractic Physician Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/28/2018

Meeting Date

CS/SB 150

Bill Number (if applicable)

244072 (Lee)

Amendment Barcode (if applicable)

Topic Motor Vehicle Insurance

Name Dale Swope

Job Title President

Address 218 S. Monroe St.

Street

Phone

Tallah.

FL

32301

City

State

Zip

Email

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Florida Justice Association

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/28/18

Meeting Date

150
Bill Number (if applicable)

302738
Amendment Barcode (if applicable)

Topic Auto Insurance

Name Dale Swape

Job Title President of Florida Justice Assn.

Address 1234 5th Ave.

Street

Phone _____

Tampa

City

Fl.

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Justice Assn.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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