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1 A bill to be entitled
2 An act relating to insurance; creating s. 627.7361, F.S.;
3 providing emergency care coverage benefits security
4 requirements for certain motor vehicle owners or
5 registrants; providing an exemption for certain military
6 personnel under certain circumstances; requiring the
7 Department of Highway Safety and Motor Vehicles to suspend
8 the registration and driver license of certain persons
9 under certain circumstances; providing requirements and
10 procedures for reinstatement; creating s. 627.7362, F.S.;
11 providing requirements for proof of required security;
12 providing a criminal penalty; creating s. 627.7363, F.S.;
13 providing emergency care coverage requirements; specifying
14 required benefits; providing definitions; providing
15 limitations; providing requirements for payment of
16 benefits; providing requirements and procedures for
17 assignment of benefits; providing insurer data reporting
18 requirements; amending s. 627.901, F.S.; providing
19 criteria for installment payment service charges;
20 providing that certain policies in compliance with
21 specified security requirements in prior provisions shall
22 be deemed to comply with the security requirement
23 provisions created by this act until the policies expire
24 or are terminated; providing a sunset date; amending ss.
25 316.646, 318.18, 320.02, 320.0609, 320.27, 320.771,
26 322.251, 322.34, F.S. conforming provisions to changes
27 made by the act; amending s. 324.021, F.S., conforming
28 provisions to changes made by the act; providing a

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

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29 definition of "commercial motor vehicle" to replace
 30 language in a repealed statute; amending s. 324.022, F.S.,
 31 conforming provisions to changes made by the act;
 32 providing definitions; amending ss. 324.171, 400.9935,
 33 409.901, 409.910, 456.057, 456.072, 626.9541, 627.06501,
 34 627.0652, 627.0653, 627.4132, 627.6482, and 627.7263,
 35 F.S., conforming provisions to changes made by the act;
 36 amending s. 627.727, F.S., conforming provisions to
 37 changes made by the act; deleting provisions relating to
 38 legal liability of an uninsured motorist insurer with
 39 respect to damages in tort for pain, suffering, mental
 40 anguish, and convenience that reference repealed
 41 provisions; amending ss. 627.7275, 627.728, 627.7295,
 42 627.8405, 627.915, 628.909, 713.78, and 817.234, F.S.,
 43 conforming provisions to changes made by the act;
 44 providing an effective date.

45

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

47

48 Section 1. Section 627.7361, Florida Statutes, is created
 49 to read:

50 627.7361 Required security.--

51 (1) (a) Every owner or registrant of a motor vehicle, other
 52 than a motor vehicle used as a school bus as defined in s.
 53 1006.25 or limousine, required to be registered and licensed in
 54 this state shall maintain security as required by subsection (3)
 55 in effect continuously throughout the registration or licensing
 56 period.

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57 (b) Every owner or registrant of a motor vehicle used as a
58 taxicab shall not be governed by paragraph (a) but shall
59 maintain security as required under s. 324.032.

60 (2) Every nonresident owner or registrant of a motor
61 vehicle that, whether operated or not, has been physically
62 present within this state for more than 90 days during the
63 preceding 365 days shall thereafter maintain security as
64 required by subsection (3) in effect continuously throughout the
65 period such motor vehicle remains within this state.

66 (3) Such security shall be provided:

67 (a) By an insurance policy delivered or issued for
68 delivery in this state by an authorized or eligible motor
69 vehicle liability insurer that provides the emergency care
70 coverage benefits and exemptions contained in s. 627.7363. Any
71 policy of insurance represented or sold by an authorized or
72 eligible motor vehicle liability insurer as providing the
73 security required by this paragraph shall be deemed to provide
74 insurance for the payment of the required benefits; or

75 (b) By any other method authorized by s. 324.031(2), (3),
76 or (4) and approved by the Department of Highway Safety and
77 Motor Vehicles as affording security equivalent to that afforded
78 by a policy of insurance or by self-insuring as authorized by s.
79 768.28(16). The person filing such security shall have all of
80 the obligations and rights of an insurer under ss. 627.7361-
81 627.7363.

82 (4) In addition to other persons who are not required to
83 provide required security as required under this section and s.
84 324.022, the owner, registrant, or operator of a motor vehicle

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85 is exempt from providing such proof of financial responsibility
86 if he or she is a member of the United States Armed Forces and
87 is called to or on active duty outside this state or the United
88 States, or if the owner of the vehicle is the dependent spouse
89 of such active duty member and is also residing with the active
90 duty member at the place of posting of such member, and the
91 vehicle is primarily maintained at such place of posting. The
92 exemption provided by this subsection applies only as long as
93 the member of the armed forces is on such active duty outside
94 this state or the United States and the owner complies with the
95 security requirements of the state of posting or any possession
96 or territory of the United States. Upon receipt of a written
97 request by the insured to whom the exemption provided in this
98 subsection applies, the insurer shall cancel the coverages and
99 return any unearned premium or suspend the security required by
100 this section and s. 324.022. Notwithstanding subsection (5), the
101 Department of Highway Safety and Motor Vehicles may not suspend
102 the registration or operator's driver's license during the time
103 she or he qualified for an exemption under this subsection. Any
104 owner or registrant of a motor vehicle who qualifies for an
105 exemption under this subsection shall immediately notify the
106 department prior to and at the end of the expiration of the
107 exemption.

108 (5) The Department of Highway Safety and Motor Vehicles
109 shall suspend, after due notice and an opportunity to be heard,
110 the registration and driver's license of any owner or registrant
111 of a motor vehicle with respect to which security is required
112 under this section and s. 324.022:

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113 (a) Upon records of the department showing that the owner
114 or registrant of such motor vehicle did not have in full force
115 and effect when required security complying with the terms of
116 this section; or

117 (b) Upon notification by the insurer to the department, in
118 a form approved by the department, of cancellation or
119 termination of the required security.

120 (6) Any operator or owner whose driver's license or
121 registration has been suspended pursuant to this section or s.
122 316.646 may effect reinstatement of the license or registration
123 upon compliance with the requirements of this section and upon
124 payment to the department of a nonrefundable reinstatement fee
125 of \$150 for the first reinstatement. Such reinstatement fee
126 shall be \$250 for the second reinstatement and \$500 for each
127 subsequent reinstatement during the 3 years following the first
128 reinstatement. If the person does not have a second
129 reinstatement within 3 years after her or his initial
130 reinstatement, the reinstatement fee shall be \$150 for the first
131 reinstatement after that 3-year period. If a person's license
132 and registration are suspended pursuant to this section or s.
133 316.646, only one reinstatement fee shall be paid to reinstate
134 the license and the registration. All fees shall be collected by
135 the department at the time of reinstatement. The department
136 shall issue proper receipts for such fees and shall promptly
137 deposit those fees into the Highway Safety Operating Trust Fund.
138 One-third of the fee collected under this subsection shall be
139 distributed from the Highway Safety Operating Trust Fund to the
140 local government entity or state agency that employed the law

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141 enforcement officer who seized a license plate pursuant to s.
 142 324.201. Such funds may be used by the local government entity
 143 or state agency for any authorized purpose.

144 Section 2. Section 627.7362, Florida Statutes, is created
 145 to read:

146 627.7362 Proof of security; security requirements;
 147 penalties.--

148 (1) The provisions of chapter 324 that pertain to the
 149 method of giving and maintaining proof of financial
 150 responsibility and that govern and define a motor vehicle
 151 liability policy shall apply to filing and maintaining proof of
 152 security required by ss. 627.7361-627.7363.

153 (2) Any person who:

154 (a) Gives information required in a report or otherwise as
 155 provided for in ss. 627.7361-627.7363, knowing or having reason
 156 to believe that such information is false;

157 (b) Forges or, without authority, signs any evidence of
 158 proof of security; or

159 (c) Files, or offers for filing, any such evidence of
 160 proof, knowing or having reason to believe that such evidence of
 161 proof of security is forged or signed without authority, commits
 162 a misdemeanor of the first degree, punishable as provided in s.
 163 775.082 or s. 775.083.

164 Section 3. Section 627.7363, Florida Statutes, is created
 165 to read:

166 627.7363 Required emergency care coverage.--

167 (1) REQUIRED BENEFITS.--

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168 (a) Each insurance policy complying with the security
169 requirements of s. 627.7361 shall provide emergency care
170 coverage to the named insured, relatives residing in the same
171 household, persons operating the insured motor vehicle,
172 passengers in such motor vehicle, and other persons struck by
173 such motor vehicle and suffering bodily injury while not an
174 occupant of a self-propelled vehicle, subject to the terms and
175 limitations of this chapter and the insurance policy, to a limit
176 of \$15,000 for loss sustained by any such person as a result of
177 bodily injury, sickness, disease, or death arising out of the
178 ownership, maintenance, or use of a motor vehicle for one
179 hundred percent of all allowable charges for medically necessary
180 emergency care consisting of but not limited to medical,
181 surgical, X-ray, dental, rehabilitative services, prosthetic
182 devices, ambulance, hospital, and nursing services for the
183 following services:

184 1. Emergency transport and treatment rendered by an
185 ambulance provider licensed under part III of chapter 401 within
186 12 hours after the motor vehicle accident.

187 2. Emergency services and care, as defined in s.
188 395.002(10), rendered within 72 hours after the motor vehicle
189 accident, by physicians, dentists, and hospitals in a hospital
190 emergency department, trauma center, or inpatient department
191 licensed pursuant to chapter 395.

192 3. Subsequent medically necessary hospital, dental, and
193 physician inpatient care resulting from a motor vehicle
194 accident, provided the patient is admitted within 72 hours after
195 the motor vehicle accident.

196 4. Subsequent medically necessary care and services
 197 directly related to a medical diagnosis rendered within 72 hours
 198 after the motor vehicle accident, subject to the following:

199 a. The diagnosis shall be rendered in a hospital emergency
 200 department, trauma center, or inpatient department licensed
 201 under chapter 395 and rendered by a physician licensed under
 202 chapter 458; an osteopathic physician licensed under chapter
 203 459; or dentist licensed under chapter 466; and

204 b. Medically necessary care and services shall be provided
 205 at a facility owned by either the hospital, the dentist, or the
 206 physician and rendered by a physician licensed under chapter
 207 458, an osteopathic physician licensed under chapter 459, a
 208 dentist licensed under chapter 466, a physician assistant
 209 licensed under chapter 458 or 459, or a registered nurse who
 210 meets the definition of s. 464.003(4).

211 (b) All charges for emergency and subsequent medically
 212 necessary care, treatment, and services are subject to the
 213 provisions of section (5).

214 (2) DEFINITIONS.--As used in ss. 627.7361-627.7363, the
 215 term:

216 (a) "Hospital" means a facility that was licensed under
 217 chapter 395 at the time services or treatment were rendered.

218 (b) "Inpatient care" means medically necessary services
 219 provided for the medical care and treatment of an insured who is
 220 admitted as an inpatient to a hospital as defined in s.
 221 395.002(13).

222 (c) "Medically necessary" means a medical service,
 223 diagnostic test, or supply that a prudent physician would

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224 provide for the purpose of preventing, diagnosing, or treating
225 an illness, injury, disease, or symptom in a manner that is:

226 1. In accordance with generally accepted standards of
227 medical practice.

228 2. Clinically appropriate in terms of type, frequency,
229 extent, site, and duration.

230 3. Not primarily for the convenience of the patient,
231 physician, or other health care provider.

232 (d) "Motor vehicle" means any vehicle with four or more
233 wheels which is of a type both designed and required to be
234 licensed for use on the highways of this state and any trailer
235 or semitrailer designed for use with such vehicle.

236 (e) "Named insured" means a person, usually the owner of a
237 vehicle, identified in a policy by name as the insured under the
238 policy.

239 (f) "Owner" means a person who holds the legal title to a
240 motor vehicle or a debtor or lessee who has the right to
241 possession if a motor vehicle is the subject of a security
242 agreement or lease with an option to purchase.

243 (g) "Relative residing in the same household" means a
244 relative of any degree by blood or by marriage who at the time
245 of injury makes his or her home in the same family unit, whether
246 or not temporarily living elsewhere.

247 (h) "Rendered" means actual performance or a treatment or
248 a service incident to the provider's professional services.

249 (i) "Self-propelled vehicle" means any vehicle which is
250 not propelled solely by human power. The term includes, but is

251 not limited to, motorcycles, ATVs, scooters, minibikes, golf
 252 cars, and similar vehicles.

253 (j) "Service" or "services" includes treatment,
 254 procedures, supplies, and equipment.

255 (3) LIMITATIONS.--Only insurers writing motor vehicle
 256 liability insurance in this state may provide the required
 257 benefits of this section, and such insurers may not require the
 258 purchase of any other motor vehicle coverage other than the
 259 purchase of property damage liability coverage as required by s.
 260 627.7275 as a condition for providing such required benefits.
 261 Insurers may not require that property damage liability
 262 insurance in an amount greater than \$10,000 be purchased in
 263 conjunction with emergency care coverage. Such insurers shall
 264 make benefits and required property damage liability insurance
 265 coverage available through normal marketing channels. Any
 266 insurer writing motor vehicle liability insurance in this state
 267 that fails to comply with such availability requirement as a
 268 general business practice violates part IX of chapter 626, and
 269 such violation constitutes an unfair method of competition or an
 270 unfair or deceptive act or practice involving the business of
 271 insurance. Any such insurer committing such violation is subject
 272 to the penalties imposed in such part, as well as applicable
 273 penalties that may be imposed elsewhere in the insurance code.

274 (4) BENEFITS.--Benefits due from an insurer under this
 275 section shall be primary, except benefits received under any
 276 workers' compensation law shall be credited against the benefits
 277 provided by subsection (1), and shall be due and payable as loss
 278 accrues, upon compliance with the terms and conditions of the

279 insurance policy and this section.

280 (5) CHARGES FOR TREATMENT OF INJURED PERSONS.--Providers
281 lawfully rendering treatment to an injured person pursuant to
282 this section shall submit claims to insurers and insurers shall
283 receive, process, and, after October 1, 2008, pay claims
284 pursuant to the requirements of s. 627.6131. The insurer may
285 reimburse health care facilities and providers for their billed
286 charges or reimburse health care facilities and providers
287 according to the following schedule:

288 (a) Emergency transport and treatment by providers
289 licensed pursuant to chapter 401 may be reimbursed at 150
290 percent of Medicare reimbursement;

291 (b) Emergency services and care provided by hospitals
292 licensed pursuant to chapter 395 may be reimbursed at 75 percent
293 of billed charges;

294 (c) Hospital inpatient services may be reimbursed at 150
295 percent of the Medicare Part A prospective payment applicable to
296 the specific hospital providing the services;

297 (d) Other hospital outpatient services not associated with
298 emergency services and care may be reimbursed at 150 percent of
299 the Medicare Part A Ambulatory Payment Classification for the
300 specific hospital providing the services;

301 (e) Physicians licensed pursuant to chapter 458, chapter
302 459, or chapter 466 rendering emergency services and care,
303 inpatient services and care, and subsequent medically necessary
304 services and care, may be reimbursed at 75 percent of their
305 usual and customary charges as billed; and

306 (f) All other providers may be reimbursed at 150 percent

307 of the applicable Medicare Part B fee schedule.

308
 309 However, if such treatment, care, procedure or service is not
 310 reimbursable under either Medicare Part A or Medicare Part B the
 311 insurer may apply a maximum limitation that is equal to the
 312 maximum reimbursable allowance under workers' compensation, as
 313 determined under s. 440.13 and rules adopted thereunder, which
 314 are in effect at the time such treatment, care, procedure, or
 315 service is performed. Treatments, care, procedures, or services
 316 that are not reimbursable by Medicare or workers' compensation
 317 are not reimbursable by the insurer.

318 (6) REQUIRED PAYMENT OF BENEFITS.--The insurer of the
 319 owner of a motor vehicle shall pay emergency care benefits for:

320 (a) Accidental bodily injury sustained in this state by
 321 the owner while occupying a motor vehicle, or while not an
 322 occupant of a self-propelled vehicle if the injury is caused by
 323 physical contact with a motor vehicle.

324 (b) Accidental bodily injury sustained outside this state,
 325 but within the United States or its territories or possessions
 326 or Canada, by the owner while occupying the owner's motor
 327 vehicle.

328 (c) Accidental bodily injury sustained by a relative of
 329 the owner residing in the same household, under the
 330 circumstances described in paragraph (a) or paragraph (b),
 331 provided the relative at the time of the accident is domiciled
 332 in the owner's household and is not the owner of a motor vehicle
 333 with respect to which security is required or has not waived
 334 such coverage under this section.

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335 (d) Accidental bodily injury sustained in this state by
336 any other person while occupying the owner's motor vehicle or,
337 if the injured person is a resident of this state who is injured
338 while not an occupant of a self-propelled vehicle, if the injury
339 is caused by physical contact with such motor vehicle, provided
340 the injured person is not:

341 1. The owner of a motor vehicle with respect to which
342 security is required or has not waived such coverage under this
343 section.

344 2. Entitled to emergency care benefits from the insurer of
345 the owner or owners of such motor vehicle.

346 (e) If two or more insurers are liable for emergency care
347 benefits for the same injury to any single person, the maximum
348 amount payable shall be as specified in subsection (1), and any
349 insurer paying the benefits shall be entitled to recover from
350 each of the other insurers an equitable pro rata share of the
351 benefits paid an expenses incurred in processing the claim.

352 (7) AUTHORIZED EXCLUSIONS.--Any insurance company may
353 exclude emergency care benefits for any injury sustained by:

354 (a) The named insured and the named insured's spouse,
355 parents by blood or marriage, and children natural or adopted
356 residing in the same household while occupying another motor
357 vehicle owned by the named insured and not insured under the
358 policy.

359 (b) Any person operating the insured motor vehicle without
360 the express or implied consent of the insured.

361 (c) Any injured person, if such person's conduct
362 contributed to her or his injury under any of the following

363 circumstances:

364 1. Intentionally causing injury or a claim for injury to
 365 herself or himself;

366 2. Being injured while committing a felony; or

367 3. Being injured while attempting to flee or elude arrest
 368 or detention by a law enforcement officer.

369 (d) Any person while operating a self-propelled vehicle.

370 (8) ASSIGNMENT OF BENEFITS.--

371 (a) Emergency care benefits are assigned to a health care
 372 provider by the submission of a claim by a health care provider,
 373 with the consent of the insured. The insured shall have no right
 374 to receive any emergency care benefits directly or indirectly
 375 from the insurer.

376 (b) An insured may execute an assignment of benefits to
 377 different health care providers or authorize various health care
 378 providers to submit emergency care claims. The insurer is not
 379 required to reserve emergency care benefits for any provider
 380 during the investigation of the provider's bills and shall
 381 timely pay all bills in the insurer's possession that are
 382 properly payable. In the event of multiple competing assignments
 383 of benefits in which any single claim will exhaust benefits, the
 384 insurer may determine which bill to pay first.

385 (c) An assignment of emergency care benefits to the
 386 provider shall be authorized under this section. The insured is
 387 released of all obligations for the medical bills once an
 388 assignment of benefits is executed. While benefits remain under
 389 the policy, any agreement requiring the injured person or
 390 insured to pay for charges is unenforceable. Notwithstanding

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391 such assignment of benefits, the insured shall be responsible
392 for the allowable amount of the provider's bills once benefits
393 have been exhausted.

394 (9) INSURED'S RIGHTS TO RECOVERY OF SPECIAL DAMAGES IN
395 TORT CLAIMS.--An injured person who is entitled to bring suit
396 for special damages shall have no right to recover any damages
397 for which emergency care coverage benefits are paid. A plaintiff
398 may prove all of her or his special damages notwithstanding this
399 limitation, but if special damages are introduced into evidence,
400 the trier of fact, whether a judge or jury, may not award
401 damages for emergency care coverage benefits paid. In all cases
402 in which a jury is required to fix damages, the court shall
403 instruct the jury that the plaintiff shall not recover such
404 special damages for emergency care benefits paid.

405 (10) DATA REPORTING.--

406 (a) Each insurer that has issued a policy providing
407 emergency care coverage benefits shall report the renewal,
408 cancellation, or nonrenewal of such policy to the Department of
409 Highway Safety and Motor Vehicles within 45 days after the
410 effective date of the renewal, cancellation, or nonrenewal. Upon
411 the issuance of a policy providing emergency care coverage
412 benefits to a named insured not previously insured by the
413 insurer during that calendar year, the insurer shall report the
414 issuance of the new policy to the Department of Highway Safety
415 and Motor Vehicles within 30 days. The report must be in such
416 form and format and contain such information as is required by
417 the department and must include a format compatible with the
418 data processing capabilities of the department. Failure by an

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419 insurer to file proper reports with the department constitutes a
420 violation of the Florida Insurance Code. Reports of
421 cancellations and policy renewals and reports of the issuance of
422 new policies received by the department may be used for
423 enforcement and regulatory purposes only, including the
424 generation by the department of data regarding compliance by
425 owners of motor vehicles with financial responsibility coverage
426 requirements. In addition, the department shall release, upon a
427 written request by a person involved in a motor vehicle
428 accident, the name of the person's attorney or of a
429 representative of the person's motor vehicle insurer, the name
430 of the insurance company, and the policy number for the policy
431 covering the vehicle named by the requesting party. The written
432 request must include a copy of the appropriate accident form as
433 provided in s. 316.065, s. 316.066, or s. 316.068.

434 (b) For each insurance policy providing emergency care
435 coverage benefits, the insurer shall notify the named insured
436 or, in the case of a commercial fleet policy, the first named
437 insured in writing that any cancellation or nonrenewal of the
438 policy will be reported by the insurer to the department. The
439 notice must also inform the named insured that failure to
440 maintain emergency care coverage and property damage liability
441 insurance on a motor vehicle when required by law may result in
442 the loss of registration and driving privileges in this state,
443 and the notice must inform the named insured of the amount of
444 the reinstatement fees required by s. 627.7361(6). This notice
445 is for informational purposes only, and an insurer is not
446 civilly liable for failing to provide this notice.

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

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447 Section 4. Subsection (1) of section 627.901, Florida
 448 Statutes, is amended to read:

449 627.901 Premium financing by an insurance agent or
 450 agency.--

451 (1) A general lines agent may make reasonable service
 452 charges for financing insurance premiums on policies issued or
 453 business produced by such an agent or agency, s. 626.9541
 454 notwithstanding. The service charge shall not exceed \$3 per
 455 installment. The maximum service charge shall not exceed \$36 per
 456 year. The service charge would also be permissible from the
 457 insured when the agent processes, as a convenience and
 458 accommodation to the insured, an installment payment from the
 459 insured to the insurance company or premium finance company when
 460 such payments can be made directly to the insurance company or
 461 premium finance company by the insured. In no case may an agent
 462 collect more than one service charge on any one payment. In lieu
 463 of such service charges, an insurance agent or agency, at the
 464 sole discretion of such agent or agency, may charge a rate of
 465 interest not to exceed 18 percent simple interest per year on:

- 466 (a) The unpaid balance; or
- 467 (b) The average unpaid balance as billed over the term of
- 468 the policy and subject to endorsement changes. The interest
- 469 authorized by this paragraph may be billed in equal
- 470 installments.

471 Section 5. Any automobile insurance policy written prior
 472 to September 30, 2007, complying with the security requirement
 473 of s. 627.733, Florida Statutes, shall be deemed to comply with
 474 the security requirements of s. 627.7361, Florida Statutes, as

475 created by this act, until that policy expires or is terminated.

476 Section 6. Effective October 1, 2012, ss. 627.7361,
 477 627.7362, and 627.7363, Florida Statutes, as created by this
 478 act, are repealed.

479 Section 7. Subsections (1) and (3) of section 316.646,
 480 Florida Statutes, are amended to read:

481 316.646 Security required; proof of security and display
 482 thereof; dismissal of cases.--

483 (1) Any person required by s. 627.7361 ~~627.733~~ to maintain
 484 ~~personal injury protection~~ security on a motor vehicle shall
 485 have in his or her immediate possession at all times while
 486 operating such motor vehicle proper proof of maintenance of the
 487 security required by s. 627.7361 ~~627.733~~ . Such proof shall be
 488 either a uniform proof-of-insurance card in a form prescribed by
 489 the department, a valid insurance policy, an insurance policy
 490 binder, a certificate of insurance, or such other proof as may
 491 be prescribed by the department.

492 (3) Any person who violates this section is guilty of a
 493 nonmoving traffic infraction subject to the penalty provided in
 494 chapter 318 and shall be required to furnish proof of security
 495 as provided in this section. If any person charged with a
 496 violation of this section fails to furnish proof, at or before
 497 the scheduled court appearance date, that security was in effect
 498 at the time of the violation, the court may immediately suspend
 499 the registration and driver's license of such person. Such
 500 license and registration may only be reinstated as provided in
 501 s. 627.7361 ~~627.733~~.

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502 Section 8. Paragraph (b) of subsection (2) of section
 503 318.18, Florida Statutes, is amended to read:

504 318.18 Amount of civil penalties.--The penalties required
 505 for a noncriminal disposition pursuant to s. 318.14 are as
 506 follows:

507 (2) Thirty dollars for all nonmoving traffic violations
 508 and:

509 (b) For all violations of ss. 320.0605, 320.07(1),
 510 322.065, and 322.15(1). Any person who is cited for a violation
 511 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.
 512 320.07(4).

513 1. If a person who is cited for a violation of s. 320.0605
 514 or s. 320.07 can show proof of having a valid registration at
 515 the time of arrest, the clerk of the court may dismiss the case
 516 and may assess a dismissal fee of up to \$7.50. A person who
 517 finds it impossible or impractical to obtain a valid
 518 registration certificate must submit an affidavit detailing the
 519 reasons for the impossibility or impracticality. The reasons may
 520 include, but are not limited to, the fact that the vehicle was
 521 sold, stolen, or destroyed; that the state in which the vehicle
 522 is registered does not issue a certificate of registration; or
 523 that the vehicle is owned by another person.

524 2. If a person who is cited for a violation of s. 322.03,
 525 s. 322.065, or s. 322.15 can show a driver's license issued to
 526 him or her and valid at the time of arrest, the clerk of the
 527 court may dismiss the case and may assess a dismissal fee of up
 528 to \$7.50.

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529 3. If a person who is cited for a violation of s. 316.646
530 can show proof of security as required by s. 627.7361 ~~627.733~~,
531 issued to the person and valid at the time of arrest, the clerk
532 of the court may dismiss the case and may assess a dismissal fee
533 of up to \$7.50. A person who finds it impossible or impractical
534 to obtain proof of security must submit an affidavit detailing
535 the reasons for the impracticality. The reasons may include, but
536 are not limited to, the fact that the vehicle has since been
537 sold, stolen, or destroyed; that the owner or registrant of the
538 vehicle is not required by s. 627.7361 ~~627.733~~ to maintain
539 security ~~personal injury protection insurance~~; or that the
540 vehicle is owned by another person.

541 Section 9. Paragraphs (a) and (d) of subsection (5) of
542 section 320.02, Florida Statutes, are amended to read:

543 320.02 Registration required; application for
544 registration; forms.--

545 (5) (a) Proof that emergency care benefits ~~personal injury~~
546 ~~protection benefits~~ have been purchased when required under s.
547 627.7361 ~~627.733~~, that property damage liability coverage has
548 been purchased as required under s. 324.022, and that combined
549 bodily liability insurance and property damage liability
550 insurance have been purchased when required under s. 627.7415
551 shall be provided in the manner prescribed by law by the
552 applicant at the time of application for registration of any
553 motor vehicle owned as defined in s. 627.7363 ~~627.732~~. The
554 issuing agent shall refuse to issue registration if such proof
555 of purchase is not provided. Insurers shall furnish uniform
556 proof-of-purchase cards in a form prescribed by the department

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557 and shall include the name of the insured's insurance company,
 558 the coverage identification number, the make, year, and vehicle
 559 identification number of the vehicle insured. The card shall
 560 contain a statement notifying the applicant of the penalty
 561 specified in s. 316.646(4). The card or insurance policy,
 562 insurance policy binder, or certificate of insurance or a
 563 photocopy of any of these; an affidavit containing the name of
 564 the insured's insurance company, the insured's policy number,
 565 and the make and year of the vehicle insured; or such other
 566 proof as may be prescribed by the department shall constitute
 567 sufficient proof of purchase. If an affidavit is provided as
 568 proof, it shall be in substantially the following form:

569
 570 Under penalty of perjury, I (Name of insured) do hereby
 571 certify that I have (Emergency Care Coverage ~~Personal Injury~~
 572 ~~Protection~~, Property Damage Liability, and, when required,
 573 Bodily Injury Liability) Insurance currently in effect with
 574 (Name of insurance company) under (policy number) covering
 575 (make, year, and vehicle identification number of vehicle) .
 576 (Signature of Insured)

577
 578 Such affidavit shall include the following warning:

579
 580 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 581 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 582 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
 583 SUBJECT TO PROSECUTION.

584

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585 When an application is made through a licensed motor vehicle
586 dealer as required in s. 319.23, the original or a photostatic
587 copy of such card, insurance policy, insurance policy binder, or
588 certificate of insurance or the original affidavit from the
589 insured shall be forwarded by the dealer to the tax collector of
590 the county or the Department of Highway Safety and Motor
591 Vehicles for processing. By executing the aforesaid affidavit,
592 no licensed motor vehicle dealer will be liable in damages for
593 any inadequacy, insufficiency, or falsification of any statement
594 contained therein. A card shall also indicate the existence of
595 any bodily injury liability insurance voluntarily purchased.

596 (d) The verifying of proof of emergency care insurance
597 ~~personal injury protection insurance~~, proof of combined bodily
598 liability insurance and property damage liability insurance, or
599 proof of financial responsibility insurance and the issuance or
600 failure to issue the motor vehicle registration under the
601 provisions of this chapter may not be construed in any court as
602 a warranty of the reliability or accuracy of the evidence of
603 such proof. Neither the department nor any tax collector is
604 liable in damages for any inadequacy, insufficiency,
605 falsification, or unauthorized modification of any item of the
606 proof of emergency care insurance ~~personal injury protection~~
607 ~~insurance~~, proof of combined bodily liability insurance and
608 property damage liability insurance, or proof of financial
609 responsibility insurance either prior to, during, or subsequent
610 to the verification of the proof. The issuance of a motor
611 vehicle registration does not constitute prima facie evidence or
612 a presumption of insurance coverage.

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613 Section 10. Paragraph (b) of subsection (1) of section
614 320.0609, Florida Statutes, is amended to read:

615 320.0609 Transfer and exchange of registration license
616 plates; transfer fee.--

617 (1)

618 (b) The transfer of a license plate from a vehicle
619 disposed of to a newly acquired vehicle does not constitute a
620 new registration. The application for transfer shall be accepted
621 without requiring proof of emergency care ~~personal injury~~
622 ~~protection~~ or liability insurance.

623 Section 11. Subsection (3) of section 320.27, Florida
624 Statutes, is amended to read:

625 320.27 Motor vehicle dealers.--

626 (3) APPLICATION AND FEE.--The application for the license
627 shall be in such form as may be prescribed by the department and
628 shall be subject to such rules with respect thereto as may be so
629 prescribed by it. Such application shall be verified by oath or
630 affirmation and shall contain a full statement of the name and
631 birth date of the person or persons applying therefor; the name
632 of the firm or copartnership, with the names and places of
633 residence of all members thereof, if such applicant is a firm or
634 copartnership; the names and places of residence of the
635 principal officers, if the applicant is a body corporate or
636 other artificial body; the name of the state under whose laws
637 the corporation is organized; the present and former place or
638 places of residence of the applicant; and prior business in
639 which the applicant has been engaged and the location thereof.
640 Such application shall describe the exact location of the place

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641 of business and shall state whether the place of business is
642 owned by the applicant and when acquired, or, if leased, a true
643 copy of the lease shall be attached to the application. The
644 applicant shall certify that the location provides an adequately
645 equipped office and is not a residence; that the location
646 affords sufficient unoccupied space upon and within which
647 adequately to store all motor vehicles offered and displayed for
648 sale; and that the location is a suitable place where the
649 applicant can in good faith carry on such business and keep and
650 maintain books, records, and files necessary to conduct such
651 business, which will be available at all reasonable hours to
652 inspection by the department or any of its inspectors or other
653 employees. The applicant shall certify that the business of a
654 motor vehicle dealer is the principal business which shall be
655 conducted at that location. Such application shall contain a
656 statement that the applicant is either franchised by a
657 manufacturer of motor vehicles, in which case the name of each
658 motor vehicle that the applicant is franchised to sell shall be
659 included, or an independent (nonfranchised) motor vehicle
660 dealer. Such application shall contain such other relevant
661 information as may be required by the department, including
662 evidence that the applicant is insured under a garage liability
663 insurance policy, which shall include, at a minimum, \$25,000
664 combined single-limit liability coverage including bodily injury
665 and property damage protection and \$15,000 emergency care
666 benefits ~~\$10,000 personal injury protection~~. Such policy shall
667 be for the license period, and evidence of a new or continued
668 policy shall be delivered to the department at the beginning of

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669 each license period. Upon making such initial application, the
670 person applying therefor shall pay to the department a fee of
671 \$300 in addition to any other fees now required by law; upon
672 making a subsequent renewal application, the person applying
673 therefor shall pay to the department a fee of \$75 in addition to
674 any other fees now required by law. Upon making an application
675 for a change of location, the person shall pay a fee of \$50 in
676 addition to any other fees now required by law. The department
677 shall, in the case of every application for initial licensure,
678 verify whether certain facts set forth in the application are
679 true. Each applicant, general partner in the case of a
680 partnership, or corporate officer and director in the case of a
681 corporate applicant, must file a set of fingerprints with the
682 department for the purpose of determining any prior criminal
683 record or any outstanding warrants. The department shall submit
684 the fingerprints to the Department of Law Enforcement for state
685 processing and forwarding to the Federal Bureau of Investigation
686 for federal processing. The actual cost of such state and
687 federal processing shall be borne by the applicant and is to be
688 in addition to the fee for licensure. The department may issue a
689 license to an applicant pending the results of the fingerprint
690 investigation, which license is fully revocable if the
691 department subsequently determines that any facts set forth in
692 the application are not true or correctly represented.

693 Section 12. Paragraph (j) of subsection (3) of section
694 320.771, Florida Statutes, is amended to read:

695 320.771 License required of recreational vehicle
696 dealers.--

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

701 (j) A statement that the applicant is insured under a
 702 garage liability insurance policy, which shall include, at a
 703 minimum, \$25,000 combined single-limit liability coverage,
 704 including bodily injury and property damage protection, and
 705 \$15,000 emergency care coverage ~~\$10,000 personal injury~~
 706 ~~protection~~, if the applicant is to be licensed as a dealer in,
 707 or intends to sell, recreational vehicles.

708
 709 The department shall, if it deems necessary, cause an
 710 investigation to be made to ascertain if the facts set forth in
 711 the application are true and shall not issue a license to the
 712 applicant until it is satisfied that the facts set forth in the
 713 application are true.

714 Section 13. Subsection (1) of section 322.251, Florida
 715 Statutes, is amended to read:

716 322.251 Notice of cancellation, suspension, revocation, or
 717 disqualification of license.--

718 (1) All orders of cancellation, suspension, revocation, or
 719 disqualification issued under the provisions of this chapter,
 720 chapter 318, chapter 324, or s. 627.7361 ~~ss. 627.732-627.734~~
 721 shall be given either by personal delivery thereof to the
 722 licensee whose license is being canceled, suspended, revoked, or
 723 disqualified or by deposit in the United States mail in an
 724 envelope, first class, postage prepaid, addressed to the

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725 licensee at his or her last known mailing address furnished to
 726 the department. Such mailing by the department constitutes
 727 notification, and any failure by the person to receive the
 728 mailed order will not affect or stay the effective date or term
 729 of the cancellation, suspension, revocation, or disqualification
 730 of the licensee's driving privilege.

731 Section 14. Paragraph (a) of subsection (8) of section
 732 322.34, Florida Statutes, is amended to read:

733 322.34 Driving while license suspended, revoked, canceled,
 734 or disqualified.--

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

738 1. Whether the person's driver's license is suspended or
 739 revoked.

740 2. Whether the person's driver's license has remained
 741 suspended or revoked since a conviction for the offense of
 742 driving with a suspended or revoked license.

743 3. Whether the suspension or revocation was made under s.
 744 627.7361 ~~316.646~~ or s. ~~627.733~~, relating to failure to maintain
 745 required security, or under s. 322.264, relating to habitual
 746 traffic offenders.

747 4. Whether the driver is the registered owner or coowner
 748 of the vehicle.

749 Section 15. Subsection (1) and paragraph (c) of subsection
 750 (9) of section 324.021, Florida Statutes, are amended to read:

751 324.021 Definitions; minimum insurance required.--The
 752 following words and phrases when used in this chapter shall, for

753 the purpose of this chapter, have the meanings respectively
 754 ascribed to them in this section, except in those instances
 755 where the context clearly indicates a different meaning:

756 (1) MOTOR VEHICLE.--Every self-propelled vehicle which is
 757 designed and required to be licensed for use upon a highway,
 758 including trailers and semitrailers designed for use with such
 759 vehicles, except traction engines, road rollers, farm tractors,
 760 power shovels, and well drillers, and every vehicle which is
 761 propelled by electric power obtained from overhead wires but not
 762 operated upon rails, but not including any bicycle or moped.
 763 However, the term "motor vehicle" shall not include any motor
 764 vehicle as defined in s. 627.7362 ~~627.732(3)~~ when the owner of
 765 such vehicle has complied with the requirements of s. 627.7361
 766 ~~ss. 627.730-627.7405, inclusive~~, unless the provisions of s.
 767 324.051 apply; and, in such case, the applicable proof of
 768 insurance provisions of s. 320.02 apply.

769 (9) OWNER; OWNER/LESSOR.--

770 (c) Application.--

771 1. The limits on liability in subparagraphs (b)2. and 3.
 772 do not apply to an owner of motor vehicles that are used for
 773 commercial activity in the owner's ordinary course of business,
 774 other than a rental company that rents or leases motor vehicles.
 775 For purposes of this paragraph, the term "rental company"
 776 includes only an entity that is engaged in the business of
 777 renting or leasing motor vehicles to the general public and that
 778 rents or leases a majority of its motor vehicles to persons with
 779 no direct or indirect affiliation with the rental company. The
 780 term also includes a motor vehicle dealer that provides

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781 temporary replacement vehicles to its customers for up to 10
782 days. The term "rental company" also includes:

783 a. A related rental or leasing company that is a
784 subsidiary of the same parent company as that of the renting or
785 leasing company that rented or leased the vehicle.

786 b. The holder of a motor vehicle title or an equity
787 interest in a motor vehicle title if the title or equity
788 interest is held pursuant to or to facilitate an asset-backed
789 securitization of a fleet of motor vehicles used solely in the
790 business of renting or leasing motor vehicles to the general
791 public and under the dominion and control of a rental company,
792 as described in this subparagraph, in the operation of such
793 rental company's business.

794 2. Furthermore, with respect to a commercial motor vehicle
795 ~~vehicles as defined in s. 627.732~~, the limits on liability in
796 subparagraphs (b)2. and 3. do not apply if, at the time of the
797 incident, the commercial motor vehicle is being used in the
798 transportation of materials found to be hazardous for the
799 purposes of the Hazardous Materials Transportation Authorization
800 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
801 required pursuant to such act to carry placards warning others
802 of the hazardous cargo, unless at the time of lease or rental
803 either:

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

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808 b. The lessee or other operator of the commercial motor
809 vehicle has in effect insurance with limits of at least
810 \$5,000,000 combined property damage and bodily injury liability.

811
812 For the purposes of this subparagraph, the term "commercial
813 motor vehicle" does not include a motor vehicle that is a sedan,
814 station wagon, or jeep-type vehicle and, if not used primarily
815 for occupational, professional, or business purposes, a motor
816 vehicle of the pickup, panel, van, camper, or motor home type.

817 Section 16. Section 324.022, Florida Statutes, is amended
818 to read:

819 324.022 Financial responsibility for property damage.--

820 (1) Every owner or operator of a motor vehicle, which
821 motor vehicle is subject to the requirements of s. 627.7361 ~~ss.~~
822 ~~627.730-627.7405~~ and required to be registered in this state,
823 shall, by one of the methods established in s. 324.031 or by
824 having a policy that complies with s. 627.7275, establish and
825 maintain the ability to respond in damages for liability on
826 account of accidents arising out of the use of the motor vehicle
827 in the amount of \$10,000 because of damage to, or destruction
828 of, property of others in any one crash. The requirements of
829 this section may also be met by having a policy which provides
830 coverage in the amount of at least \$30,000 for combined property
831 damage liability and bodily injury liability for any one crash
832 arising out of the use of the motor vehicle. No insurer shall
833 have any duty to defend uncovered claims irrespective of their
834 joinder with covered claims.

835 (2) For the purposes of this section, the term:

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836 (a) "Motor vehicle" means any self-propelled vehicle with
837 four or more wheels which is of a type both designed and
838 required to be licensed for use on the highways of this state
839 and any trailer or semitrailer designed for use with such
840 vehicle and includes a private passenger motor vehicle and a
841 commercial motor vehicle. The term "motor vehicle" does not
842 include a mobile home or any motor vehicle which is used in mass
843 transit, other than public school transportation, and designed
844 to transport more than five passengers exclusive of the operator
845 of the motor vehicle and which is owned by a municipality, a
846 transit authority, or a political subdivision of the state.

847 (b) "Private passenger motor vehicle" means any motor
848 vehicle which is a sedan, station wagon, or jeep-type vehicle
849 and, if not used primarily for occupational, professional, or
850 business purposes, a motor vehicle of the pickup, panel, van,
851 camper, or motor home type.

852 (c) "Commercial motor vehicle" means any motor vehicle
853 which is not a private passenger motor vehicle.

854 Section 17. Subsection (2) of section 324.171, Florida
855 Statutes, is amended to read:

856 324.171 Self-insurer.--

857 (2) The self-insurance certificate shall provide limits of
858 liability insurance in the amounts specified under s. 324.021(7)
859 or s. 627.7415 and shall provide emergency care ~~personal injury~~
860 ~~protection~~ coverage under s. 627.7361(3)(b) ~~627.733(3)(b)~~.

861 Section 18. Paragraph (g) of subsection (1) of section
862 400.9935, Florida Statutes, is amended to read:

863 400.9935 Clinic responsibilities.--

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864 (1) Each clinic shall appoint a medical director or clinic
865 director who shall agree in writing to accept legal
866 responsibility for the following activities on behalf of the
867 clinic. The medical director or the clinic director shall:

868 (g) Conduct systematic reviews of clinic billings to
869 ensure that the billings are not fraudulent or unlawful. Upon
870 discovery of an unlawful charge, the medical director or clinic
871 director shall take immediate corrective action. ~~If the clinic
872 performs only the technical component of magnetic resonance
873 imaging, static radiographs, computed tomography, or positron
874 emission tomography, and provides the professional
875 interpretation of such services, in a fixed facility that is
876 accredited by the Joint Commission on Accreditation of
877 Healthcare Organizations or the Accreditation Association for
878 Ambulatory Health Care, and the American College of Radiology;
879 and if, in the preceding quarter, the percentage of scans
880 performed by that clinic which was billed to all personal injury
881 protection insurance carriers was less than 15 percent, the
882 chief financial officer of the clinic may, in a written
883 acknowledgment provided to the agency, assume the responsibility
884 for the conduct of the systematic reviews of clinic billings to
885 ensure that the billings are not fraudulent or unlawful.~~

886 Section 19. Subsection (27) of section 409.901, Florida
887 Statutes, is amended to read:

888 409.901 Definitions; ss. 409.901-409.920.--As used in ss.
889 409.901-409.920, except as otherwise specifically provided, the
890 term:

891 (27) "Third-party benefit" means any benefit that is or
 892 may be available at any time through contract, court award,
 893 judgment, settlement, agreement, or any arrangement between a
 894 third party and any person or entity, including, without
 895 limitation, a Medicaid recipient, a provider, another third
 896 party, an insurer, or the agency, for any Medicaid-covered
 897 injury, illness, goods, or services, including costs of medical
 898 services related thereto, for personal injury or for death of
 899 the recipient, but specifically excluding policies of life
 900 insurance on the recipient, unless available under terms of the
 901 policy to pay medical expenses prior to death. The term
 902 includes, without limitation, collateral, as defined in this
 903 section, health insurance, any benefit under a health
 904 maintenance organization, a preferred provider arrangement, a
 905 prepaid health clinic, liability insurance, uninsured motorist
 906 insurance or emergency care ~~personal injury protection~~ coverage,
 907 medical benefits under workers' compensation, and any obligation
 908 under law or equity to provide medical support.

909 Section 20. Paragraph (f) of subsection (11) of section
 910 409.910, Florida Statutes, is amended to read:

911 409.910 Responsibility for payments on behalf of Medicaid-
 912 eligible persons when other parties are liable.--

913 (11) The agency may, as a matter of right, in order to
 914 enforce its rights under this section, institute, intervene in,
 915 or join any legal or administrative proceeding in its own name
 916 in one or more of the following capacities: individually, as
 917 subrogee of the recipient, as assignee of the recipient, or as
 918 lienholder of the collateral.

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919 (f) Notwithstanding any provision in this section to the
920 contrary, in the event of an action in tort against a third
921 party in which the recipient or his or her legal representative
922 is a party which results in a judgment, award, or settlement
923 from a third party, the amount recovered shall be distributed as
924 follows:

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

929 2. The remaining amount of the recovery shall be paid to
930 the recipient.

931 3. For purposes of calculating the agency's recovery of
932 medical assistance benefits paid, the fee for services of an
933 attorney retained by the recipient or his or her legal
934 representative shall be calculated at 25 percent of the
935 judgment, award, or settlement.

936 4. Notwithstanding any provision of this section to the
937 contrary, the agency shall be entitled to all medical coverage
938 benefits up to the total amount of medical assistance provided
939 by Medicaid. For purposes of this paragraph, "medical coverage"
940 means any benefits under health insurance, a health maintenance
941 organization, a preferred provider arrangement, or a prepaid
942 health clinic, and the portion of benefits designated for
943 medical payments under coverage for workers' compensation,
944 emergency care ~~personal injury protection~~, and casualty.

945 Section 21. Paragraph (k) of subsection (2) of section
946 456.057, Florida Statutes, is amended to read:

947 456.057 Ownership and control of patient records; report
 948 or copies of records to be furnished.--

949 (2) As used in this section, the terms "records owner,"
 950 "health care practitioner," and "health care practitioner's
 951 employer" do not include any of the following persons or
 952 entities; furthermore, the following persons or entities are not
 953 authorized to acquire or own medical records, but are authorized
 954 under the confidentiality and disclosure requirements of this
 955 section to maintain those documents required by the part or
 956 chapter under which they are licensed or regulated:

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

958 Section 22. Paragraphs (ee) and (ff) of subsection (1) of
 959 section 456.072, Florida Statutes, are amended to read:

960 456.072 Grounds for discipline; penalties; enforcement.--

961 (1) The following acts shall constitute grounds for which
 962 the disciplinary actions specified in subsection (2) may be
 963 taken:

964 (ee) With respect to making an emergency care ~~a personal~~
 965 ~~injury protection~~ claim as required by ~~s. 627.736~~, intentionally
 966 submitting a claim, statement, or bill that has been "upcoded,"
 967 which means submitting a billing code that would result in
 968 payment greater in amount that would be paid using the billing
 969 code that actually describes the services performed as defined
 970 ~~in s. 627.732.~~

971 (ff) With respect to making an emergency care ~~a personal~~
 972 ~~injury protection~~ claim as required by ~~s. 627.736~~, intentionally
 973 submitting a claim, statement, or bill for payment of services
 974 that were not rendered.

975 Section 23. Paragraph (o) of subsection (1) of section
 976 626.9541, Florida Statutes, is amended to read:

977 626.9541 Unfair methods of competition and unfair or
 978 deceptive acts or practices defined.--

979 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 980 ACTS.--The following are defined as unfair methods of
 981 competition and unfair or deceptive acts or practices:

982 (o) Illegal dealings in premiums; excess or reduced
 983 charges for insurance.--

984 1. Knowingly collecting any sum as a premium or charge for
 985 insurance, which is not then provided, or is not in due course
 986 to be provided, subject to acceptance of the risk by the
 987 insurer, by an insurance policy issued by an insurer as
 988 permitted by this code.

989 2. Knowingly collecting as a premium or charge for
 990 insurance any sum in excess of or less than the premium or
 991 charge applicable to such insurance, in accordance with the
 992 applicable classifications and rates as filed with and approved
 993 by the office, and as specified in the policy; or, in cases when
 994 classifications, premiums, or rates are not required by this
 995 code to be so filed and approved, premiums and charges collected
 996 from a Florida resident in excess of or less than those
 997 specified in the policy and as fixed by the insurer. This
 998 provision shall not be deemed to prohibit the charging and
 999 collection, by surplus lines agents licensed under part VIII of
 1000 this chapter, of the amount of applicable state and federal
 1001 taxes, or fees as authorized by s. 626.916(4), in addition to
 1002 the premium required by the insurer or the charging and

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1003 collection, by licensed agents, of the exact amount of any
 1004 discount or other such fee charged by a credit card facility in
 1005 connection with the use of a credit card, as authorized by
 1006 subparagraph (q)3., in addition to the premium required by the
 1007 insurer. This subparagraph shall not be construed to prohibit
 1008 collection of a premium for a universal life or a variable or
 1009 indeterminate value insurance policy made in accordance with the
 1010 terms of the contract.

1011 3.a. Imposing or requesting an additional premium for a
 1012 policy of motor vehicle liability, emergency care coverage
 1013 ~~personal injury protection~~, medical payment, or collision
 1014 insurance or any combination thereof or refusing to renew the
 1015 policy solely because the insured was involved in a motor
 1016 vehicle accident unless the insurer's file contains information
 1017 from which the insurer in good faith determines that the insured
 1018 was substantially at fault in the accident.

1019 b. An insurer which imposes and collects such a surcharge
 1020 or which refuses to renew such policy shall, in conjunction with
 1021 the notice of premium due or notice of nonrenewal, notify the
 1022 named insured that he or she is entitled to reimbursement of
 1023 such amount or renewal of the policy under the conditions listed
 1024 below and will subsequently reimburse him or her or renew the
 1025 policy, if the named insured demonstrates that the operator
 1026 involved in the accident was:

- 1027 (I) Lawfully parked;
- 1028 (II) Reimbursed by, or on behalf of, a person responsible
- 1029 for the accident or has a judgment against such person;

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1030 (III) Struck in the rear by another vehicle headed in the
 1031 same direction and was not convicted of a moving traffic
 1032 violation in connection with the accident;

1033 (IV) Hit by a "hit-and-run" driver, if the accident was
 1034 reported to the proper authorities within 24 hours after
 1035 discovering the accident;

1036 (V) Not convicted of a moving traffic violation in
 1037 connection with the accident, but the operator of the other
 1038 automobile involved in such accident was convicted of a moving
 1039 traffic violation;

1040 (VI) Finally adjudicated not to be liable by a court of
 1041 competent jurisdiction;

1042 (VII) In receipt of a traffic citation which was dismissed
 1043 or nolle prossed; or

1044 (VIII) Not at fault as evidenced by a written statement
 1045 from the insured establishing facts demonstrating lack of fault
 1046 which are not rebutted by information in the insurer's file from
 1047 which the insurer in good faith determines that the insured was
 1048 substantially at fault.

1049 c. In addition to the other provisions of this
 1050 subparagraph, an insurer may not fail to renew a policy if the
 1051 insured has had only one accident in which he or she was at
 1052 fault within the current 3-year period. However, an insurer may
 1053 nonrenew a policy for reasons other than accidents in accordance
 1054 with s. 627.728. This subparagraph does not prohibit nonrenewal
 1055 of a policy under which the insured has had three or more
 1056 accidents, regardless of fault, during the most recent 3-year
 1057 period.

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1058 4. Imposing or requesting an additional premium for, or
 1059 refusing to renew, a policy for motor vehicle insurance solely
 1060 because the insured committed a noncriminal traffic infraction
 1061 as described in s. 318.14 unless the infraction is:

1062 a. A second infraction committed within an 18-month
 1063 period, or a third or subsequent infraction committed within a
 1064 36-month period.

1065 b. A violation of s. 316.183, when such violation is a
 1066 result of exceeding the lawful speed limit by more than 15 miles
 1067 per hour.

1068 5. Upon the request of the insured, the insurer and
 1069 licensed agent shall supply to the insured the complete proof of
 1070 fault or other criteria which justifies the additional charge or
 1071 cancellation.

1072 6. No insurer shall impose or request an additional
 1073 premium for motor vehicle insurance, cancel or refuse to issue a
 1074 policy, or refuse to renew a policy because the insured or the
 1075 applicant is a handicapped or physically disabled person, so
 1076 long as such handicap or physical disability does not
 1077 substantially impair such person's mechanically assisted driving
 1078 ability.

1079 7. No insurer may cancel or otherwise terminate any
 1080 insurance contract or coverage, or require execution of a
 1081 consent to rate endorsement, during the stated policy term for
 1082 the purpose of offering to issue, or issuing, a similar or
 1083 identical contract or coverage to the same insured with the same
 1084 exposure at a higher premium rate or continuing an existing

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1085 contract or coverage with the same exposure at an increased
1086 premium.

1087 8. No insurer may issue a nonrenewal notice on any
1088 insurance contract or coverage, or require execution of a
1089 consent to rate endorsement, for the purpose of offering to
1090 issue, or issuing, a similar or identical contract or coverage
1091 to the same insured at a higher premium rate or continuing an
1092 existing contract or coverage at an increased premium without
1093 meeting any applicable notice requirements.

1094 9. No insurer shall, with respect to premiums charged for
1095 motor vehicle insurance, unfairly discriminate solely on the
1096 basis of age, sex, marital status, or scholastic achievement.

1097 10. Imposing or requesting an additional premium for motor
1098 vehicle comprehensive or uninsured motorist coverage solely
1099 because the insured was involved in a motor vehicle accident or
1100 was convicted of a moving traffic violation.

1101 11. No insurer shall cancel or issue a nonrenewal notice
1102 on any insurance policy or contract without complying with any
1103 applicable cancellation or nonrenewal provision required under
1104 the Florida Insurance Code.

1105 12. No insurer shall impose or request an additional
1106 premium, cancel a policy, or issue a nonrenewal notice on any
1107 insurance policy or contract because of any traffic infraction
1108 when adjudication has been withheld and no points have been
1109 assessed pursuant to s. 318.14(9) and (10). However, this
1110 subparagraph does not apply to traffic infractions involving
1111 accidents in which the insurer has incurred a loss due to the
1112 fault of the insured.

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1113 Section 24. Subsection (1) of section 627.06501, Florida
 1114 Statutes, is amended to read:

1115 627.06501 Insurance discounts for certain persons
 1116 completing driver improvement course.--

1117 (1) Any rate, rating schedule, or rating manual for the
 1118 liability, emergency care ~~personal injury protection~~, and
 1119 collision coverages of a motor vehicle insurance policy filed
 1120 with the office may provide for an appropriate reduction in
 1121 premium charges as to such coverages when the principal operator
 1122 on the covered vehicle has successfully completed a driver
 1123 improvement course approved and certified by the Department of
 1124 Highway Safety and Motor Vehicles which is effective in reducing
 1125 crash or violation rates, or both, as determined pursuant to s.
 1126 318.1451(5). Any discount, not to exceed 10 percent, used by an
 1127 insurer is presumed to be appropriate unless credible data
 1128 demonstrates otherwise.

1129 Section 25. Subsection (1) of section 627.0652, Florida
 1130 Statutes, is amended to read:

1131 627.0652 Insurance discounts for certain persons
 1132 completing safety course.--

1133 (1) Any rates, rating schedules, or rating manuals for the
 1134 liability, emergency care ~~personal injury protection~~, and
 1135 collision coverages of a motor vehicle insurance policy filed
 1136 with the office shall provide for an appropriate reduction in
 1137 premium charges as to such coverages when the principal operator
 1138 on the covered vehicle is an insured 55 years of age or older
 1139 who has successfully completed a motor vehicle accident
 1140 prevention course approved by the Department of Highway Safety

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1141 and Motor Vehicles. Any discount used by an insurer is presumed
 1142 to be appropriate unless credible data demonstrates otherwise.

1143 Section 26. Subsections (1) and (3) of section 627.0653,
 1144 Florida Statutes, are amended to read:

1145 627.0653 Insurance discounts for specified motor vehicle
 1146 equipment.--

1147 (1) Any rates, rating schedules, or rating manuals for the
 1148 liability, emergency care ~~personal injury protection~~, and
 1149 collision coverages of a motor vehicle insurance policy filed
 1150 with the office shall provide a premium discount if the insured
 1151 vehicle is equipped with factory-installed, four-wheel antilock
 1152 brakes.

1153 (3) Any rates, rating schedules, or rating manuals for
 1154 emergency care ~~personal injury protection~~ coverage and medical
 1155 payments coverage, if offered, of a motor vehicle insurance
 1156 policy filed with the office shall provide a premium discount if
 1157 the insured vehicle is equipped with one or more air bags which
 1158 are factory installed.

1159 Section 27. Section 627.4132, Florida Statutes, is amended
 1160 to read:

1161 627.4132 Stacking of coverages prohibited.--If an insured
 1162 or named insured is protected by any type of motor vehicle
 1163 insurance policy for liability, emergency care ~~personal injury~~
 1164 ~~protection~~, or other coverage, the policy shall provide that the
 1165 insured or named insured is protected only to the extent of the
 1166 coverage she or he has on the vehicle involved in the accident.
 1167 However, if none of the insured's or named insured's vehicles is
 1168 involved in the accident, coverage is available only to the

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1169 extent of coverage on any one of the vehicles with applicable
 1170 coverage. Coverage on any other vehicles shall not be added to
 1171 or stacked upon that coverage. This section does not apply:

1172 (1) To uninsured motorist coverage which is separately
 1173 governed by s. 627.727.

1174 (2) To reduce the coverage available by reason of
 1175 insurance policies insuring different named insureds.

1176 Section 28. Subsection (6) of section 627.6482, Florida
 1177 Statutes, is amended to read:

1178 627.6482 Definitions.--As used in ss. 627.648-627.6498,
 1179 the term:

1180 (6) "Health insurance" means any hospital and medical
 1181 expense incurred policy, minimum premium plan, stop-loss
 1182 coverage, health maintenance organization contract, prepaid
 1183 health clinic contract, multiple-employer welfare arrangement
 1184 contract, or fraternal benefit society health benefits contract,
 1185 whether sold as an individual or group policy or contract. The
 1186 term does not include any policy covering medical payment
 1187 coverage or emergency care ~~personal injury protection~~ coverage
 1188 in a motor vehicle policy, coverage issued as a supplement to
 1189 liability insurance, or workers' compensation.

1190 Section 29. Section 627.7263, Florida Statutes, is amended
 1191 to read:

1192 627.7263 Rental and leasing driver's insurance to be
 1193 primary; exception.--

1194 (1) The valid and collectible liability insurance or
 1195 emergency care ~~personal injury protection~~ insurance providing
 1196 coverage for the lessor of a motor vehicle for rent or lease is

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1197 primary unless otherwise stated in at least 10-point type on the
 1198 face of the rental or lease agreement. Such insurance is primary
 1199 for the limits of liability and emergency care ~~personal injury~~
 1200 ~~protection~~ coverage as required by ss. 324.021(7) and 627.7363
 1201 ~~627.736~~.

1202 (2) If the lessee's coverage is to be primary, the rental
 1203 or lease agreement must contain the following language, in at
 1204 least 10-point type:

1205
 1206 "The valid and collectible liability insurance and
 1207 emergency care ~~personal injury protection~~ insurance of any
 1208 authorized rental or leasing driver is primary for the
 1209 limits of liability and emergency care ~~personal injury~~
 1210 ~~protection~~ coverage required by ss. 324.021(7) and 627.7363
 1211 ~~627.736~~, Florida Statutes."

1212
 1213 Section 30. Subsections (1), (7), (8), (9), and (10) of
 1214 section 627.727, Florida Statutes, are amended to read:

1215 627.727 Motor vehicle insurance; uninsured and
 1216 underinsured vehicle coverage; insolvent insurer protection.--

1217 (1) No motor vehicle liability insurance policy which
 1218 provides bodily injury liability coverage shall be delivered or
 1219 issued for delivery in this state with respect to any
 1220 specifically insured or identified motor vehicle registered or
 1221 principally garaged in this state unless uninsured motor vehicle
 1222 coverage is provided therein or supplemental thereto for the
 1223 protection of persons insured thereunder who are legally
 1224 entitled to recover damages from owners or operators of

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1225 | uninsured motor vehicles because of bodily injury, sickness, or
1226 | disease, including death, resulting therefrom. However, the
1227 | coverage required under this section is not applicable when, or
1228 | to the extent that, an insured named in the policy makes a
1229 | written rejection of the coverage on behalf of all insureds
1230 | under the policy. When a motor vehicle is leased for a period of
1231 | 1 year or longer and the lessor of such vehicle, by the terms of
1232 | the lease contract, provides liability coverage on the leased
1233 | vehicle, the lessee of such vehicle shall have the sole
1234 | privilege to reject uninsured motorist coverage or to select
1235 | lower limits than the bodily injury liability limits, regardless
1236 | of whether the lessor is qualified as a self-insurer pursuant to
1237 | s. 324.171. Unless an insured, or lessee having the privilege of
1238 | rejecting uninsured motorist coverage, requests such coverage or
1239 | requests higher uninsured motorist limits in writing, the
1240 | coverage or such higher uninsured motorist limits need not be
1241 | provided in or supplemental to any other policy which renews,
1242 | extends, changes, supersedes, or replaces an existing policy
1243 | with the same bodily injury liability limits when an insured or
1244 | lessee had rejected the coverage. When an insured or lessee has
1245 | initially selected limits of uninsured motorist coverage lower
1246 | than her or his bodily injury liability limits, higher limits of
1247 | uninsured motorist coverage need not be provided in or
1248 | supplemental to any other policy which renews, extends, changes,
1249 | supersedes, or replaces an existing policy with the same bodily
1250 | injury liability limits unless an insured requests higher
1251 | uninsured motorist coverage in writing. The rejection or
1252 | selection of lower limits shall be made on a form approved by

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1253 the office. The form shall fully advise the applicant of the
1254 nature of the coverage and shall state that the coverage is
1255 equal to bodily injury liability limits unless lower limits are
1256 requested or the coverage is rejected. The heading of the form
1257 shall be in 12-point bold type and shall state: "You are
1258 electing not to purchase certain valuable coverage which
1259 protects you and your family or you are purchasing uninsured
1260 motorist limits less than your bodily injury liability limits
1261 when you sign this form. Please read carefully." If this form is
1262 signed by a named insured, it will be conclusively presumed that
1263 there was an informed, knowing rejection of coverage or election
1264 of lower limits on behalf of all insureds. The insurer shall
1265 notify the named insured at least annually of her or his options
1266 as to the coverage required by this section. Such notice shall
1267 be part of, and attached to, the notice of premium, shall
1268 provide for a means to allow the insured to request such
1269 coverage, and shall be given in a manner approved by the office.
1270 Receipt of this notice does not constitute an affirmative waiver
1271 of the insured's right to uninsured motorist coverage where the
1272 insured has not signed a selection or rejection form. The
1273 coverage described under this section shall be over and above,
1274 but shall not duplicate, the benefits available to an insured
1275 under any workers' compensation law, emergency care ~~personal~~
1276 ~~injury protection~~ benefits, disability benefits law, or similar
1277 law; under any automobile medical expense coverage; under any
1278 motor vehicle liability insurance coverage; or from the owner or
1279 operator of the uninsured motor vehicle or any other person or
1280 organization jointly or severally liable together with such

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1281 owner or operator for the accident; and such coverage shall
 1282 cover the difference, if any, between the sum of such benefits
 1283 and the damages sustained, up to the maximum amount of such
 1284 coverage provided under this section. The amount of coverage
 1285 available under this section shall not be reduced by a setoff
 1286 against any coverage, including liability insurance. Such
 1287 coverage shall not inure directly or indirectly to the benefit
 1288 of any workers' compensation or disability benefits carrier or
 1289 any person or organization qualifying as a self-insurer under
 1290 any workers' compensation or disability benefits law or similar
 1291 law.

1292 ~~(7) The legal liability of an uninsured motorist coverage~~
 1293 ~~insurer does not include damages in tort for pain, suffering,~~
 1294 ~~mental anguish, and inconvenience unless the injury or disease~~
 1295 ~~is described in one or more of paragraphs (a) (d) of s.~~
 1296 ~~627.737(2).~~

1297 (7)~~(8)~~ The provisions of s. 627.428 do not apply to any
 1298 action brought pursuant to this section against the uninsured
 1299 motorist insurer unless there is a dispute over whether the
 1300 policy provides coverage for an uninsured motorist proven to be
 1301 liable for the accident.

1302 (8)~~(9)~~ Insurers may offer policies of uninsured motorist
 1303 coverage containing policy provisions, in language approved by
 1304 the office, establishing that if the insured accepts this offer:

1305 (a) The coverage provided as to two or more motor vehicles
 1306 shall not be added together to determine the limit of insurance
 1307 coverage available to an injured person for any one accident,
 1308 except as provided in paragraph (c).

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1309 (b) If at the time of the accident the injured person is
1310 occupying a motor vehicle, the uninsured motorist coverage
1311 available to her or him is the coverage available as to that
1312 motor vehicle.

1313 (c) If the injured person is occupying a motor vehicle
1314 which is not owned by her or him or by a family member residing
1315 with her or him, the injured person is entitled to the highest
1316 limits of uninsured motorist coverage afforded for any one
1317 vehicle as to which she or he is a named insured or insured
1318 family member. Such coverage shall be excess over the coverage
1319 on the vehicle the injured person is occupying.

1320 (d) The uninsured motorist coverage provided by the policy
1321 does not apply to the named insured or family members residing
1322 in her or his household who are injured while occupying any
1323 vehicle owned by such insureds for which uninsured motorist
1324 coverage was not purchased.

1325 (e) If, at the time of the accident the injured person is
1326 not occupying a motor vehicle, she or he is entitled to select
1327 any one limit of uninsured motorist coverage for any one vehicle
1328 afforded by a policy under which she or he is insured as a named
1329 insured or as an insured resident of the named insured's
1330 household.

1331
1332 In connection with the offer authorized by this subsection,
1333 insurers shall inform the named insured, applicant, or lessee,
1334 on a form approved by the office, of the limitations imposed
1335 under this subsection and that such coverage is an alternative
1336 to coverage without such limitations. If this form is signed by

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1337 a named insured, applicant, or lessee, it shall be conclusively
 1338 presumed that there was an informed, knowing acceptance of such
 1339 limitations. When the named insured, applicant, or lessee has
 1340 initially accepted such limitations, such acceptance shall apply
 1341 to any policy which renews, extends, changes, supersedes, or
 1342 replaces an existing policy unless the named insured requests
 1343 deletion of such limitations and pays the appropriate premium
 1344 for such coverage. Any insurer who provides coverage which
 1345 includes the limitations provided in this subsection shall file
 1346 revised premium rates with the office for such uninsured
 1347 motorist coverage to take effect prior to initially providing
 1348 such coverage. The revised rates shall reflect the anticipated
 1349 reduction in loss costs attributable to such limitations but
 1350 shall in any event reflect a reduction in the uninsured motorist
 1351 coverage premium of at least 20 percent for policies with such
 1352 limitations. Such filing shall not increase the rates for
 1353 coverage which does not contain the limitations authorized by
 1354 this subsection, and such rates shall remain in effect until the
 1355 insurer demonstrates the need for a change in uninsured motorist
 1356 rates pursuant to s. 627.0651.

1357 (9) ~~(10)~~ The damages recoverable from an uninsured motorist
 1358 carrier in an action brought under s. 624.155 shall include the
 1359 total amount of the claimant's damages, including the amount in
 1360 excess of the policy limits, any interest on unpaid benefits,
 1361 reasonable attorney's fees and costs, and any damages caused by
 1362 a violation of a law of this state. The total amount of the
 1363 claimant's damages is recoverable whether caused by an insurer
 1364 or by a third-party tortfeasor.

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1365 Section 31. Subsection (1) and paragraphs (a) and (b) of
 1366 subsection (2) of section 627.7275, Florida Statutes, are
 1367 amended to read:

1368 627.7275 Motor vehicle liability.--

1369 (1) A motor vehicle insurance policy providing emergency
 1370 care coverage ~~personal injury protection~~ as set forth in s.
 1371 627.7363 ~~627.736~~ may not be delivered or issued for delivery in
 1372 this state with respect to any specifically insured or
 1373 identified motor vehicle registered or principally garaged in
 1374 this state unless the policy also provides coverage for property
 1375 damage liability in the amount of at least \$10,000 because of
 1376 damage to, or destruction of, property of others in any one
 1377 accident arising out of the use of the motor vehicle or unless
 1378 the policy provides coverage in the amount of at least \$30,000
 1379 for combined property damage liability and bodily injury
 1380 liability in any one accident arising out of the use of the
 1381 motor vehicle. The policy, as to coverage of property damage
 1382 liability, must meet the applicable requirements of s. 324.151,
 1383 subject to the usual policy exclusions that have been approved
 1384 in policy forms by the office.

1385 (2) (a) Insurers writing motor vehicle insurance in this
 1386 state shall make available, subject to the insurers' usual
 1387 underwriting restrictions:

1388 1. Coverage under policies as described in subsection (1)
 1389 to any applicant for private passenger motor vehicle insurance
 1390 coverage who is seeking the coverage in order to reinstate the
 1391 applicant's driving privileges in this state when the driving
 1392 privileges were revoked or suspended pursuant to s. 316.646 or

1393 s. 627.7361 ~~627.733~~ due to the failure of the applicant to
 1394 maintain required security.

1395 2. Coverage under policies as described in subsection (1),
 1396 which also provides liability coverage for bodily injury, death,
 1397 and property damage arising out of the ownership, maintenance,
 1398 or use of the motor vehicle in an amount not less than the
 1399 limits described in s. 324.021(7) and conforms to the
 1400 requirements of s. 324.151, to any applicant for private
 1401 passenger motor vehicle insurance coverage who is seeking the
 1402 coverage in order to reinstate the applicant's driving
 1403 privileges in this state after such privileges were revoked or
 1404 suspended under s. 316.193 or s. 322.26(2) for driving under the
 1405 influence.

1406 (b) The policies described in paragraph (a) shall be
 1407 issued for a period of at least 6 months and as to the minimum
 1408 coverages required under this section shall not be cancelable by
 1409 the insured for any reason or by the insurer after a period not
 1410 to exceed 30 days during which the insurer must complete
 1411 underwriting of the policy. After the insurer has completed
 1412 underwriting the policy within the 30-day period, the insurer
 1413 shall notify the Department of Highway Safety and Motor Vehicles
 1414 that the policy is in full force and effect and the policy shall
 1415 not be cancelable for the remainder of the policy period. A
 1416 premium shall be collected and coverage shall be in effect for
 1417 the 30-day period during which the insurer is completing the
 1418 underwriting of the policy whether or not the person's driver
 1419 license, motor vehicle tag, and motor vehicle registration are
 1420 in effect. Once the noncancelable provisions of the policy

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1421 become effective, the coverage or risk shall not be changed
 1422 during the policy period and the premium shall be nonrefundable.
 1423 If, during ~~the pendency of the 2-year proof of insurance period~~
 1424 ~~required under s. 627.733(7) or during~~ the 3-year proof of
 1425 financial responsibility required under s. 324.131, ~~whichever is~~
 1426 ~~applicable~~, the insured obtains additional coverage or coverage
 1427 for an additional risk or changes territories, the insured must
 1428 obtain a new 6-month noncancelable policy in accordance with the
 1429 provisions of this section. However, if the insured must obtain
 1430 a new 6-month policy and obtains the policy from the same
 1431 insurer, the policyholder shall receive credit on the new policy
 1432 for any premium paid on the previously issued policy.

1433 Section 32. Paragraph (a) of subsection (1) of section
 1434 627.728, Florida Statutes, is amended to read:

1435 627.728 Cancellations; nonrenewals.--

1436 (1) As used in this section, the term:

1437 (a) "Policy" means the bodily injury and property damage
 1438 liability, emergency care ~~personal injury protection~~, medical
 1439 payments, comprehensive, collision, and uninsured motorist
 1440 coverage portions of a policy of motor vehicle insurance
 1441 delivered or issued for delivery in this state:

1442 1. Insuring a natural person as named insured or one or
 1443 more related individuals resident of the same household; and

1444 2. Insuring only a motor vehicle of the private passenger
 1445 type or station wagon type which is not used as a public or
 1446 livery conveyance for passengers or rented to others; or
 1447 insuring any other four-wheel motor vehicle having a load
 1448 capacity of 1,500 pounds or less which is not used in the

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1449 occupation, profession, or business of the insured other than
 1450 farming; other than any policy issued under an automobile
 1451 insurance assigned risk plan; insuring more than four
 1452 automobiles; or covering garage, automobile sales agency, repair
 1453 shop, service station, or public parking place operation
 1454 hazards.

1455
 1456 The term "policy" does not include a binder as defined in s.
 1457 627.420 unless the duration of the binder period exceeds 60
 1458 days.

1459 Section 33. Subsection (1), paragraph (a) of subsection
 1460 (5), and subsections (6) and (7) of section 627.7295, Florida
 1461 Statutes, are amended to read:

1462 627.7295 Motor vehicle insurance contracts.--

1463 (1) As used in this section, the term:

1464 (a) "Policy" means a motor vehicle insurance policy that
 1465 provides emergency care ~~personal injury protection~~ and property
 1466 damage liability coverage.

1467 (b) "Binder" means a binder that provides motor vehicle
 1468 emergency care ~~personal injury protection~~ and property damage
 1469 liability coverage.

1470 (5)(a) A licensed general lines agent may charge a per-
 1471 policy fee not to exceed \$10 to cover the administrative costs
 1472 of the agent associated with selling the motor vehicle insurance
 1473 policy if the policy covers only emergency care ~~personal injury~~
 1474 ~~protection~~ coverage as provided by s. 627.7363 ~~627.736~~ and
 1475 property damage liability coverage as provided by s. 627.7275
 1476 and if no other insurance is sold or issued in conjunction with

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1477 or collateral to the policy. The fee is not considered part of
1478 the premium.

1479 (6) If a motor vehicle owner's driver license, license
1480 plate, and registration have previously been suspended pursuant
1481 to s. 316.646 or s. 627.7361 ~~627.733~~, an insurer may cancel a
1482 new policy only as provided in s. 627.7275.

1483 (7) A policy of private passenger motor vehicle insurance
1484 or a binder for such a policy may be initially issued in this
1485 state only if the insurer or agent has collected from the
1486 insured an amount equal to 2 months' premium. An insurer, agent,
1487 or premium finance company may not directly or indirectly take
1488 any action resulting in the insured having paid from the
1489 insured's own funds an amount less than the 2 months' premium
1490 required by this subsection. This subsection applies without
1491 regard to whether the premium is financed by a premium finance
1492 company or is paid pursuant to a periodic payment plan of an
1493 insurer or an insurance agent. This subsection does not apply if
1494 an insured or member of the insured's family is renewing or
1495 replacing a policy or a binder for such policy written by the
1496 same insurer or a member of the same insurer group. This
1497 subsection does not apply to an insurer that issues private
1498 passenger motor vehicle coverage primarily to active duty or
1499 former military personnel or their dependents. This subsection
1500 does not apply if all policy payments are paid pursuant to a
1501 payroll deduction plan or an automatic electronic funds transfer
1502 payment plan from the policyholder, provided that the first
1503 policy payment is made by cash, cashier's check, check, or a
1504 money order. This subsection and subsection (4) do not apply if

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1505 all policy payments to an insurer are paid pursuant to an
 1506 automatic electronic funds transfer payment plan from an agent
 1507 or a managing general agent and if the policy includes, at a
 1508 minimum, emergency care coverage ~~personal injury protection~~
 1509 pursuant to s. 627.7363 ~~ss. 627.730-627.7405~~; motor vehicle
 1510 property damage liability pursuant to s. 627.7275; and bodily
 1511 injury liability in at least the amount of \$10,000 because of
 1512 bodily injury to, or death of, one person in any one accident
 1513 and in the amount of \$20,000 because of bodily injury to, or
 1514 death of, two or more persons in any one accident. This
 1515 subsection and subsection (4) do not apply if an insured has had
 1516 a policy in effect for at least 6 months, the insured's agent is
 1517 terminated by the insurer that issued the policy, and the
 1518 insured obtains coverage on the policy's renewal date with a new
 1519 company through the terminated agent.

1520 Section 34. Section 627.8405, Florida Statutes, is amended
 1521 to read:

1522 627.8405 Prohibited acts; financing companies.--No premium
 1523 finance company shall, in a premium finance agreement or other
 1524 agreement, finance the cost of or otherwise provide for the
 1525 collection or remittance of dues, assessments, fees, or other
 1526 periodic payments of money for the cost of:

1527 (1) A membership in an automobile club. The term
 1528 "automobile club" means a legal entity which, in consideration
 1529 of dues, assessments, or periodic payments of money, promises
 1530 its members or subscribers to assist them in matters relating to
 1531 the ownership, operation, use, or maintenance of a motor
 1532 vehicle; however, this definition of "automobile club" does not

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1533 include persons, associations, or corporations which are
1534 organized and operated solely for the purpose of conducting,
1535 sponsoring, or sanctioning motor vehicle races, exhibitions, or
1536 contests upon racetracks, or upon racecourses established and
1537 marked as such for the duration of such particular events. The
1538 words "motor vehicle" used herein have the same meaning as
1539 defined in chapter 320.

1540 (2) An accidental death and dismemberment policy sold in
1541 combination with a emergency care coverage ~~personal injury~~
1542 ~~protection~~ and property damage only policy.

1543 (3) Any product not regulated under the provisions of this
1544 insurance code.

1545

1546 This section also applies to premium financing by any insurance
1547 agent or insurance company under part XVI. The commission shall
1548 adopt rules to assure disclosure, at the time of sale, of
1549 coverages financed with emergency care coverage ~~personal injury~~
1550 ~~protection~~ and shall prescribe the form of such disclosure.

1551 Section 35. Subsection (1) of section 627.915, Florida
1552 Statutes, is amended to read:

1553 627.915 Insurer experience reporting.--

1554 (1) Each insurer transacting private passenger automobile
1555 insurance in this state shall report certain information
1556 annually to the office. The information will be due on or before
1557 July 1 of each year. The information shall be divided into the
1558 following categories: bodily injury liability; property damage
1559 liability; uninsured motorist; emergency care coverage ~~personal~~
1560 ~~injury protection benefits~~; medical payments; comprehensive and

1561 collision. The information given shall be on direct insurance
 1562 writings in the state alone and shall represent total limits
 1563 data. The information set forth in paragraphs (a)-(f) is
 1564 applicable to voluntary private passenger and Joint Underwriting
 1565 Association private passenger writings and shall be reported for
 1566 each of the latest 3 calendar-accident years, with an evaluation
 1567 date of March 31 of the current year. The information set forth
 1568 in paragraphs (g)-(j) is applicable to voluntary private
 1569 passenger writings and shall be reported on a calendar-accident
 1570 year basis ultimately seven times at seven different stages of
 1571 development.

1572 (a) Premiums earned for the latest 3 calendar-accident
 1573 years.

1574 (b) Loss development factors and the historic development
 1575 of those factors.

1576 (c) Policyholder dividends incurred.

1577 (d) Expenses for other acquisition and general expense.

1578 (e) Expenses for agents' commissions and taxes, licenses,
 1579 and fees.

1580 (f) Profit and contingency factors as utilized in the
 1581 insurer's automobile rate filings for the applicable years.

1582 (g) Losses paid.

1583 (h) Losses unpaid.

1584 (i) Loss adjustment expenses paid.

1585 (j) Loss adjustment expenses unpaid.

1586 Section 36. Paragraph (d) of subsection (2) and paragraph
 1587 (d) of subsection (3) of section 628.909, Florida Statutes, are
 1588 amended to read:

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1589 628.909 Applicability of other laws.--

1590 (2) The following provisions of the Florida Insurance Code
1591 shall apply to captive insurers who are not industrial insured
1592 captive insurers to the extent that such provisions are not
1593 inconsistent with this part:

1594 (d) Section 627.7363 ~~Sections 627.730-627.7405, when no-~~
1595 ~~fault coverage is provided.~~

1596 (3) The following provisions of the Florida Insurance Code
1597 shall apply to industrial insured captive insurers to the extent
1598 that such provisions are not inconsistent with this part:

1599 (d) Section 627.7363 ~~Sections 627.730-627.7405 when no-~~
1600 ~~fault coverage is provided.~~

1601 Section 37. Paragraphs (a), (b), and (c) of subsection (4)
1602 of section 713.78, Florida Statutes, are amended to read:

1603 713.78 Liens for recovering, towing, or storing vehicles
1604 and vessels.--

1605 (4) (a) Any person regularly engaged in the business of
1606 recovering, towing, or storing vehicles or vessels who comes
1607 into possession of a vehicle or vessel pursuant to subsection
1608 (2), and who claims a lien for recovery, towing, or storage
1609 services, shall give notice to the registered owner, the
1610 insurance company insuring the vehicle ~~notwithstanding the~~
1611 ~~provisions of s. 627.736,~~ and to all persons claiming a lien
1612 thereon, as disclosed by the records in the Department of
1613 Highway Safety and Motor Vehicles or of a corresponding agency
1614 in any other state.

1615 (b) Whenever any law enforcement agency authorizes the
1616 removal of a vehicle or vessel or whenever any towing service,

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1617 garage, repair shop, or automotive service, storage, or parking
 1618 place notifies the law enforcement agency of possession of a
 1619 vehicle or vessel pursuant to s. 715.07(2)(a)2., the applicable
 1620 law enforcement agency shall contact the Department of Highway
 1621 Safety and Motor Vehicles, or the appropriate agency of the
 1622 state of registration, if known, within 24 hours through the
 1623 medium of electronic communications, giving the full description
 1624 of the vehicle or vessel. Upon receipt of the full description
 1625 of the vehicle or vessel, the department shall search its files
 1626 to determine the owner's name, the insurance company insuring
 1627 the vehicle or vessel, and whether any person has filed a lien
 1628 upon the vehicle or vessel as provided in s. 319.27(2) and (3)
 1629 and notify the applicable law enforcement agency within 72
 1630 hours. The person in charge of the towing service, garage,
 1631 repair shop, or automotive service, storage, or parking place
 1632 shall obtain such information from the applicable law
 1633 enforcement agency within 5 days after the date of storage and
 1634 shall give notice pursuant to paragraph (a). The department may
 1635 release the insurance company information to the requestor
 1636 ~~notwithstanding the provisions of s. 627.736.~~

1637 (c) Notice by certified mail, return receipt requested,
 1638 shall be sent within 7 business days after the date of storage
 1639 of the vehicle or vessel to the registered owner, the insurance
 1640 company insuring the vehicle ~~notwithstanding the provisions of~~
 1641 ~~s. 627.736~~, and all persons of record claiming a lien against
 1642 the vehicle or vessel. It shall state the fact of possession of
 1643 the vehicle or vessel, that a lien as provided in subsection (2)
 1644 is claimed, that charges have accrued and the amount thereof,

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1645 that the lien is subject to enforcement pursuant to law, and
 1646 that the owner or lienholder, if any, has the right to a hearing
 1647 as set forth in subsection (5), and that any vehicle or vessel
 1648 which remains unclaimed, or for which the charges for recovery,
 1649 towing, or storage services remain unpaid, may be sold free of
 1650 all prior liens after 35 days if the vehicle or vessel is more
 1651 than 3 years of age or after 50 days if the vehicle or vessel is
 1652 3 years of age or less.

1653 Section 38. Paragraph (c) of subsection (7), paragraphs
 1654 (a), (b), and (c) of subsection (8), and subsection (9) of
 1655 section 817.234, Florida Statutes, are amended to read:

1656 817.234 False and fraudulent insurance claims.--

1657 (7)

1658 ~~(c) An insurer, or any person acting at the direction of~~
 1659 ~~or on behalf of an insurer, may not change an opinion in a~~
 1660 ~~mental or physical report prepared under s. 627.736(7) or direct~~
 1661 ~~the physician preparing the report to change such opinion;~~
 1662 ~~however, this provision does not preclude the insurer from~~
 1663 ~~calling to the attention of the physician errors of fact in the~~
 1664 ~~report based upon information in the claim file. Any person who~~
 1665 ~~violates this paragraph commits a felony of the third degree,~~
 1666 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

1667 (8) (a) It is unlawful for any person intending to defraud
 1668 any other person to solicit or cause to be solicited any
 1669 business from a person involved in a motor vehicle accident for
 1670 the purpose of making, adjusting, or settling motor vehicle tort
 1671 claims or claims for emergency care coverage ~~personal injury~~
 1672 ~~protection~~ benefits required by s. 627.7363 ~~627.736~~. Any person

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1673 who violates the provisions of this paragraph commits a felony
 1674 of the second degree, punishable as provided in s. 775.082, s.
 1675 775.083, or s. 775.084. A person who is convicted of a violation
 1676 of this subsection shall be sentenced to a minimum term of
 1677 imprisonment of 2 years.

1678 (b) A person may not solicit or cause to be solicited any
 1679 business from a person involved in a motor vehicle accident by
 1680 any means of communication other than advertising directed to
 1681 the public for the purpose of making motor vehicle tort claims
 1682 or claims for emergency care coverage ~~personal injury protection~~
 1683 benefits required by s. 627.7363 ~~627.736~~, within 60 days after
 1684 the occurrence of the motor vehicle accident. Any person who
 1685 violates this paragraph commits a felony of the third degree,
 1686 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1687 (c) A lawyer, health care practitioner as defined in s.
 1688 456.001, or owner or medical director of a clinic required to be
 1689 licensed pursuant to s. 400.9905 may not, at any time after 60
 1690 days have elapsed from the occurrence of a motor vehicle
 1691 accident, solicit or cause to be solicited any business from a
 1692 person involved in a motor vehicle accident by means of in
 1693 person or telephone contact at the person's residence, for the
 1694 purpose of making motor vehicle tort claims or claims for
 1695 emergency care coverage ~~personal injury protection~~ benefits
 1696 required by s. 627.7363 ~~627.736~~. Any person who violates this
 1697 paragraph commits a felony of the third degree, punishable as
 1698 provided in s. 775.082, s. 775.083, or s. 775.084.

1699 (9) A person may not organize, plan, or knowingly
 1700 participate in an intentional motor vehicle crash or a scheme to

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1701 create documentation of a motor vehicle crash that did not occur
1702 for the purpose of making motor vehicle tort claims or claims
1703 for emergency care coverage ~~personal injury protection~~ benefits
1704 as required by s. 627.7363 ~~627.736~~. Any person who violates this
1705 subsection commits a felony of the second degree, punishable as
1706 provided in s. 775.082, s. 775.083, or s. 775.084. A person who
1707 is convicted of a violation of this subsection shall be
1708 sentenced to a minimum term of imprisonment of 2 years.

1709 Section 39. This act shall take effect October 1, 2007.