

By the Committee on Banking and Insurance

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1 A bill to be entitled
2 An act relating to motor vehicle liability insurance;
3 amending s. 316.646, F.S.; authorizing the use of an
4 electronic device to provide proof of insurance;
5 authorizing the Department of Highway Safety and Motor
6 Vehicles to adopt rules; amending s. 324.011, F.S.;
7 revising legislative intent with respect to financial
8 responsibility for the damages caused by the operation
9 of a motor vehicle; amending ss. 324.021 and 324.022,
10 F.S.; increasing financial responsibility limits with
11 respect to bodily injury or death; conforming
12 provisions to changes made by the act; amending s.
13 324.0221, F.S.; requiring insurers to submit
14 information to the Department of Highway Safety and
15 Motor Vehicles and to notify insureds about bodily
16 injury insurance rather than personal injury
17 protection coverage; amending s. 324.023, F.S.;
18 conforming a cross-reference; amending s. 324.031,
19 F.S.; deleting the requirement that the owner of a
20 for-hire vehicle post a bond to prove financial
21 responsibility; increasing the financial
22 responsibility limits for motor vehicle liability;
23 amending s. 324.071, F.S.; conforming provisions to
24 changes made by the act; amending s. 324.161, F.S.;
25 increasing the amount required for a surety bond or
26 deposit; amending s. 324.171, F.S.; revising the
27 required threshold limit for self-insurers; repealing
28 s. 627.730, F.S., providing citation to the Florida
29 Motor Vehicle No-Fault Law; repealing s. 627.731,

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30 F.S., relating to the purpose of the No-Fault Law;
31 repealing s. 627.7311, F.S., relating to the effect of
32 law on personal injury protection policies; amending
33 s. 627.732, F.S.; deleting definitions relating to the
34 no-fault law; amending s. 627.733, F.S.; deleting
35 security requirements with respect to no-fault
36 coverage to substitute security requirements under ch.
37 324, F.S.; amending s. 627.734, F.S.; conforming
38 cross-references; renumbering and amending s.
39 627.7401, F.S.; applying notice requirements to bodily
40 injury and property damage liability security instead
41 of personal injury protection; creating s. 627.7355,
42 F.S.; requiring all claims relating to personal injury
43 to be brought in a single action; repealing s.
44 627.736, F.S., relating to personal injury protection
45 benefits; repealing s. 627.737, F.S., relating to
46 exemption from tort liability for persons maintaining
47 personal injury protection coverage; repealing s.
48 627.739, F.S., relating to personal injury protection
49 deductibles; repealing s. 627.7403, F.S., relating to
50 the mandatory joinder of derivative claims; repealing
51 s. 627.7405, F.S., relating to the insurers' right of
52 reimbursement; repealing s. 627.7407, F.S., relating
53 to the application of the No-Fault Law; repealing ss.
54 15 and 16 of chapter 2012-197, Laws of Florida,
55 requiring the Office of Insurance Regulation to
56 contract for a study and perform a data call relating
57 to changes made to the No-Fault Law in 2012; amending
58 ss. 318.18, 320.02, 320.0609, 320.27, 320.771,

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59 322.251, 400.9905, 400.991, 400.9935, 409.901,
60 409.910, 456.057, 456.072, 626.9541, 626.989,
61 626.9895, 627.06501, 627.0652, 627.0653, 627.4132,
62 627.6482, 627.7263, 627.727, 627.7275, 627.728,
63 627.7295, 627.8405, 627.915, 628.909, 705.184, 713.78,
64 and 817.234 F.S.; conforming provisions to changes
65 made by the act by removing references to personal
66 injury protection and the Florida Motor Vehicle No-
67 Fault Law; making technical changes; conforming cross-
68 references; providing for the termination of personal
69 injury protection policies and the requirement for
70 maintaining minimum security requirements that allow a
71 person to respond to property damage and bodily injury
72 by a certain date; requiring the insurer to notify the
73 insured about such changes by a certain date;
74 providing for applicability of suspensions for failure
75 to maintain security; providing effective dates.

76

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

78

79 Section 1. Subsection (1) of section 316.646, Florida
80 Statutes, is amended, and subsection (5) is added to that
81 section, to read:

82 316.646 Security required; proof of security and display
83 thereof; dismissal of cases.-

84 (1) Any person required by s. 324.022 to maintain property
85 damage liability security and, ~~required by s. 324.023 to~~
86 ~~maintain~~ liability security for bodily injury or death must, ~~or~~
87 ~~required by s. 627.733 to maintain personal injury protection~~

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88 ~~security on a motor vehicle shall~~ have in his or her immediate
89 possession at all times while operating a ~~such~~ motor vehicle
90 proper proof of maintenance of the required security.

91 (a) Such proof must ~~shall~~ be in a uniform paper or
92 electronic format, as ~~proof of insurance card in a form~~
93 prescribed by the department, or a valid insurance policy, an
94 insurance policy binder, a certificate of insurance, or such
95 other proof as may be prescribed by the department.

96 (b) The act of presenting to a law enforcement officer an
97 electronic device that displays proof of insurance in an
98 electronic format does not constitute consent for the officer to
99 access any other information on the device. The person who
100 presents the device to the officer assumes liability for any
101 resulting damage to the device.

102 (5) The department shall adopt rules to administer this
103 section.

104 Section 2. Section 324.011, Florida Statutes, is amended to
105 read:

106 324.011 Legislative intent and purpose of chapter.—It is
107 the intent of this chapter that the privilege of owning and
108 operating a motor vehicle be exercised ~~to recognize the existing~~
109 ~~privilege to own or operate a motor vehicle on the public~~
110 ~~streets and highways of this state when such vehicles are used~~
111 with due consideration for others and their property in order,
112 ~~and~~ to promote safety and provide financial security
113 requirements for ~~such~~ owners or operators whose responsibility
114 it is to recompense others for injury to person or property
115 caused by the operation of a motor vehicle. Therefore, this
116 chapter requires ~~it is required herein~~ that the owner or

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117 operator of a motor vehicle establish and maintain the ability
118 to involved in a crash or convicted of certain traffic offenses
119 ~~meeting the operative provisions of s. 324.051(2)~~ shall respond
120 in for such damages and show proof of financial ability to
121 respond for damages arising out of the use of a motor vehicle in
122 ~~future accidents~~ as a requisite to his or her ~~future~~ exercise of
123 such privileges.

124 Section 3. Subsections (1) and (7) of section 324.021,
125 Florida Statutes, are amended to read:

126 324.021 Definitions; minimum insurance required.—The
127 following words and phrases when used in this chapter shall, for
128 the purpose of this chapter, have the meanings respectively
129 ascribed to them in this section, except in those instances
130 where the context clearly indicates a different meaning:

131 (1) MOTOR VEHICLE.—A Every self-propelled vehicle that
132 ~~which~~ is designed and required to be licensed for use upon a
133 highway, including trailers and semitrailers designed for use
134 with such vehicles, except for traction engines, road rollers,
135 farm tractors, power shovels, and well drillers, and a every
136 vehicle that ~~which~~ is propelled by electric power obtained from
137 overhead wires but not operated upon rails, but not including a
138 any bicycle or moped. ~~However, the term "motor vehicle" shall~~
139 ~~not include any motor vehicle as defined in s. 627.732(3) when~~
140 ~~the owner of such vehicle has complied with the requirements of~~
141 ~~ss. 627.730-627.7405, inclusive, unless the provisions of s.~~
142 ~~324.051 apply; and, in such case, the applicable proof of~~
143 ~~insurance provisions of s. 320.02 apply.~~

144 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~That~~ Proof of
145 ability to respond in damages for liability on account of

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146 crashes arising out of the use of a motor vehicle:

147 (a) In the amount of \$25,000 for ~~\$10,000~~ because of bodily
148 injury to, or the death of, one person in any one crash;

149 (b) Subject to the ~~such~~ limits for one person under
150 paragraph (a), in the amount of \$50,000 for ~~\$20,000~~ because of
151 bodily injury to, or the death of, two or more persons in any
152 one crash;

153 (c) In the amount of \$10,000 for damage ~~because of injury~~
154 to, or destruction of, the property of others in any one crash;
155 and

156 (d) With respect to commercial motor vehicles and nonpublic
157 sector buses, in the amounts specified in ss. 627.7415 and
158 627.742, respectively.

159 Section 4. Section 324.022, Florida Statutes, is amended to
160 read:

161 324.022 Financial responsibility requirements ~~for property~~
162 ~~damage~~.-

163 (1) (a) ~~The~~ ~~Every~~ owner or operator of a motor vehicle
164 required to be registered in this state shall establish and
165 maintain the ability to respond in damages for liability on
166 account of accidents arising out of the use of the motor vehicle
167 in the amount of:

168 1. Ten thousand dollars for ~~\$10,000~~ because of damage to,
169 or destruction of, property of others in any one crash.

170 2. Twenty-five thousand dollar for bodily injury to, or the
171 death of, one person in any one crash and, subject to such
172 limits for one person, in the amount of \$50,000 for bodily
173 injury to, or the death of, two or more persons in any one
174 crash.

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175 (b) The requirements of this section may be met by one of
176 the methods established in s. 324.031; by self-insuring as
177 authorized by s. 768.28(16); or by maintaining an insurance
178 policy providing coverage in at least the amounts for bodily
179 injury liability coverage and property damage coverage specified
180 in paragraph (a) for property damage liability in the amount of
181 at least \$10,000 because of damage to, or destruction of,
182 property of others in any one accident arising out of the use of
183 the motor vehicle. The requirements of this section may also be
184 met by having a policy that ~~which~~ provides coverage in the
185 amount of at least \$60,000 ~~\$30,000~~ for combined property damage
186 liability and bodily injury liability for any one crash arising
187 out of the use of the motor vehicle.

188 (c) The policy, with respect to coverage for property
189 damage liability and bodily injury liability, must meet the
190 applicable requirements of s. 324.151, subject to the usual
191 policy exclusions that have been approved in policy forms by the
192 Office of Insurance Regulation.

193 (d) An ~~no~~ insurer does not ~~shall~~ have a ~~any~~ duty to defend
194 uncovered claims regardless ~~irrespective~~ of their joinder with
195 covered claims.

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

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

202 1. A mobile home.

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

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204 designed to transport more than five passengers, exclusive of
205 the operator of the motor vehicle, and that is owned by a
206 municipality, transit authority, or political subdivision of the
207 state.

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

209 4. A vehicle providing for-hire transportation that is
210 subject to ~~the provisions of~~ s. 324.031. The owner of a taxicab
211 shall maintain security as required under s. 324.032(1).

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

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

222 (4) An ~~The~~ owner or registrant of a motor vehicle who is
223 ~~exempt from the requirements of this section if she or he is a~~
224 member of the United States Armed Forces and is called to or on
225 active duty outside the United States in an emergency situation
226 is exempt from this section. The exemption ~~provided by this~~
227 ~~subsection~~ applies only as long as the member of the armed
228 forces is on ~~such~~ active duty outside the United States and
229 applies only while the vehicle covered by the security is not
230 operated by any person. Upon receipt of a written request by the
231 insured to whom the exemption ~~provided in this subsection~~
232 applies, the insurer shall cancel the coverages and return any

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233 unearned premium or suspend the security required by this
 234 section. Notwithstanding s. 324.0221(2) ~~324.0221(3)~~, the
 235 department may not suspend the registration or operator's
 236 license of an ~~any~~ owner or registrant of a motor vehicle during
 237 the time she or he qualifies for the ~~an~~ exemption ~~under this~~
 238 ~~subsection~~. An ~~Any~~ owner or registrant of a motor vehicle who
 239 qualifies for the ~~an~~ exemption ~~under this subsection~~ shall
 240 immediately notify the department before ~~prior to~~ and at the end
 241 of the expiration of the exemption.

242 Section 5. Subsections (1) and (2) of section 324.0221,
 243 Florida Statutes, are amended to read:

244 324.0221 Reports by insurers to the department; suspension
 245 of driver's license and vehicle registrations; reinstatement.—

246 (1) (a) Each insurer that has issued a policy providing
 247 bodily injury liability ~~personal injury protection~~ coverage or
 248 property damage liability coverage shall report the renewal,
 249 cancellation, or nonrenewal thereof to the department within 45
 250 days after the effective date of each renewal, cancellation, or
 251 nonrenewal. Upon the issuance of a policy providing bodily
 252 injury liability ~~personal injury protection~~ coverage or property
 253 damage liability coverage to a named insured not previously
 254 insured by the insurer during that calendar year, the insurer
 255 shall report the issuance of the new policy to the department
 256 within 10 ~~30~~ days. The report must ~~shall~~ be in the form ~~and~~
 257 ~~format~~ and contain any information required by the department
 258 and must be provided in a format that is compatible with the
 259 data processing capabilities of the department. The department
 260 may adopt rules regarding the form and documentation required.
 261 Failure by an insurer to file proper reports with the department

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262 as required by this subsection or related rules ~~adopted with~~
263 ~~respect to the requirements of this subsection~~ constitutes a
264 violation of the Florida Insurance Code. These records shall be
265 used by the department only for enforcement and regulatory
266 purposes, including the generation by the department of data
267 regarding compliance by owners of motor vehicles with the
268 requirements for financial responsibility coverage.

269 (b) With respect to an insurance policy that provides
270 ~~providing~~ bodily injury liability ~~personal injury protection~~
271 ~~coverage~~ or property damage liability coverage, each insurer
272 shall notify the named insured, or the first-named insured in
273 the case of a commercial fleet policy, in writing that any
274 cancellation or nonrenewal of the policy will be reported by the
275 insurer to the department. The notice must also inform the named
276 insured that failure to maintain bodily injury liability
277 ~~personal injury protection coverage~~ and property damage
278 liability coverage on a motor vehicle when required by law may
279 result in the loss of registration and driving privileges in
280 this state and inform the named insured of the amount of the
281 reinstatement fees required by this section. This notice is for
282 informational purposes only, and an insurer is not civilly
283 liable for failing to provide this notice.

284 (2) The department shall suspend, after due notice and an
285 opportunity to be heard, the registration and driver ~~driver's~~
286 license of any owner or registrant of a motor vehicle with
287 respect to which security is required under ss. 324.022 and
288 627.733 upon:

289 (a) The department's records showing that the owner or
290 registrant of such motor vehicle did not have the ~~in full force~~

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291 ~~and effect when required security in full force and effect that~~
292 ~~complies with the requirements of ss. 324.022 and 627.733; or~~

293 (b) Notification by the insurer to the department, in a
294 form approved by the department, of cancellation or termination
295 of the required security.

296 Section 6. Section 324.023, Florida Statutes, is amended to
297 read:

298 324.023 Financial responsibility for bodily injury or
299 death.—In addition to any other financial responsibility
300 required by law, every owner or operator of a motor vehicle that
301 is required to be registered in this state, or that is located
302 within this state, and who, regardless of adjudication of guilt,
303 has been found guilty of or entered a plea of guilty or nolo
304 contendere to a charge of driving under the influence under s.
305 316.193 after October 1, 2007, shall, by one of the methods
306 established in s. 324.031(1) or (2), ~~or (3)~~, establish and
307 maintain the ability to respond in damages for liability on
308 account of accidents arising out of the use of a motor vehicle
309 in the amount of \$100,000 because of bodily injury to, or death
310 of, one person in any one crash and, subject to such limits for
311 one person, in the amount of \$300,000 because of bodily injury
312 to, or death of, two or more persons in any one crash and in the
313 amount of \$50,000 because of property damage in any one crash.
314 If the owner or operator chooses to establish and maintain such
315 ability by ~~posting a bond or~~ furnishing a certificate of deposit
316 pursuant to s. 324.031(2) ~~or (3)~~, such ~~bond or~~ certificate of
317 deposit must be in an amount not less than \$350,000. Such higher
318 limits must be carried for a minimum period of 3 years. If the
319 owner or operator has not been convicted of driving under the

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320 influence or a felony traffic offense for ~~a period of~~ 3 years
 321 from the date of reinstatement of driving privileges for a
 322 violation of s. 316.193, the owner or operator is ~~shall be~~
 323 exempt from this section.

324 Section 7. Section 324.031, Florida Statutes, is amended to
 325 read:

326 324.031 Manner of proving financial responsibility.—The
 327 owner or operator of a taxicab, limousine, jitney, or any other
 328 for-hire passenger transportation vehicle may prove financial
 329 responsibility by providing satisfactory evidence of holding a
 330 motor vehicle liability policy as defined in s. 324.021(8) or s.
 331 324.151, which ~~policy~~ is issued by an insurance carrier that
 332 ~~which~~ is a member of the Florida Insurance Guaranty Association.
 333 The operator or owner of any other vehicle may prove his or her
 334 financial responsibility by:

335 (1) Furnishing satisfactory evidence of holding such a
 336 motor vehicle liability policy ~~as defined in ss. 324.021(8) and~~
 337 ~~324.151;~~

338 ~~(2) Posting with the department a satisfactory bond of a~~
 339 ~~surety company authorized to do business in this state,~~
 340 ~~conditioned for payment of the amount specified in s.~~
 341 ~~324.021(7);~~

342 (2) ~~(3)~~ Furnishing a certificate of self insurance ~~the~~
 343 ~~department~~ showing a deposit of cash or securities in accordance
 344 with s. 324.161; or

345 (3) ~~(4)~~ Furnishing a certificate of self-insurance issued by
 346 the department in accordance with s. 324.171.

347
 348 Any person, including a ~~any~~ firm, partnership, association,

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349 corporation, or other person, other than a natural person,
 350 electing to use the method of proof specified in subsection (2)
 351 or subsection (3) shall post a bond or deposit equal to the
 352 number of vehicles owned times \$60,000 ~~\$30,000~~, up to a maximum
 353 of \$240,000. ~~\$120,000~~; In addition, any such person, other than
 354 a natural person, shall maintain insurance providing coverage in
 355 excess of limits of \$25,000/50,000/10,000 ~~\$10,000/20,000/10,000~~
 356 or \$60,000 ~~\$30,000~~ combined single limits, and such excess
 357 insurance must ~~shall~~ provide minimum limits of
 358 \$125,000/250,000/50,000 or \$300,000 combined single limits.
 359 These increased limits do ~~shall~~ not affect the requirements for
 360 proving financial responsibility under s. 324.032(1).

361 Section 8. Section 324.071, Florida Statutes, is amended to
 362 read:

363 324.071 Reinstatement; renewal of license; reinstatement
 364 fee.—An ~~Any~~ operator or owner whose license or registration has
 365 been suspended pursuant to s. 324.051(2), s. 324.072, s.
 366 324.081, or s. 324.121 may effect its reinstatement upon
 367 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
 368 s. 324.081(2) and (3), as the case may be, and with one of the
 369 provisions of s. 324.031 and upon payment to the department of a
 370 nonrefundable reinstatement fee as specified in s. 324.0221 ~~of~~
 371 ~~\$15~~. Only one such fee shall be paid by any one person
 372 regardless ~~irrespective~~ of the number of licenses and
 373 registrations to be ~~then~~ reinstated or issued to such person.
 374 All such fees shall be deposited to a department trust fund. If
 375 ~~When~~ the reinstatement of any license or registration is
 376 effected by compliance with s. 324.051(2)(a)3. or 4., the
 377 department may ~~shall~~ not renew the license or registration

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378 within a ~~period of~~ 3 years after ~~from~~ such reinstatement, nor
379 may ~~shall~~ any other license or registration be issued in the
380 name of such person, unless the operator continues ~~is continuing~~
381 to comply with one of the provisions of s. 324.031.

382 Section 9. Section 324.161, Florida Statutes, is amended to
383 read:

384 324.161 Proof of financial responsibility; surety bond or
385 deposit.-A ~~The certificate of the department of a deposit issued~~
386 by the department may be obtained by depositing \$60,000 in ~~with~~
387 ~~it \$30,000~~ cash or in securities that ~~such as~~ may be legally
388 purchased by savings banks or for trust funds which have, ~~of~~ a
389 market value of \$60,000 ~~\$30,000~~ and which ~~deposit~~ shall be held
390 by the department to satisfy, in accordance with ~~the provisions~~
391 ~~of~~ this chapter, any execution on a judgment issued against such
392 person making the deposit, ~~for damages~~ for ~~because of~~ bodily
393 injury to or death of any person or for damages or ~~because of~~
394 injury to, or destruction of, property resulting from the use or
395 operation of any motor vehicle occurring after such deposit was
396 made. Money or securities so deposited are ~~shall~~ not be subject
397 to attachment or execution unless such attachment or execution
398 arises ~~shall arise~~ out of a suit for such damages ~~as aforesaid~~.

399 Section 10. Subsections (1) and (2) of section 324.171,
400 Florida Statutes, are amended to read:

401 324.171 Self-insurer.-

402 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
403 a certificate of self-insurance from the department. ~~which may,~~
404 ~~in its discretion and~~ Upon application of such a person, the
405 department may issue a ~~said~~ certificate if the applicant ~~of~~
406 ~~self-insurance when such person~~ has satisfied the requirements

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407 of this section ~~to qualify as a self-insurer under this section:~~

408 (a) A private individual with private passenger vehicles
409 must shall possess a net unencumbered worth of at least \$60,000
410 ~~\$40,000~~.

411 (b) A person, including any firm, partnership, association,
412 corporation, or other person, other than a natural person, must
413 ~~shall~~:

414 1. Possess a net unencumbered worth of at least \$60,000
415 ~~\$40,000~~ for the first motor vehicle and \$30,000 ~~\$20,000~~ for each
416 additional motor vehicle; or

417 2. Maintain sufficient net worth, as determined annually by
418 the department, pursuant to rules adopted ~~promulgated~~ by the
419 department, with the assistance of the Office of Insurance
420 Regulation of the Financial Services Commission, to be
421 financially responsible for potential losses. The rules must
422 consider any ~~shall take into consideration~~ excess insurance
423 carried by the applicant. The department's determination shall
424 be based upon reasonable actuarial principles considering the
425 frequency, severity, and loss development of claims incurred by
426 casualty insurers writing coverage on the type of motor vehicles
427 for which a certificate of self-insurance is desired.

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

431 (2) The self-insurance certificate must shall provide
432 limits of liability insurance in the amounts specified under s.
433 324.021(7) or s. 627.7415 ~~and shall provide personal injury~~
434 ~~protection coverage under s. 627.733(3)(b)~~.

435 Section 11. Section 627.730, Florida Statutes, is repealed.

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436 Section 12. Section 627.731, Florida Statutes, is repealed.

437 Section 13. Section 627.7311, Florida Statutes, is
438 repealed.

439 Section 14. Section 627.732, Florida Statutes, is reordered
440 and amended to read:

441 627.732 Definitions.—As used in ss. 627.733-627.7355
442 ~~627.730-627.7405~~, the term:

443 ~~(1) "Broker" means any person not possessing a license~~
444 ~~under chapter 395, chapter 400, chapter 429, chapter 458,~~
445 ~~chapter 459, chapter 460, chapter 461, or chapter 641 who~~
446 ~~charges or receives compensation for any use of medical~~
447 ~~equipment and is not the 100-percent owner or the 100-percent~~
448 ~~lessee of such equipment. For purposes of this section, such~~
449 ~~owner or lessee may be an individual, a corporation, a~~
450 ~~partnership, or any other entity and any of its 100-percent-~~
451 ~~owned affiliates and subsidiaries. For purposes of this~~
452 ~~subsection, the term "lessee" means a long-term lessee under a~~
453 ~~capital or operating lease, but does not include a part-time~~
454 ~~lessee. The term "broker" does not include a hospital or~~
455 ~~physician management company whose medical equipment is~~
456 ~~ancillary to the practices managed, a debt collection agency, or~~
457 ~~an entity that has contracted with the insurer to obtain a~~
458 ~~discounted rate for such services; nor does the term include a~~
459 ~~management company that has contracted to provide general~~
460 ~~management services for a licensed physician or health care~~
461 ~~facility and whose compensation is not materially affected by~~
462 ~~the usage or frequency of usage of medical equipment or an~~
463 ~~entity that is 100-percent owned by one or more hospitals or~~
464 ~~physicians. The term "broker" does not include a person or~~

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465 ~~entity that certifies, upon request of an insurer, that:~~
466 ~~(a) It is a clinic licensed under ss. 400.990-400.995;~~
467 ~~(b) It is a 100-percent owner of medical equipment; and~~
468 ~~(c) The owner's only part-time lease of medical equipment~~
469 ~~for personal injury protection patients is on a temporary basis~~
470 ~~not to exceed 30 days in a 12-month period, and such lease is~~
471 ~~solely for the purposes of necessary repair or maintenance of~~
472 ~~the 100-percent owned medical equipment or pending the arrival~~
473 ~~and installation of the newly purchased or a replacement for the~~
474 ~~100-percent owned medical equipment, or for patients for whom,~~
475 ~~because of physical size or claustrophobia, it is determined by~~
476 ~~the medical director or clinical director to be medically~~
477 ~~necessary that the test be performed in medical equipment that~~
478 ~~is open-style. The leased medical equipment cannot be used by~~
479 ~~patients who are not patients of the registered clinic for~~
480 ~~medical treatment of services. Any person or entity making a~~
481 ~~false certification under this subsection commits insurance~~
482 ~~fraud as defined in s. 817.234. However, the 30-day period~~
483 ~~provided in this paragraph may be extended for an additional 60~~
484 ~~days as applicable to magnetic resonance imaging equipment if~~
485 ~~the owner certifies that the extension otherwise complies with~~
486 ~~this paragraph.~~

487 ~~(2) "Medically necessary" refers to a medical service or~~
488 ~~supply that a prudent physician would provide for the purpose of~~
489 ~~preventing, diagnosing, or treating an illness, injury, disease,~~
490 ~~or symptom in a manner that is:~~

491 ~~(a) In accordance with generally accepted standards of~~
492 ~~medical practice;~~

493 ~~(b) Clinically appropriate in terms of type, frequency,~~

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494 ~~extent, site, and duration; and~~

495 ~~(c) Not primarily for the convenience of the patient,~~
496 ~~physician, or other health care provider.~~

497 (2)~~(3)~~ "Motor vehicle" means any self-propelled vehicle
498 that ~~with four or more wheels which~~ is of a type both designed
499 and required to be licensed for use on the highways of this
500 state and any trailer or semitrailer designed for use with such
501 vehicle and includes:

502 (a) A "private passenger motor vehicle," which is any motor
503 vehicle which is a sedan, station wagon, or jeep-type vehicle
504 and, if not used primarily for occupational, professional, or
505 business purposes, a motor vehicle of the pickup, panel, van,
506 camper, or motor home type.

507 (b) A "commercial motor vehicle," which is any motor
508 vehicle which is not a private passenger motor vehicle.

509
510 The term "motor vehicle" does not include a mobile home or any
511 motor vehicle which is used in mass transit, other than public
512 school transportation, and designed to transport more than five
513 passengers exclusive of the operator of the motor vehicle and
514 which is owned by a municipality, a transit authority, or a
515 political subdivision of the state.

516 ~~(4) "Named insured" means a person, usually the owner of a~~
517 ~~vehicle, identified in a policy by name as the insured under the~~
518 ~~policy.~~

519 (3)~~(5)~~ "Owner" means a person who holds the legal title to
520 a motor vehicle; or, in the event a motor vehicle is the subject
521 of a security agreement or lease with an option to purchase with
522 the debtor or lessee having the right to possession, then the

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523 debtor or lessee shall be deemed the owner ~~for the purposes of~~
524 ~~ss. 627.730-627.7405.~~

525 ~~(6) "Relative residing in the same household" means a~~
526 ~~relative of any degree by blood or by marriage who usually makes~~
527 ~~her or his home in the same family unit, whether or not~~
528 ~~temporarily living elsewhere.~~

529 ~~(7) "Certify" means to swear or attest to being true or~~
530 ~~represented in writing.~~

531 ~~(8) "Immediate personal supervision," as it relates to the~~
532 ~~performance of medical services by nonphysicians not in a~~
533 ~~hospital, means that an individual licensed to perform the~~
534 ~~medical service or provide the medical supplies must be present~~
535 ~~within the confines of the physical structure where the medical~~
536 ~~services are performed or where the medical supplies are~~
537 ~~provided such that the licensed individual can respond~~
538 ~~immediately to any emergencies if needed.~~

539 ~~(9) "Incident," with respect to services considered as~~
540 ~~incident to a physician's professional service, for a physician~~
541 ~~licensed under chapter 458, chapter 459, chapter 460, or chapter~~
542 ~~461, if not furnished in a hospital, means such services must be~~
543 ~~an integral, even if incidental, part of a covered physician's~~
544 ~~service.~~

545 (1) ~~(10)~~ "Knowingly" means that a person, with respect to
546 information, has actual knowledge of the information; acts in
547 deliberate ignorance of the truth or falsity of the information;
548 or acts in reckless disregard of the information, and proof of
549 specific intent to defraud is not required.

550 ~~(11) "Lawful" or "lawfully" means in substantial compliance~~
551 ~~with all relevant applicable criminal, civil, and administrative~~

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552 ~~requirements of state and federal law related to the provision~~
553 ~~of medical services or treatment.~~

554 ~~(12) "Hospital" means a facility that, at the time services~~
555 ~~or treatment were rendered, was licensed under chapter 395.~~

556 ~~(13) "Properly completed" means providing truthful,~~
557 ~~substantially complete, and substantially accurate responses as~~
558 ~~to all material elements to each applicable request for~~
559 ~~information or statement by a means that may lawfully be~~
560 ~~provided and that complies with this section, or as agreed by~~
561 ~~the parties.~~

562 ~~(14) "Upcoding" means an action that submits a billing code~~
563 ~~that would result in payment greater in amount than would be~~
564 ~~paid using a billing code that accurately describes the services~~
565 ~~performed. The term does not include an otherwise lawful bill by~~
566 ~~a magnetic resonance imaging facility, which globally combines~~
567 ~~both technical and professional components, if the amount of the~~
568 ~~global bill is not more than the components if billed~~
569 ~~separately; however, payment of such a bill constitutes payment~~
570 ~~in full for all components of such service.~~

571 ~~(15) "Unbundling" means an action that submits a billing~~
572 ~~code that is properly billed under one billing code, but that~~
573 ~~has been separated into two or more billing codes, and would~~
574 ~~result in payment greater in amount than would be paid using one~~
575 ~~billing code.~~

576 ~~(16) "Emergency medical condition" means a medical~~
577 ~~condition manifesting itself by acute symptoms of sufficient~~
578 ~~severity, which may include severe pain, such that the absence~~
579 ~~of immediate medical attention could reasonably be expected to~~
580 ~~result in any of the following:~~

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581 ~~(a) Serious jeopardy to patient health.~~
582 ~~(b) Serious impairment to bodily functions.~~
583 ~~(c) Serious dysfunction of any bodily organ or part.~~
584 ~~(17) "Entity wholly owned" means a proprietorship, group~~
585 ~~practice, partnership, or corporation that provides health care~~
586 ~~services rendered by licensed health care practitioners and in~~
587 ~~which licensed health care practitioners are the business owners~~
588 ~~of all aspects of the business entity, including, but not~~
589 ~~limited to, being reflected as the business owners on the title~~
590 ~~or lease of the physical facility, filing taxes as the business~~
591 ~~owners, being account holders on the entity's bank account,~~
592 ~~being listed as the principals on all incorporation documents~~
593 ~~required by this state, and having ultimate authority over all~~
594 ~~personnel and compensation decisions relating to the entity.~~
595 ~~However, this definition does not apply to an entity that is~~
596 ~~wholly owned, directly or indirectly, by a hospital licensed~~
597 ~~under chapter 395.~~

598 Section 15. Section 627.733, Florida Statutes, is amended
599 to read:

600 627.733 Required security.-

601 (1) (a) The ~~Every~~ owner or registrant of a motor vehicle,
602 other than a motor vehicle used as a school bus as defined in s.
603 1006.25 or limousine, required to be registered and licensed in
604 this state shall maintain security as required by this section
605 ~~subsection (3)~~ in effect continuously throughout the
606 registration or licensing period.

607 (b) Notwithstanding paragraph (a), an ~~Every~~ owner or
608 registrant of a motor vehicle used as a taxicab shall ~~not be~~
609 ~~governed by paragraph (1) (a) but shall~~ maintain security as

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610 required under s. 324.032(1), ~~and s. 627.737 shall not apply to~~
611 ~~any motor vehicle used as a taxicab.~~

612 (2) Every nonresident owner or registrant of a motor
613 vehicle that ~~which~~, whether operated or not, has been physically
614 present within this state for more than 90 days during the
615 preceding 365 days shall ~~thereafter~~ maintain security as
616 required by this section ~~defined by subsection (3)~~ in effect
617 ~~continuously~~ throughout the period the ~~such~~ motor vehicle
618 remains within this state.

619 (3) Such security must ~~shall~~ be provided:

620 (a) By an insurance policy delivered or issued for delivery
621 in this state by an authorized or eligible motor vehicle
622 liability insurer which provides the security required under s.
623 324.022 ~~the benefits and exemptions contained in ss. 627.730-~~
624 ~~627.7405.~~ Any policy of insurance that provides, or is
625 represented or sold as providing, the security required in this
626 section is hereunder ~~shall be~~ deemed to provide insurance for
627 the payment of the required benefits; or

628 (b) By any other method authorized by s. 324.031(2) or
629 ~~(3), or (4)~~ and approved by the Department of Highway Safety and
630 Motor Vehicles as providing ~~affording~~ security equivalent to
631 that afforded by a policy of insurance or by self-insuring as
632 authorized by s. 768.28(16). ~~The person filing such security~~
633 ~~shall have all of the obligations and rights of an insurer under~~
634 ~~ss. 627.730-627.7405.~~

635 ~~(4) An owner of a motor vehicle with respect to which~~
636 ~~security is required by this section who fails to have such~~
637 ~~security in effect at the time of an accident shall have no~~
638 ~~immunity from tort liability, but shall be personally liable for~~

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639 ~~the payment of benefits under s. 627.736. With respect to such~~
 640 ~~benefits, such an owner shall have all of the rights and~~
 641 ~~obligations of an insurer under ss. 627.730-627.7405.~~

642 ~~(4) (5) In addition to other persons who are not required to~~
 643 ~~provide required security as required under this section and s.~~
 644 ~~324.022, The owner or registrant of a motor vehicle who is~~
 645 ~~exempt from such requirements if she or he is a member of the~~
 646 ~~United States Armed Forces and is called to or on active duty~~
 647 ~~outside the United States in an emergency situation is exempt~~
 648 ~~from this section. The exemption ~~provided by this subsection~~~~
 649 ~~applies only as long as the member of the armed forces is on~~
 650 ~~such active duty outside the United States and applies only~~
 651 ~~while the vehicle covered by the security required by this~~
 652 ~~section and s. 324.022 is not operated by any person. Upon~~
 653 ~~receipt of a written request by the insured to whom the~~
 654 ~~exemption ~~provided in this subsection~~ applies, the insurer shall~~
 655 ~~cancel the coverages and return any unearned premium or suspend~~
 656 ~~the security required by this section and s. 324.022.~~
 657 ~~Notwithstanding s. 324.0221(2), the Department of Highway Safety~~
 658 ~~and Motor Vehicles may not suspend the registration or~~
 659 ~~operator's license of an ~~any~~ owner or registrant of a motor~~
 660 ~~vehicle during the time she or he qualifies for the ~~an~~ exemption~~
 661 ~~under this subsection. An ~~Any~~ owner or registrant of a motor~~
 662 ~~vehicle who qualifies for the ~~an~~ exemption ~~under this subsection~~~~
 663 ~~shall immediately notify the department before ~~prior to~~ and at~~
 664 ~~the end of the expiration of the exemption.~~

665 Section 16. Section 627.734, Florida Statutes, is amended
 666 to read:

667 627.734 Proof of security; security requirements;

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668 penalties.—

669 (1) The provisions of chapter 324 which pertain to the
670 method of giving and maintaining proof of financial
671 responsibility and which govern and define a motor vehicle
672 liability policy ~~shall~~ apply to filing and maintaining proof of
673 security required under s. 627.733 ~~by ss. 627.730-627.7405.~~

674 (2) Any person who:

675 (a) Gives information required in a report ~~or otherwise as~~
676 ~~provided for in ss. 627.730-627.7405,~~ knowing or having reason
677 to believe that such information is false;

678 (b) Forges or, without authority, signs any evidence of
679 proof of security; or

680 (c) Files, or offers for filing, any such evidence of
681 proof, knowing or having reason to believe that it is forged or
682 signed without authority,

683 commits ~~is guilty of~~ a misdemeanor of the first degree,
684 punishable as provided in s. 775.082 or s. 775.083.

686 Section 17. Section 627.7401, Florida Statutes, is
687 renumbered as section 627.7341, Florida Statutes, and amended to
688 read:

689 627.7341 ~~627.7401~~ Notification of security requirements
690 ~~insured's rights.~~—

691 (1) The commission, by rule, shall adopt a form for
692 notifying the notification of insureds of the security required
693 under s. 627.733 and the proof of security requirement under s.
694 627.734 ~~their right to receive personal injury protection~~
695 ~~benefits under the Florida Motor Vehicle No-Fault Law.~~ Such
696 notice must ~~shall~~ include:

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697 (a) A description of the benefits provided by bodily injury
698 liability coverage and property damage liability coverage
699 ~~personal injury protection, including, but not limited to, the~~
700 ~~specific types of services for which medical benefits are paid,~~
701 ~~disability benefits, death benefits, significant exclusions from~~
702 ~~and limitations on personal injury protection benefits, when~~
703 ~~payments are due, how benefits are coordinated with other~~
704 ~~insurance benefits that the insured may have, penalties and~~
705 ~~interest that may be imposed on insurers for failure to make~~
706 ~~timely payments of benefits, and rights of parties regarding~~
707 ~~disputes as to benefits.~~

708 (b) An advisory informing insureds that, +

709 ~~1.~~ pursuant to s. 626.9892, the Department of Financial
710 Services may pay rewards of up to \$25,000 to persons providing
711 information leading to the arrest and conviction of persons
712 committing crimes investigated by the Division of Insurance
713 Fraud arising from violations of s. 440.105, s. 624.15, s.
714 626.9541, s. 626.989, or s. 817.234.

715 ~~2. Pursuant to s. 627.736(5)(e)1., if the insured notifies~~
716 ~~the insurer of a billing error, the insured may be entitled to a~~
717 ~~certain percentage of a reduction in the amount paid by the~~
718 ~~insured's motor vehicle insurer.~~

719 (c) A notice that solicitation of a person injured in a
720 motor vehicle crash for purposes of filing personal injury
721 ~~protection or~~ tort claims could be a violation of s. 817.234, s.
722 817.505, or the rules regulating The Florida Bar and should be
723 immediately reported to the Division of Insurance Fraud ~~if such~~
724 ~~conduct has taken place.~~

725 (2) Each insurer issuing a policy in this state providing

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726 the security required under s. 627.733 shall ~~personal injury~~
727 ~~protection benefits must~~ mail or deliver the notice as specified
728 in subsection (1) to an insured within 21 days after receiving
729 notice from the insured ~~notice~~ of an automobile accident or
730 claim involving ~~personal injury to~~ an insured who is covered
731 under the policy. The office may allow an insurer up to 30 days
732 of additional time to provide the notice ~~specified in subsection~~
733 ~~(1) not to exceed 30 days,~~ upon a showing by the insurer that an
734 emergency justifies an extension of time.

735 (3) The notice required by this section does not alter or
736 modify the terms of the insurance contract or other security
737 requirements of this part act.

738 Section 18. Section 627.7355, Florida Statutes, is created
739 to read:

740 627.7355 Motor vehicle insurance claims brought in a single
741 action.—In any action in which the owner, registrant, operator,
742 or occupant of a motor vehicle, to which security has been
743 provided pursuant to s. 627.733, is claiming personal injury,
744 all claims arising out of the plaintiff's injuries, including
745 all derivative claims, shall be brought together, unless good
746 cause is shown why such claims should be brought separately.

747 Section 19. Section 627.736, Florida Statutes, is repealed.

748 Section 20. Section 627.737, Florida Statutes, is repealed.

749 Section 21. Section 627.739, Florida Statutes, is repealed.

750 Section 22. Section 627.7403, Florida Statutes, is
751 repealed.

752 Section 23. Section 627.7405, Florida Statutes, is
753 repealed.

754 Section 24. Section 627.7407, Florida Statutes, is

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755 repealed.

756 Section 25. Sections 15 and 16 of chapter 2012-197, Laws of
757 Florida, are repealed.

758 Section 26. Paragraph (b) of subsection (2) of section
759 318.18, Florida Statutes, is amended to read:

760 318.18 Amount of penalties.—The penalties required for a
761 noncriminal disposition pursuant to s. 318.14 or a criminal
762 offense listed in s. 318.17 are as follows:

763 (2) Thirty dollars for all nonmoving traffic violations
764 and:

765 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
766 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
767 320.07(1) shall be charged a delinquent fee pursuant to s.
768 320.07(4).

769 1. If a person who is cited for a violation of s. 320.0605
770 or s. 320.07 can show proof of having a valid registration at
771 the time of arrest, the clerk of the court may dismiss the case
772 and may assess a dismissal fee of up to \$10. A person who finds
773 it impossible or impractical to obtain a valid registration
774 certificate must submit an affidavit detailing the reasons for
775 the impossibility or impracticality. The reasons may include,
776 but are not limited to, the fact that the vehicle was sold,
777 stolen, or destroyed; that the state in which the vehicle is
778 registered does not issue a certificate of registration; or that
779 the vehicle is owned by another person.

780 2. If a person who is cited for a violation of s. 322.03,
781 s. 322.065, or s. 322.15 can show a driver ~~driver's~~ license
782 issued to him or her and valid at the time of arrest, the clerk
783 of the court may dismiss the case and may assess a dismissal fee

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784 of up to \$10.

785 3. If a person who is cited for a violation of s. 316.646
786 can show proof of security as required by s. 627.733, issued to
787 the person and valid at the time of arrest, the clerk of the
788 court may dismiss the case and may assess a dismissal fee of up
789 to \$10. A person who finds it impossible or impractical to
790 obtain proof of security must submit an affidavit detailing the
791 reasons for the impracticality. The reasons may include, but are
792 not limited to, the fact that the vehicle has since been sold,
793 stolen, or destroyed, ~~that the owner or registrant of the~~
794 ~~vehicle is not required by s. 627.733 to maintain personal~~
795 ~~injury protection insurance;~~ or that the vehicle is owned by
796 another person.

797 Section 27. Paragraphs (a) and (d) of subsection (5) of
798 section 320.02, Florida Statutes, are amended to read:

799 320.02 Registration required; application for registration;
800 forms.—

801 (5) (a) Proof that bodily injury liability and property
802 damage liability coverage ~~personal injury protection~~ benefits
803 have been purchased if when required under ss. 324.022 and s.
804 ~~627.733, that property damage liability coverage has been~~
805 ~~purchased as required under s. 324.022,~~ that bodily injury or
806 death coverage has been purchased if required under s. 324.023,
807 and that combined bodily liability insurance and property damage
808 liability insurance have been purchased if when required under
809 s. 627.7415 shall be provided in the manner prescribed by law by
810 the applicant at the time of application for registration of any
811 motor vehicle that is subject to such requirements. The issuing
812 agent may not ~~shall refuse to~~ issue registration if such proof

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813 of purchase is not provided. Insurers shall furnish uniform
 814 proof-of-purchase cards in a form prescribed by the department
 815 and ~~shall~~ include the name of the insured's insurance company,
 816 the coverage identification number, and the make, year, and
 817 vehicle identification number of the vehicle insured. The card
 818 must ~~shall~~ contain a statement notifying the applicant of the
 819 penalty specified in s. 316.646(4). The card or insurance
 820 policy, insurance policy binder, or certificate of insurance or
 821 a photocopy of any of these; an affidavit containing the name of
 822 the insured's insurance company, the insured's policy number,
 823 and the make and year of the vehicle insured; or such other
 824 proof as may be prescribed by the department constitutes ~~shall~~
 825 ~~constitute~~ sufficient proof of purchase. If an affidavit is
 826 provided as proof, it must ~~shall~~ be in substantially the
 827 following form:

828
 829 Under penalty of perjury, I ... (Name of insured)... do hereby
 830 certify that I have ... (~~Personal Injury Protection~~, Property
 831 Damage Liability, ~~and, when required,~~ Bodily Injury
 832 Liability)... Insurance currently in effect with ... (Name of
 833 insurance company)... under ... (policy number)... covering
 834 ... (make, year, and vehicle identification number of
 835 vehicle).... ... (Signature of Insured)...

836
 837 The ~~Such~~ affidavit must ~~shall~~ include the following warning:

838
 839 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 840 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 841 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS

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842 SUBJECT TO PROSECUTION.

843

844 If ~~When~~ an application is made through a licensed motor vehicle
845 dealer as required under ~~in~~ s. 319.23, the original or a
846 photostatic copy of such card, insurance policy, insurance
847 policy binder, or certificate of insurance or the original
848 affidavit from the insured shall be forwarded by the dealer to
849 the tax collector of the county or the Department of Highway
850 Safety and Motor Vehicles for processing. By executing the
851 ~~aforsaid~~ affidavit, the ~~no~~ licensed motor vehicle dealer will
852 not be liable in damages for any inadequacy, insufficiency, or
853 falsification of any statement contained therein. ~~A card shall~~
854 ~~also indicate the existence of any bodily injury liability~~
855 ~~insurance voluntarily purchased.~~

856 (d) The verifying of proof of ~~personal injury protection~~
857 ~~insurance, proof of~~ property damage liability insurance, proof
858 of combined bodily liability insurance and property damage
859 liability insurance, or proof of financial responsibility
860 insurance and the issuance or failure to issue the motor vehicle
861 registration under the provisions of this chapter is may not be
862 ~~construed in any court as~~ a warranty of the reliability or
863 accuracy of the evidence of such proof. Neither the department
864 nor a any tax collector is liable in damages for any inadequacy,
865 insufficiency, falsification, or unauthorized modification of
866 any item of the proof of ~~personal injury protection insurance,~~
867 ~~proof of~~ property damage liability insurance, proof of combined
868 bodily liability insurance and property damage liability
869 insurance, or proof of financial responsibility insurance before
870 ~~prior to, during, or~~ after ~~subsequent to~~ the verification of the

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871 proof. The issuance of a motor vehicle registration does not
 872 constitute prima facie evidence or a presumption of insurance
 873 coverage.

874 Section 28. Paragraph (b) of subsection (1) of section
 875 320.0609, Florida Statutes, is amended to read:

876 320.0609 Transfer and exchange of registration license
 877 plates; transfer fee.—

878 (1)

879 (b) The transfer of a license plate from a vehicle disposed
 880 of to a newly acquired vehicle does not constitute a new
 881 registration. The application for transfer shall be accepted
 882 without requiring proof of ~~personal injury protection or~~
 883 liability insurance.

884 Section 29. Subsection (3) of section 320.27, Florida
 885 Statutes, is amended to read:

886 320.27 Motor vehicle dealers.—

887 (3) APPLICATION AND FEE.—~~The application for the license~~
 888 application shall be in such form as may be prescribed by the
 889 department and is ~~shall be~~ subject to such rules ~~with respect~~
 890 ~~thereto~~ as may be ~~so~~ prescribed by the department ~~it~~. The ~~Such~~
 891 application shall be verified by oath or affirmation and must
 892 ~~shall~~ contain a full statement of the name and birth date of the
 893 person or persons applying for the license ~~therefor~~; the name of
 894 the firm or copartnership, with the names and places of
 895 residence of all members ~~thereof~~, if such applicant is a firm or
 896 copartnership; the names and places of residence of the
 897 principal officers, if the applicant is a body corporate or
 898 other artificial body; the name of the state under whose laws
 899 the corporation is organized; the present and former place or

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900 places of residence of the applicant; and the prior business in
901 which the applicant has been engaged and its ~~the~~ location
902 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
903 location of the place of business and ~~shall~~ state whether the
904 place of business is owned by the applicant and when acquired,
905 or, if leased, a true copy of the lease shall be attached to the
906 application. The applicant shall certify that the location
907 provides an adequately equipped office and is not a residence;
908 that the location affords sufficient unoccupied space upon and
909 within which adequately to store all motor vehicles offered and
910 displayed for sale; and that the location is a suitable place
911 where the applicant can in good faith carry on such business and
912 keep and maintain books, records, and files necessary to conduct
913 such business, which shall be available at all reasonable hours
914 to inspection by the department or any of its inspectors or
915 other employees. The applicant shall certify that the business
916 of a motor vehicle dealer is the principal business that will
917 ~~which shall~~ be conducted at that location. The application must
918 ~~shall~~ contain a statement that the applicant is ~~either~~
919 franchised by a manufacturer of motor vehicles, in which case
920 the name of each motor vehicle that the applicant is franchised
921 to sell must ~~shall~~ be included, or an independent
922 (nonfranchised) motor vehicle dealer. The application must ~~shall~~
923 contain other relevant information as may be required by the
924 department, including evidence that the applicant is insured
925 under a garage liability insurance policy or a general liability
926 insurance policy coupled with a business automobile policy,
927 which includes ~~shall include~~, at a minimum, \$60,000 ~~\$25,000~~
928 combined single-limit liability coverage including bodily injury

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929 and property damage protection and ~~\$10,000 personal injury~~
930 ~~protection~~. However, a salvage motor vehicle dealer as defined
931 in subparagraph (1)(c)5. is exempt from the requirements for
932 garage liability insurance and ~~personal injury protection~~
933 ~~insurance~~ on those vehicles that cannot be legally operated on
934 roads, highways, or streets in this state. Franchise dealers
935 must submit a garage liability insurance policy, and all other
936 dealers must submit a garage liability insurance policy or a
937 general liability insurance policy coupled with a business
938 automobile policy. Such policy shall be for the license period,
939 and evidence of a new or continued policy shall be delivered to
940 the department at the beginning of each license period. Upon
941 making initial application, the applicant shall pay to the
942 department a fee of \$300 in addition to any other fees now
943 required by law. Upon making a subsequent renewal application,
944 the applicant shall pay to the department a fee of \$75 in
945 addition to any other fees now required by law. Upon making an
946 application for a change of location, the applicant ~~person~~ shall
947 pay a fee of \$50 in addition to any other fees now required by
948 law. The department shall, in the case of every application for
949 initial licensure, verify whether certain facts set forth in the
950 application are true. Each applicant, general partner in the
951 case of a partnership, or corporate officer and director in the
952 case of a corporate applicant, must file a set of fingerprints
953 with the department for the purpose of determining any prior
954 criminal record or any outstanding warrants. The department
955 shall submit the fingerprints to the Department of Law
956 Enforcement for state processing and forwarding to the Federal
957 Bureau of Investigation for federal processing. The actual cost

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958 of state and federal processing shall be borne by the applicant
959 and is in addition to the fee for licensure. The department may
960 issue a license to an applicant pending the results of the
961 fingerprint investigation, which license is fully revocable if
962 the department subsequently determines that any facts set forth
963 in the application are not true or correctly represented.

964 Section 30. Paragraph (j) of subsection (3) of section
965 320.771, Florida Statutes, is amended to read:

966 320.771 License required of recreational vehicle dealers.—

967 (3) APPLICATION.—The application for such license shall be
968 in the form prescribed by the department and subject to such
969 rules as may be prescribed by it. The application shall be
970 verified by oath or affirmation and shall contain:

971 (j) A statement that the applicant is insured under a
972 garage liability insurance policy, which includes ~~shall include~~,
973 at a minimum, \$60,000 ~~\$25,000~~ combined single-limit liability
974 coverage, including bodily injury and property damage
975 protection, ~~and \$10,000 personal injury protection~~, if the
976 applicant is to be licensed as a dealer in, or intends to sell,
977 recreational vehicles.

978
979 The department shall, if it deems necessary, cause an
980 investigation to be made to ascertain if the facts set forth in
981 the application are true and shall not issue a license to the
982 applicant until it is satisfied that the facts set forth in the
983 application are true.

984 Section 31. Subsection (2) of section 322.251, Florida
985 Statutes, is amended to read:

986 322.251 Notice of cancellation, suspension, revocation, or

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987 disqualification of license.-

988 (2) The giving of notice and an order of cancellation,
989 suspension, revocation, or disqualification by mail is complete
990 ~~upon expiration of~~ 20 days after deposit in the United States
991 mail for all notices except those issued under chapter 324 or
992 ss. 627.733-627.734 ~~627.732-627.734~~, which are complete 15 days
993 after deposit in the United States mail. Proof of the giving of
994 notice and an order of cancellation, suspension, revocation, or
995 disqualification in either manner shall be made by entry in the
996 records of the department that such notice was given. The entry
997 is admissible in the courts of this state and constitutes
998 sufficient proof that such notice was given.

999 Section 32. Subsection (4) of section 400.9905, Florida
1000 Statutes, is amended, present subsection (7) of that section is
1001 renumbered as subsection (8), and new subsection (7) is added to
1002 that section, to read:

1003 400.9905 Definitions.-

1004 (4) "Clinic" means an entity where health care services are
1005 provided to individuals and which tenders charges for
1006 reimbursement for such services, including a mobile clinic and a
1007 portable equipment provider. As used in this part, the term does
1008 not include and the licensure requirements of this part do not
1009 apply to:

1010 (a) Entities licensed or registered by the state under
1011 chapter 395; entities licensed or registered by the state and
1012 providing only health care services within the scope of services
1013 authorized under their respective licenses under ss. 383.30-
1014 383.335, chapter 390, chapter 394, chapter 397, this chapter
1015 except part X, chapter 429, chapter 463, chapter 465, chapter

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1016 466, chapter 478, part I of chapter 483, chapter 484, or chapter
1017 651; end-stage renal disease providers authorized under 42
1018 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
1019 part 485, subpart B or subpart H; or any entity that provides
1020 neonatal or pediatric hospital-based health care services or
1021 other health care services by licensed practitioners solely
1022 within a hospital licensed under chapter 395.

1023 (b) Entities that own, directly or indirectly, entities
1024 licensed or registered by the state pursuant to chapter 395;
1025 entities that own, directly or indirectly, entities licensed or
1026 registered by the state and providing only health care services
1027 within the scope of services authorized pursuant to their
1028 respective licenses under ss. 383.30-383.335, chapter 390,
1029 chapter 394, chapter 397, this chapter except part X, chapter
1030 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1031 of chapter 483, chapter 484, or chapter 651; end-stage renal
1032 disease providers authorized under 42 C.F.R. part 405, subpart
1033 U; providers certified under 42 C.F.R. part 485, subpart B or
1034 subpart H; or any entity that provides neonatal or pediatric
1035 hospital-based health care services by licensed practitioners
1036 solely within a hospital licensed under chapter 395.

1037 (c) Entities that are owned, directly or indirectly, by an
1038 entity licensed or registered by the state pursuant to chapter
1039 395; entities that are owned, directly or indirectly, by an
1040 entity licensed or registered by the state and providing only
1041 health care services within the scope of services authorized
1042 pursuant to their respective licenses under ss. 383.30-383.335,
1043 chapter 390, chapter 394, chapter 397, this chapter except part
1044 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter

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1045 478, part I of chapter 483, chapter 484, or chapter 651; end-
1046 stage renal disease providers authorized under 42 C.F.R. part
1047 405, subpart U; providers certified under 42 C.F.R. part 485,
1048 subpart B or subpart H; or any entity that provides neonatal or
1049 pediatric hospital-based health care services by licensed
1050 practitioners solely within a hospital under chapter 395.

1051 (d) Entities that are under common ownership, directly or
1052 indirectly, with an entity licensed or registered by the state
1053 pursuant to chapter 395; entities that are under common
1054 ownership, directly or indirectly, with an entity licensed or
1055 registered by the state and providing only health care services
1056 within the scope of services authorized pursuant to their
1057 respective licenses under ss. 383.30-383.335, chapter 390,
1058 chapter 394, chapter 397, this chapter except part X, chapter
1059 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1060 of chapter 483, chapter 484, or chapter 651; end-stage renal
1061 disease providers authorized under 42 C.F.R. part 405, subpart
1062 U; providers certified under 42 C.F.R. part 485, subpart B or
1063 subpart H; or any entity that provides neonatal or pediatric
1064 hospital-based health care services by licensed practitioners
1065 solely within a hospital licensed under chapter 395.

1066 (e) An entity that is exempt from federal taxation under 26
1067 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1068 under 26 U.S.C. s. 409 that has a board of trustees at least
1069 two-thirds of which are Florida-licensed health care
1070 practitioners and provides only physical therapy services under
1071 physician orders, any community college or university clinic,
1072 and any entity owned or operated by the federal or state
1073 government, including agencies, subdivisions, or municipalities

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1074 thereof.

1075 (f) A sole proprietorship, group practice, partnership, or
1076 corporation that provides health care services by physicians
1077 covered by s. 627.419, that is directly supervised by one or
1078 more of such physicians, and that is wholly owned by one or more
1079 of those physicians or by a physician and the spouse, parent,
1080 child, or sibling of that physician.

1081 (g) A sole proprietorship, group practice, partnership, or
1082 corporation that provides health care services by licensed
1083 health care practitioners under chapter 457, chapter 458,
1084 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1085 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1086 chapter 490, chapter 491, or part I, part III, part X, part
1087 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1088 wholly owned by one or more licensed health care practitioners,
1089 or the licensed health care practitioners set forth in this
1090 paragraph and the spouse, parent, child, or sibling of a
1091 licensed health care practitioner if one of the owners who is a
1092 licensed health care practitioner is supervising the business
1093 activities and is legally responsible for the entity's
1094 compliance with all federal and state laws. However, a health
1095 care practitioner may not supervise services beyond the scope of
1096 the practitioner's license, except that, for the purposes of
1097 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1098 which provides only services authorized pursuant to s.
1099 456.053(3)(b) may be supervised by a licensee specified in s.
1100 456.053(3)(b).

1101 (h) Clinical facilities affiliated with an accredited
1102 medical school at which training is provided for medical

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1103 students, residents, or fellows.

1104 (i) Entities that provide only oncology or radiation
1105 therapy services by physicians licensed under chapter 458 or
1106 chapter 459 or entities that provide oncology or radiation
1107 therapy services by physicians licensed under chapter 458 or
1108 chapter 459 which are owned by a corporation whose shares are
1109 publicly traded on a recognized stock exchange.

1110 (j) Clinical facilities affiliated with a college of
1111 chiropractic accredited by the Council on Chiropractic Education
1112 at which training is provided for chiropractic students.

1113 (k) Entities that provide licensed practitioners to staff
1114 emergency departments or to deliver anesthesia services in
1115 facilities licensed under chapter 395 and that derive at least
1116 90 percent of their gross annual revenues from the provision of
1117 such services. Entities claiming an exemption from licensure
1118 under this paragraph must provide documentation demonstrating
1119 compliance.

1120 (l) Orthotic or prosthetic clinical facilities that are a
1121 publicly traded corporation or that are wholly owned, directly
1122 or indirectly, by a publicly traded corporation. As used in this
1123 paragraph, a publicly traded corporation is a corporation that
1124 issues securities traded on an exchange registered with the
1125 United States Securities and Exchange Commission as a national
1126 securities exchange.

1127 (m) Entities that are owned by a corporation that has \$250
1128 million or more in total annual sales of health care services
1129 provided by licensed health care practitioners where one or more
1130 of the owners is a health care practitioner who is licensed in
1131 this state and who is responsible for supervising the business

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1132 activities of the entity and is legally responsible for the
1133 entity's compliance with state law for purposes of this part.

1134 (n) Entities that employ 50 or more licensed health care
1135 practitioners licensed under chapter 458 or chapter 459 where
1136 the billing for medical services is under a single tax
1137 identification number. The application for exemption under this
1138 subsection must include ~~shall contain information that includes:~~
1139 the name, residence, and business address, and telephone ~~phone~~
1140 number of the entity that owns the practice; a complete list of
1141 the names and contact information of all the officers and
1142 directors of the corporation; the name, residence address,
1143 business address, and medical license number of each licensed
1144 Florida health care practitioner employed by the entity; the
1145 corporate tax identification number of the entity seeking an
1146 exemption; a list ~~listing~~ of health care services to be provided
1147 by the entity at the health care clinics owned or operated by
1148 the entity and a certified statement prepared by an independent
1149 certified public accountant which states that the entity and the
1150 health care clinics owned or operated by the entity have not
1151 received payment for health care services related to a motor
1152 vehicle accident injury ~~under personal injury protection~~
1153 ~~insurance coverage~~ for the preceding year. If the agency
1154 determines that an entity that ~~which~~ is exempt under this
1155 subsection has received payments for medical services related to
1156 a motor vehicle accident injury ~~under personal injury protection~~
1157 ~~insurance coverage~~, the agency may deny or revoke the exemption
1158 from licensure under this subsection.

1159

1160 ~~Notwithstanding this subsection, an entity shall be deemed a~~

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1161 ~~clinic and must be licensed under this part in order to receive~~
1162 ~~reimbursement under the Florida Motor Vehicle No-Fault Law, ss.~~
1163 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1164 (7) "Motor vehicle accident injury" means accidental bodily
1165 injury sustained while occupying a motor vehicle as defined in
1166 s. 627.732 or, if the injured party is not an occupant of a
1167 motor vehicle, an injury caused by physical contact with a
1168 motor vehicle.

1169 Section 33. Subsection (6) of section 400.991, Florida
1170 Statutes, is amended to read:

1171 400.991 License requirements; background screenings;
1172 prohibitions.-

1173 (6) All agency forms for licensure application or exemption
1174 from licensure under this part must contain the following
1175 statement:

1176
1177 INSURANCE FRAUD NOTICE.—A person who knowingly submits
1178 a false, misleading, or fraudulent application or
1179 other document when applying for licensure as a health
1180 care clinic, seeking an exemption from licensure as a
1181 health care clinic, or demonstrating compliance with
1182 part X of chapter 400, Florida Statutes, with the
1183 intent to use the license, exemption from licensure,
1184 or demonstration of compliance to provide services or
1185 seek reimbursement related to a motor vehicle accident
1186 injury under the Florida Motor Vehicle No-Fault Law,
1187 commits a fraudulent insurance act, as defined in s.
1188 626.989, Florida Statutes. A person who presents a
1189 claim for personal injury protection benefits knowing

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1190 that the payee knowingly submitted such health care
1191 clinic application or document, commits insurance
1192 fraud, as defined in s. 817.234, Florida Statutes.
1193

1194 Section 34. Paragraph (g) of subsection (1) of section
1195 400.9935, Florida Statutes, is amended to read:

1196 400.9935 Clinic responsibilities.—

1197 (1) Each clinic shall appoint a medical director or clinic
1198 director who shall agree in writing to accept legal
1199 responsibility for the following activities on behalf of the
1200 clinic. The medical director or the clinic director shall:

1201 (g) Conduct systematic reviews of clinic billings to ensure
1202 that the billings are not fraudulent or unlawful. Upon discovery
1203 of an unlawful charge, the medical director or clinic director
1204 shall take immediate corrective action. If the clinic performs
1205 only the technical component of magnetic resonance imaging,
1206 static radiographs, computed tomography, or positron emission
1207 tomography, and provides the professional interpretation of such
1208 services, in a fixed facility that is accredited by the Joint
1209 Commission on Accreditation of Healthcare Organizations or the
1210 Accreditation Association for Ambulatory Health Care, and the
1211 American College of Radiology; and if, in the preceding quarter,
1212 the percentage of scans performed by that clinic relating to a
1213 motor vehicle accident injury ~~which was billed to all personal~~
1214 ~~injury protection insurance carriers~~ was less than 15 percent,
1215 the chief financial officer of the clinic may, in a written
1216 acknowledgment provided to the agency, assume the responsibility
1217 for the conduct of the systematic reviews of clinic billings to
1218 ensure that the billings are not fraudulent or unlawful.

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1219 Section 35. Subsection (28) of section 409.901, Florida
1220 Statutes, is amended to read:

1221 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1222 409.901-409.920, except as otherwise specifically provided, the
1223 term:

1224 (28) "Third-party benefit" means any benefit that is or may
1225 be available at any time through contract, court award,
1226 judgment, settlement, agreement, or ~~any~~ arrangement between a
1227 third party and any person or entity, including, without
1228 limitation, a Medicaid recipient, a provider, another third
1229 party, an insurer, or the agency, for any Medicaid-covered
1230 injury, illness, goods, or services, including costs of medical
1231 services related thereto, for bodily ~~personal~~ injury or for
1232 death of the recipient, but specifically excluding ~~policies of~~
1233 life insurance policies on the recipient, unless available under
1234 terms of the policy to pay medical expenses before ~~prior to~~
1235 death. The term includes, ~~without limitation,~~ collateral, as
1236 defined in this section, health insurance, any benefit under a
1237 health maintenance organization, a preferred provider
1238 arrangement, a prepaid health clinic, liability insurance,
1239 uninsured motorist insurance ~~or personal injury protection~~
1240 ~~coverage~~, medical benefits under workers' compensation, and any
1241 obligation under law or equity to provide medical support.

1242 Section 36. Paragraph (f) of subsection (11) of section
1243 409.910, Florida Statutes, is amended to read:

1244 409.910 Responsibility for payments on behalf of Medicaid-
1245 eligible persons when other parties are liable.—

1246 (11) The agency may, as a matter of right, in order to
1247 enforce its rights under this section, institute, intervene in,

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1248 or join any legal or administrative proceeding in its own name
1249 in one or more of the following capacities: individually, as
1250 subrogee of the recipient, as assignee of the recipient, or as
1251 lienholder of the collateral.

1252 (f) Notwithstanding any other provision in this section ~~to~~
1253 ~~the contrary, if in the event of~~ an action in tort against a
1254 third party in which the recipient or his or her legal
1255 representative is a party ~~which~~ results in a judgment, award, or
1256 settlement from a third party, the amount recovered shall be
1257 distributed as follows:

1258 1. After attorney ~~attorney's~~ fees and taxable costs as
1259 defined by the Florida Rules of Civil Procedure, one-half of the
1260 remaining recovery shall be paid to the agency up to the total
1261 amount of medical assistance provided by Medicaid.

1262 2. The remaining amount of the recovery shall be paid to
1263 the recipient.

1264 3. For purposes of calculating the agency's recovery of
1265 medical assistance benefits paid, the fee for services of an
1266 attorney retained by the recipient or his or her legal
1267 representative shall be calculated at 25 percent of the
1268 judgment, award, or settlement.

1269 4. Notwithstanding any other provision of this section ~~to~~
1270 ~~the contrary, the agency is shall be~~ entitled to all medical
1271 coverage benefits up to the total amount of medical assistance
1272 provided by Medicaid. For purposes of this paragraph, "medical
1273 coverage" means any benefits under health insurance, a health
1274 maintenance organization, a preferred provider arrangement, or a
1275 prepaid health clinic, and the portion of benefits designated
1276 for medical payments under coverage for workers' compensation,

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1277 ~~personal injury protection,~~ and casualty.

1278 Section 37. Paragraph (k) of subsection (2) of section
1279 456.057, Florida Statutes, is amended to read:

1280 456.057 Ownership and control of patient records; report or
1281 copies of records to be furnished.—

1282 (2) As used in this section, the terms "records owner,"
1283 "health care practitioner," and "health care practitioner's
1284 employer" do not include any of the following persons or
1285 entities; furthermore, the following persons or entities are not
1286 authorized to acquire or own medical records, but are authorized
1287 under the confidentiality and disclosure requirements of this
1288 section to maintain those documents required by the part or
1289 chapter under which they are licensed or regulated:

1290 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1291 Section 38. Paragraphs (gg) through (nn) of subsection (1)
1292 of section 456.072, Florida Statutes, are redesignated as
1293 paragraphs (ee) through (ll), respectively, and paragraphs (ee)
1294 and (ff) of that subsection are amended, to read:

1295 456.072 Grounds for discipline; penalties; enforcement.—

1296 (1) The following acts shall constitute grounds for which
1297 the disciplinary actions specified in subsection (2) may be
1298 taken:

1299 ~~(ee) With respect to making a personal injury protection
1300 claim as required by s. 627.736, intentionally submitting a
1301 claim, statement, or bill that has been "upcoded" as defined in
1302 s. 627.732.~~

1303 ~~(ff) With respect to making a personal injury protection
1304 claim as required by s. 627.736, intentionally submitting a
1305 claim, statement, or bill for payment of services that were not~~

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1306 ~~rendered.~~

1307 Section 39. Paragraph (i) of subsection (1) of section
1308 626.9541, Florida Statutes, is amended to read:

1309 626.9541 Unfair methods of competition and unfair or
1310 deceptive acts or practices defined.—

1311 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1312 ACTS.—The following are defined as unfair methods of competition
1313 and unfair or deceptive acts or practices:

1314 (i) *Unfair claim settlement practices.*—

1315 1. Attempting to settle claims on the basis of an
1316 application, ~~when~~ serving as a binder or intended to become a
1317 part of the policy, or any other material document that ~~which~~
1318 was altered without notice to, or knowledge or consent of, the
1319 insured;

1320 2. A material misrepresentation made to an insured or any
1321 other person having an interest in the proceeds that are payable
1322 under a ~~such~~ contract or policy, for the purpose and with the
1323 intent of effecting settlement of such claims, loss, or damage
1324 under such contract or policy on less favorable terms than those
1325 provided in, and contemplated by, the ~~such~~ contract or policy;
1326 or

1327 3. Committing or performing with such frequency as to
1328 indicate a general business practice any of the following:

1329 a. Failing to adopt and implement standards for the proper
1330 investigation of claims;

1331 b. Misrepresenting pertinent facts or insurance policy
1332 provisions relating to coverages at issue;

1333 c. Failing to acknowledge and act promptly upon
1334 communications with respect to claims;

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1335 d. Denying claims without conducting reasonable
1336 investigations based upon available information;

1337 e. Failing to affirm or deny full or partial coverage of
1338 claims, and, as to partial coverage, the dollar amount or extent
1339 of coverage, or failing to provide a written statement that the
1340 claim is being investigated, upon the written request of the
1341 insured, within 30 days after proof-of-loss statements have been
1342 completed;

1343 f. Failing to promptly provide a reasonable explanation in
1344 writing to the insured of the basis in the insurance policy, in
1345 relation to the facts or applicable law, for denial of a claim
1346 or for the offer of a compromise settlement;

1347 g. Failing to promptly notify the insured of any additional
1348 information necessary for the processing of a claim; or

1349 h. Failing to clearly explain the nature of the requested
1350 information and the reasons why such information is necessary.

1351 ~~i. Failing to pay personal injury protection insurance~~
1352 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1353 ~~office may order the insurer to pay restitution to a~~
1354 ~~policyholder, medical provider, or other claimant, including~~
1355 ~~interest at a rate consistent with the amount set forth in s.~~
1356 ~~55.03(1), for the time period within which an insurer fails to~~
1357 ~~pay claims as required by law. Restitution is in addition to any~~
1358 ~~other penalties allowed by law, including, but not limited to,~~
1359 ~~the suspension of the insurer's certificate of authority.~~

1360 4. Failing to pay undisputed amounts of partial or full
1361 benefits owed under first-party property insurance policies
1362 within 90 days after an insurer receives notice of a residential
1363 property insurance claim, determines the amounts of partial or

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1364 full benefits, and agrees to coverage, unless payment of the
1365 undisputed benefits is prevented by an act of God, prevented by
1366 the impossibility of performance, or due to actions by the
1367 insured or claimant which ~~that~~ constitute fraud, lack of
1368 cooperation, or intentional misrepresentation regarding the
1369 claim for which benefits are owed.

1370 Section 40. Paragraph (a) of subsection (1) of section
1371 626.989, Florida Statutes, is amended to read:

1372 626.989 Investigation by department or Division of
1373 Insurance Fraud; compliance; immunity; confidential information;
1374 reports to division; division investigator's power of arrest.—

1375 (1) For the purposes of this section:

1376 (a) A person commits a "fraudulent insurance act" if the
1377 person:

1378 1. Knowingly and with intent to defraud presents, causes to
1379 be presented, or prepares with knowledge or belief that it will
1380 be presented, to or by an insurer, self-insurer, self-insurance
1381 fund, servicing corporation, purported insurer, broker, or any
1382 agent thereof, any written statement as part of, or in support
1383 of, an application for the issuance of, or the rating of, any
1384 insurance policy, or a claim for payment or other benefit
1385 pursuant to any insurance policy, which the person knows to
1386 contain materially false information concerning any fact
1387 material thereto or if the person conceals, for the purpose of
1388 misleading another, information concerning any fact material
1389 thereto.

1390 2. Knowingly submits:

1391 a. A false, misleading, or fraudulent application or other
1392 document when applying for licensure as a health care clinic,

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1393 seeking an exemption from licensure as a health care clinic, or
1394 demonstrating compliance with part X of chapter 400 with an
1395 intent to use the license, exemption from licensure, or
1396 demonstration of compliance to provide services or seek
1397 reimbursement relating to a motor vehicle accident ~~under the~~
1398 ~~Florida Motor Vehicle No-Fault Law.~~

1399 b. A claim for payment or other benefit relating to a motor
1400 vehicle accident ~~pursuant to a personal injury protection~~
1401 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
1402 the person knows that the payee knowingly submitted a false,
1403 misleading, or fraudulent application or other document when
1404 applying for licensure as a health care clinic, seeking an
1405 exemption from licensure as a health care clinic, or
1406 demonstrating compliance with part X of chapter 400.

1407 Section 41. Paragraph (a) of subsection (4) of section
1408 626.9895, Florida Statutes, is amended to read:

1409 626.9895 Motor vehicle insurance fraud direct-support
1410 organization.—

1411 (4) BOARD OF DIRECTORS.—

1412 (a) The board of directors of the organization consists
1413 ~~shall consist~~ of the following 11 members:

1414 1. The Chief Financial Officer, or designee, who serves
1415 ~~shall serve~~ as chair.

1416 2. Two state attorneys, one ~~of whom shall be~~ appointed by
1417 the Chief Financial Officer and the other ~~one of whom shall be~~
1418 appointed by the Attorney General.

1419 3. Two representatives of motor vehicle insurers appointed
1420 by the Chief Financial Officer.

1421 4. Two representatives of local law enforcement agencies,

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1422 one ~~of whom shall be~~ appointed by the Chief Financial Officer
1423 and the other ~~one of whom shall be~~ appointed by the Attorney
1424 General.

1425 5. Two representatives of the types of health care
1426 providers who regularly make claims for benefits related to
1427 motor vehicle accidents ~~under ss. 627.730-627.7405~~, one ~~of whom~~
1428 ~~shall be~~ appointed by the President of the Senate and the other
1429 ~~one of whom shall be~~ appointed by the Speaker of the House of
1430 Representatives. The appointees may not represent the same type
1431 of health care provider.

1432 6. A private attorney who has experience in representing
1433 claimants in motor vehicle tort claims, ~~actions for benefits~~
1434 ~~under ss. 627.730-627.7405~~, who shall be appointed by the
1435 President of the Senate.

1436 7. A private attorney who has experience in representing
1437 insurers in motor vehicle tort claims, ~~actions for benefits~~
1438 ~~under ss. 627.730-627.7405~~, who shall be appointed by the
1439 Speaker of the House of Representatives.

1440 Section 42. Subsection (1) of section 627.06501, Florida
1441 Statutes, is amended to read:

1442 627.06501 Insurance discounts for certain persons
1443 completing driver improvement course.-

1444 (1) Any rate, rating schedule, or rating manual for the
1445 liability, ~~personal injury protection~~, and collision coverages
1446 of a motor vehicle insurance policy filed with the office may
1447 provide for an appropriate reduction in premium charges as to
1448 such coverages if ~~when~~ the principal operator on the covered
1449 vehicle has successfully completed a driver improvement course
1450 approved and certified by the Department of Highway Safety and

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1451 Motor Vehicles which is effective in reducing crash or violation
1452 rates, or both, ~~as determined pursuant to s. 318.1451(5)~~. Any
1453 discount, not to exceed 10 percent, used by an insurer is
1454 presumed to be appropriate unless credible data demonstrates
1455 otherwise.

1456 Section 43. Subsection (1) of section 627.0652, Florida
1457 Statutes, is amended to read:

1458 627.0652 Insurance discounts for certain persons completing
1459 safety course.—

1460 (1) Any rates, rating schedules, or rating manuals for the
1461 liability, ~~personal injury protection~~, and collision coverages
1462 of a motor vehicle insurance policy filed with the office must
1463 ~~shall~~ provide for an appropriate reduction in premium charges as
1464 to such coverages if ~~when~~ the principal operator on the covered
1465 vehicle is an insured 55 years of age or older who has
1466 successfully completed a motor vehicle accident prevention
1467 course approved by the Department of Highway Safety and Motor
1468 Vehicles. Any discount used by an insurer is presumed to be
1469 appropriate unless credible data demonstrates otherwise.

1470 Section 44. Subsections (1) and (3) of section 627.0653,
1471 Florida Statutes, are amended to read:

1472 627.0653 Insurance discounts for specified motor vehicle
1473 equipment.—

1474 (1) Any rates, rating schedules, or rating manuals for the
1475 liability, ~~personal injury protection~~, and collision coverages
1476 of a motor vehicle insurance policy filed with the office must
1477 ~~shall~~ provide a premium discount if the insured vehicle is
1478 equipped with factory-installed, four-wheel antilock brakes.

1479 (3) Any rates, rating schedules, or rating manuals for

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1480 ~~personal injury protection coverage and~~ medical payments
 1481 coverage, if offered, of a motor vehicle insurance policy filed
 1482 with the office must ~~shall~~ provide a premium discount if the
 1483 insured vehicle is equipped with one or more air bags which are
 1484 factory installed.

1485 Section 45. Section 627.4132, Florida Statutes, is amended
 1486 to read:

1487 627.4132 Stacking of coverages prohibited.—If an insured or
 1488 named insured is protected by any type of motor vehicle
 1489 insurance policy for liability, ~~personal injury protection,~~ or
 1490 other coverage, the policy must ~~shall~~ provide that the insured
 1491 or named insured is protected only to the extent of the coverage
 1492 she or he has on the vehicle involved in the accident. However,
 1493 if none of the insured's or named insured's vehicles is involved
 1494 in the accident, coverage is available only to the extent of
 1495 coverage on any one of the vehicles with applicable coverage.
 1496 Coverage on any other vehicles may ~~shall~~ not be added to or
 1497 stacked onto ~~upon~~ that coverage. This section does not apply:

1498 (1) To uninsured motorist coverage, which is separately
 1499 governed by s. 627.727.

1500 (2) To reduce the coverage available by reason of insurance
 1501 policies insuring different named insureds.

1502 Section 46. Subsection (6) of section 627.6482, Florida
 1503 Statutes, is amended to read:

1504 627.6482 Definitions.—As used in ss. 627.648-627.6498, the
 1505 term:

1506 (6) "Health insurance" means any hospital and medical
 1507 expense incurred policy, minimum premium plan, stop-loss
 1508 coverage, health maintenance organization contract, prepaid

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1509 health clinic contract, multiple-employer welfare arrangement
1510 contract, or fraternal benefit society health benefits contract,
1511 whether sold as an individual or group policy or contract. The
1512 term does not include a ~~any~~ policy covering medical payment
1513 coverage or bodily ~~personal~~ injury liability ~~protection~~ coverage
1514 in a motor vehicle policy, coverage issued as a supplement to
1515 liability insurance, or workers' compensation.

1516 Section 47. Section 627.7263, Florida Statutes, is amended
1517 to read:

1518 627.7263 Rental and leasing driver's insurance to be
1519 primary; exception.—

1520 (1) ~~The~~ Valid and collectible liability insurance ~~or~~
1521 ~~personal injury protection insurance~~ providing coverage for the
1522 lessor of a motor vehicle for rent or lease is primary unless
1523 otherwise stated in at least 10-point type on the face of the
1524 rental or lease agreement. Such insurance is primary for the
1525 limits of liability required under s. 324.021(7) ~~and personal~~
1526 ~~injury protection coverage as required by ss. 324.021(7) and~~
1527 ~~627.736.~~

1528 (2) If the lessee's coverage is to be primary, the rental
1529 or lease agreement must contain the following language, in at
1530 least 10-point type:

1531
1532 "The valid and collectible liability insurance ~~and~~
1533 ~~personal injury protection insurance~~ of an ~~any~~
1534 authorized rental or leasing driver is primary for the
1535 limits of liability ~~and personal injury protection~~
1536 coverage required under s. ~~by ss.~~ 324.021(7) ~~and~~
1537 ~~627.736, Florida Statutes."~~

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1538 Section 48. Subsections (8) through (10) of section
1539 627.727, Florida Statutes, are renumbered as subsections (7)
1540 through (9), respectively, and subsection (1) and present
1541 subsection (7) of that section are amended, to read:

1542 627.727 Motor vehicle insurance; uninsured and underinsured
1543 vehicle coverage; insolvent insurer protection.—

1544 (1) No motor vehicle liability insurance policy which
1545 provides bodily injury liability coverage shall be delivered or
1546 issued for delivery in this state with respect to any
1547 specifically insured or identified motor vehicle registered or
1548 principally garaged in this state unless uninsured motor vehicle
1549 coverage is provided therein or supplemental thereto for the
1550 protection of persons insured thereunder who are legally
1551 entitled to recover damages from owners or operators of
1552 uninsured motor vehicles because of bodily injury, sickness, or
1553 disease, including death, resulting therefrom. However, the
1554 coverage required under this section is not applicable if ~~when~~,
1555 or to the extent that, an insured named in the policy makes a
1556 written rejection of the coverage on behalf of all insureds
1557 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~
1558 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1559 of the lease contract, provides liability coverage on the leased
1560 vehicle, the lessee of such vehicle shall have the sole
1561 privilege to reject uninsured motorist coverage or to select
1562 lower limits than the bodily injury liability limits, regardless
1563 of whether the lessor is qualified as a self-insurer pursuant to
1564 s. 324.171. Unless an insured, or lessee having the privilege of
1565 rejecting uninsured motorist coverage, requests such coverage or
1566 requests higher uninsured motorist limits in writing, the

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1567 coverage or such higher uninsured motorist limits need not be
1568 provided in or supplemental to any other policy that ~~which~~
1569 renews, extends, changes, supersedes, or replaces an existing
1570 policy with the same bodily injury liability limits if ~~when~~ an
1571 insured or lessee had rejected the coverage. If ~~When~~ an insured
1572 or lessee has initially selected limits of uninsured motorist
1573 coverage lower than her or his bodily injury liability limits,
1574 higher limits of uninsured motorist coverage need not be
1575 provided in or supplemental to any other policy that ~~which~~
1576 renews, extends, changes, supersedes, or replaces an existing
1577 policy with the same bodily injury liability limits unless an
1578 insured requests higher uninsured motorist coverage in writing.
1579 The rejection or selection of lower limits shall be made on a
1580 form approved by the office. The form must ~~shall~~ fully advise
1581 the applicant of the nature of the coverage and ~~shall~~ state that
1582 the coverage is equal to bodily injury liability limits unless
1583 lower limits are requested or the coverage is rejected. The
1584 heading of the form shall be in 12-point bold type and ~~shall~~
1585 state: "You are electing not to purchase certain valuable
1586 coverage that ~~which~~ protects you and your family or you are
1587 purchasing uninsured motorist limits less than your bodily
1588 injury liability limits when you sign this form. Please read
1589 carefully." If this form is signed by a named insured, it will
1590 be conclusively presumed that there was an informed, knowing
1591 rejection of coverage or election of lower limits on behalf of
1592 all insureds. The insurer shall notify the named insured at
1593 least annually of her or his options as to the coverage required
1594 by this section. Such notice must ~~shall~~ be part of, and attached
1595 to, the notice of premium, must ~~shall~~ provide ~~for~~ a means to

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1596 allow the insured to request such coverage, and must ~~shall~~ be
 1597 given in a manner approved by the office. Receipt of this notice
 1598 does not constitute an affirmative waiver of the insured's right
 1599 to uninsured motorist coverage if ~~where~~ the insured has not
 1600 signed a selection or rejection form. The coverage described
 1601 under this section is ~~shall be~~ over and above, but may ~~shall~~ not
 1602 duplicate, the benefits available to an insured under any
 1603 workers' compensation law, ~~personal injury protection benefits,~~
 1604 disability benefits law, or similar law; under any automobile
 1605 medical expense coverage; under any motor vehicle liability
 1606 insurance coverage; or from the owner or operator of the
 1607 uninsured motor vehicle or any other person or organization
 1608 jointly or severally liable ~~together~~ with such owner or operator
 1609 for the accident; and such coverage must ~~shall~~ cover the
 1610 difference, if any, between the sum of such benefits and the
 1611 damages sustained, up to the maximum amount of ~~such~~ coverage
 1612 provided under this section. The amount of coverage available
 1613 under this section may ~~shall~~ not be reduced by a setoff against
 1614 any coverage, including liability insurance. Such coverage does
 1615 ~~shall~~ not inure, directly or indirectly, to the benefit of any
 1616 workers' compensation or disability benefits carrier or any
 1617 person or organization qualifying as a self-insurer under any
 1618 workers' compensation or disability benefits law or similar law.

1619 ~~(7) The legal liability of an uninsured motorist coverage~~
 1620 ~~insurer does not include damages in tort for pain, suffering,~~
 1621 ~~mental anguish, and inconvenience unless the injury or disease~~
 1622 ~~is described in one or more of paragraphs (a) - (d) of s.~~
 1623 ~~627.737(2).~~

1624 Section 49. Subsection (1) and paragraph (a) of subsection

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1625 (2) of section 627.7275, Florida Statutes, are amended to read:

1626 627.7275 Motor vehicle liability.—

1627 (1) A motor vehicle insurance policy ~~providing personal~~
1628 ~~injury protection as set forth in s. 627.736~~ may not be
1629 delivered or issued for delivery in this state for a ~~with~~
1630 ~~respect to any~~ specifically insured or identified motor vehicle
1631 registered or principally garaged in this state must provide
1632 ~~unless the policy also provides~~ coverage for property damage
1633 liability and bodily injury liability as required under ~~by~~ s.
1634 324.022.

1635 (2) (a) Insurers writing motor vehicle insurance in this
1636 state shall make available, subject to the insurers' usual
1637 underwriting restrictions:

1638 1. Coverage under policies as described in subsection (1)
1639 to any applicant for private passenger motor vehicle insurance
1640 coverage who is seeking the coverage in order to reinstate the
1641 applicant's driving privileges in this state if ~~when the~~ driving
1642 privileges were revoked or suspended pursuant to s. 316.646 or
1643 s. 324.0221 due to the failure of the applicant to maintain
1644 required security.

1645 2. Coverage under policies as described in subsection (1),
1646 which also provides bodily injury liability coverage and
1647 property damage liability coverage ~~for bodily injury, death, and~~
1648 ~~property damage arising out of the ownership, maintenance, or~~
1649 ~~use of the motor vehicle~~ in an amount not less than the limits
1650 described in s. 324.021(7) and conforms to the requirements of
1651 s. 324.151, to any applicant for private passenger motor vehicle
1652 insurance coverage who is seeking the coverage in order to
1653 reinstate the applicant's driving privileges in this state after

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1654 such privileges were revoked or suspended under s. 316.193 or s.
1655 322.26(2) for driving under the influence.

1656 Section 50. Paragraph (a) of subsection (1) of section
1657 627.728, Florida Statutes, is amended to read:

1658 627.728 Cancellations; nonrenewals.—

1659 (1) As used in this section, the term:

1660 (a) "Policy" means ~~the~~ bodily injury and property damage
1661 liability, ~~personal injury protection~~, medical payments,
1662 comprehensive, collision, and uninsured motorist coverage
1663 portions of a policy of motor vehicle insurance delivered or
1664 issued for delivery in this state:

1665 1. Insuring a natural person as named insured or one or
1666 more related individuals who are residents ~~resident~~ of the same
1667 household; and

1668 2. Insuring only a motor vehicle of the private passenger
1669 type or station wagon type which is not used as a public or
1670 livery conveyance for passengers or rented to others; or
1671 insuring any other four-wheel motor vehicle having a load
1672 capacity of 1,500 pounds or less which is not used in the
1673 occupation, profession, or business of the insured other than
1674 farming; other than any policy issued under an automobile
1675 insurance assigned risk plan; insuring more than four
1676 automobiles; or covering garage, automobile sales agency, repair
1677 shop, service station, or public parking place operation
1678 hazards.

1679
1680 The term "policy" does not include a binder as defined in s.
1681 627.420 unless the duration of the binder period exceeds 60
1682 days.

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1683 Section 51. Paragraphs (a) and (b) of subsection (1),
 1684 paragraph (a) of subsection (5), and subsection (7) of section
 1685 627.7295, Florida Statutes, are amended to read:

1686 627.7295 Motor vehicle insurance contracts.—

1687 (1) As used in this section, the term:

1688 (a) "Policy" means a motor vehicle insurance policy that
 1689 provides bodily injury liability ~~personal injury protection~~
 1690 coverage, property damage liability coverage, or both.

1691 (b) "Binder" means a binder that provides motor vehicle
 1692 bodily injury liability ~~personal injury protection~~ and property
 1693 damage liability coverage.

1694 (5) (a) A licensed general lines agent may charge a per-
 1695 policy fee of up to not to exceed \$10 to cover the agent's
 1696 administrative costs ~~of the agent~~ associated with selling the
 1697 motor vehicle insurance policy if the policy covers only bodily
 1698 injury liability ~~personal injury protection~~ coverage ~~as provided~~
 1699 ~~by s. 627.736~~ and property damage liability coverage as provided
 1700 by s. 627.7275 and if no other insurance is sold or issued in
 1701 conjunction with or collateral to the policy. The fee is not
 1702 ~~considered~~ part of the premium.

1703 (7) A policy of private passenger motor vehicle insurance
 1704 or a binder for such a policy may be initially issued in this
 1705 state only if, before the effective date of such binder or
 1706 policy, the insurer or agent has collected ~~from the insured an~~
 1707 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
 1708 agent, or premium finance company may not, directly or
 1709 indirectly, take any action that results ~~resulting~~ in the
 1710 insured paying ~~having paid~~ from the insured's own funds an
 1711 amount less than the 2 months' premium required by this

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1712 subsection. This subsection applies without regard to whether
 1713 the premium is financed by a premium finance company or is paid
 1714 pursuant to a periodic payment plan of an insurer or an
 1715 insurance agent.

1716 (a) This subsection does not apply:

1717 1. If an insured or member of the insured's family is
 1718 renewing or replacing a policy or a binder for such policy
 1719 written by the same insurer or a member of the same insurer
 1720 group; ~~This subsection does not apply~~

1721 2. To an insurer that issues private passenger motor
 1722 vehicle coverage primarily to active duty or former military
 1723 personnel or their dependents; or. ~~This subsection does not~~
 1724 ~~apply~~

1725 3. If all policy payments are paid pursuant to a payroll
 1726 deduction plan or an automatic electronic funds transfer payment
 1727 plan from the policyholder.

1728 (b) This subsection and subsection (4) do not apply if:

1729 1. All policy payments to an insurer are paid pursuant to
 1730 an automatic electronic funds transfer payment plan from an
 1731 agent, a managing general agent, or a premium finance company
 1732 and if the policy includes, at a minimum, bodily injury
 1733 liability and ~~personal injury protection pursuant to ss.~~
 1734 ~~627.730-627.7405;~~ motor vehicle property damage liability
 1735 pursuant to s. 627.7275; or ~~and bodily injury liability in at~~
 1736 ~~least the amount of \$10,000 because of bodily injury to, or~~
 1737 ~~death of, one person in any one accident and in the amount of~~
 1738 ~~\$20,000 because of bodily injury to, or death of, two or more~~
 1739 ~~persons in any one accident. This subsection and subsection (4)~~
 1740 ~~do not apply if~~

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1741 2. An insured has had a policy in effect for at least 6
1742 months, the insured's agent is terminated by the insurer that
1743 issued the policy, and the insured obtains coverage on the
1744 policy's renewal date with a new company through the terminated
1745 agent.

1746 Section 52. Section 627.8405, Florida Statutes, is amended
1747 to read:

1748 627.8405 Prohibited acts; financing companies.—A ~~No~~ premium
1749 finance company ~~shall~~, in a premium finance agreement or other
1750 agreement, may not finance the cost of or otherwise provide for
1751 the collection or remittance of dues, assessments, fees, or
1752 other periodic payments of money for the cost of:

1753 (1) A membership in an automobile club. The term
1754 "automobile club" means a legal entity that ~~which~~, in
1755 consideration of dues, assessments, or periodic payments of
1756 money, promises its members or subscribers to assist them in
1757 matters relating to the ownership, operation, use, or
1758 maintenance of a motor vehicle; however, the term ~~this~~
1759 ~~definition of "automobile club"~~ does not include persons,
1760 associations, or corporations that ~~which~~ are organized and
1761 operated solely for the purpose of conducting, sponsoring, or
1762 sanctioning motor vehicle races, exhibitions, or contests upon
1763 racetracks, or upon racecourses established and marked as such
1764 for the duration of such particular events. The term ~~words~~
1765 "motor vehicle" has ~~used herein have~~ the same meaning as
1766 provided ~~defined~~ in chapter 320.

1767 (2) An accidental death and dismemberment policy sold in
1768 combination with a bodily injury liability ~~personal injury~~
1769 ~~protection~~ and property-damage-only ~~property damage only~~ policy.

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1770 (3) Any product not regulated under the provisions of this
1771 insurance code.

1772

1773 This section also applies to premium financing by any insurance
1774 agent or insurance company under part XVI. The commission shall
1775 adopt rules to assure disclosure, at the time of sale, of
1776 coverages financed with bodily injury liability coverage
1777 ~~personal injury protection~~ and shall prescribe the form of such
1778 disclosure.

1779 Section 53. Subsection (1) of section 627.915, Florida
1780 Statutes, is amended to read:

1781 627.915 Insurer experience reporting.-

1782 (1) Each insurer transacting private passenger automobile
1783 insurance in this state shall report certain information
1784 annually to the office. The information is ~~will be~~ due on or
1785 before July 1 of each year. The information shall be divided
1786 into the following categories: bodily injury liability; property
1787 damage liability; uninsured motorist; ~~personal injury protection~~
1788 ~~benefits~~; medical payments; comprehensive and collision. The
1789 information must ~~given shall~~ be on direct insurance writings in
1790 the state alone and ~~shall~~ represent total limits data. The
1791 information set forth in paragraphs (a)-(f) is applicable to
1792 voluntary private passenger and Joint Underwriting Association
1793 private passenger writings and shall be reported for each of the
1794 latest 3 calendar-accident years, with an evaluation date of
1795 March 31 of the current year. The information set forth in
1796 paragraphs (g)-(j) is applicable to voluntary private passenger
1797 writings and shall be reported on a calendar-accident year basis
1798 ultimately seven times at seven different stages of development.

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1799 (a) Premiums earned for the latest 3 calendar-accident
1800 years.

1801 (b) Loss development factors and the historic development
1802 of those factors.

1803 (c) Policyholder dividends incurred.

1804 (d) Expenses for other acquisition and general expense.

1805 (e) Expenses for agents' commissions and taxes, licenses,
1806 and fees.

1807 (f) Profit and contingency factors as utilized in the
1808 insurer's automobile rate filings for the applicable years.

1809 (g) Losses paid.

1810 (h) Losses unpaid.

1811 (i) Loss adjustment expenses paid.

1812 (j) Loss adjustment expenses unpaid.

1813 Section 54. Present paragraph (e) of subsection (2) of
1814 section 628.909, Florida Statutes, is redesignated as paragraph
1815 (d), present paragraph (d) of that subsection is amended,
1816 present paragraph (e) of subsection (3) of that section is
1817 redesignated as paragraph (d), and present paragraph (d) of that
1818 subsection is amended, to read:

1819 628.909 Applicability of other laws.—

1820 (2) The following provisions of the Florida Insurance Code
1821 apply to captive insurers who are not industrial insured captive
1822 insurers to the extent that such provisions are not inconsistent
1823 with this part:

1824 ~~(d) Sections 627.730-627.7405, when no fault coverage is~~
1825 ~~provided.~~

1826 (3) The following provisions of the Florida Insurance Code
1827 apply to industrial insured captive insurers to the extent that

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1828 such provisions are not inconsistent with this part:

1829 ~~(d) Sections 627.730-627.7405 when no fault coverage is~~
1830 ~~provided.~~

1831 Section 55. Subsections (2), (6), and (7) of section
1832 705.184, Florida Statutes, are amended to read:

1833 705.184 Derelict or abandoned motor vehicles on the
1834 premises of public-use airports.-

1835 (2) The airport director or the director's designee shall
1836 contact the Department of Highway Safety and Motor Vehicles to
1837 notify that department that the airport has possession of the
1838 abandoned or derelict motor vehicle and to determine the name
1839 and address of the owner of the motor vehicle, the insurance
1840 company insuring the motor vehicle, ~~notwithstanding the~~
1841 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
1842 the motor vehicle. Within 7 business days after receipt of the
1843 information, the director or the director's designee shall send
1844 notice by certified mail, return receipt requested, to the owner
1845 of the motor vehicle, the insurance company insuring the motor
1846 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
1847 persons of record claiming a lien against the motor vehicle. The
1848 notice shall state the fact of possession of the motor vehicle,
1849 that charges for reasonable towing, storage, and parking fees,
1850 if any, have accrued and the amount thereof, that a lien as
1851 provided in subsection (6) will be claimed, that the lien is
1852 subject to enforcement pursuant to law, that the owner or
1853 lienholder, if any, has the right to a hearing as set forth in
1854 subsection (4), and that any motor vehicle which, at the end of
1855 30 calendar days after receipt of the notice, has not been
1856 removed from the airport upon payment in full of all accrued

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1857 charges for reasonable towing, storage, and parking fees, if
1858 any, may be disposed of as provided in s. 705.182(2)(a), (b),
1859 (d), or (e), including, but not limited to, the motor vehicle
1860 being sold free of all prior liens after 35 calendar days after
1861 the time the motor vehicle is stored if any prior liens on the
1862 motor vehicle are more than 5 years of age or after 50 calendar
1863 days after the time the motor vehicle is stored if any prior
1864 liens on the motor vehicle are 5 years of age or less.

1865 (6) The airport pursuant to this section or, if used, a
1866 licensed independent wrecker company pursuant to s. 713.78 shall
1867 have a lien on an abandoned or derelict motor vehicle for all
1868 reasonable towing, storage, and accrued parking fees, if any,
1869 except that no storage fee shall be charged if the motor vehicle
1870 is stored less than 6 hours. As a prerequisite to perfecting a
1871 lien under this section, the airport director or the director's
1872 designee must serve a notice in accordance with subsection (2)
1873 on the owner of the motor vehicle, the insurance company
1874 insuring the motor vehicle, ~~notwithstanding the provisions of s.~~
1875 ~~627.736,~~ and all persons of record claiming a lien against the
1876 motor vehicle. If attempts to notify the owner, the insurance
1877 company insuring the motor vehicle, ~~notwithstanding the~~
1878 ~~provisions of s. 627.736,~~ or lienholders are not successful, the
1879 requirement of notice by mail shall be considered met. Serving
1880 of the notice does not dispense with recording the claim of
1881 lien.

1882 (7)(a) For the purpose of perfecting its lien under this
1883 section, the airport shall record a claim of lien which states
1884 ~~shall state:~~

1885 1. The name and address of the airport.

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1886 2. The name of the owner of the motor vehicle, the
 1887 insurance company insuring the motor vehicle, ~~notwithstanding~~
 1888 ~~the provisions of s. 627.736,~~ and all persons of record claiming
 1889 a lien against the motor vehicle.

1890 3. The costs incurred from reasonable towing, storage, and
 1891 parking fees, if any.

1892 4. A description of the motor vehicle sufficient for
 1893 identification.

1894 (b) The claim of lien shall be signed and sworn to or
 1895 affirmed by the airport director or the director's designee.

1896 (c) The claim of lien is ~~shall be~~ sufficient if it is in
 1897 substantially the following form:

CLAIM OF LIEN

State of

County of

Before me, the undersigned notary public, personally appeared
, who was duly sworn and says that he/she is the
 of, whose address is.....; and that the
 following described motor vehicle:

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

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

...(Signature)...

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1915 Sworn to (or affirmed) and subscribed before me this day of
 1916, ...(year)..., by ...(name of person making statement)....
 1917 ...(Signature of Notary Public).....(Print, Type, or Stamp
 1918 Commissioned name of Notary Public)..
 1919 Personally Known....OR Produced....as identification.
 1920

1921 However, the negligent inclusion or omission of any information
 1922 in this claim of lien which does not prejudice the owner does
 1923 not constitute a default that operates to defeat an otherwise
 1924 valid lien.

1925 (d) The claim of lien shall be served on the owner of the
 1926 motor vehicle, the insurance company insuring the motor vehicle,
 1927 ~~notwithstanding the provisions of s. 627.736,~~ and all persons of
 1928 record claiming a lien against the motor vehicle. If attempts to
 1929 notify the owner, the insurance company insuring the motor
 1930 vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
 1931 lienholders are not successful, the requirement of notice by
 1932 mail shall be considered met. The claim of lien shall be so
 1933 served before recordation.

1934 (e) The claim of lien shall be recorded with the clerk of
 1935 court in the county where the airport is located. The recording
 1936 of the claim of lien shall be constructive notice to all persons
 1937 of the contents and effect of such claim. The lien shall attach
 1938 at the time of recordation and shall take priority as of that
 1939 time.

1940 Section 56. Subsection (4) of section 713.78, Florida
 1941 Statutes, is amended to read:

1942 713.78 Liens for recovering, towing, or storing vehicles
 1943 and vessels.-

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1944 (4) (a) Any person regularly engaged in the business of
1945 recovering, towing, or storing vehicles or vessels who comes
1946 into possession of a vehicle or vessel pursuant to subsection
1947 (2), and who claims a lien for recovery, towing, or storage
1948 services, shall give notice to the registered owner, the
1949 insurance company insuring the vehicle ~~notwithstanding the~~
1950 ~~provisions of s. 627.736,~~ and to all persons claiming a lien
1951 thereon, as disclosed by the records in the Department of
1952 Highway Safety and Motor Vehicles or of a corresponding agency
1953 in any other state.

1954 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
1955 removal of a vehicle or vessel or if a ~~whenever any~~ towing
1956 service, garage, repair shop, or automotive service, storage, or
1957 parking place notifies the law enforcement agency of possession
1958 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
1959 enforcement agency of the jurisdiction where the vehicle or
1960 vessel is stored shall contact the Department of Highway Safety
1961 and Motor Vehicles, or the appropriate agency of the state of
1962 registration, if known, within 24 hours through ~~the medium of~~
1963 electronic communications, giving the full description of the
1964 vehicle or vessel. Upon receipt of the full description of the
1965 vehicle or vessel, the department shall search its files to
1966 determine the owner's name, the insurance company insuring the
1967 vehicle or vessel, and whether any person has filed a lien upon
1968 the vehicle or vessel as provided in s. 319.27(2) and (3) and
1969 notify the applicable law enforcement agency within 72 hours.
1970 The person in charge of the towing service, garage, repair shop,
1971 or automotive service, storage, or parking place shall obtain
1972 such information from the applicable law enforcement agency

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1973 within 5 days after the date of storage and shall give notice
1974 pursuant to paragraph (a). The department may release the
1975 insurance company information to the requestor ~~notwithstanding~~
1976 ~~the provisions of s. 627.736.~~

1977 (c) Notice by certified mail shall be sent within 7
1978 business days after the date of storage of the vehicle or vessel
1979 to the registered owner, the insurance company insuring the
1980 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
1981 persons of record claiming a lien against the vehicle or vessel.
1982 The notice must ~~It shall~~ state the fact of possession of the
1983 vehicle or vessel, that a lien as provided in subsection (2) is
1984 claimed, that charges have accrued and the amount thereof, that
1985 the lien is subject to enforcement pursuant to law, ~~and~~ that the
1986 owner or lienholder, if any, has the right to a hearing as set
1987 forth in subsection (5), and that any vehicle or vessel which
1988 remains unclaimed, or for which the charges for recovery,
1989 towing, or storage services remain unpaid, may be sold free of
1990 all prior liens after 35 days if the vehicle or vessel is more
1991 than 3 years of age or after 50 days if the vehicle or vessel is
1992 3 years of age or less.

1993 (d) If attempts to locate the name and address of the owner
1994 or lienholder prove unsuccessful, the towing-storage operator
1995 shall, after 7 working days, excluding Saturday and Sunday, of
1996 the initial tow or storage, notify the public agency of
1997 jurisdiction where the vehicle or vessel is stored in writing by
1998 certified mail or acknowledged hand delivery that the towing-
1999 storage company has been unable to locate the name and address
2000 of the owner or lienholder and a physical search of the vehicle
2001 or vessel has disclosed no ownership information and a good

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2002 faith effort has been made. As used in ~~For purposes of~~ this
2003 paragraph and subsection (9), the term "good faith effort" means
2004 that the following checks have been performed by the company to
2005 establish prior state of registration and ~~for~~ title:

2006 1. Check of vehicle or vessel for any type of tag, tag
2007 record, temporary tag, or regular tag.

2008 2. Check of law enforcement report for tag number or other
2009 information identifying the vehicle or vessel, ~~if the vehicle or~~
2010 vessel was towed at the request of a law enforcement officer.

2011 3. Check of trip sheet or tow ticket of tow truck operator
2012 to see if a tag was on vehicle or vessel at beginning of tow, if
2013 private tow.

2014 4. If there is no address of the owner on the impound
2015 report, check of law enforcement report to see if an out-of-
2016 state address is indicated from driver license information.

2017 5. Check of vehicle or vessel for inspection sticker or
2018 other stickers and decals that may indicate a state of possible
2019 registration.

2020 6. Check of the interior of the vehicle or vessel for any
2021 papers that may be in the glove box, trunk, or other areas for a
2022 state of registration.

2023 7. Check of vehicle for vehicle identification number.

2024 8. Check of vessel for vessel registration number.

2025 9. Check of vessel hull for a hull identification number,
2026 which should be carved, burned, stamped, embossed, or otherwise
2027 permanently affixed to the outboard side of the transom or, if
2028 there is no transom, to the outmost seaboard side at the end of
2029 the hull that bears the rudder or other steering mechanism.

2030 Section 57. Paragraph (a) of subsection (1), paragraph (c)

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2031 of subsection (7), paragraphs (a) through (c) of subsection (8),
2032 and subsections (9) and (10) of section 817.234, Florida
2033 Statutes, are amended to read:

2034 817.234 False and fraudulent insurance claims.—

2035 (1) (a) A person commits insurance fraud punishable as
2036 provided in subsection (11) if that person, with the intent to
2037 injure, defraud, or deceive any insurer:

2038 1. Presents or causes to be presented any written or oral
2039 statement as part of, or in support of, a claim for payment or
2040 other benefit pursuant to an insurance policy or a health
2041 maintenance organization subscriber or provider contract,
2042 knowing that such statement contains ~~any~~ false, incomplete, or
2043 misleading information concerning any fact or thing material to
2044 such claim;

2045 2. Prepares or makes any written or oral statement that is
2046 intended to be presented to an ~~any~~ insurer in connection with,
2047 or in support of, any claim for payment or other benefit
2048 pursuant to an insurance policy or a health maintenance
2049 organization subscriber or provider contract, knowing that such
2050 statement contains ~~any~~ false, incomplete, or misleading
2051 information concerning any fact or thing material to such claim;

2052 3.a. Knowingly presents, causes to be presented, or
2053 prepares or makes with knowledge or belief that it will be
2054 presented to an ~~any~~ insurer, purported insurer, servicing
2055 corporation, insurance broker, or insurance agent, or ~~any~~
2056 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2057 information or written or oral statement as part of, or in
2058 support of, an application for the issuance of, or the rating
2059 of, any insurance policy, or a health maintenance organization

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2060 subscriber or provider contract; or

2061 b. Knowingly conceals information concerning any fact
2062 material to such application; or

2063 4. Knowingly presents, causes to be presented, or prepares
2064 or makes with knowledge or belief that it will be presented to
2065 any insurer a claim for payment or other benefit under a motor
2066 vehicle ~~personal injury protection~~ insurance policy if the
2067 person knows that the payee knowingly submitted a false,
2068 misleading, or fraudulent application or other document when
2069 applying for licensure as a health care clinic, seeking an
2070 exemption from licensure as a health care clinic, or
2071 demonstrating compliance with part X of chapter 400.

2072 (7)

2073 (c) An insurer, or any person acting at the direction of or
2074 on behalf of an insurer, may not change an opinion in a mental
2075 or physical report ~~prepared under s. 627.736(8)~~ or direct the
2076 physician preparing the report to change such opinion; however,
2077 this provision does not preclude the insurer from calling to the
2078 attention of the physician errors of fact in the report based
2079 upon information in the claim file. Any person who violates this
2080 paragraph commits a felony of the third degree, punishable as
2081 provided in s. 775.082, s. 775.083, or s. 775.084.

2082 (8) (a) It is unlawful for any person intending to defraud
2083 any other person to solicit or cause to be solicited any
2084 business from a person involved in a motor vehicle accident for
2085 the purpose of making, adjusting, or settling motor vehicle tort
2086 claims ~~or claims for personal injury protection benefits~~
2087 ~~required by s. 627.736~~. Any person who violates ~~the provisions~~
2088 ~~of~~ this paragraph commits a felony of the second degree,

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2089 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
2090 A person who is convicted of a violation of this subsection
2091 shall be sentenced to a minimum term of imprisonment of 2 years.

2092 (b) A person may not solicit or cause to be solicited any
2093 business from a person involved in a motor vehicle accident by
2094 any means of communication other than advertising directed to
2095 the public for the purpose of making motor vehicle tort claims
2096 ~~or claims for personal injury protection benefits required by s.~~
2097 ~~627.736,~~ within 60 days after the occurrence of the motor
2098 vehicle accident. Any person who violates this paragraph commits
2099 a felony of the third degree, punishable as provided in s.
2100 775.082, s. 775.083, or s. 775.084.

2101 (c) A lawyer, health care practitioner as defined in s.
2102 456.001, or owner or medical director of a clinic required to be
2103 licensed pursuant to s. 400.9905 may not, at any time after 60
2104 days have elapsed from the occurrence of a motor vehicle
2105 accident, solicit or cause to be solicited any business from a
2106 person involved in a motor vehicle accident by means of in
2107 person or telephone contact at the person's residence, for the
2108 purpose of making motor vehicle tort claims ~~or claims for~~
2109 ~~personal injury protection benefits required by s. 627.736.~~ Any
2110 person who violates this paragraph commits a felony of the third
2111 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2112 775.084.

2113 (9) A person may not organize, plan, or knowingly
2114 participate in an intentional motor vehicle crash or a scheme to
2115 create documentation of a motor vehicle crash that did not occur
2116 for the purpose of making motor vehicle tort claims ~~or claims~~
2117 ~~for personal injury protection benefits as required by s.~~

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2118 ~~627.736~~. Any person who violates this subsection commits a
 2119 felony of the second degree, punishable as provided in s.
 2120 775.082, s. 775.083, or s. 775.084. A person who is convicted of
 2121 a violation of this subsection shall be sentenced to a minimum
 2122 term of imprisonment of 2 years.

2123 (10) A licensed health care practitioner who is found
 2124 guilty of insurance fraud under this section for an act relating
 2125 to a motor vehicle ~~personal injury protection~~ insurance policy
 2126 loses his or her license to practice for 5 years and may not
 2127 receive reimbursement for bodily ~~personal~~ injury liability
 2128 ~~protection~~ benefits for 10 years.

2129 Section 58. Applicability; notice to policyholders.-

2130 (1) As used in this section, the term "minimum security
 2131 requirements" means security that enables a person to respond in
 2132 damages for liability on account of accidents arising out of the
 2133 use of a motor vehicle in the amount of \$10,000 for damage to,
 2134 or destruction of, property of others in any one crash; in the
 2135 amount of \$25,000 for bodily injury to, or the death of, one
 2136 person in any one crash; and, subject to such limits for one
 2137 person, in the amount of \$50,000 for bodily injury to, or the
 2138 death of, two or more persons in any one crash.

2139 (2) Effective January 1, 2014:

2140 (a) Motor vehicle insurance policies issued or renewed on
 2141 or after that date may not include personal injury protection.

2142 (b) Any person subject to ss. 324.022 and 627.733, Florida
 2143 Statutes, must maintain at least minimum security requirements.

2144 (c) Any new or renewal motor vehicle insurance policy
 2145 delivered or issued for delivery in this state must provide
 2146 coverage that complies with minimum security requirements.

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2147 (d) An existing motor vehicle insurance policy issued
2148 before that date which provides personal injury protection and
2149 property damage liability coverage that meet the requirements of
2150 ss. 324.022 and 627.733, Florida Statutes, on December 31, 2013,
2151 but that do not meet minimum security requirements on or after
2152 January 1, 2014, shall be deemed to meet the security
2153 requirements of s. 324.022 and s. 627.733, Florida Statutes,
2154 until such policy is renewed, nonrenewed, or canceled on or
2155 after January 1, 2014.

2156 (3) Each insurer shall allow each insured who has a new or
2157 renewal policy providing personal injury protection which
2158 becomes effective before January 1, 2014, and whose policy does
2159 not meet minimum security requirements on or after January 1,
2160 2014, to change coverages so as to eliminate personal injury
2161 protection and obtain coverage providing minimum security
2162 requirements, which shall be effective on or after January 1,
2163 2014. The insurer is not required to provide coverage complying
2164 with minimum security requirements in such policies if the
2165 insured does not pay the required premium, if any, by January 1,
2166 2014, or such later date as the insurer may allow. Any reduction
2167 in the premium must be refunded by the insurer. The insurer may
2168 not impose an additional fee or charge on the insured which
2169 applies solely to a change in coverage; however, the insurer may
2170 charge an additional required premium that is actuarially
2171 indicated.

2172 (4) By September 1, 2013, each motor vehicle insurer shall
2173 provide notice of the provisions of this section to each motor
2174 vehicle policyholder who is subject to this section. The notice
2175 is subject to approval by the Office of Insurance Regulation and

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2176 must clearly inform the policyholder that:

2177 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2178 effective January 1, 2014, and that on or after that date, the
2179 insured is no longer required to maintain personal injury
2180 protection insurance coverage, that personal injury protection
2181 coverage is no longer available for purchase in this state, and
2182 that all new or renewal policies issued on or after that date do
2183 not contain such coverage.

2184 (b) Effective January 1, 2014, any person subject to the
2185 financial responsibility requirements of s. 324.022, Florida
2186 Statutes, must maintain minimum security requirements that
2187 enable such person to respond in damages for liability on
2188 account of accidents arising out of the use of a motor vehicle
2189 in the amount of \$10,000 for damage to, or destruction of,
2190 property of others in any one crash; in the amount of \$25,000
2191 for bodily injury to, or the death of, one person in any one
2192 crash; and, subject to such limits for one person, in the amount
2193 of \$50,000 for bodily injury to, or the death of, two or more
2194 persons in any one crash.

2195 (c) Personal injury protection insurance pays covered
2196 medical expenses for injuries sustained in the motor vehicle
2197 crash by the policyholder, passengers, and relatives residing in
2198 the policyholder's household.

2199 (d) Bodily injury liability coverage protects the insured,
2200 up to the coverage limits, against loss if the insured is
2201 legally responsible for the death of or bodily injury to others
2202 in a motor vehicle accident.

2203 (e) The policyholder may be able to obtain medical payments
2204 coverage that pays covered medical expenses for injuries

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2205 sustained in a motor vehicle crash by the policyholder and
2206 relatives residing in the policyholder's household, but that
2207 such coverage is not required under state law.

2208 (f) Policyholders whose insurance policies do not contain
2209 bodily injury liability coverage are without coverage that
2210 protects against loss if the policyholder is legally responsible
2211 for the death or bodily injury of others in a motor vehicle
2212 accident.

2213 (g) Underinsured motorist coverage provides benefits up to
2214 the limits of such coverage to a policyholder or other insured
2215 under the policy who is entitled to recover damages from owners
2216 or operators of uninsured or underinsured motor vehicles because
2217 of bodily injury, sickness, disease, or death in a motor vehicle
2218 accident.

2219 (h) If the policyholder's new or renewal motor vehicle
2220 insurance policy is effective before January 1, 2014, and
2221 contains personal injury protection and property damage
2222 liability coverage as required by state law before January 1,
2223 2014, but does not meet minimum security requirements on or
2224 after January 1, 2014, such policy shall be deemed to meet
2225 minimum security requirements until it is renewed, nonrenewed,
2226 or canceled on or after January 1, 2014.

2227 (i) A policyholder whose new or renewal policy becomes
2228 effective before January 1, 2014, but does not meet minimum
2229 security requirements on or after January 1, 2014, may change
2230 coverages under the policy so as to eliminate personal injury
2231 protection and to obtain coverage providing minimum security
2232 requirements, including bodily injury liability coverage, which
2233 are effective on or after January 1, 2014.

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2234 (j) If the policyholder has any questions, he or she should
2235 contact the name and phone number provided in the notice.

2236 (5) This section shall take effect upon this act becoming a
2237 law.

2238 Section 59. Application of suspensions for failure to
2239 maintain security; reinstatement.—All suspensions for failure to
2240 maintain required security as required by law in effect before
2241 January 1, 2014, remain in full force and effect after the
2242 effective date of this act. A driver may reinstate a suspended
2243 driver license or registration as provided under s. 324.0221.

2244 Section 60. Except as otherwise expressly provided in this
2245 act, and except for this section, which shall take effect upon
2246 becoming law, this act shall take effect January 1, 2014.