



1 liability coverage; authorizing the department  
2 to adopt rules for the reports; providing that  
3 failure to report as required is a violation of  
4 the Florida Insurance Code; requiring that an  
5 insurer notify the named insured that a  
6 cancelled or nonrenewed policy will be reported  
7 to the department; requiring that the  
8 department suspend the registration and  
9 driver's license of an owner or registrant of a  
10 motor vehicle who fails to maintain the  
11 required liability coverage; providing for the  
12 reinstatement of a registration or driver's  
13 license upon payment of certain fees; requiring  
14 that a person obtain noncancelable coverage  
15 following such reinstatement; providing for the  
16 deposit and use of reinstatement fees; amending  
17 ss. 627.7275 and 627.7295, F.S., relating to  
18 motor vehicle insurance policies and contracts;  
19 conforming provisions to changes made by the  
20 act; providing that the act does not reenact  
21 any provision of the Florida Motor Vehicle  
22 No-Fault Law; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Subsections (1) and (3) of section 316.646,  
27 Florida Statutes, are amended to read:

28 316.646 Security required; proof of security and  
29 display thereof; dismissal of cases.--

30 (1) Any person required by s. 324.022 to maintain  
31 property damage liability security, required by s. 324.023 to

1 | maintain liability security for bodily injury or death, or ~~any~~  
2 | ~~person~~ required by s. 627.733 to maintain personal injury  
3 | protection security on a motor vehicle shall have in his or  
4 | her immediate possession at all times while operating such  
5 | motor vehicle proper proof of maintenance of the required  
6 | security. Such proof shall be ~~either~~ a uniform  
7 | proof-of-insurance card in a form prescribed by the  
8 | department, a valid insurance policy, an insurance policy  
9 | binder, a certificate of insurance, or such other proof as may  
10 | be prescribed by the department.

11 |         (3) Any person who violates this section commits a  
12 | nonmoving traffic infraction subject to the penalty provided  
13 | in chapter 318 and shall be required to furnish proof of  
14 | security as provided in this section. If any person charged  
15 | with a violation of this section fails to furnish proof, at or  
16 | before the scheduled court appearance date, that security was  
17 | in effect at the time of the violation, the court may  
18 | immediately suspend the registration and driver's license of  
19 | such person. Such license and registration may ~~only~~ be  
20 | reinstated only as provided in s. 324.0221 ~~s. 627.733~~.

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

23 |             320.02 Registration required; application for  
24 | registration; forms.--

25 |             (5)(a) Proof that personal injury protection benefits  
26 | have been purchased when required under s. 627.733, that  
27 | property damage liability coverage has been purchased as  
28 | required under s. 324.022, that bodily injury or death  
29 | coverage has been purchased if required under s. 324.023, and  
30 | that combined bodily liability insurance and property damage  
31 | liability insurance have been purchased when required under s.

1 627.7415 shall be provided in the manner prescribed by law by  
2 the applicant at the time of application for registration of  
3 any motor vehicle that is subject to such requirements ~~owned~~  
4 ~~as defined in s. 627.732~~. The issuing agent shall refuse to  
5 issue registration if such proof of purchase is not provided.  
6 Insurers shall furnish uniform proof-of-purchase cards in a  
7 form prescribed by the department and shall include the name  
8 of the insured's insurance company, the coverage  
9 identification number, and the make, year, and vehicle  
10 identification number of the vehicle insured. The card shall  
11 contain a statement notifying the applicant of the penalty  
12 specified in s. 316.646(4). The card or insurance policy,  
13 insurance policy binder, or certificate of insurance or a  
14 photocopy of any of these; an affidavit containing the name of  
15 the insured's insurance company, the insured's policy number,  
16 and the make and year of the vehicle insured; or such other  
17 proof as may be prescribed by the department shall constitute  
18 sufficient proof of purchase. If an affidavit is provided as  
19 proof, it shall be in substantially the following form:

20  
21 Under penalty of perjury, I ...(Name of insured)... do hereby  
22 certify that I have ...(Personal Injury Protection, Property  
23 Damage Liability, and, when required, Bodily Injury  
24 Liability)... Insurance currently in effect with ...(Name of  
25 insurance company)... under ...(policy number)... covering  
26 ...(make, year, and vehicle identification number of  
27 vehicle).... ...(Signature of Insured)...

28  
29 Such affidavit shall include the following warning:

30  
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1 | WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
2 | REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
3 | LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
4 | SUBJECT TO PROSECUTION.

5 |  
6 | When an application is made through a licensed motor vehicle  
7 | dealer as required in s. 319.23, the original or a photostatic  
8 | copy of such card, insurance policy, insurance policy binder,  
9 | or certificate of insurance or the original affidavit from the  
10 | insured shall be forwarded by the dealer to the tax collector  
11 | of the county or the Department of Highway Safety and Motor  
12 | Vehicles for processing. By executing the aforesaid affidavit,  
13 | no licensed motor vehicle dealer will be liable in damages for  
14 | any inadequacy, insufficiency, or falsification of any  
15 | statement contained therein. A card shall also indicate the  
16 | existence of any bodily injury liability insurance voluntarily  
17 | purchased.

18 |         (d) The verifying of proof of personal injury  
19 | protection insurance, proof of property damage liability  
20 | insurance, proof of combined bodily liability insurance and  
21 | property damage liability insurance, or proof of financial  
22 | responsibility insurance and the issuance or failure to issue  
23 | the motor vehicle registration under the provisions of this  
24 | chapter may not be construed in any court as a warranty of the  
25 | reliability or accuracy of the evidence of such proof. Neither  
26 | the department nor any tax collector is liable in damages for  
27 | any inadequacy, insufficiency, falsification, or unauthorized  
28 | modification of any item of the proof of personal injury  
29 | protection insurance, proof of property damage liability  
30 | insurance, proof of combined bodily liability insurance and  
31 | property damage liability insurance, or proof of financial

1 responsibility insurance ~~either~~ prior to, during, or  
2 subsequent to the verification of the proof. The issuance of a  
3 motor vehicle registration does not constitute prima facie  
4 evidence or a presumption of insurance coverage.

5 Section 3. Section 321.245, Florida Statutes, is  
6 amended to read:

7 321.245 Disposition of certain funds in the Highway  
8 Safety Operating Trust Fund.--The director of the Florida  
9 Highway Patrol, after receiving recommendations from the  
10 commander of the auxiliary, is authorized to purchase uniforms  
11 and equipment for auxiliary law enforcement officers as  
12 defined in s. 321.24 from funds described in s. 324.0221(3) ~~s.~~  
13 ~~627.733(7)~~. The amounts expended under this section shall not  
14 exceed \$50,000 in any one fiscal year.

15 Section 4. Section 324.022, Florida Statutes, is  
16 amended to read:

17 324.022 Financial responsibility for property  
18 damage.--

19 (1) Every owner or operator of a motor vehicle, ~~which~~  
20 ~~motor vehicle is subject to the requirements of ss.~~  
21 ~~627.730 627.7405 and~~ required to be registered in this state,  
22 ~~shall, by one of the methods established in s. 324.031 or by~~  
23 ~~having a policy that complies with s. 627.7275,~~ establish and  
24 maintain the ability to respond in damages for liability on  
25 account of accidents arising out of the use of the motor  
26 vehicle in the amount of \$10,000 because of damage to, or  
27 destruction of, property of others in any one crash. The  
28 requirements of this section may be met by one of the methods  
29 established in s. 324.031; by self-insuring as authorized by  
30 s. 768.28(16); or by maintaining an insurance policy providing  
31 coverage for property damage liability in the amount of at

1 least \$10,000 because of damage to, or destruction of,  
2 property of others in any one accident arising out of the use  
3 of the motor vehicle. The requirements of this section may  
4 also be met by having a policy which provides coverage in the  
5 amount of at least \$30,000 for combined property damage  
6 liability and bodily injury liability for any one crash  
7 arising out of the use of the motor vehicle. The policy, with  
8 respect to coverage for property damage liability, must meet  
9 the applicable requirements of s. 324.151, subject to the  
10 usual policy exclusions that have been approved in policy  
11 forms by the Office of Insurance Regulation. No insurer shall  
12 have any duty to defend uncovered claims irrespective of their  
13 joinder with covered claims.

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

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

20 1. A mobile home.

21 2. A motor vehicle that is used in mass transit and  
22 designed to transport more than five passengers, exclusive of  
23 the operator of the motor vehicle, and that is owned by a  
24 municipality, transit authority, or political subdivision of  
25 the state.

26 3. A school bus as defined in s. 1006.25.

27 4. A vehicle providing for-hire transportation that is  
28 subject to the provisions of s. 324.031. A taxicab shall  
29 maintain security as required under s. 324.032(1).

30 (b) "Owner" means the person who holds legal title to  
31 a motor vehicle or the debtor or lessee who has the right to

1 possession of a motor vehicle that is the subject of a  
2 security agreement or lease with an option to purchase.

3 (3) Each nonresident owner or registrant of a motor  
4 vehicle that, whether operated or not, has been physically  
5 present within this state for more than 90 days during the  
6 preceding 365 days shall maintain security as required by  
7 subsection (1) which is in effect continuously throughout the  
8 period the motor vehicle remains within this state.

9 (4) The owner or registrant of a motor vehicle is  
10 exempt from the requirements of this section if she or he is a  
11 member of the United States Armed Forces and is called to or  
12 on active duty outside the United States in an emergency  
13 situation. The exemption provided by this subsection applies  
14 only as long as the member of the Armed Forces is on such  
15 active duty outside the United States and applies only while  
16 the vehicle is not operated by any person. Upon receipt of a  
17 written request by the insured to whom the exemption provided  
18 in this subsection applies, the insurer shall cancel the  
19 coverages and return any unearned premium or suspend the  
20 security required by this section. Notwithstanding s.  
21 324.0221(3), the department may not suspend the registration  
22 or operator's license of any owner or registrant of a motor  
23 vehicle during the time she or he qualifies for an exemption  
24 under this subsection. Any owner or registrant of a motor  
25 vehicle who qualifies for an exemption under this subsection  
26 shall immediately notify the department prior to and at the  
27 end of the expiration of the exemption.

28 Section 5. Section 324.0221, Florida Statutes, is  
29 created to read:

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1           324.0221 Reports by insurers to the department;  
2 suspension of driver's license and vehicle registrations;  
3 reinstatement.--

4           (1)(a) Each insurer that has issued a policy providing  
5 personal injury protection coverage or property damage  
6 liability coverage shall report the renewal, cancellation, or  
7 nonrenewal thereof to the department within 45 days after the  
8 effective date of each renewal, cancellation, or nonrenewal.  
9 Upon the issuance of a policy providing personal injury  
10 protection coverage or property damage liability coverage to a  
11 named insured not previously insured by the insurer during  
12 that calendar year, the insurer shall report the issuance of  
13 the new policy to the department within 30 days. The report  
14 shall be in the form and format and contain any information  
15 required by the department and must be provided in a format  
16 that is compatible with the data-processing capabilities of  
17 the department. The department may adopt rules regarding the  
18 form and documentation required. Failure by an insurer to file  
19 proper reports with the department as required by this  
20 subsection or rules adopted with respect to the requirements  
21 of this subsection constitutes a violation of the Florida  
22 Insurance Code. These records shall be used by the department  
23 only for enforcement and regulatory purposes, including the  
24 generation by the department of data regarding compliance by  
25 owners of motor vehicles with the requirements for financial  
26 responsibility coverage.

27           (b) With respect to an insurance policy providing  
28 personal injury protection coverage or property damage  
29 liability coverage, each insurer shall notify the named  
30 insured, or the first named insured in the case of a  
31 commercial fleet policy, in writing that any cancellation or

1 nonrenewal of the policy will be reported by the insurer to  
2 the department. The notice must also inform the named insured  
3 that failure to maintain personal injury protection coverage  
4 and property damage liability coverage on a motor vehicle when  
5 required by law may result in the loss of registration and  
6 driving privileges in this state and inform the named insured  
7 of the amount of the reinstatement fees required by this  
8 section. This notice is for informational purposes only, and  
9 an insurer is not civilly liable for failing to provide this  
10 notice.

11 (2) The department shall suspend, after due notice and  
12 an opportunity to be heard, the registration and driver's  
13 license of any owner or registrant of a motor vehicle with  
14 respect to which security is required under ss. 324.022 and  
15 627.733 upon:

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

20 (b) Notification by the insurer to the department, in  
21 a form approved by the department, of cancellation or  
22 termination of the required security.

23 (3) An operator or owner whose driver's license or  
24 registration has been suspended under this section or s.  
25 316.646 may effect its reinstatement upon compliance with the  
26 requirements of this section and upon payment to the  
27 department of a nonrefundable reinstatement fee of \$150 for  
28 the first reinstatement. The reinstatement fee is \$250 for the  
29 second reinstatement and \$500 for each subsequent  
30 reinstatement during the 3 years following the first  
31 reinstatement. A person reinstating her or his insurance under

1 this subsection must also secure noncancelable coverage as  
2 described in ss. 324.021(8), 324.023, and 627.7275(2) and  
3 present to the appropriate person proof that the coverage is  
4 in force on a form adopted by the department, and such proof  
5 shall be maintained for 2 years. If the person does not have a  
6 second reinstatement within 3 years after her or his initial  
7 reinstatement, the reinstatement fee is \$150 for the first  
8 reinstatement after that 3-year period. If a person's license  
9 and registration are suspended under this section or s.  
10 316.646, only one reinstatement fee must be paid to reinstate  
11 the license and the registration. All fees shall be collected  
12 by the department at the time of reinstatement. The department  
13 shall issue proper receipts for such fees and shall promptly  
14 deposit those fees in the Highway Safety Operating Trust Fund.  
15 One-third of the fees collected under this subsection shall be  
16 distributed from the Highway Safety Operating Trust Fund to  
17 the local governmental entity or state agency that employed  
18 the law enforcement officer seizing the license plate pursuant  
19 to s. 324.201. The funds may be used by the local governmental  
20 entity or state agency for any authorized purpose.

21 Section 6. Section 627.7275, Florida Statutes, is  
22 amended to read:

23 627.7275 Motor vehicle liability.--

24 (1) A motor vehicle insurance policy providing  
25 personal injury protection as set forth in s. 627.736 may not  
26 be delivered or issued for delivery in this state with respect  
27 to any specifically insured or identified motor vehicle  
28 registered or principally garaged in this state unless the  
29 policy also provides coverage for property damage liability as  
30 required by s. 324.022. in the amount of at least \$10,000  
31 ~~because of damage to, or destruction of, property of others in~~

1 ~~any one accident arising out of the use of the motor vehicle~~  
2 ~~or unless the policy provides coverage in the amount of at~~  
3 ~~least \$30,000 for combined property damage liability and~~  
4 ~~bodily injury liability in any one accident arising out of the~~  
5 ~~use of the motor vehicle. The policy, as to coverage of~~  
6 ~~property damage liability, must meet the applicable~~  
7 ~~requirements of s. 324.151, subject to the usual policy~~  
8 ~~exclusions that have been approved in policy forms by the~~  
9 ~~office.~~

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

13 1. Coverage under policies as described in subsection  
14 (1) to any applicant for private passenger motor vehicle  
15 insurance coverage who is seeking the coverage in order to  
16 reinstate the applicant's driving privileges in this state  
17 when the driving privileges were revoked or suspended pursuant  
18 to s. 316.646 or s. 324.0221 ~~s. 627.733~~ due to the failure of  
19 the applicant to maintain required security.

20 2. Coverage under policies as described in subsection  
21 (1), which also provides liability coverage for bodily injury,  
22 death, and property damage arising out of the ownership,  
23 maintenance, or use of the motor vehicle in an amount not less  
24 than the limits described in s. 324.021(7) and conforms to the  
25 requirements of s. 324.151, to any applicant for private  
26 passenger motor vehicle insurance coverage who is seeking the  
27 coverage in order to reinstate the applicant's driving  
28 privileges in this state after such privileges were revoked or  
29 suspended under s. 316.193 or s. 322.26(2) for driving under  
30 the influence.

31

1           (b) The policies described in paragraph (a) shall be  
2 issued for a period of at least 6 months and as to the minimum  
3 coverages required under this section shall not be cancelable  
4 by the insured for any reason or by the insurer after a period  
5 not to exceed 30 days during which the insurer must complete  
6 underwriting of the policy. After the insurer has completed  
7 underwriting the policy within the 30-day period, the insurer  
8 shall notify the Department of Highway Safety and Motor  
9 Vehicles that the policy is in full force and effect and the  
10 policy shall not be cancelable for the remainder of the policy  
11 period. A premium shall be collected and coverage shall be in  
12 effect for the 30-day period during which the insurer is  
13 completing the underwriting of the policy whether or not the  
14 person's driver license, motor vehicle tag, and motor vehicle  
15 registration are in effect. Once the noncancelable provisions  
16 of the policy become effective, the coverage or risk shall not  
17 be changed during the policy period and the premium shall be  
18 nonrefundable. If, during the pendency of the 2-year proof of  
19 insurance period required under s. 324.0221 ~~s. 627.733(7)~~ or  
20 during the 3-year proof of financial responsibility required  
21 under s. 324.131, whichever is applicable, the insured obtains  
22 additional coverage or coverage for an additional risk or  
23 changes territories, the insured must obtain a new 6-month  
24 noncancelable policy in accordance with the provisions of this  
25 section. However, if the insured must obtain a new 6-month  
26 policy and obtains the policy from the same insurer, the  
27 policyholder shall receive credit on the new policy for any  
28 premium paid on the previously issued policy.

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

31

1           (d) An insurer issuing a policy subject to this  
2 section may cancel the policy if, during the policy term, the  
3 named insured or any other operator, who resides in the same  
4 household or customarily operates an automobile insured under  
5 the policy, has his or her driver's license suspended or  
6 revoked.

7           (e) Nothing in this subsection requires an insurer to  
8 offer a policy of insurance to an applicant if such offer  
9 would be inconsistent with the insurer's underwriting  
10 guidelines and procedures.

11           Section 7. Paragraph (a) of subsection (1) of section  
12 627.7295, Florida Statutes, is amended to read:

13           627.7295 Motor vehicle insurance contracts.--

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

15           (a) "Policy" means a motor vehicle insurance policy  
16 that provides personal injury protection coverage, ~~and~~  
17 property damage liability coverage, or both.

18           Section 8. This act does not reenact any provision of  
19 the Florida Motor Vehicle No-Fault Law.

20           Section 9. This act shall take effect upon becoming a  
21 law.