

FOR CONSIDERATION By the Committee on Banking and Insurance

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1
2 A bill to be entitled
3 An act relating to motor vehicle liability insurance;
4 amending s. 316.646, F.S.; authorizing the use of an
5 electronic device to provide proof of insurance;
6 authorizing the Department of Highway Safety and Motor
7 Vehicles to adopt rules; amending s. 324.011, F.S.;
8 revising legislative intent with respect to financial
9 responsibility for the damages caused by the operation
10 of a motor vehicle; amending ss. 324.021 and 324.022,
11 F.S.; increasing financial responsibility limits with
12 respect to bodily injury or death; conforming
13 provisions to changes made by the act; amending s.
14 324.0221, F.S.; requiring insurers to submit
15 information to the Department of Highway Safety and
16 Motor Vehicles and to notify insureds about bodily
17 injury insurance rather than personal injury
18 protection coverage; amending s. 324.023, F.S.;
19 conforming a cross-reference; amending s. 324.031,
20 F.S.; deleting the requirement that the owner of a
21 for-hire vehicle post a bond to prove financial
22 responsibility; increasing the financial
23 responsibility limits for motor vehicle liability;
24 amending s. 324.071, F.S.; conforming provisions to
25 changes made by the act; amending s. 324.161, F.S.;
26 increasing the amount required for a surety bond or
27 deposit; amending s. 324.171, F.S.; revising the
28 required threshold limit for self-insurers; repealing
29 s. 627.730, F.S., providing citation to the Florida

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30 Motor Vehicle No-Fault Law; repealing s. 627.731,
31 F.S., relating to the purpose of the No-Fault Law;
32 repealing s. 627.7311, F.S., relating to the effect of
33 law on personal injury protection policies; amending
34 s. 627.732, F.S.; deleting definitions relating to the
35 no-fault law; amending s. 627.733, F.S.; deleting
36 security requirements with respect to no-fault
37 coverage to substitute security requirements under ch.
38 324, F.S.; amending s. 627.734, F.S.; conforming
39 cross-references; renumbering and amending s.
40 627.7401, F.S.; applying notice requirements to bodily
41 injury and property damage liability security instead
42 of personal injury protection; creating s. 627.7355,
43 F.S.; requiring all claims relating to personal injury
44 to be brought in a single action; repealing s.
45 627.736, F.S., relating to personal injury protection
46 benefits; repealing s. 627.737, F.S., relating to
47 exemption from tort liability for persons maintaining
48 personal injury protection coverage; repealing s.
49 627.739, F.S., relating to personal injury protection
50 deductibles; repealing s. 627.7403, F.S., relating to
51 the mandatory joinder of derivative claims; repealing
52 s. 627.7405, F.S., relating to the insurers' right of
53 reimbursement; repealing s. 627.7407, F.S., relating
54 to the application of the No-Fault Law; repealing ss.
55 15 and 16 of chapter 2012-197, Laws of Florida,
56 requiring the Office of Insurance Regulation to
57 contract for a study and perform a data call relating
58 to changes made to the No-Fault Law in 2012; amending

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59 ss. 318.18, 320.02, 320.0609, 320.27, 320.771,
60 322.251, 400.9905, 400.991, 400.9935, 409.901,
61 409.910, 456.057, 456.072, 626.9541, 626.989,
62 626.9895, 627.06501, 627.0652, 627.0653, 627.4132,
63 627.6482, 627.7263, 627.727, 627.7275, 627.728,
64 627.7295, 627.8405, 627.915, 628.909, 705.184, 713.78,
65 and 817.234 F.S.; conforming provisions to changes
66 made by the act by removing references to personal
67 injury protection and the Florida Motor Vehicle No-
68 Fault Law; making technical changes; conforming cross-
69 references; providing for the termination of personal
70 injury protection policies and the requirement for
71 maintaining minimum security requirements that allow a
72 person to respond to property damage and bodily injury
73 by a certain date; requiring the insurer to notify the
74 insured about such changes by a certain date;
75 providing for applicability of suspensions for failure
76 to maintain security; providing effective dates.

77

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

79

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

83 316.646 Security required; proof of security and display
84 thereof; dismissal of cases.—

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

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88 required by ~~s. 627.733~~ to maintain personal injury protection
89 security on a motor vehicle shall have in his or her immediate
90 possession at all times while operating a ~~such~~ motor vehicle
91 proper proof of maintenance of the required security.

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

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

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

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

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

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

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

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

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

145 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~That~~ Proof of

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146 ability to respond in damages for liability on account of
147 crashes arising out of the use of a motor vehicle:

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

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

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

157 (d) With respect to commercial motor vehicles and nonpublic
158 sector buses, in the amounts specified in ss. 627.7415 and
159 627.742, respectively.

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

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

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

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

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

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175 crash.

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

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

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

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

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

203 1. A mobile home.

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

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

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

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

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

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

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

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

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

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

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

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

285 (2) The department shall suspend, after due notice and an
286 opportunity to be heard, the registration and driver ~~driver's~~
287 license of any owner or registrant of a motor vehicle with
288 respect to which security is required under ss. 324.022 and
289 627.733 upon:

290 (a) The department's records showing that the owner or

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291 registrant of such motor vehicle did not have the ~~in full force~~
292 ~~and effect when~~ required security in full force and effect ~~that~~
293 ~~complies with the requirements of ss. 324.022 and 627.733; or~~

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

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

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

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320 owner or operator has not been convicted of driving under the
321 influence or a felony traffic offense for ~~a period of~~ 3 years
322 from the date of reinstatement of driving privileges for a
323 violation of s. 316.193, the owner or operator is ~~shall be~~
324 exempt from this section.

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

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

336 (1) Furnishing satisfactory evidence of holding such a
337 motor vehicle liability policy ~~as defined in ss. 324.021(8) and~~
338 ~~324.151;~~

339 ~~(2) Posting with the department a satisfactory bond of a~~
340 ~~surety company authorized to do business in this state,~~
341 ~~conditioned for payment of the amount specified in s.~~
342 ~~324.021(7);~~

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

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

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

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

364 324.071 Reinstatement; renewal of license; reinstatement
365 fee.—An ~~Any~~ operator or owner whose license or registration has
366 been suspended pursuant to s. 324.051(2), s. 324.072, s.
367 324.081, or s. 324.121 may effect its reinstatement upon
368 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
369 s. 324.081(2) and (3), as the case may be, and with one of the
370 provisions of s. 324.031 and upon payment to the department of a
371 nonrefundable reinstatement fee as specified in s. 324.0221 ~~of~~
372 \$15. Only one such fee shall be paid by any one person
373 regardless ~~irrespective~~ of the number of licenses and
374 registrations to be ~~then~~ reinstated or issued to such person.
375 All such fees shall be deposited to a department trust fund. If
376 ~~When~~ the reinstatement of any license or registration is
377 effected by compliance with s. 324.051(2)(a)3. or 4., the

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378 department may ~~shall~~ not renew the license or registration
379 within ~~a period of~~ 3 years after ~~from~~ such reinstatement, nor
380 may ~~shall~~ any other license or registration be issued in the
381 name of such person, unless the operator continues ~~is continuing~~
382 to comply with one of the provisions of s. 324.031.

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

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

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

402 324.171 Self-insurer.—

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

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407 ~~self insurance when such person~~ has satisfied the requirements
408 of this section ~~to qualify as a self insurer under this section:~~

409 (a) A private individual with private passenger vehicles
410 must ~~shall~~ possess a net unencumbered worth of at least \$60,000
411 ~~\$40,000~~.

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

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

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

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

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

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

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

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

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

442 627.732 Definitions.—As used in ss. 627.733-627.7355
443 ~~627.730-627.7405~~, the term:

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

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

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

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

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494 ~~(b) Clinically appropriate in terms of type, frequency,~~
495 ~~extent, site, and duration; and~~

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

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

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

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

510

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

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

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

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523 the debtor or lessee having the right to possession, then the
524 debtor or lessee shall be deemed the owner ~~for the purposes of~~
525 ~~ss. 627.730-627.7405.~~

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

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

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

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

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

551 ~~(11) "Lawful" or "lawfully" means in substantial compliance~~

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552 ~~with all relevant applicable criminal, civil, and administrative~~
553 ~~requirements of state and federal law related to the provision~~
554 ~~of medical services or treatment.~~

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

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

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

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

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

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581 ~~result in any of the following:~~

582 ~~(a) Serious jeopardy to patient health.~~

583 ~~(b) Serious impairment to bodily functions.~~

584 ~~(c) Serious dysfunction of any bodily organ or part.~~

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

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

601 627.733 Required security.-

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

608 (b) Notwithstanding paragraph (a), an ~~Every~~ owner or
609 registrant of a motor vehicle used as a taxicab shall ~~not be~~

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610 governed by paragraph (1) (a) but shall maintain security as
611 required under s. 324.032(1), ~~and s. 627.737 shall not apply to~~
612 ~~any motor vehicle used as a taxicab.~~

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

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

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

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

636 ~~(4) An owner of a motor vehicle with respect to which~~
637 ~~security is required by this section who fails to have such~~
638 ~~security in effect at the time of an accident shall have no~~

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639 ~~immunity from tort liability, but shall be personally liable for~~
640 ~~the payment of benefits under s. 627.736. With respect to such~~
641 ~~benefits, such an owner shall have all of the rights and~~
642 ~~obligations of an insurer under ss. 627.730-627.7405.~~

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

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

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668 627.734 Proof of security; security requirements;
669 penalties.—

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

675 (2) Any person who:

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

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

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

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

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

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

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

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697 notice must ~~shall~~ include:

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

709 (b) An advisory informing insureds that, ~~+~~

710 ~~1.~~ pursuant to s. 626.9892, the Department of Financial
711 Services may pay rewards of up to \$25,000 to persons providing
712 information leading to the arrest and conviction of persons
713 committing crimes investigated by the Division of Insurance
714 Fraud arising from violations of s. 440.105, s. 624.15, s.
715 626.9541, s. 626.989, or s. 817.234.

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

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

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

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

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

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

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

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

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

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

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

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755 Section 24. Section 627.7407, Florida Statutes, is
756 repealed.

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

759 Section 26. Paragraph (b) of subsection (2) of section
760 318.18, Florida Statutes, is amended to read:

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

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

766 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
767 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
768 320.07(1) shall be charged a delinquent fee pursuant to s.
769 320.07(4).

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

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

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784 of the court may dismiss the case and may assess a dismissal fee
785 of up to \$10.

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

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

800 320.02 Registration required; application for registration;
801 forms.-

802 (5) (a) Proof that bodily injury liability and property
803 damage liability coverage ~~personal injury protection~~ benefits
804 have been purchased if when required under ss. 324.022 and s.
805 ~~627.733, that property damage liability coverage has been~~
806 ~~purchased as required under s. 324.022,~~ that bodily injury or
807 death coverage has been purchased if required under s. 324.023,
808 and that combined bodily liability insurance and property damage
809 liability insurance have been purchased if when required under
810 s. 627.7415 shall be provided in the manner prescribed by law by
811 the applicant at the time of application for registration of any
812 motor vehicle that is subject to such requirements. The issuing

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

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

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

839
 840 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 841 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA

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842 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
843 SUBJECT TO PROSECUTION.

844

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

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

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871 ~~prior to~~, during, or after ~~subsequent to~~ the verification of the
872 proof. The issuance of a motor vehicle registration does not
873 constitute prima facie evidence or a presumption of insurance
874 coverage.

875 Section 28. Paragraph (b) of subsection (1) of section
876 320.0609, Florida Statutes, is amended to read:

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

879 (1)

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

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

887 320.27 Motor vehicle dealers.—

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

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

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

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

965 Section 30. Paragraph (j) of subsection (3) of section
966 320.771, Florida Statutes, is amended to read:

967 320.771 License required of recreational vehicle dealers.—

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

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

979

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

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

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987 322.251 Notice of cancellation, suspension, revocation, or
988 disqualification of license.—

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

1000 Section 32. Subsection (4) of section 400.9905, Florida
1001 Statutes, is amended, present subsection (7) of that section is
1002 renumbered as subsection (8), and new subsection (7) is added to
1003 that section, to read:

1004 400.9905 Definitions.—

1005 (4) "Clinic" means an entity where health care services are
1006 provided to individuals and which tenders charges for
1007 reimbursement for such services, including a mobile clinic and a
1008 portable equipment provider. As used in this part, the term does
1009 not include and the licensure requirements of this part do not
1010 apply to:

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

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1016 except part X, chapter 429, chapter 463, chapter 465, chapter
1017 466, chapter 478, part I of chapter 483, chapter 484, or chapter
1018 651; end-stage renal disease providers authorized under 42
1019 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
1020 part 485, subpart B or subpart H; or any entity that provides
1021 neonatal or pediatric hospital-based health care services or
1022 other health care services by licensed practitioners solely
1023 within a hospital licensed under chapter 395.

1024 (b) Entities that own, directly or indirectly, entities
1025 licensed or registered by the state pursuant to chapter 395;
1026 entities that own, directly or indirectly, entities licensed or
1027 registered by the state and providing only health care services
1028 within the scope of services authorized pursuant to their
1029 respective licenses under ss. 383.30-383.335, chapter 390,
1030 chapter 394, chapter 397, this chapter except part X, chapter
1031 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1032 of chapter 483, chapter 484, or chapter 651; end-stage renal
1033 disease providers authorized under 42 C.F.R. part 405, subpart
1034 U; providers certified under 42 C.F.R. part 485, subpart B or
1035 subpart H; or any entity that provides neonatal or pediatric
1036 hospital-based health care services by licensed practitioners
1037 solely within a hospital licensed under chapter 395.

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

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1045 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1046 478, part I of chapter 483, chapter 484, or chapter 651; end-
1047 stage renal disease providers authorized under 42 C.F.R. part
1048 405, subpart U; providers certified under 42 C.F.R. part 485,
1049 subpart B or subpart H; or any entity that provides neonatal or
1050 pediatric hospital-based health care services by licensed
1051 practitioners solely within a hospital under chapter 395.

1052 (d) Entities that are under common ownership, directly or
1053 indirectly, with an entity licensed or registered by the state
1054 pursuant to chapter 395; entities that are under common
1055 ownership, directly or indirectly, with an entity licensed or
1056 registered by the state and providing only health care services
1057 within the scope of services authorized pursuant to their
1058 respective licenses under ss. 383.30-383.335, chapter 390,
1059 chapter 394, chapter 397, this chapter except part X, chapter
1060 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1061 of chapter 483, chapter 484, or chapter 651; end-stage renal
1062 disease providers authorized under 42 C.F.R. part 405, subpart
1063 U; providers certified under 42 C.F.R. part 485, subpart B or
1064 subpart H; or any entity that provides neonatal or pediatric
1065 hospital-based health care services by licensed practitioners
1066 solely within a hospital licensed under chapter 395.

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

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1074 government, including agencies, subdivisions, or municipalities
1075 thereof.

1076 (f) A sole proprietorship, group practice, partnership, or
1077 corporation that provides health care services by physicians
1078 covered by s. 627.419, that is directly supervised by one or
1079 more of such physicians, and that is wholly owned by one or more
1080 of those physicians or by a physician and the spouse, parent,
1081 child, or sibling of that physician.

1082 (g) A sole proprietorship, group practice, partnership, or
1083 corporation that provides health care services by licensed
1084 health care practitioners under chapter 457, chapter 458,
1085 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1086 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1087 chapter 490, chapter 491, or part I, part III, part X, part
1088 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1089 wholly owned by one or more licensed health care practitioners,
1090 or the licensed health care practitioners set forth in this
1091 paragraph and the spouse, parent, child, or sibling of a
1092 licensed health care practitioner if one of the owners who is a
1093 licensed health care practitioner is supervising the business
1094 activities and is legally responsible for the entity's
1095 compliance with all federal and state laws. However, a health
1096 care practitioner may not supervise services beyond the scope of
1097 the practitioner's license, except that, for the purposes of
1098 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1099 which provides only services authorized pursuant to s.
1100 456.053(3)(b) may be supervised by a licensee specified in s.
1101 456.053(3)(b).

1102 (h) Clinical facilities affiliated with an accredited

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1103 medical school at which training is provided for medical
1104 students, residents, or fellows.

1105 (i) Entities that provide only oncology or radiation
1106 therapy services by physicians licensed under chapter 458 or
1107 chapter 459 or entities that provide oncology or radiation
1108 therapy services by physicians licensed under chapter 458 or
1109 chapter 459 which are owned by a corporation whose shares are
1110 publicly traded on a recognized stock exchange.

1111 (j) Clinical facilities affiliated with a college of
1112 chiropractic accredited by the Council on Chiropractic Education
1113 at which training is provided for chiropractic students.

1114 (k) Entities that provide licensed practitioners to staff
1115 emergency departments or to deliver anesthesia services in
1116 facilities licensed under chapter 395 and that derive at least
1117 90 percent of their gross annual revenues from the provision of
1118 such services. Entities claiming an exemption from licensure
1119 under this paragraph must provide documentation demonstrating
1120 compliance.

1121 (l) Orthotic or prosthetic clinical facilities that are a
1122 publicly traded corporation or that are wholly owned, directly
1123 or indirectly, by a publicly traded corporation. As used in this
1124 paragraph, a publicly traded corporation is a corporation that
1125 issues securities traded on an exchange registered with the
1126 United States Securities and Exchange Commission as a national
1127 securities exchange.

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

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1132 this state and who is responsible for supervising the business
1133 activities of the entity and is legally responsible for the
1134 entity's compliance with state law for purposes of this part.

1135 (n) Entities that employ 50 or more licensed health care
1136 practitioners licensed under chapter 458 or chapter 459 where
1137 the billing for medical services is under a single tax
1138 identification number. The application for exemption under this
1139 subsection must include ~~shall contain information that includes:~~
1140 the name, residence, and business address, and telephone ~~phone~~
1141 number of the entity that owns the practice; a complete list of
1142 the names and contact information of all the officers and
1143 directors of the corporation; the name, residence address,
1144 business address, and medical license number of each licensed
1145 Florida health care practitioner employed by the entity; the
1146 corporate tax identification number of the entity seeking an
1147 exemption; a list ~~listing~~ of health care services to be provided
1148 by the entity at the health care clinics owned or operated by
1149 the entity and a certified statement prepared by an independent
1150 certified public accountant which states that the entity and the
1151 health care clinics owned or operated by the entity have not
1152 received payment for health care services related to a motor
1153 vehicle accident injury ~~under personal injury protection~~
1154 ~~insurance coverage~~ for the preceding year. If the agency
1155 determines that an entity that ~~which~~ is exempt under this
1156 subsection has received payments for medical services related to
1157 a motor vehicle accident injury ~~under personal injury protection~~
1158 ~~insurance coverage~~, the agency may deny or revoke the exemption
1159 from licensure under this subsection.

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1161 ~~Notwithstanding this subsection, an entity shall be deemed a~~
1162 ~~clinic and must be licensed under this part in order to receive~~
1163 ~~reimbursement under the Florida Motor Vehicle No-Fault Law, ss.~~
1164 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1165 (7) "Motor vehicle accident injury" means accidental bodily
1166 injury sustained while occupying a motor vehicle as defined in
1167 s. 627.732 or, if the injured party is not an occupant of a
1168 motor vehicle, an injury caused by physical contact with a
1169 motor vehicle.

1170 Section 33. Subsection (6) of section 400.991, Florida
1171 Statutes, is amended to read:

1172 400.991 License requirements; background screenings;
1173 prohibitions.-

1174 (6) All agency forms for licensure application or exemption
1175 from licensure under this part must contain the following
1176 statement:

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

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

1194

1195 Section 34. Paragraph (g) of subsection (1) of section
1196 400.9935, Florida Statutes, is amended to read:

1197 400.9935 Clinic responsibilities.—

1198 (1) Each clinic shall appoint a medical director or clinic
1199 director who shall agree in writing to accept legal
1200 responsibility for the following activities on behalf of the
1201 clinic. The medical director or the clinic director shall:

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

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1219 ensure that the billings are not fraudulent or unlawful.

1220 Section 35. Subsection (28) of section 409.901, Florida
1221 Statutes, is amended to read:

1222 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1223 409.901-409.920, except as otherwise specifically provided, the
1224 term:

1225 (28) "Third-party benefit" means any benefit that is or may
1226 be available at any time through contract, court award,
1227 judgment, settlement, agreement, or ~~any~~ arrangement between a
1228 third party and any person or entity, including, without
1229 limitation, a Medicaid recipient, a provider, another third
1230 party, an insurer, or the agency, for any Medicaid-covered
1231 injury, illness, goods, or services, including costs of medical
1232 services related thereto, for bodily ~~personal~~ injury or for
1233 death of the recipient, but specifically excluding ~~policies of~~
1234 life insurance policies on the recipient, unless available under
1235 terms of the policy to pay medical expenses before ~~prior to~~
1236 death. The term includes, ~~without limitation,~~ collateral, as
1237 defined in this section, health insurance, any benefit under a
1238 health maintenance organization, a preferred provider
1239 arrangement, a prepaid health clinic, liability insurance,
1240 uninsured motorist insurance ~~or personal injury protection~~
1241 ~~coverage~~, medical benefits under workers' compensation, and any
1242 obligation under law or equity to provide medical support.

1243 Section 36. Paragraph (f) of subsection (11) of section
1244 409.910, Florida Statutes, is amended to read:

1245 409.910 Responsibility for payments on behalf of Medicaid-
1246 eligible persons when other parties are liable.—

1247 (11) The agency may, as a matter of right, in order to

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1248 enforce its rights under this section, institute, intervene in,
1249 or join any legal or administrative proceeding in its own name
1250 in one or more of the following capacities: individually, as
1251 subrogee of the recipient, as assignee of the recipient, or as
1252 lienholder of the collateral.

1253 (f) Notwithstanding any other provision in this section ~~to~~
1254 ~~the contrary, if in the event of~~ an action in tort against a
1255 third party in which the recipient or his or her legal
1256 representative is a party ~~which~~ results in a judgment, award, or
1257 settlement from a third party, the amount recovered shall be
1258 distributed as follows:

1259 1. After attorney ~~attorney's~~ fees and taxable costs as
1260 defined by the Florida Rules of Civil Procedure, one-half of the
1261 remaining recovery shall be paid to the agency up to the total
1262 amount of medical assistance provided by Medicaid.

1263 2. The remaining amount of the recovery shall be paid to
1264 the recipient.

1265 3. For purposes of calculating the agency's recovery of
1266 medical assistance benefits paid, the fee for services of an
1267 attorney retained by the recipient or his or her legal
1268 representative shall be calculated at 25 percent of the
1269 judgment, award, or settlement.

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

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1277 for medical payments under coverage for workers' compensation,
1278 ~~personal injury protection,~~ and casualty.

1279 Section 37. Paragraph (k) of subsection (2) of section
1280 456.057, Florida Statutes, is amended to read:

1281 456.057 Ownership and control of patient records; report or
1282 copies of records to be furnished.—

1283 (2) As used in this section, the terms "records owner,"
1284 "health care practitioner," and "health care practitioner's
1285 employer" do not include any of the following persons or
1286 entities; furthermore, the following persons or entities are not
1287 authorized to acquire or own medical records, but are authorized
1288 under the confidentiality and disclosure requirements of this
1289 section to maintain those documents required by the part or
1290 chapter under which they are licensed or regulated:

1291 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1292 Section 38. Paragraphs (gg) through (nn) of subsection (1)
1293 of section 456.072, Florida Statutes, are redesignated as
1294 paragraphs (ee) through (ll), respectively, and paragraphs (ee)
1295 and (ff) of that subsection are amended, to read:

1296 456.072 Grounds for discipline; penalties; enforcement.—

1297 (1) The following acts shall constitute grounds for which
1298 the disciplinary actions specified in subsection (2) may be
1299 taken:

1300 ~~(ee) With respect to making a personal injury protection
1301 claim as required by s. 627.736, intentionally submitting a
1302 claim, statement, or bill that has been "upcoded" as defined in
1303 s. 627.732.~~

1304 ~~(ff) With respect to making a personal injury protection
1305 claim as required by s. 627.736, intentionally submitting a~~

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1306 ~~claim, statement, or bill for payment of services that were not~~
1307 ~~rendered.~~

1308 Section 39. Paragraph (i) of subsection (1) of section
1309 626.9541, Florida Statutes, is amended to read:

1310 626.9541 Unfair methods of competition and unfair or
1311 deceptive acts or practices defined.—

1312 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1313 ACTS.—The following are defined as unfair methods of competition
1314 and unfair or deceptive acts or practices:

1315 (i) *Unfair claim settlement practices.*—

1316 1. Attempting to settle claims on the basis of an
1317 application, ~~when serving as a binder or intended to become a~~
1318 part of the policy, or any other material document that ~~which~~
1319 was altered without notice to, or knowledge or consent of, the
1320 insured;

1321 2. A material misrepresentation made to an insured or any
1322 other person having an interest in the proceeds that are payable
1323 under a ~~such~~ contract or policy, for the purpose and with the
1324 intent of effecting settlement of such claims, loss, or damage
1325 under such contract or policy on less favorable terms than those
1326 provided in, and contemplated by, the ~~such~~ contract or policy;
1327 or

1328 3. Committing or performing with such frequency as to
1329 indicate a general business practice any of the following:

1330 a. Failing to adopt and implement standards for the proper
1331 investigation of claims;

1332 b. Misrepresenting pertinent facts or insurance policy
1333 provisions relating to coverages at issue;

1334 c. Failing to acknowledge and act promptly upon

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1335 communications with respect to claims;

1336 d. Denying claims without conducting reasonable
1337 investigations based upon available information;

1338 e. Failing to affirm or deny full or partial coverage of
1339 claims, and, as to partial coverage, the dollar amount or extent
1340 of coverage, or failing to provide a written statement that the
1341 claim is being investigated, upon the written request of the
1342 insured, within 30 days after proof-of-loss statements have been
1343 completed;

1344 f. Failing to promptly provide a reasonable explanation in
1345 writing to the insured of the basis in the insurance policy, in
1346 relation to the facts or applicable law, for denial of a claim
1347 or for the offer of a compromise settlement;

1348 g. Failing to promptly notify the insured of any additional
1349 information necessary for the processing of a claim; or

1350 h. Failing to clearly explain the nature of the requested
1351 information and the reasons why such information is necessary.

1352 ~~i. Failing to pay personal injury protection insurance~~
1353 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1354 ~~office may order the insurer to pay restitution to a~~
1355 ~~policyholder, medical provider, or other claimant, including~~
1356 ~~interest at a rate consistent with the amount set forth in s.~~
1357 ~~55.03(1), for the time period within which an insurer fails to~~
1358 ~~pay claims as required by law. Restitution is in addition to any~~
1359 ~~other penalties allowed by law, including, but not limited to,~~
1360 ~~the suspension of the insurer's certificate of authority.~~

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

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1364 property insurance claim, determines the amounts of partial or
1365 full benefits, and agrees to coverage, unless payment of the
1366 undisputed benefits is prevented by an act of God, prevented by
1367 the impossibility of performance, or due to actions by the
1368 insured or claimant which ~~that~~ constitute fraud, lack of
1369 cooperation, or intentional misrepresentation regarding the
1370 claim for which benefits are owed.

1371 Section 40. Paragraph (a) of subsection (1) of section
1372 626.989, Florida Statutes, is amended to read:

1373 626.989 Investigation by department or Division of
1374 Insurance Fraud; compliance; immunity; confidential information;
1375 reports to division; division investigator's power of arrest.—

1376 (1) For the purposes of this section:

1377 (a) A person commits a "fraudulent insurance act" if the
1378 person:

1379 1. Knowingly and with intent to defraud presents, causes to
1380 be presented, or prepares with knowledge or belief that it will
1381 be presented, to or by an insurer, self-insurer, self-insurance
1382 fund, servicing corporation, purported insurer, broker, or any
1383 agent thereof, any written statement as part of, or in support
1384 of, an application for the issuance of, or the rating of, any
1385 insurance policy, or a claim for payment or other benefit
1386 pursuant to any insurance policy, which the person knows to
1387 contain materially false information concerning any fact
1388 material thereto or if the person conceals, for the purpose of
1389 misleading another, information concerning any fact material
1390 thereto.

1391 2. Knowingly submits:

1392 a. A false, misleading, or fraudulent application or other

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1393 document when applying for licensure as a health care clinic,
1394 seeking an exemption from licensure as a health care clinic, or
1395 demonstrating compliance with part X of chapter 400 with an
1396 intent to use the license, exemption from licensure, or
1397 demonstration of compliance to provide services or seek
1398 reimbursement relating to a motor vehicle accident ~~under the~~
1399 ~~Florida Motor Vehicle No-Fault Law.~~

1400 b. A claim for payment or other benefit relating to a motor
1401 vehicle accident ~~pursuant to a personal injury protection~~
1402 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
1403 the person knows that the payee knowingly submitted a false,
1404 misleading, or fraudulent application or other document when
1405 applying for licensure as a health care clinic, seeking an
1406 exemption from licensure as a health care clinic, or
1407 demonstrating compliance with part X of chapter 400.

1408 Section 41. Paragraph (a) of subsection (4) of section
1409 626.9895, Florida Statutes, is amended to read:

1410 626.9895 Motor vehicle insurance fraud direct-support
1411 organization.—

1412 (4) BOARD OF DIRECTORS.—

1413 (a) The board of directors of the organization consists
1414 ~~shall consist~~ of the following 11 members:

1415 1. The Chief Financial Officer, or designee, who serves
1416 ~~shall serve~~ as chair.

1417 2. Two state attorneys, one ~~of whom shall be~~ appointed by
1418 the Chief Financial Officer and the other ~~one of whom shall be~~
1419 appointed by the Attorney General.

1420 3. Two representatives of motor vehicle insurers appointed
1421 by the Chief Financial Officer.

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1422 4. Two representatives of local law enforcement agencies,
1423 one ~~of whom shall be~~ appointed by the Chief Financial Officer
1424 and the other ~~one of whom shall be~~ appointed by the Attorney
1425 General.

1426 5. Two representatives of the types of health care
1427 providers who regularly make claims for benefits related to
1428 motor vehicle accidents ~~under ss. 627.730-627.7405~~, one ~~of whom~~
1429 ~~shall be~~ appointed by the President of the Senate and the other
1430 ~~one of whom shall be~~ appointed by the Speaker of the House of
1431 Representatives. The appointees may not represent the same type
1432 of health care provider.

1433 6. A private attorney who has experience in representing
1434 claimants in motor vehicle tort claims, ~~actions for benefits~~
1435 ~~under ss. 627.730-627.7405~~, who shall be appointed by the
1436 President of the Senate.

1437 7. A private attorney who has experience in representing
1438 insurers in motor vehicle tort claims, ~~actions for benefits~~
1439 ~~under ss. 627.730-627.7405~~, who shall be appointed by the
1440 Speaker of the House of Representatives.

1441 Section 42. Subsection (1) of section 627.06501, Florida
1442 Statutes, is amended to read:

1443 627.06501 Insurance discounts for certain persons
1444 completing driver improvement course.—

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

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1451 approved and certified by the Department of Highway Safety and
1452 Motor Vehicles which is effective in reducing crash or violation
1453 rates, or both, ~~as determined pursuant to s. 318.1451(5)~~. Any
1454 discount, not to exceed 10 percent, used by an insurer is
1455 presumed to be appropriate unless credible data demonstrates
1456 otherwise.

1457 Section 43. Subsection (1) of section 627.0652, Florida
1458 Statutes, is amended to read:

1459 627.0652 Insurance discounts for certain persons completing
1460 safety course.—

1461 (1) Any rates, rating schedules, or rating manuals for the
1462 liability, ~~personal injury protection~~, and collision coverages
1463 of a motor vehicle insurance policy filed with the office must
1464 ~~shall~~ provide for an appropriate reduction in premium charges as
1465 to such coverages if when the principal operator on the covered
1466 vehicle is an insured 55 years of age or older who has
1467 successfully completed a motor vehicle accident prevention
1468 course approved by the Department of Highway Safety and Motor
1469 Vehicles. Any discount used by an insurer is presumed to be
1470 appropriate unless credible data demonstrates otherwise.

1471 Section 44. Subsections (1) and (3) of section 627.0653,
1472 Florida Statutes, are amended to read:

1473 627.0653 Insurance discounts for specified motor vehicle
1474 equipment.—

1475 (1) Any rates, rating schedules, or rating manuals for the
1476 liability, ~~personal injury protection~~, and collision coverages
1477 of a motor vehicle insurance policy filed with the office must
1478 ~~shall~~ provide a premium discount if the insured vehicle is
1479 equipped with factory-installed, four-wheel antilock brakes.

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1480 (3) Any rates, rating schedules, or rating manuals for
1481 ~~personal injury protection coverage and~~ medical payments
1482 coverage, if offered, of a motor vehicle insurance policy filed
1483 with the office must ~~shall~~ provide a premium discount if the
1484 insured vehicle is equipped with one or more air bags which are
1485 factory installed.

1486 Section 45. Section 627.4132, Florida Statutes, is amended
1487 to read:

1488 627.4132 Stacking of coverages prohibited.—If an insured or
1489 named insured is protected by any type of motor vehicle
1490 insurance policy for liability, ~~personal injury protection,~~ or
1491 other coverage, the policy must ~~shall~~ provide that the insured
1492 or named insured is protected only to the extent of the coverage
1493 she or he has on the vehicle involved in the accident. However,
1494 if none of the insured's or named insured's vehicles is involved
1495 in the accident, coverage is available only to the extent of
1496 coverage on any one of the vehicles with applicable coverage.
1497 Coverage on any other vehicles may ~~shall~~ not be added to or
1498 stacked onto ~~upon~~ that coverage. This section does not apply:

1499 (1) To uninsured motorist coverage, which is separately
1500 governed by s. 627.727.

1501 (2) To reduce the coverage available by reason of insurance
1502 policies insuring different named insureds.

1503 Section 46. Subsection (6) of section 627.6482, Florida
1504 Statutes, is amended to read:

1505 627.6482 Definitions.—As used in ss. 627.648–627.6498, the
1506 term:

1507 (6) "Health insurance" means any hospital and medical
1508 expense incurred policy, minimum premium plan, stop-loss

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1509 coverage, health maintenance organization contract, prepaid
1510 health clinic contract, multiple-employer welfare arrangement
1511 contract, or fraternal benefit society health benefits contract,
1512 whether sold as an individual or group policy or contract. The
1513 term does not include a ~~any~~ policy covering medical payment
1514 coverage or bodily ~~personal~~ injury liability ~~protection~~ coverage
1515 in a motor vehicle policy, coverage issued as a supplement to
1516 liability insurance, or workers' compensation.

1517 Section 47. Section 627.7263, Florida Statutes, is amended
1518 to read:

1519 627.7263 Rental and leasing driver's insurance to be
1520 primary; exception.—

1521 (1) ~~The~~ Valid and collectible liability insurance ~~or~~
1522 ~~personal injury protection insurance~~ providing coverage for the
1523 lessor of a motor vehicle for rent or lease is primary unless
1524 otherwise stated in at least 10-point type on the face of the
1525 rental or lease agreement. Such insurance is primary for the
1526 limits of liability required under s. 324.021(7) ~~and personal~~
1527 ~~injury protection coverage as required by ss. 324.021(7) and~~
1528 ~~627.736.~~

1529 (2) If the lessee's coverage is to be primary, the rental
1530 or lease agreement must contain the following language, in at
1531 least 10-point type:

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

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1538 ~~627.736~~, Florida Statutes.”

1539 Section 48. Subsections (8) through (10) of section
1540 627.727, Florida Statutes, are renumbered as subsections (7)
1541 through (9), respectively, and subsection (1) and present
1542 subsection (7) of that section are amended, to read:

1543 627.727 Motor vehicle insurance; uninsured and underinsured
1544 vehicle coverage; insolvent insurer protection.—

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

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

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1596 to, the notice of premium, must ~~shall~~ provide ~~for~~ a means to
1597 allow the insured to request such coverage, and must ~~shall~~ be
1598 given in a manner approved by the office. Receipt of this notice
1599 does not constitute an affirmative waiver of the insured's right
1600 to uninsured motorist coverage if ~~where~~ the insured has not
1601 signed a selection or rejection form. The coverage described
1602 under this section is ~~shall be~~ over and above, but may ~~shall~~ not
1603 duplicate, the benefits available to an insured under any
1604 workers' compensation law, ~~personal injury protection benefits,~~
1605 disability benefits law, or similar law; under any automobile
1606 medical expense coverage; under any motor vehicle liability
1607 insurance coverage; or from the owner or operator of the
1608 uninsured motor vehicle or any other person or organization
1609 jointly or severally liable ~~together~~ with such owner or operator
1610 for the accident; and such coverage must ~~shall~~ cover the
1611 difference, if any, between the sum of such benefits and the
1612 damages sustained, up to the maximum amount of ~~such~~ coverage
1613 provided under this section. The amount of coverage available
1614 under this section may ~~shall~~ not be reduced by a setoff against
1615 any coverage, including liability insurance. Such coverage does
1616 ~~shall~~ not inure, directly or indirectly, to the benefit of any
1617 workers' compensation or disability benefits carrier or any
1618 person or organization qualifying as a self-insurer under any
1619 workers' compensation or disability benefits law or similar law.

1620 ~~(7) The legal liability of an uninsured motorist coverage~~
1621 ~~insurer does not include damages in tort for pain, suffering,~~
1622 ~~mental anguish, and inconvenience unless the injury or disease~~
1623 ~~is described in one or more of paragraphs (a)-(d) of s.~~
1624 ~~627.737(2).~~

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1625 Section 49. Subsection (1) and paragraph (a) of subsection
1626 (2) of section 627.7275, Florida Statutes, are amended to read:
1627 627.7275 Motor vehicle liability.—

1628 (1) A motor vehicle insurance policy ~~providing personal~~
1629 ~~injury protection as set forth in s. 627.736~~ may not be
1630 delivered or issued for delivery in this state for a with
1631 ~~respect to any~~ specifically insured or identified motor vehicle
1632 registered or principally garaged in this state must provide
1633 ~~unless the policy also provides~~ coverage for property damage
1634 liability and bodily injury liability as required under ~~by~~ s.
1635 324.022.

1636 (2) (a) Insurers writing motor vehicle insurance in this
1637 state shall make available, subject to the insurers' usual
1638 underwriting restrictions:

1639 1. Coverage under policies as described in subsection (1)
1640 to any applicant for private passenger motor vehicle insurance
1641 coverage who is seeking the coverage in order to reinstate the
1642 applicant's driving privileges in this state if ~~when the~~ driving
1643 privileges were revoked or suspended pursuant to s. 316.646 or
1644 s. 324.0221 due to the failure of the applicant to maintain
1645 required security.

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

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1654 reinstate the applicant's driving privileges in this state after
1655 such privileges were revoked or suspended under s. 316.193 or s.
1656 322.26(2) for driving under the influence.

1657 Section 50. Paragraph (a) of subsection (1) of section
1658 627.728, Florida Statutes, is amended to read:

1659 627.728 Cancellations; nonrenewals.—

1660 (1) As used in this section, the term:

1661 (a) "Policy" means ~~the~~ bodily injury and property damage
1662 liability, ~~personal injury protection~~, medical payments,
1663 comprehensive, collision, and uninsured motorist coverage
1664 portions of a policy of motor vehicle insurance delivered or
1665 issued for delivery in this state:

1666 1. Insuring a natural person as named insured or one or
1667 more related individuals who are residents ~~resident~~ of the same
1668 household; and

1669 2. Insuring only a motor vehicle of the private passenger
1670 type or station wagon type which is not used as a public or
1671 livery conveyance for passengers or rented to others; or
1672 insuring any other four-wheel motor vehicle having a load
1673 capacity of 1,500 pounds or less which is not used in the
1674 occupation, profession, or business of the insured other than
1675 farming; other than any policy issued under an automobile
1676 insurance assigned risk plan; insuring more than four
1677 automobiles; or covering garage, automobile sales agency, repair
1678 shop, service station, or public parking place operation
1679 hazards.

1680

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

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1683 days.

1684 Section 51. Paragraphs (a) and (b) of subsection (1),
1685 paragraph (a) of subsection (5), and subsection (7) of section
1686 627.7295, Florida Statutes, are amended to read:

1687 627.7295 Motor vehicle insurance contracts.—

1688 (1) As used in this section, the term:

1689 (a) "Policy" means a motor vehicle insurance policy that
1690 provides bodily injury liability ~~personal injury protection~~
1691 coverage, property damage liability coverage, or both.

1692 (b) "Binder" means a binder that provides motor vehicle
1693 bodily injury liability ~~personal injury protection~~ and property
1694 damage liability coverage.

1695 (5) (a) A licensed general lines agent may charge a per-
1696 policy fee of up to not to exceed \$10 to cover the agent's
1697 administrative costs ~~of the agent~~ associated with selling the
1698 motor vehicle insurance policy if the policy covers only bodily
1699 injury liability ~~personal injury protection~~ coverage ~~as provided~~
1700 ~~by s. 627.736~~ and property damage liability coverage as provided
1701 by s. 627.7275 and if no other insurance is sold or issued in
1702 conjunction with or collateral to the policy. The fee is not
1703 ~~considered~~ part of the premium.

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

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1712 amount less than the 2 months' premium required by this
1713 subsection. This subsection applies without regard to whether
1714 the premium is financed by a premium finance company or is paid
1715 pursuant to a periodic payment plan of an insurer or an
1716 insurance agent.

1717 (a) This subsection does not apply:

1718 1. If an insured or member of the insured's family is
1719 renewing or replacing a policy or a binder for such policy
1720 written by the same insurer or a member of the same insurer
1721 group; ~~This subsection does not apply~~

1722 2. To an insurer that issues private passenger motor
1723 vehicle coverage primarily to active duty or former military
1724 personnel or their dependents; ~~or. This subsection does not~~
1725 ~~apply~~

1726 3. If all policy payments are paid pursuant to a payroll
1727 deduction plan or an automatic electronic funds transfer payment
1728 plan from the policyholder.

1729 (b) This subsection and subsection (4) do not apply if:

1730 1. All policy payments to an insurer are paid pursuant to
1731 an automatic electronic funds transfer payment plan from an
1732 agent, a managing general agent, or a premium finance company
1733 and if the policy includes, at a minimum, bodily injury
1734 liability and ~~personal injury protection pursuant to ss.~~
1735 ~~627.730-627.7405;~~ motor vehicle property damage liability
1736 pursuant to s. 627.7275; or ~~and bodily injury liability in at~~
1737 ~~least the amount of \$10,000 because of bodily injury to, or~~
1738 ~~death of, one person in any one accident and in the amount of~~
1739 ~~\$20,000 because of bodily injury to, or death of, two or more~~
1740 ~~persons in any one accident. This subsection and subsection (4)~~

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1741 ~~do not apply if~~

1742 2. An insured has had a policy in effect for at least 6
1743 months, the insured's agent is terminated by the insurer that
1744 issued the policy, and the insured obtains coverage on the
1745 policy's renewal date with a new company through the terminated
1746 agent.

1747 Section 52. Section 627.8405, Florida Statutes, is amended
1748 to read:

1749 627.8405 Prohibited acts; financing companies.—A ~~No~~ premium
1750 finance company ~~shall~~, in a premium finance agreement or other
1751 agreement, may not finance the cost of or otherwise provide for
1752 the collection or remittance of dues, assessments, fees, or
1753 other periodic payments of money for the cost of:

1754 (1) A membership in an automobile club. The term
1755 "automobile club" means a legal entity that ~~which~~, in
1756 consideration of dues, assessments, or periodic payments of
1757 money, promises its members or subscribers to assist them in
1758 matters relating to the ownership, operation, use, or
1759 maintenance of a motor vehicle; however, the term ~~this~~
1760 ~~definition of "automobile club"~~ does not include persons,
1761 associations, or corporations that ~~which~~ are organized and
1762 operated solely for the purpose of conducting, sponsoring, or
1763 sanctioning motor vehicle races, exhibitions, or contests upon
1764 racetracks, or upon racecourses established and marked as such
1765 for the duration of such particular events. The term ~~words~~
1766 "motor vehicle" has ~~used herein have~~ the same meaning as
1767 provided ~~defined~~ in chapter 320.

1768 (2) An accidental death and dismemberment policy sold in
1769 combination with a bodily injury liability ~~personal injury~~

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1770 ~~protection~~ and property-damage-only ~~property damage only~~ policy.

1771 (3) Any product not regulated under the provisions of this
1772 insurance code.

1773

1774 This section also applies to premium financing by any insurance
1775 agent or insurance company under part XVI. The commission shall
1776 adopt rules to assure disclosure, at the time of sale, of
1777 coverages financed with bodily injury liability coverage
1778 ~~personal injury protection~~ and shall prescribe the form of such
1779 disclosure.

1780 Section 53. Subsection (1) of section 627.915, Florida
1781 Statutes, is amended to read:

1782 627.915 Insurer experience reporting.-

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

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1799 ultimately seven times at seven different stages of development.

1800 (a) Premiums earned for the latest 3 calendar-accident
1801 years.

1802 (b) Loss development factors and the historic development
1803 of those factors.

1804 (c) Policyholder dividends incurred.

1805 (d) Expenses for other acquisition and general expense.

1806 (e) Expenses for agents' commissions and taxes, licenses,
1807 and fees.

1808 (f) Profit and contingency factors as utilized in the
1809 insurer's automobile rate filings for the applicable years.

1810 (g) Losses paid.

1811 (h) Losses unpaid.

1812 (i) Loss adjustment expenses paid.

1813 (j) Loss adjustment expenses unpaid.

1814 Section 54. Present paragraph (e) of subsection (2) of
1815 section 628.909, Florida Statutes, is redesignated as paragraph
1816 (d), present paragraph (d) of that subsection is amended,
1817 present paragraph (e) of subsection (3) of that section is
1818 redesignated as paragraph (d), and present paragraph (d) of that
1819 subsection is amended, to read:

1820 628.909 Applicability of other laws.—

1821 (2) The following provisions of the Florida Insurance Code
1822 apply to captive insurers who are not industrial insured captive
1823 insurers to the extent that such provisions are not inconsistent
1824 with this part:

1825 ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~
1826 ~~provided.~~

1827 (3) The following provisions of the Florida Insurance Code

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1828 apply to industrial insured captive insurers to the extent that
1829 such provisions are not inconsistent with this part:

1830 ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~
1831 ~~provided.~~

1832 Section 55. Subsections (2), (6), and (7) of section
1833 705.184, Florida Statutes, are amended to read:

1834 705.184 Derelict or abandoned motor vehicles on the
1835 premises of public-use airports.-

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

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1857 removed from the airport upon payment in full of all accrued
1858 charges for reasonable towing, storage, and parking fees, if
1859 any, may be disposed of as provided in s. 705.182(2)(a), (b),
1860 (d), or (e), including, but not limited to, the motor vehicle
1861 being sold free of all prior liens after 35 calendar days after
1862 the time the motor vehicle is stored if any prior liens on the
1863 motor vehicle are more than 5 years of age or after 50 calendar
1864 days after the time the motor vehicle is stored if any prior
1865 liens on the motor vehicle are 5 years of age or less.

1866 (6) The airport pursuant to this section or, if used, a
1867 licensed independent wrecker company pursuant to s. 713.78 shall
1868 have a lien on an abandoned or derelict motor vehicle for all
1869 reasonable towing, storage, and accrued parking fees, if any,
1870 except that no storage fee shall be charged if the motor vehicle
1871 is stored less than 6 hours. As a prerequisite to perfecting a
1872 lien under this section, the airport director or the director's
1873 designee must serve a notice in accordance with subsection (2)
1874 on the owner of the motor vehicle, the insurance company
1875 insuring the motor vehicle, ~~notwithstanding the provisions of s.~~
1876 ~~627.736,~~ and all persons of record claiming a lien against the
1877 motor vehicle. If attempts to notify the owner, the insurance
1878 company insuring the motor vehicle, ~~notwithstanding the~~
1879 ~~provisions of s. 627.736,~~ or lienholders are not successful, the
1880 requirement of notice by mail shall be considered met. Serving
1881 of the notice does not dispense with recording the claim of
1882 lien.

1883 (7) (a) For the purpose of perfecting its lien under this
1884 section, the airport shall record a claim of lien which states
1885 ~~shall state:~~

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1886 1. The name and address of the airport.
 1887 2. The name of the owner of the motor vehicle, the
 1888 insurance company insuring the motor vehicle, ~~notwithstanding~~
 1889 ~~the provisions of s. 627.736,~~ and all persons of record claiming
 1890 a lien against the motor vehicle.

1891 3. The costs incurred from reasonable towing, storage, and
 1892 parking fees, if any.

1893 4. A description of the motor vehicle sufficient for
 1894 identification.

1895 (b) The claim of lien shall be signed and sworn to or
 1896 affirmed by the airport director or the director's designee.

1897 (c) The claim of lien is ~~shall be~~ sufficient if it is in
 1898 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.....

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1915 ... (Signature)...

1916 Sworn to (or affirmed) and subscribed before me this day of

1917, ... (year) ..., by ... (name of person making statement)....

1918 ... (Signature of Notary Public)..... (Print, Type, or Stamp

1919 Commissioned name of Notary Public)...

1920 Personally Known....OR Produced....as identification.

1921

1922 However, the negligent inclusion or omission of any information

1923 in this claim of lien which does not prejudice the owner does

1924 not constitute a default that operates to defeat an otherwise

1925 valid lien.

1926 (d) The claim of lien shall be served on the owner of the

1927 motor vehicle, the insurance company insuring the motor vehicle,

1928 ~~notwithstanding the provisions of s. 627.736,~~ and all persons of

1929 record claiming a lien against the motor vehicle. If attempts to

1930 notify the owner, the insurance company insuring the motor

1931 vehicle ~~notwithstanding the provisions of s. 627.736,~~ or

1932 lienholders are not successful, the requirement of notice by

1933 mail shall be considered met. The claim of lien shall be so

1934 served before recordation.

1935 (e) The claim of lien shall be recorded with the clerk of

1936 court in the county where the airport is located. The recording

1937 of the claim of lien shall be constructive notice to all persons

1938 of the contents and effect of such claim. The lien shall attach

1939 at the time of recordation and shall take priority as of that

1940 time.

1941 Section 56. Subsection (4) of section 713.78, Florida

1942 Statutes, is amended to read:

1943 713.78 Liens for recovering, towing, or storing vehicles

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1944 and vessels.-

1945 (4) (a) Any person regularly engaged in the business of
1946 recovering, towing, or storing vehicles or vessels who comes
1947 into possession of a vehicle or vessel pursuant to subsection
1948 (2), and who claims a lien for recovery, towing, or storage
1949 services, shall give notice to the registered owner, the
1950 insurance company insuring the vehicle ~~notwithstanding the~~
1951 ~~provisions of s. 627.736~~, and to all persons claiming a lien
1952 thereon, as disclosed by the records in the Department of
1953 Highway Safety and Motor Vehicles or of a corresponding agency
1954 in any other state.

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

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1973 such information from the applicable law enforcement agency
1974 within 5 days after the date of storage and shall give notice
1975 pursuant to paragraph (a). The department may release the
1976 insurance company information to the requestor ~~notwithstanding~~
1977 ~~the provisions of s. 627.736.~~

1978 (c) Notice by certified mail shall be sent within 7
1979 business days after the date of storage of the vehicle or vessel
1980 to the registered owner, the insurance company insuring the
1981 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
1982 persons of record claiming a lien against the vehicle or vessel.
1983 The notice must ~~It shall~~ state the fact of possession of the
1984 vehicle or vessel, that a lien as provided in subsection (2) is
1985 claimed, that charges have accrued and the amount thereof, that
1986 the lien is subject to enforcement pursuant to law, ~~and~~ that the
1987 owner or lienholder, if any, has the right to a hearing as set
1988 forth in subsection (5), and that any vehicle or vessel which
1989 remains unclaimed, or for which the charges for recovery,
1990 towing, or storage services remain unpaid, may be sold free of
1991 all prior liens after 35 days if the vehicle or vessel is more
1992 than 3 years of age or after 50 days if the vehicle or vessel is
1993 3 years of age or less.

1994 (d) If attempts to locate the name and address of the owner
1995 or lienholder prove unsuccessful, the towing-storage operator
1996 shall, after 7 working days, excluding Saturday and Sunday, of
1997 the initial tow or storage, notify the public agency of
1998 jurisdiction where the vehicle or vessel is stored in writing by
1999 certified mail or acknowledged hand delivery that the towing-
2000 storage company has been unable to locate the name and address
2001 of the owner or lienholder and a physical search of the vehicle

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2002 or vessel has disclosed no ownership information and a good
2003 faith effort has been made. As used in ~~For purposes of~~ this
2004 paragraph and subsection (9), the term "good faith effort" means
2005 that the following checks have been performed by the company to
2006 establish prior state of registration and ~~for~~ title:

2007 1. Check of vehicle or vessel for any type of tag, tag
2008 record, temporary tag, or regular tag.

2009 2. Check of law enforcement report for tag number or other
2010 information identifying the vehicle or vessel, if the vehicle or
2011 vessel was towed at the request of a law enforcement officer.

2012 3. Check of trip sheet or tow ticket of tow truck operator
2013 to see if a tag was on vehicle or vessel at beginning of tow, if
2014 private tow.

2015 4. If there is no address of the owner on the impound
2016 report, check of law enforcement report to see if an out-of-
2017 state address is indicated from driver license information.

2018 5. Check of vehicle or vessel for inspection sticker or
2019 other stickers and decals that may indicate a state of possible
2020 registration.

2021 6. Check of the interior of the vehicle or vessel for any
2022 papers that may be in the glove box, trunk, or other areas for a
2023 state of registration.

2024 7. Check of vehicle for vehicle identification number.

2025 8. Check of vessel for vessel registration number.

2026 9. Check of vessel hull for a hull identification number,
2027 which should be carved, burned, stamped, embossed, or otherwise
2028 permanently affixed to the outboard side of the transom or, if
2029 there is no transom, to the outmost seaboard side at the end of
2030 the hull that bears the rudder or other steering mechanism.

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2031 Section 57. Paragraph (a) of subsection (1), paragraph (c)
2032 of subsection (7), paragraphs (a) through (c) of subsection (8),
2033 and subsections (9) and (10) of section 817.234, Florida
2034 Statutes, are amended to read:

2035 817.234 False and fraudulent insurance claims.—

2036 (1) (a) A person commits insurance fraud punishable as
2037 provided in subsection (11) if that person, with the intent to
2038 injure, defraud, or deceive any insurer:

2039 1. Presents or causes to be presented any written or oral
2040 statement as part of, or in support of, a claim for payment or
2041 other benefit pursuant to an insurance policy or a health
2042 maintenance organization subscriber or provider contract,
2043 knowing that such statement contains ~~any~~ false, incomplete, or
2044 misleading information concerning any fact or thing material to
2045 such claim;

2046 2. Prepares or makes any written or oral statement that is
2047 intended to be presented to an ~~any~~ insurer in connection with,
2048 or in support of, any claim for payment or other benefit
2049 pursuant to an insurance policy or a health maintenance
2050 organization subscriber or provider contract, knowing that such
2051 statement contains ~~any~~ false, incomplete, or misleading
2052 information concerning any fact or thing material to such claim;

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

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2060 of, any insurance policy, or a health maintenance organization
2061 subscriber or provider contract; or

2062 b. Knowingly conceals information concerning any fact
2063 material to such application; or

2064 4. Knowingly presents, causes to be presented, or prepares
2065 or makes with knowledge or belief that it will be presented to
2066 any insurer a claim for payment or other benefit under a motor
2067 vehicle ~~personal injury protection~~ insurance policy if the
2068 person knows that the payee knowingly submitted a false,
2069 misleading, or fraudulent application or other document when
2070 applying for licensure as a health care clinic, seeking an
2071 exemption from licensure as a health care clinic, or
2072 demonstrating compliance with part X of chapter 400.

2073 (7)

2074 (c) An insurer, or any person acting at the direction of or
2075 on behalf of an insurer, may not change an opinion in a mental
2076 or physical report ~~prepared under s. 627.736(8)~~ or direct the
2077 physician preparing the report to change such opinion; however,
2078 this provision does not preclude the insurer from calling to the
2079 attention of the physician errors of fact in the report based
2080 upon information in the claim file. Any person who violates this
2081 paragraph commits a felony of the third degree, punishable as
2082 provided in s. 775.082, s. 775.083, or s. 775.084.

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

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2089 ~~of~~ this paragraph commits a felony of the second degree,
2090 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
2091 A person who is convicted of a violation of this subsection
2092 shall be sentenced to a minimum term of imprisonment of 2 years.

2093 (b) A person may not solicit or cause to be solicited any
2094 business from a person involved in a motor vehicle accident by
2095 any means of communication other than advertising directed to
2096 the public for the purpose of making motor vehicle tort claims
2097 ~~or claims for personal injury protection benefits required by s.~~
2098 ~~627.736,~~ within 60 days after the occurrence of the motor
2099 vehicle accident. Any person who violates this paragraph commits
2100 a felony of the third degree, punishable as provided in s.
2101 775.082, s. 775.083, or s. 775.084.

2102 (c) A lawyer, health care practitioner as defined in s.
2103 456.001, or owner or medical director of a clinic required to be
2104 licensed pursuant to s. 400.9905 may not, at any time after 60
2105 days have elapsed from the occurrence of a motor vehicle
2106 accident, solicit or cause to be solicited any business from a
2107 person involved in a motor vehicle accident by means of in
2108 person or telephone contact at the person's residence, for the
2109 purpose of making motor vehicle tort claims ~~or claims for~~
2110 ~~personal injury protection benefits required by s. 627.736.~~ Any
2111 person who violates this paragraph commits a felony of the third
2112 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2113 775.084.

2114 (9) A person may not organize, plan, or knowingly
2115 participate in an intentional motor vehicle crash or a scheme to
2116 create documentation of a motor vehicle crash that did not occur
2117 for the purpose of making motor vehicle tort claims ~~or claims~~

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2118 ~~for personal injury protection benefits as required by s.~~
2119 ~~627.736.~~ Any person who violates this subsection commits a
2120 felony of the second degree, punishable as provided in s.
2121 775.082, s. 775.083, or s. 775.084. A person who is convicted of
2122 a violation of this subsection shall be sentenced to a minimum
2123 term of imprisonment of 2 years.

2124 (10) A licensed health care practitioner who is found
2125 guilty of insurance fraud under this section for an act relating
2126 to a motor vehicle ~~personal injury protection~~ insurance policy
2127 loses his or her license to practice for 5 years and may not
2128 receive reimbursement for bodily ~~personal~~ injury liability
2129 ~~protection~~ benefits for 10 years.

2130 Section 58. Applicability; notice to policyholders.—

2131 (1) As used in this section, the term "minimum security
2132 requirements" means security that enables a person to respond in
2133 damages for liability on account of accidents arising out of the
2134 use of a motor vehicle in the amount of \$10,000 for damage to,
2135 or destruction of, property of others in any one crash; in the
2136 amount of \$25,000 for bodily injury to, or the death of, one
2137 person in any one crash; and, subject to such limits for one
2138 person, in the amount of \$50,000 for bodily injury to, or the
2139 death of, two or more persons in any one crash.

2140 (2) Effective January 1, 2014:

2141 (a) Motor vehicle insurance policies issued or renewed on
2142 or after that date may not include personal injury protection.

2143 (b) Any person subject to ss. 324.022 and 627.733, Florida
2144 Statutes, must maintain at least minimum security requirements.

2145 (c) Any new or renewal motor vehicle insurance policy
2146 delivered or issued for delivery in this state must provide

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2147 coverage that complies with minimum security requirements.

2148 (d) An existing motor vehicle insurance policy issued
2149 before that date which provides personal injury protection and
2150 property damage liability coverage that meet the requirements of
2151 ss. 324.022 and 627.733, Florida Statutes, on December 31, 2013,
2152 but that do not meet minimum security requirements on or after
2153 January 1, 2014, shall be deemed to meet the security
2154 requirements of s. 324.022 and s. 627.733, Florida Statutes,
2155 until such policy is renewed, nonrenewed, or canceled on or
2156 after January 1, 2014.

2157 (3) Each insurer shall allow each insured who has a new or
2158 renewal policy providing personal injury protection which
2159 becomes effective before January 1, 2014, and whose policy does
2160 not meet minimum security requirements on or after January 1,
2161 2014, to change coverages so as to eliminate personal injury
2162 protection and obtain coverage providing minimum security
2163 requirements, which shall be effective on or after January 1,
2164 2014. The insurer is not required to provide coverage complying
2165 with minimum security requirements in such policies if the
2166 insured does not pay the required premium, if any, by January 1,
2167 2014, or such later date as the insurer may allow. Any reduction
2168 in the premium must be refunded by the insurer. The insurer may
2169 not impose an additional fee or charge on the insured which
2170 applies solely to a change in coverage; however, the insurer may
2171 charge an additional required premium that is actuarially
2172 indicated.

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

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2176 is subject to approval by the Office of Insurance Regulation and
2177 must clearly inform the policyholder that:

2178 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2179 effective January 1, 2014, and that on or after that date, the
2180 insured is no longer required to maintain personal injury
2181 protection insurance coverage, that personal injury protection
2182 coverage is no longer available for purchase in this state, and
2183 that all new or renewal policies issued on or after that date do
2184 not contain such coverage.

2185 (b) Effective January 1, 2014, any person subject to the
2186 financial responsibility requirements of s. 324.022, Florida
2187 Statutes, must maintain minimum security requirements that
2188 enable such person to respond in damages for liability on
2189 account of accidents arising out of the use of a motor vehicle
2190 in the amount of \$10,000 for damage to, or destruction of,
2191 property of others in any one crash; in the amount of \$25,000
2192 for bodily injury to, or the death of, one person in any one
2193 crash; and, subject to such limits for one person, in the amount
2194 of \$50,000 for bodily injury to, or the death of, two or more
2195 persons in any one crash.

2196 (c) Personal injury protection insurance pays covered
2197 medical expenses for injuries sustained in the motor vehicle
2198 crash by the policyholder, passengers, and relatives residing in
2199 the policyholder's household.

2200 (d) Bodily injury liability coverage protects the insured,
2201 up to the coverage limits, against loss if the insured is
2202 legally responsible for the death of or bodily injury to others
2203 in a motor vehicle accident.

2204 (e) The policyholder may be able to obtain medical payments

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2205 coverage that pays covered medical expenses for injuries
2206 sustained in a motor vehicle crash by the policyholder and
2207 relatives residing in the policyholder's household, but that
2208 such coverage is not required under state law.

2209 (f) Policyholders whose insurance policies do not contain
2210 bodily injury liability coverage are without coverage that
2211 protects against loss if the policyholder is legally responsible
2212 for the death or bodily injury of others in a motor vehicle
2213 accident.

2214 (g) Underinsured motorist coverage provides benefits up to
2215 the limits of such coverage to a policyholder or other insured
2216 under the policy who is entitled to recover damages from owners
2217 or operators of uninsured or underinsured motor vehicles because
2218 of bodily injury, sickness, disease, or death in a motor vehicle
2219 accident.

2220 (h) If the policyholder's new or renewal motor vehicle
2221 insurance policy is effective before January 1, 2014, and
2222 contains personal injury protection and property damage
2223 liability coverage as required by state law before January 1,
2224 2014, but does not meet minimum security requirements on or
2225 after January 1, 2014, such policy shall be deemed to meet
2226 minimum security requirements until it is renewed, nonrenewed,
2227 or canceled on or after January 1, 2014.

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

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2234 are effective on or after January 1, 2014.

2235 (j) If the policyholder has any questions, he or she should
2236 contact the name and phone number provided in the notice.

2237 (5) This section shall take effect upon this act becoming a
2238 law.

2239 Section 59. Application of suspensions for failure to
2240 maintain security; reinstatement.-All suspensions for failure to
2241 maintain required security as required by law in effect before
2242 January 1, 2014, remain in full force and effect after the
2243 effective date of this act. A driver may reinstate a suspended
2244 driver license or registration as provided under s. 324.0221.

2245 Section 60. Except as otherwise expressly provided in this
2246 act, and except for this section, which shall take effect upon
2247 becoming law, this act shall take effect January 1, 2014.