

CHAMBER ACTION

1 The Commerce Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to motor vehicle insurance; amending s.
7 316.646, F.S.; requiring motorcycle registrants to provide
8 proof of security under specified circumstances; providing
9 requirements for reinstatement of a motorcycle license and
10 registration; providing for reinstatement fees; amending
11 s. 320.02, F.S.; requiring proof of security for
12 application for a motorcycle registration; correcting a
13 cross-reference; creating s. 324.025, F.S.; requiring
14 certain motorcycle owners and registrants to maintain
15 specified security; requiring medical payments and
16 property damage coverage; authorizing alternative types of
17 security; authorizing deductibles and applicability of the
18 deductibles; making an owner or registrant personally
19 responsible for failure to maintain the required security;
20 authorizing the Department of Highway Safety and Motor
21 Vehicles to adopt rules; amending s. 627.06501, F.S.;
22 specifying minimum and maximum motor vehicle insurance
23 premium discounts available under certain circumstances;

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24 requiring the Department of Highway Safety and Motor
25 Vehicles to require certain motor vehicle insurance
26 policyholders to pass a written test for certain purposes;
27 amending s. 627.736, F.S.; revising provisions relating to
28 insurer requests for patient diagnostic and treatment
29 records and information in certain disputes; providing for
30 specified damages and attorney's fees in cases involving
31 certain unfair trade practices by insurers; requiring
32 investigations by the Office of Insurance Regulation;
33 providing for availability of additional personal injury
34 protection benefits for specified emergency services and
35 care; providing limitations on the increased benefit;
36 specifying application of certain attorney fee provisions
37 to certain disputes; prohibiting application of a
38 contingency risk multiplier applicable to awards of
39 attorney's fees in certain disputes; amending s. 627.7401,
40 F.S.; specifying additional information requirements for
41 notification of an insured's right to receive personal
42 injury protection benefits under the Florida Motor Vehicle
43 No-Fault Law relating to anti-fraud rewards; creating s.
44 627.7441, F.S.; requiring certain insurers to provide
45 medical payments motorcycle insurance coverage; providing
46 requirements and limitations; providing penalties;
47 providing a definition; specifying covered persons;
48 authorizing insurers to offer various levels of
49 deductibles for the medical payments coverage; requiring
50 the Florida Automobile Joint Underwriting Association to
51 make coverage available to certain persons under certain

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52 | circumstances; requiring the Financial Services Commission
53 | to adopt rules; amending s. 316.068, F.S.; specifying
54 | additional information to be included in a crash report;
55 | creating a rebuttable presumption relating to the
56 | existence of passengers in vehicles involved in a crash;
57 | amending s. 322.21, F.S.; providing an additional fee for
58 | certain offenses relating to insurance crimes; requiring
59 | the Department of Highway Safety and Motor Vehicles to
60 | collect and deposit the fee into the Highway Safety
61 | Operating Trust Fund; amending s. 322.26, F.S.; providing
62 | an additional circumstance relating to insurance crimes
63 | for mandatory revocation of a person's driver's license;
64 | amending s. 817.234, F.S.; prohibiting telephone business
65 | solicitation of persons involved in a motor vehicle
66 | accident; prohibiting scheming to create documentation of
67 | a motor vehicle crash that did not occur; providing a
68 | criminal penalty; amending s. 817.2361, F.S.; providing
69 | that creating, marketing, or presenting fraudulent proof
70 | of motor vehicle insurance is a felony of the third
71 | degree; providing criminal penalties; amending s. 19, ch.
72 | 2003-411, Laws of Florida; extending the repeal of the
73 | Florida Motor Vehicle No-Fault Law; providing an effective
74 | date.

75 |
76 | Be It Enacted by the Legislature of the State of Florida:

77 |
78 | Section 1. Section 316.646, Florida Statutes, is amended
79 | to read:

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80 316.646 Security required; proof of security and display
81 thereof; dismissal of cases.--

82 (1) Any person required by s. 627.733 to maintain personal
83 injury protection security on a motor vehicle or required to
84 have motorcycle insurance coverage as required by s. 324.025
85 shall have in his or her immediate possession at all times while
86 operating such motor vehicle or motorcycle proper proof of
87 maintenance of the security required by s. 627.733 or s.
88 324.025, as applicable. Such proof shall be either a uniform
89 proof-of-insurance card in a form prescribed by the department,
90 a valid insurance policy, an insurance policy binder, a
91 certificate of insurance, or such other proof as may be
92 prescribed by the department.

93 (2) If, upon a comparison of the vehicle registration
94 certificate or other evidence of registration or ownership with
95 the operator's driver's license or other evidence of personal
96 identity, it appears to a law enforcement officer or other
97 person authorized to issue traffic citations that the operator
98 is also the owner or registrant of the vehicle, upon demand of
99 the law enforcement officer or other person authorized to issue
100 traffic citations the operator shall display proper proof of
101 maintenance of security as specified by subsection (1).

102 (3) Any person who violates this section is guilty of a
103 nonmoving traffic infraction subject to the penalty provided in
104 chapter 318 and shall be required to furnish proof of security
105 as provided in this section. If any person charged with a
106 violation of this section fails to furnish proof, at or before
107 the scheduled court appearance date, that security was in effect

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108 at the time of the violation, the court may immediately suspend
109 the registration and driver's license of such person. Such
110 license and registration may ~~only~~ be reinstated only as provided
111 in s. 627.733, except that licenses and registrations that have
112 been suspended for failure to provide proof of insurance as
113 required by s. 324.025 may be reinstated only as provided in
114 subsection (4).

115 (4) In order to reinstate a license or registration that
116 has been suspended for failure to provide proof of the insurance
117 required by s. 324.025, the owner must provide proof of
118 compliance with the requirements of s. 324.025 and pay to the
119 department a nonrefundable reinstatement fee of \$150 for a first
120 reinstatement. The reinstatement fee shall be \$250 for a second
121 reinstatement and \$500 for each subsequent reinstatement during
122 the 3-year period following a first reinstatement. Any person
123 reinstating his or her insurance under this subsection shall
124 also secure noncancelable coverage as described in s. 324.025
125 and present to the appropriate person proof that the coverage is
126 in force on a form adopted by the department and maintain such
127 proof of coverage for 2 years. If a person does not have his or
128 her license and registration reinstated a second time within the
129 3-year period after his or her initial reinstatement, the
130 reinstatement fee shall be \$150 for a first reinstatement after
131 that 3-year period. If a person's license and registration are
132 suspended pursuant to this section or s. 316.646, only one
133 reinstatement fee shall be paid to reinstate the license and the
134 registration. All fees shall be collected by the department at
135 the time of reinstatement. The department shall issue proper

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136 | receipts for such fees and shall promptly deposit those fees in
137 | the Highway Safety Operating Trust Fund.

138 | (5)(4) Any person presenting proof of insurance as
139 | required in subsection (1) who knows that the insurance as
140 | represented by such proof of insurance is not currently in force
141 | is guilty of a misdemeanor of the first degree, punishable as
142 | provided in s. 775.082 or s. 775.083.

143 | Section 2. Paragraphs (a) and (d) of subsection (5) of
144 | section 320.02, Florida Statutes, are amended to read:

145 | 320.02 Registration required; application for
146 | registration; forms.--

147 | (5) (a) Proof that personal injury protection benefits have
148 | been purchased when required under s. 627.733, that property
149 | damage liability coverage has been purchased as required under
150 | s. 324.022, and that combined bodily liability insurance and
151 | property damage liability insurance have been purchased when
152 | required under s. 627.7415 shall be provided in the manner
153 | prescribed by law by the applicant at the time of application
154 | for registration of any motor vehicle owned as defined in s.
155 | 627.732. Proof that insurance coverage has been purchased as
156 | required by s. 324.025 shall be provided in the manner
157 | prescribed by law by the applicant at the time of application
158 | for registration for a motorcycle as defined in s. 316.003. The
159 | issuing agent shall refuse to issue registration if such proof
160 | of purchase is not provided. Insurers shall furnish uniform
161 | proof-of-purchase cards in a form prescribed by the department
162 | and shall include the name of the insured's insurance company,
163 | the coverage identification number, the make, year, and vehicle

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164 identification number of the vehicle insured. The card shall
 165 contain a statement notifying the applicant of the penalty
 166 specified in s. 316.646(5)~~(4)~~. The card or insurance policy,
 167 insurance policy binder, or certificate of insurance or a
 168 photocopy of any of these; an affidavit containing the name of
 169 the insured's insurance company, the insured's policy number,
 170 and the make and year of the vehicle insured; or such other
 171 proof as may be prescribed by the department shall constitute
 172 sufficient proof of purchase. If an affidavit is provided as
 173 proof, it shall be in substantially the following form:

174
 175 Under penalty of perjury, I (Name of insured) do hereby
 176 certify that I have (Personal Injury Protection, Property
 177 Damage Liability, and, when required, Bodily Injury Liability)
 178 Insurance currently in effect with (Name of insurance company)
 179 under (policy number) covering (make, year, and vehicle
 180 identification number of vehicle) . (Signature of Insured)

181
 182 Such affidavit shall include the following warning:

183
 184 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 185 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 186 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
 187 SUBJECT TO PROSECUTION.

188
 189 When an application is made through a licensed motor vehicle
 190 dealer as required in s. 319.23, the original or a photostatic
 191 copy of such card, insurance policy, insurance policy binder, or

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192 certificate of insurance or the original affidavit from the
 193 insured shall be forwarded by the dealer to the tax collector of
 194 the county or the department ~~of Highway Safety and Motor~~
 195 ~~Vehicles~~ for processing. By executing the aforesaid affidavit,
 196 no licensed motor vehicle dealer will be liable in damages for
 197 any inadequacy, insufficiency, or falsification of any statement
 198 contained therein. A card shall also indicate the existence of
 199 any bodily injury liability insurance voluntarily purchased.

200 (d) The verifying of proof of personal injury protection
 201 insurance, proof of combined bodily liability insurance and
 202 property damage liability insurance, or proof of financial
 203 responsibility insurance and the issuance or failure to issue
 204 the motor vehicle registration under the provisions of this
 205 chapter may not be construed in any court as a warranty of the
 206 reliability or accuracy of the evidence of such proof. Neither
 207 the department nor any tax collector is liable in damages for
 208 any inadequacy, insufficiency, falsification, or unauthorized
 209 modification of any item of the proof of personal injury
 210 protection insurance, proof of combined bodily liability
 211 insurance and property damage liability insurance, or proof of
 212 financial responsibility insurance or motorcycle insurance
 213 required by s. 324.025 either prior to, during, or subsequent to
 214 the verification of the proof. The issuance of a motor vehicle
 215 registration does not constitute prima facie evidence or a
 216 presumption of insurance coverage.

217 Section 3. Section 324.025, Florida Statutes, is created
 218 to read:

219 324.025 Motorcycles; requirement for insurance coverage.--

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220 (1) (a) Every owner or registrant of a motorcycle as
221 defined in s. 316.003, required to be registered and licensed in
222 this state, who is at least age 16 but younger than age 21,
223 shall maintain security by:

224 1. Maintaining a policy of insurance from an authorized
225 insurer providing:

226 a. Property damage coverage as required by s. 324.022; and

227 b. Medical payments coverage providing a medical payments
228 benefit of \$10,000 as set forth in s. 627.7441; or

229 2. Furnishing proof of financial responsibility pursuant
230 to s. 324.031(2), (3), or (4) and approved by the department as
231 affording security equivalent to that afforded by a policy of
232 insurance as provided in subparagraph 1.

233 (b) With respect to a policy of insurance, the named
234 insured may elect a deductible as specified in s. 627.7441 to
235 apply to the named insured alone or to the named insured and
236 dependent relatives residing in the same household but may not
237 elect a deductible or modified coverage to apply to any other
238 person covered under the policy.

239 (2) An owner of a motorcycle with respect to which
240 security is required by this section who fails to have such
241 security in effect at the time of an accident is personally
242 liable for the payment of benefits under this section. With
243 respect to such benefits, such an owner has all of the rights
244 and obligations of an insurer.

245 (3) The department may adopt rules pursuant to ss.
246 120.536(1) and 120.54 necessary to implement this section.

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247 Section 4. Subsections (1) and (3) of section 627.06501,
248 Florida Statutes, are amended to read:

249 627.06501 Insurance discounts for certain persons
250 completing driver improvement course.--

251 (1) Any rate, rating schedule, or rating manual for the
252 liability, personal injury protection, and collision coverages
253 of a motor vehicle insurance policy filed with the office may
254 provide for a minimum of 2 percent, not to exceed 15 percent,
255 reduction in premiums ~~an appropriate reduction in premium~~
256 ~~charges~~ as to such coverages when the principal operator on the
257 covered vehicle has successfully completed a driver improvement
258 course approved and certified by the Department of Highway
259 Safety and Motor Vehicles which is effective in reducing crash
260 or violation rates, or both, as determined pursuant to s.
261 318.1451(5). Any discount, not to exceed 10 percent, used by an
262 insurer is presumed to be appropriate unless credible data
263 demonstrates otherwise.

264 (3) The organization offering the course shall, upon a
265 person's successful completion of the course, issue the person a
266 certificate that the person may use to qualify for the premium
267 discount authorized by this section. The Department of Highway
268 Safety and Motor Vehicles shall require each person completing
269 the course for the purposes of this section to pass a written
270 test given by the organization to evaluate the person's
271 knowledge of the content of the course.

272 Section 5. Subsection (6) and paragraph (f) of subsection
273 (11) of section 627.736, Florida Statutes, are amended, and
274 subsections (14) and (15) are added to that section, to read:

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275 | 627.736 Required personal injury protection benefits;
276 | exclusions; priority; claims.--

277 | (6) REQUEST FOR PATIENT DIAGNOSTIC AND TREATMENT RECORDS
278 | AND INFORMATION ~~DISCOVERY OF FACTS~~ ABOUT AN INJURED PERSON;
279 | DISPUTES.--

280 | (a) Every employer shall, if a request is made by an
281 | insurer providing personal injury protection benefits under ss.
282 | 627.730-627.7405 against whom a claim has been made, furnish
283 | forthwith, in a form approved by the office, a sworn statement
284 | of the earnings, since the time of the bodily injury and for a
285 | reasonable period before the injury, of the person upon whose
286 | injury the claim is based.

287 | (b) Every physician, hospital, clinic, or other medical
288 | institution providing, before or after bodily injury upon which
289 | a claim for personal injury protection insurance benefits is
290 | based, any products, services, or accommodations in relation to
291 | that or any other injury, or in relation to a condition claimed
292 | to be connected with that or any other injury, shall, if
293 | requested to do so by the insurer against whom the claim has
294 | been made, furnish forthwith a written report of the history,
295 | condition, treatment, dates, and costs of such treatment of the
296 | injured person and why the items identified by the insurer were
297 | reasonable in amount and medically necessary, together with a
298 | sworn statement that the treatment or services rendered were
299 | reasonable and necessary with respect to the bodily injury
300 | sustained and identifying which portion of the expenses for such
301 | treatment or services was incurred as a result of such bodily
302 | injury, and produce forthwith, and permit the inspection and

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303 copying of, his or her or its records regarding such history,
304 condition, treatment, dates, and costs of treatment; provided
305 that this shall not limit the introduction of evidence at trial.
306 Such sworn statement shall read as follows: "Under penalty of
307 perjury, I declare that I have read the foregoing, and the facts
308 alleged are true, to the best of my knowledge and belief." No
309 cause of action for violation of the physician-patient privilege
310 or invasion of the right of privacy shall be permitted against
311 any physician, hospital, clinic, or other medical institution
312 complying with the provisions of this section. The person
313 requesting such records and such sworn statement shall pay all
314 reasonable costs connected therewith. If an insurer makes a
315 written request for documentation or information under this
316 paragraph within 30 days after having received notice of the
317 amount of a covered loss under paragraph (4) (a), the amount or
318 the partial amount which is the subject of the insurer's inquiry
319 shall become overdue if the insurer does not pay in accordance
320 with paragraph (4) (b) or within 10 days after the insurer's
321 receipt of the requested documentation or information, whichever
322 occurs later. For purposes of this paragraph, the term "receipt"
323 includes, but is not limited to, inspection and copying pursuant
324 to this paragraph. Any insurer that requests documentation or
325 information pertaining to reasonableness of charges or medical
326 necessity under this paragraph without a reasonable basis for
327 such requests as a general business practice is engaging in an
328 unfair trade practice under the insurance code.

329 (c) In the event of any dispute regarding an insurer's
330 right to request patient diagnostic or treatment information

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331 ~~discovery of facts~~ under this section, the insurer may petition
332 a court of competent jurisdiction to enter an order permitting
333 such request for patient diagnostic or treatment information
334 ~~discovery~~. The order may be made only on motion for good cause
335 shown and upon notice to all persons having an interest, and it
336 shall specify the time, place, manner, conditions, and scope of
337 the request for patient diagnostic or treatment information
338 ~~discovery~~. Such court may, in order to protect against
339 annoyance, embarrassment, or oppression, as justice requires,
340 enter an order refusing the request for patient diagnostic or
341 treatment information discovery or specifying conditions of the
342 request for patient diagnostic or treatment information
343 ~~discovery~~ and may order payments of costs and expenses of the
344 proceeding, including reasonable fees for the appearance of
345 attorneys at the proceedings, as justice requires.

346 (d) The injured person shall be furnished, upon request, a
347 copy of all information obtained by the insurer under the
348 provisions of this section, and shall pay a reasonable charge,
349 if required by the insurer.

350 (e) Notice to an insurer of the existence of a claim shall
351 not be unreasonably withheld by an insured.

352 (11) DEMAND LETTER.--

353 (f) Any insurer making a general business practice of not
354 paying valid claims until receipt of the notice required by this
355 subsection is engaging in an unfair trade practice under the
356 insurance code and shall be liable for damages in the amount of
357 three times the amount of benefits due or recovered resulting
358 from failing to pay the claims until receiving the demand letter

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359 notices under this subsection. Any attorney who successfully
360 prosecutes an action based upon an insurer's general business
361 practice of not paying valid claims until receipt of the notice
362 required by this subsection may be awarded a lodestar multiplier
363 at the time that the court awards attorney's fees. The office
364 shall investigate and initiate actions for any violation of this
365 paragraph. The office may:

- 366 1. Administer oaths and affirmations.
- 367 2. Subpoena witnesses and documents.
- 368 3. Collect evidence for possible use in civil, criminal,
369 or administrative proceedings.
- 370 4. Refer findings to appropriate criminal justice agencies
371 for prosecution.
- 372 5. Seek all other civil remedies provided by law.

373 (14) EMERGENCY SERVICES AND CARE.--In addition to the
374 medical benefits contained in paragraph (1)(a), additional
375 benefits of up to \$10,000 are available for ambulance transport
376 and treatment, emergency services and care as defined in s.
377 395.002(10), or inpatient services, provided in a hospital and
378 by physicians in an emergency department or trauma center or
379 inpatient departments when such services are continually
380 rendered as a result of an admission through the emergency
381 department or trauma center. The additional benefit for
382 emergency services and care must be rendered to the named
383 insured, the named insured's spouse, parents by blood or
384 marriage, stepparents and stepchildren, and children, natural or
385 adopted, who reside in the same household. Only emergency
386 services and care, necessary inpatient services following

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387 admission through the emergency department or trauma center, or
388 transport and treatment rendered by an ambulance provider
389 licensed under part III of chapter 401 may be paid from the
390 additional benefit. The additional benefit may only be used when
391 such emergency services and care are initiated or rendered
392 within 48 hours after the motor vehicle accident. All such bills
393 shall be submitted on a UB 92 or a CMS 1500 form or their
394 approved successor forms.

395 (15) ATTORNEY'S FEES.--With respect to any dispute under
396 ss. 627.730-627.7405 between the insured and the insurer or
397 between an assignee of an insured's rights and the insurer, s.
398 627.428 shall apply. A contingency risk multiplier may not be
399 applied to any attorney's fee award in any dispute under ss.
400 627.730-627.7405, except as permitted in paragraph (11)(f).

401 Section 6. Subsection (1) of section 627.7401, Florida
402 Statutes, is amended to read:

403 627.7401 Notification of insured's rights.--

404 (1) The commission, by rule, shall adopt a form for the
405 notification of insureds of their right to receive personal
406 injury protection benefits under the Florida Motor Vehicle No-
407 Fault Law. Such notice shall:

408 (a) Include a description of the benefits provided by
409 personal injury protection, including, but not limited to, the
410 specific types of services for which medical benefits are paid,
411 disability benefits, death benefits, significant exclusions from
412 and limitations on personal injury protection benefits, when
413 payments are due, how benefits are coordinated with other
414 insurance benefits that the insured may have, penalties and

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415 interest that may be imposed on insurers for failure to make
416 timely payments of benefits, and rights of parties regarding
417 disputes as to benefits.

418 (b) Notify the insured that:

419 1. Pursuant to s. 626.9892, the department may pay rewards
420 of up to \$25,000 to persons providing information leading to the
421 arrest and conviction of persons committing crimes investigated
422 by the Division of Insurance Fraud arising from violations of s.
423 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.

424 2. Solicitation of a person injured in a motor vehicle
425 crash for purposes of filing personal injury protection or tort
426 claims could be a violation of s. 817.234, s. 817.505, or the
427 rules regulating The Florida Bar and should be immediately
428 reported to the Division of Insurance Fraud if such conduct has
429 taken place.

430 Section 7. Section 627.7441, Florida Statutes, is created
431 to read:

432 627.7441 Motorcycles; medical payments coverage.--

433 (1) Each insurer authorized to write motor vehicle
434 insurance in this state shall make motorcycle coverage that
435 meets the security requirements of s. 324.025 available through
436 normal marketing channels. Insurers may not require that
437 additional or collateral coverage be purchased in addition to
438 the required security. An insurer writing motor vehicle
439 liability coverage in this state that fails to comply with this
440 availability requirement as a general business practice is
441 deemed to have violated part IX of chapter 626, and such
442 violation shall constitute an unfair method of competition or an

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443 unfair or deceptive act or practice involving the business of
444 insurance. Any insurer committing such violation is subject to
445 the penalties provided in that part and other penalties provided
446 elsewhere in the insurance code.

447 (2) Any policy of insurance represented or sold as
448 providing the security required under this section is deemed to
449 provide insurance for the payment of the required benefits.

450 (3) Upon the issuance of a new policy of insurance or the
451 renewal of an existing policy of insurance, an insurer shall
452 offer to each applicant or policyholder deductibles meeting the
453 requirements of s. 324.025 in amounts of \$250, \$500, and \$1,000.
454 The deductible amount must be applied to 100 percent of the
455 expenses and losses described in this section. After the
456 deductible is met, each insured is eligible to receive up to
457 \$10,000 in total benefits as provided by the policy. Each
458 election made by the named insured under this subsection shall
459 result in an appropriate reduction of premium associated with
460 that election.

461 (4) (a) For the purposes of this section, the term "medical
462 payments coverage" means coverage of the usual and customary
463 charge for reasonable and necessary expenses incurred within 3
464 years after the date of an accident involving the covered
465 motorcycle for medical and funeral services because of bodily
466 injury sustained by an injured person or death caused by an
467 accident arising out of the ownership, maintenance, or use of
468 the motorcycle or a trailer, sidecar, or other device attached
469 to the motorcycle.

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470 (b) Subject to paragraph (c), covered persons include the
 471 operator or any other person occupying the motorcycle or a
 472 sidecar or trailer attached to the motorcycle.

473 (c) Covered persons also include any person at least age
 474 16 but younger than age 21 and may, if coverage is available
 475 from the insurer and if purchased by the owner or registrant of
 476 the motorcycle, include all persons over the age of 20.

477 (5) The Florida Automobile Joint Underwriting Association
 478 shall make the coverage required under this section available to
 479 any motorcycle owner or registrant who is in good faith entitled
 480 to, but unable to, procure the security from an authorized
 481 insurer.

482 (6) The commission may adopt rules pursuant to ss.
 483 120.536(1) and 120.54 necessary to implement this section.

484 Section 8. Subsection (2) of section 316.068, Florida
 485 Statutes, is amended to read:

486 316.068 Crash report forms.--

487 (2) Every crash report required to be made in writing must
 488 be made on the appropriate form approved by the department and
 489 must contain all the information required in the report,
 490 including ~~therein~~:

491 (a) The date, time, and location of the crash.

492 (b) A description of the vehicles involved.

493 (c) The names and addresses of the parties involved.

494 (d) The names and addresses of all drivers and passengers
 495 in the vehicles involved.

496 (e) The names and addresses of witnesses.

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497 (f) The name, badge number, and law enforcement agency of
498 the officer investigating the crash.

499 (g) The names of the insurance companies for the
500 respective parties involved in the crash,

501
502 unless not available. The absence of information in such written
503 crash reports regarding the existence of passengers in the
504 vehicles involved in the crash constitutes a rebuttable
505 presumption that no such passengers were involved in the
506 reported crash. Notwithstanding any other provisions of this
507 section, a crash report produced electronically by a law
508 enforcement officer must, at a minimum, contain the same
509 information as is called for on those forms approved by the
510 department.

511 Section 9. Subsection (8) of section 322.21, Florida
512 Statutes, is amended to read:

513 322.21 License fees; procedure for handling and collecting
514 fees.--

515 (8) Any person who applies for reinstatement following the
516 suspension or revocation of the person's driver's license shall
517 pay a service fee of \$35 following a suspension, and \$60
518 following a revocation, which is in addition to the fee for a
519 license. Any person who applies for reinstatement of a
520 commercial driver's license following the disqualification of
521 the person's privilege to operate a commercial motor vehicle
522 shall pay a service fee of \$60, which is in addition to the fee
523 for a license. The department shall collect all of these fees at
524 the time of reinstatement. The department shall issue proper

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525 receipts for such fees and shall promptly transmit all funds
526 received by it as follows:

527 (a) Of the \$35 fee received from a licensee for
528 reinstatement following a suspension, the department shall
529 deposit \$15 in the General Revenue Fund and \$20 in the Highway
530 Safety Operating Trust Fund.

531 (b) Of the \$60 fee received from a licensee for
532 reinstatement following a revocation or disqualification, the
533 department shall deposit \$35 in the General Revenue Fund and \$25
534 in the Highway Safety Operating Trust Fund.

535
536 If the revocation or suspension of the driver's license was for
537 a violation of s. 316.193, or for refusal to submit to a lawful
538 breath, blood, or urine test, an additional fee of \$115 must be
539 charged. However, only one \$115 fee may be collected from one
540 person convicted of violations arising out of the same incident.
541 The department shall collect the \$115 fee and deposit the fee
542 into the Highway Safety Operating Trust Fund at the time of
543 reinstatement of the person's driver's license, but the fee may
544 not be collected if the suspension or revocation is overturned.

545 If the revocation or suspension of the driver's license was for
546 a conviction for a violation of s. 817.234(8) or (9), an
547 additional fee of \$180 is imposed for each such offense. The
548 department shall collect and deposit the additional fee into the
549 Highway Safety Operating Trust Fund at the time of reinstatement
550 of the person's driver's license.

551 Section 10. Subsection (9) is added to section 322.26,
552 Florida Statutes, to read:

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553 | 322.26 Mandatory revocation of license by department.--The
554 | department shall forthwith revoke the license or driving
555 | privilege of any person upon receiving a record of such person's
556 | conviction of any of the following offenses:

557 | (9) Conviction in any court having jurisdiction over
558 | offenses committed under s. 817.234(8) or (9).

559 | Section 11. Paragraph (c) of subsection (8) and subsection
560 | (9) of section 817.234, Florida Statutes, are amended to read:

561 | 817.234 False and fraudulent insurance claims.--

562 | (8)

563 | (c) A lawyer, health care practitioner as defined in s.
564 | 456.001, or owner or medical director of a clinic required to be
565 | licensed pursuant to s. 400.9905 may not, at any time after 60
566 | days have elapsed from the occurrence of a motor vehicle
567 | accident, solicit or cause to be solicited any business from a
568 | person involved in a motor vehicle accident by means of in
569 | person or telephone contact at the person's residence or office
570 | or at any other telephone number, for the purpose of making
571 | motor vehicle tort claims or claims for personal injury
572 | protection benefits required by s. 627.736. Any person who
573 | violates this paragraph commits a felony of the third degree,
574 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

575 | (9) A person may not organize, plan, or knowingly
576 | participate in an intentional motor vehicle crash or a scheme to
577 | create documentation of a motor vehicle crash that did not occur
578 | for the purpose of making motor vehicle tort claims or claims
579 | for personal injury protection benefits as required by s.
580 | 627.736. Any person who violates this subsection commits a

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581 felony of the second degree, punishable as provided in s.
582 775.082, s. 775.083, or s. 775.084. A person who is convicted of
583 a violation of this subsection shall be sentenced to a minimum
584 term of imprisonment of 2 years.

585 Section 12. Section 817.2361, Florida Statutes, is amended
586 to read:

587 817.2361 False or fraudulent proof of motor vehicle
588 insurance ~~card~~.--Any person who, with intent to deceive any
589 other person, creates, markets, or presents a false or
590 fraudulent proof of motor vehicle insurance ~~card~~ commits a
591 felony of the third degree, punishable as provided in s.
592 775.082, s. 775.083, or s. 775.084.

593 Section 13. Section 19 of chapter 2003-411, Laws of
594 Florida, is amended to read:

595 Section 19. (1) Effective October 1, 2012 ~~2007~~, sections
596 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737,
597 627.739, 627.7401, 627.7403, and 627.7405, Florida Statutes,
598 constituting the Florida Motor Vehicle No-Fault Law, are
599 repealed, unless reenacted by the Legislature during the 2011
600 ~~2006~~ Regular Session and such reenactment becomes law to take
601 effect for policies issued or renewed on or after October 1,
602 2011 ~~2006~~.

603 (2) Insurers are authorized to provide, in all policies
604 issued or renewed after October 1, 2011 ~~2006~~, that such policies
605 may terminate on or after October 1, 2012 ~~2007~~, as provided in
606 subsection (1).

607 Section 14. This act shall take effect October 1, 2006.