

By Senator Soto

14-01625-15

20151266__

1 A bill to be entitled
2 An act relating to motor vehicle liability insurance;
3 amending s. 324.011, F.S.; revising legislative intent
4 with respect to financial responsibility for the
5 damages caused by the operation of a motor vehicle;
6 amending ss. 324.021 and 324.022, F.S.; increasing
7 financial responsibility limits with respect to bodily
8 injury or death; conforming provisions to changes made
9 by the act; amending s. 324.0221, F.S.; requiring
10 insurers to submit information to the Department of
11 Highway Safety and Motor Vehicles and to notify
12 insureds about bodily injury insurance rather than
13 personal injury protection coverage; amending s.
14 324.031, F.S.; increasing the financial responsibility
15 limits for motor vehicle liability; amending s.
16 324.071, F.S.; conforming provisions to changes made
17 by the act; amending s. 324.161, F.S.; increasing the
18 amount required for a surety bond or deposit; amending
19 s. 324.171, F.S.; revising the required threshold
20 limit for self-insurers; repealing s. 627.730, F.S.;
21 providing a citation to the Florida Motor Vehicle No-
22 Fault Law; repealing s. 627.731, F.S., relating to the
23 purpose of the Florida Motor Vehicle No-Fault Law;
24 repealing s. 627.7311, F.S., relating to the effect of
25 law on personal injury protection policies; amending
26 s. 627.732, F.S.; deleting definitions relating to the
27 Florida Motor Vehicle No-Fault Law; amending s.
28 627.733, F.S.; deleting security requirements with
29 respect to no-fault coverage to substitute security

14-01625-15

20151266__

30 requirements under ch. 324, F.S.; amending s. 627.734,
31 F.S.; conforming cross-references; renumbering and
32 amending s. 627.7401, F.S.; applying notice
33 requirements to bodily injury and property damage
34 liability security instead of personal injury
35 protection; creating s. 627.7355, F.S.; requiring all
36 claims relating to personal injury to be brought in a
37 single action; repealing s. 627.736, F.S., relating to
38 personal injury protection benefits; repealing s.
39 627.737, F.S., relating to exemption from tort
40 liability for persons maintaining personal injury
41 protection coverage; repealing s. 627.739, F.S.,
42 relating to personal injury protection deductibles;
43 repealing s. 627.7403, F.S., relating to the mandatory
44 joinder of derivative claims; repealing s. 627.7405,
45 F.S., relating to the insurers' right of
46 reimbursement; repealing s. 627.7407, F.S., relating
47 to the application of the Florida Motor Vehicle No-
48 Fault Law; repealing ss. 15 and 16 of chapter 2012-
49 197, Laws of Florida, requiring the Office of
50 Insurance Regulation to contract for a study and
51 perform a data call relating to changes made to the
52 Florida Motor Vehicle No-Fault Law in 2012; amending
53 ss. 318.18, 320.02, 320.0609, 320.27, 320.771,
54 322.251, 400.9905, 400.991, 400.9935, 409.901,
55 409.910, 456.057, 456.072, 626.9541, 626.989,
56 626.9895, 627.06501, 627.0652, 627.0653, 627.4132,
57 627.6482, 627.7263, 627.727, 627.7275, 627.728,
58 627.7295, 627.8405, 627.915, 628.909, 705.184, 713.78,

14-01625-15

20151266__

59 and 817.234, F.S.; conforming provisions to changes
 60 made by the act by removing references to personal
 61 injury protection and the Florida Motor Vehicle No-
 62 Fault Law; making technical changes; conforming cross-
 63 references; providing for the termination of personal
 64 injury protection policies and the requirement for
 65 maintaining minimum security requirements that allow a
 66 person to respond to property damage and bodily injury
 67 by a certain date; requiring the insurer to notify the
 68 insured about such changes by a certain date;
 69 providing for applicability of suspensions for failure
 70 to maintain security; providing effective dates.

71
 72 Be It Enacted by the Legislature of the State of Florida:

73
 74 Section 1. Section 324.011, Florida Statutes, is amended to
 75 read:

76 324.011 Legislative intent and purpose of chapter.—It is
 77 the intent of this chapter that the privilege of owning and
 78 operating a motor vehicle be exercised ~~to recognize the existing~~
 79 ~~privilege to own or operate a motor vehicle on the public~~
 80 ~~streets and highways of this state when such vehicles are used~~
 81 with due consideration for others and their property in order,
 82 ~~and~~ to promote safety and provide financial security
 83 requirements for ~~such~~ owners or operators whose responsibility
 84 it is to recompense others for injury to person or property
 85 caused by the operation of a motor vehicle. Therefore, this
 86 chapter requires ~~it is required herein~~ that the owner or
 87 operator of a motor vehicle establish, maintain, ~~involved in a~~

14-01625-15

20151266__

88 ~~crash or convicted of certain traffic offenses meeting the~~
89 ~~operative provisions of s. 324.051(2) shall respond for such~~
90 ~~damages and show proof of financial ability to respond for~~
91 ~~damages arising out of the use of a motor vehicle in future~~
92 ~~accidents as a requisite to his or her future exercise of such~~
93 ~~privileges.~~

94 Section 2. Subsections (1) and (7) of section 324.021,
95 Florida Statutes, are amended to read:

96 324.021 Definitions; minimum insurance required.—The
97 following words and phrases when used in this chapter shall, for
98 the purpose of this chapter, have the meanings respectively
99 ascribed to them in this section, except in those instances
100 where the context clearly indicates a different meaning:

101 (1) MOTOR VEHICLE.—A ~~Every~~ self-propelled vehicle that
102 ~~which~~ is designed and required to be licensed for use upon a
103 highway, including trailers and semitrailers designed for use
104 with such vehicles, except for traction engines, road rollers,
105 farm tractors, power shovels, and well drillers, and a every
106 vehicle that ~~which~~ is propelled by electric power obtained from
107 overhead wires but not operated upon rails, but not including a
108 any bicycle or moped. ~~However, the term "motor vehicle" shall~~
109 ~~not include any motor vehicle as defined in s. 627.732(3) when~~
110 ~~the owner of such vehicle has complied with the requirements of~~
111 ~~ss. 627.730-627.7405, inclusive, unless the provisions of s.~~
112 ~~324.051 apply; and, in such case, the applicable proof of~~
113 ~~insurance provisions of s. 320.02 apply.~~

114 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~That~~ Proof of
115 ability to respond in damages for liability on account of
116 crashes arising out of the use of a motor vehicle:

14-01625-15

20151266__

117 (a) In the amount of \$25,000 for ~~\$10,000~~ because of bodily
118 injury to, or the death of, one person in any one crash.†

119 (b) Subject to the ~~such~~ limits for one person under
120 paragraph (a), in the amount of \$50,000 for ~~\$20,000~~ because of
121 bodily injury to, or the death of, two or more persons in any
122 one crash.†

123 (c) In the amount of \$10,000 for damage ~~because of injury~~
124 to, or destruction of, the property of others in any one crash.†
125 and

126 (d) With respect to commercial motor vehicles and nonpublic
127 sector buses, in the amounts specified in ss. 627.7415 and
128 627.742, respectively.

129 Section 3. Section 324.022, Florida Statutes, is amended to
130 read:

131 324.022 Financial responsibility requirements ~~for property~~
132 ~~damage~~.-

133 (1) (a) ~~The Every~~ owner or operator of a motor vehicle
134 required to be registered in this state shall establish and
135 maintain the ability to respond in damages for liability on
136 account of accidents arising out of the use of the motor vehicle
137 in the amount of:

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

140 2. Twenty-five thousand dollars for bodily injury to, or
141 the death of, one person in any one crash and, subject to such
142 limits for one person, in the amount of \$50,000 for bodily
143 injury to, or the death of, two or more persons in any one
144 crash.

145 (b) The requirements of this section may be met by one of

14-01625-15

20151266__

146 the methods established in s. 324.031; by self-insuring as
147 authorized by s. 768.28(16); or by maintaining an insurance
148 policy providing coverage in at least the amounts for bodily
149 injury liability coverage and property damage coverage specified
150 in paragraph (a) for property damage liability in the amount of
151 at least \$10,000 because of damage to, or destruction of,
152 property of others in any one accident arising out of the use of
153 the motor vehicle. The requirements of this section may also be
154 met by having a policy that ~~which~~ provides coverage in the
155 amount of at least \$60,000 ~~\$30,000~~ for combined property damage
156 liability and bodily injury liability for any one crash arising
157 out of the use of the motor vehicle.

158 (c) The policy, with respect to coverage for property
159 damage liability and bodily injury liability, must meet the
160 applicable requirements of s. 324.151, subject to the usual
161 policy exclusions that have been approved in policy forms by the
162 Office of Insurance Regulation.

163 (d) An ~~No~~ insurer does not ~~shall~~ have a ~~any~~ duty to defend
164 uncovered claims regardless ~~irrespective~~ of the insurer's ~~their~~
165 joinder with covered claims.

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

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

172 1. A mobile home.

173 2. A motor vehicle that is used in mass transit and
174 designed to transport more than five passengers, exclusive of

14-01625-15

20151266__

175 the operator of the motor vehicle, and that is owned by a
176 municipality, transit authority, or political subdivision of the
177 state.

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

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

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

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

192 (4) An ~~The~~ owner or registrant of a motor vehicle who is
193 ~~exempt from the requirements of this section if she or he is a~~
194 member of the United States Armed Forces and is called to or on
195 active duty outside the United States in an emergency situation
196 is exempt from this section. ~~The exemption provided by this~~
197 ~~subsection~~ applies only as long as the member of the armed
198 forces is on ~~such~~ active duty outside the United States and
199 applies only while the vehicle covered by the security is not
200 operated by any person. Upon receipt of a written request by the
201 insured to whom the exemption ~~provided in this subsection~~
202 applies, the insurer shall cancel the coverages and return any
203 unearned premium or suspend the security required by this

14-01625-15

20151266__

204 section. Notwithstanding s. 324.0221(2) ~~324.0221(3)~~, the
 205 department may not suspend the registration or operator's
 206 license of an ~~any~~ owner or registrant of a motor vehicle during
 207 the time she or he qualifies for the ~~an~~ exemption ~~under this~~
 208 ~~subsection~~. An ~~Any~~ owner or registrant of a motor vehicle who
 209 qualifies for the ~~an~~ exemption ~~under this subsection~~ shall
 210 immediately notify the department before ~~prior to~~ and at the end
 211 of the expiration of the exemption.

212 Section 4. Subsections (1) and (2) of section 324.0221,
 213 Florida Statutes, are amended to read:

214 324.0221 Reports by insurers to the department; suspension
 215 of driver license and vehicle registrations; reinstatement.—

216 (1)(a) Each insurer that has issued a policy providing
 217 bodily injury liability ~~personal injury protection~~ coverage or
 218 property damage liability coverage shall report the cancellation
 219 or nonrenewal thereof to the department within 10 days after the
 220 processing date or effective date of each cancellation or
 221 nonrenewal. Upon the issuance of a policy providing bodily
 222 injury liability ~~personal injury protection~~ coverage or property
 223 damage liability coverage to a named insured not previously
 224 insured by the insurer during that calendar year, the insurer
 225 shall report the issuance of the new policy to the department
 226 within 10 days. The report must ~~shall~~ be in the form ~~and format~~
 227 and contain any information required by the department and must
 228 be provided in a format that is compatible with the data
 229 processing capabilities of the department. Failure by an insurer
 230 to file proper reports with the department as required by this
 231 subsection constitutes a violation of the Florida Insurance
 232 Code. These records shall be used by the department only for

14-01625-15

20151266__

233 enforcement and regulatory purposes, including the generation by
234 the department of data regarding compliance by owners of motor
235 vehicles with the requirements for financial responsibility
236 coverage.

237 (b) With respect to an insurance policy providing bodily
238 injury liability ~~personal injury protection~~ coverage or property
239 damage liability coverage, each insurer shall notify the named
240 insured, or the first-named insured in the case of a commercial
241 fleet policy, in writing that any cancellation or nonrenewal of
242 the policy will be reported by the insurer to the department.
243 The notice must also inform the named insured that failure to
244 maintain bodily injury liability ~~personal injury protection~~
245 coverage and property damage liability coverage on a motor
246 vehicle when required by law may result in the loss of
247 registration and driving privileges in this state and inform the
248 named insured of the amount of the reinstatement fees required
249 by this section. This notice is for informational purposes only,
250 and an insurer is not civilly liable for failing to provide this
251 notice.

252 (2) The department shall suspend, after due notice and an
253 opportunity to be heard, the registration and driver license of
254 any owner or registrant of a motor vehicle with respect to which
255 security is required under ss. 324.022 and 627.733 upon:

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

260 (b) Notification by the insurer to the department, in a
261 form approved by the department, of cancellation or termination

14-01625-15

20151266__

262 of the required security.

263 Section 5. Section 324.031, Florida Statutes, is amended to
264 read:

265 324.031 Manner of proving financial responsibility.—The
266 owner or operator of a taxicab, limousine, jitney, or any other
267 for-hire passenger transportation vehicle may prove financial
268 responsibility by providing satisfactory evidence of holding a
269 motor vehicle liability policy as defined in s. 324.021(8) or s.
270 324.151, which ~~policy~~ is issued by an insurance carrier that
271 ~~which~~ is a member of the Florida Insurance Guaranty Association.
272 The operator or owner of any other vehicle may prove his or her
273 financial responsibility by:

274 (1) Furnishing satisfactory evidence of holding such a
275 motor vehicle liability policy ~~as defined in ss. 324.021(8) and~~
276 ~~324.151;~~

277 (2) Furnishing a certificate of self-insurance showing a
278 deposit of cash in accordance with s. 324.161; or

279 (3) Furnishing a certificate of self-insurance issued by
280 the department in accordance with s. 324.171.

281
282 Any person, including a ~~any~~ firm, partnership, association,
283 corporation, or other person, other than a natural person,
284 electing to use the method of proof specified in subsection (2)
285 shall furnish a certificate of deposit equal to the number of
286 vehicles owned times \$60,000 ~~\$30,000~~, to a maximum of \$240,000
287 ~~\$120,000~~; in addition, any such person, other than a natural
288 person, shall maintain insurance providing coverage in excess of
289 limits of \$25,000/50,000/10,000 ~~\$10,000/20,000/10,000~~ or \$60,000
290 ~~\$30,000~~ combined single limits, and such excess insurance shall

14-01625-15

20151266__

291 provide minimum limits of \$125,000/250,000/50,000 or \$300,000
 292 combined single limits. These increased limits do ~~shall~~ not
 293 affect the requirements for proving financial responsibility
 294 under s. 324.032(1).

295 Section 6. Section 324.071, Florida Statutes, is amended to
 296 read:

297 324.071 Reinstatement; renewal of license; reinstatement
 298 fee.—An ~~Any~~ operator or owner whose license or registration has
 299 been suspended pursuant to s. 324.051(2), s. 324.072, s.
 300 324.081, or s. 324.121 may effect its reinstatement upon
 301 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
 302 s. 324.081(2) and (3), as the case may be, and with one of the
 303 provisions of s. 324.031 and upon payment to the department of a
 304 nonrefundable reinstatement fee as specified in s. 324.0221 ~~of~~
 305 ~~\$15~~. Only one such fee shall be paid by any one person
 306 regardless ~~irrespective~~ of the number of licenses and
 307 registrations to be ~~then~~ reinstated or issued to such person.
 308 ~~All~~ Such fees shall be deposited to a department trust fund. If
 309 ~~When~~ the reinstatement of any license or registration is
 310 effected by compliance with s. 324.051(2)(a)3. or 4., the
 311 department may ~~shall~~ not renew the license or registration
 312 within ~~a period of~~ 3 years after ~~from~~ such reinstatement, nor
 313 may ~~shall~~ any other license or registration be issued in the
 314 name of such person, unless the operator continues ~~is continuing~~
 315 to comply with one of the provisions of s. 324.031.

316 Section 7. Section 324.161, Florida Statutes, is amended to
 317 read:

318 324.161 Proof of financial responsibility; deposit.—Proof
 319 of a certificate of deposit of \$60,000 issued and held by a

14-01625-15

20151266__

320 financial institution shall be submitted annually to the
 321 department ~~Annually,~~ before a any certificate of insurance may
 322 be issued to a person, including a any firm, partnership,
 323 association, corporation, or other person, other than a natural
 324 person, ~~proof of a certificate of deposit of \$30,000 issued and~~
 325 ~~held by a financial institution must be submitted to the~~
 326 ~~department.~~ A power of attorney will be issued to and held by
 327 the department and may be executed upon a judgment issued
 328 against such person making the deposit, for damages for ~~because~~
 329 ~~of~~ bodily injury to or death of any person or for damages or
 330 ~~because of~~ injury to or destruction of property resulting from
 331 the use or operation of a any motor vehicle occurring after such
 332 deposit was made. Money so deposited is ~~shall~~ not ~~be~~ subject to
 333 attachment or execution unless such attachment or execution
 334 shall arise out of a suit for such damages ~~as aforesaid.~~

335 Section 8. Subsections (1) and (2) of section 324.171,
 336 Florida Statutes, are amended to read:

337 324.171 Self-insurer.—

338 (1) A Any person may qualify as a self-insurer by obtaining
 339 a certificate of self-insurance from the department. ~~which may,~~
 340 ~~in its discretion and~~ Upon application of such a person, the
 341 department may issue a said certificate if the applicant of
 342 ~~self insurance when such person~~ has satisfied the requirements
 343 of this section ~~to qualify as a self-insurer under this section:~~

344 (a) A private individual with private passenger vehicles
 345 must ~~shall~~ possess a net unencumbered worth of at least \$60,000
 346 ~~\$40,000.~~

347 (b) A person, including any firm, partnership, association,
 348 corporation, or other person, other than a natural person, must

14-01625-15

20151266__

349 shall:

350 1. Possess a net unencumbered worth of at least \$60,000
 351 ~~\$40,000~~ for the first motor vehicle and \$30,000 ~~\$20,000~~ for each
 352 additional motor vehicle; or

353 2. Maintain sufficient net worth, as determined annually by
 354 the department, pursuant to rules adopted ~~promulgated~~ by the
 355 department, with the assistance of the Office of Insurance
 356 Regulation of the Financial Services Commission, to be
 357 financially responsible for potential losses. The rules must
 358 consider any ~~shall take into consideration~~ excess insurance
 359 carried by the applicant. The department's determination shall
 360 be based upon reasonable actuarial principles considering the
 361 frequency, severity, and loss development of claims incurred by
 362 casualty insurers writing coverage on the type of motor vehicles
 363 for which a certificate of self-insurance is desired.

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

367 (2) The self-insurance certificate must ~~shall~~ provide
 368 limits of liability insurance in the amounts specified under s.
 369 324.021(7) or s. 627.7415 ~~and shall provide personal injury~~
 370 ~~protection coverage under s. 627.733(3)(b).~~

371 Section 9. Section 627.730, Florida Statutes, is repealed.

372 Section 10. Section 627.731, Florida Statutes, is repealed.

373 Section 11. Section 627.7311, Florida Statutes, is
 374 repealed.

375 Section 12. Section 627.732, Florida Statutes, is amended
 376 to read:

377 627.732 Definitions.—As used in ss. 627.733-627.7355

14-01625-15

20151266__

378 ~~627.730-627.7405~~, the term:

379 ~~(1) "Broker" means any person not possessing a license~~
380 ~~under chapter 395, chapter 400, chapter 429, chapter 458,~~
381 ~~chapter 459, chapter 460, chapter 461, or chapter 641 who~~
382 ~~charges or receives compensation for any use of medical~~
383 ~~equipment and is not the 100-percent owner or the 100-percent~~
384 ~~lessee of such equipment. For purposes of this section, such~~
385 ~~owner or lessee may be an individual, a corporation, a~~
386 ~~partnership, or any other entity and any of its 100-percent-~~
387 ~~owned affiliates and subsidiaries. For purposes of this~~
388 ~~subsection, the term "lessee" means a long-term lessee under a~~
389 ~~capital or operating lease, but does not include a part-time~~
390 ~~lessee. The term "broker" does not include a hospital or~~
391 ~~physician management company whose medical equipment is~~
392 ~~ancillary to the practices managed, a debt collection agency, or~~
393 ~~an entity that has contracted with the insurer to obtain a~~
394 ~~discounted rate for such services; nor does the term include a~~
395 ~~management company that has contracted to provide general~~
396 ~~management services for a licensed physician or health care~~
397 ~~facility and whose compensation is not materially affected by~~
398 ~~the usage or frequency of usage of medical equipment or an~~
399 ~~entity that is 100-percent owned by one or more hospitals or~~
400 ~~physicians. The term "broker" does not include a person or~~
401 ~~entity that certifies, upon request of an insurer, that:~~
402 ~~(a) It is a clinic licensed under ss. 400.990-400.995;~~
403 ~~(b) It is a 100-percent owner of medical equipment; and~~
404 ~~(c) The owner's only part-time lease of medical equipment~~
405 ~~for personal injury protection patients is on a temporary basis~~
406 ~~not to exceed 30 days in a 12-month period, and such lease is~~

14-01625-15

20151266__

407 solely for the purposes of necessary repair or maintenance of
408 the 100-percent owned medical equipment or pending the arrival
409 and installation of the newly purchased or a replacement for the
410 100-percent owned medical equipment, or for patients for whom,
411 because of physical size or claustrophobia, it is determined by
412 the medical director or clinical director to be medically
413 necessary that the test be performed in medical equipment that
414 is open-style. The leased medical equipment cannot be used by
415 patients who are not patients of the registered clinic for
416 medical treatment of services. Any person or entity making a
417 false certification under this subsection commits insurance
418 fraud as defined in s. 817.234. However, the 30-day period
419 provided in this paragraph may be extended for an additional 60
420 days as applicable to magnetic resonance imaging equipment if
421 the owner certifies that the extension otherwise complies with
422 this paragraph.

423 (2) "Medically necessary" refers to a medical service or
424 supply that a prudent physician would provide for the purpose of
425 preventing, diagnosing, or treating an illness, injury, disease,
426 or symptom in a manner that is:

427 (a) In accordance with generally accepted standards of
428 medical practice;

429 (b) Clinically appropriate in terms of type, frequency,
430 extent, site, and duration; and

431 (c) Not primarily for the convenience of the patient,
432 physician, or other health care provider.

433 (2) ~~(3)~~ "Motor vehicle" means any self-propelled vehicle
434 that ~~with four or more wheels which~~ is of a type both designed
435 and required to be licensed for use on the highways of this

14-01625-15

20151266__

436 state and any trailer or semitrailer designed for use with such
437 vehicle and includes:

438 (a) A "private passenger motor vehicle," which is any motor
439 vehicle which is a sedan, station wagon, or jeep-type vehicle
440 and, if not used primarily for occupational, professional, or
441 business purposes, a motor vehicle of the pickup, panel, van,
442 camper, or motor home type.

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

445

446 The term "motor vehicle" does not include a mobile home or any
447 motor vehicle which is used in mass transit, other than public
448 school transportation, and designed to transport more than five
449 passengers exclusive of the operator of the motor vehicle and
450 which is owned by a municipality, a transit authority, or a
451 political subdivision of the state.

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

455 (3)~~(5)~~ "Owner" means a person who holds the legal title to
456 a motor vehicle; or, in the event a motor vehicle is the subject
457 of a security agreement or lease with an option to purchase with
458 the debtor or lessee having the right to possession, then the
459 debtor or lessee shall be deemed the owner ~~for the purposes of~~
460 ~~ss. 627.730-627.7405.~~

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

14-01625-15

20151266__

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

467 ~~(8) "Immediate personal supervision," as it relates to the~~
468 ~~performance of medical services by nonphysicians not in a~~
469 ~~hospital, means that an individual licensed to perform the~~
470 ~~medical service or provide the medical supplies must be present~~
471 ~~within the confines of the physical structure where the medical~~
472 ~~services are performed or where the medical supplies are~~
473 ~~provided such that the licensed individual can respond~~
474 ~~immediately to any emergencies if needed.~~

475 ~~(9) "Incident," with respect to services considered as~~
476 ~~incident to a physician's professional service, for a physician~~
477 ~~licensed under chapter 458, chapter 459, chapter 460, or chapter~~
478 ~~461, if not furnished in a hospital, means such services must be~~
479 ~~an integral, even if incidental, part of a covered physician's~~
480 ~~service.~~

481 ~~(1)~~(10) "Knowingly" means that a person, with respect to
482 information, has actual knowledge of the information; acts in
483 deliberate ignorance of the truth or falsity of the information;
484 or acts in reckless disregard of the information, and proof of
485 specific intent to defraud is not required.

486 ~~(11) "Lawful" or "lawfully" means in substantial compliance~~
487 ~~with all relevant applicable criminal, civil, and administrative~~
488 ~~requirements of state and federal law related to the provision~~
489 ~~of medical services or treatment.~~

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

492 ~~(13) "Properly completed" means providing truthful,~~
493 ~~substantially complete, and substantially accurate responses as~~

14-01625-15

20151266__

494 ~~to all material elements to each applicable request for~~
495 ~~information or statement by a means that may lawfully be~~
496 ~~provided and that complies with this section, or as agreed by~~
497 ~~the parties.~~

498 ~~(14) "Upcoding" means an action that submits a billing code~~
499 ~~that would result in payment greater in amount than would be~~
500 ~~paid using a billing code that accurately describes the services~~
501 ~~performed. The term does not include an otherwise lawful bill by~~
502 ~~a magnetic resonance imaging facility, which globally combines~~
503 ~~both technical and professional components, if the amount of the~~
504 ~~global bill is not more than the components if billed~~
505 ~~separately; however, payment of such a bill constitutes payment~~
506 ~~in full for all components of such service.~~

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

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

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

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

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

520 ~~(17) "Entity wholly owned" means a proprietorship, group~~
521 ~~practice, partnership, or corporation that provides health care~~
522 ~~services rendered by licensed health care practitioners and in~~

14-01625-15

20151266__

523 ~~which licensed health care practitioners are the business owners~~
524 ~~of all aspects of the business entity, including, but not~~
525 ~~limited to, being reflected as the business owners on the title~~
526 ~~or lease of the physical facility, filing taxes as the business~~
527 ~~owners, being account holders on the entity's bank account,~~
528 ~~being listed as the principals on all incorporation documents~~
529 ~~required by this state, and having ultimate authority over all~~
530 ~~personnel and compensation decisions relating to the entity.~~
531 ~~However, this definition does not apply to an entity that is~~
532 ~~wholly owned, directly or indirectly, by a hospital licensed~~
533 ~~under chapter 395.~~

534 Section 13. Section 627.733, Florida Statutes, is amended
535 to read:

536 627.733 Required security.—

537 (1) (a) The Every owner or registrant of a motor vehicle,
538 other than a motor vehicle used as a school bus as defined in s.
539 1006.25 or limousine, required to be registered and licensed in
540 this state shall maintain security as required by this section
541 ~~subsection (3)~~ in effect continuously throughout the
542 registration or licensing period.

543 (b) Notwithstanding paragraph (a), an Every owner or
544 registrant of a motor vehicle used as a taxicab shall ~~not be~~
545 ~~governed by paragraph (1) (a) but shall~~ maintain security as
546 required under s. 324.032(1), ~~and s. 627.737 shall not apply to~~
547 ~~any motor vehicle used as a taxicab.~~

548 (2) A Every nonresident owner or registrant of a motor
549 vehicle that ~~which~~, whether operated or not, has been physically
550 present within this state for more than 90 days during the
551 preceding 365 days shall ~~thereafter~~ maintain security as

14-01625-15

20151266__

552 required by this section ~~defined by subsection (3)~~ in effect
553 ~~continuously~~ throughout the period the ~~such~~ motor vehicle
554 remains within this state.

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

556 (a) By an insurance policy delivered or issued for delivery
557 in this state by an authorized or eligible motor vehicle
558 liability insurer that ~~which~~ provides the security required
559 under s. 324.022 ~~the benefits and exemptions contained in ss.~~
560 ~~627.730-627.7405.~~ A Any policy of insurance that provides, or is
561 represented or sold as providing, the security required in this
562 section is hereunder ~~shall be~~ deemed to provide insurance for
563 the payment of the required benefits; or

564 (b) By any other method authorized by s. 324.031(2) or (3)
565 and approved by the Department of Highway Safety and Motor
566 Vehicles as providing ~~affording~~ security equivalent to that
567 afforded by a policy of insurance or by self-insuring as
568 authorized by s. 768.28(16). ~~The person filing such security~~
569 ~~shall have all of the obligations and rights of an insurer under~~
570 ~~ss. 627.730-627.7405.~~

571 ~~(4) An owner of a motor vehicle with respect to which~~
572 ~~security is required by this section who fails to have such~~
573 ~~security in effect at the time of an accident shall have no~~
574 ~~immunity from tort liability, but shall be personally liable for~~
575 ~~the payment of benefits under s. 627.736. With respect to such~~
576 ~~benefits, such an owner shall have all of the rights and~~
577 ~~obligations of an insurer under ss. 627.730-627.7405.~~

578 ~~(4)(5) In addition to other persons who are not required to~~
579 ~~provide required security as required under this section and s.~~
580 ~~324.022,~~ The owner or registrant of a motor vehicle who is

14-01625-15

20151266__

581 ~~exempt from such requirements if she or he is~~ a member of the
 582 United States Armed Forces and is called to or on active duty
 583 outside the United States in an emergency situation is exempt
 584 from this section. The exemption ~~provided by this subsection~~
 585 applies only as long as the member of the armed forces is on
 586 ~~such~~ active duty outside the United States and applies only
 587 while the vehicle covered by the security required by this
 588 section and s. 324.022 is not operated by any person. Upon
 589 receipt of a written request by the insured to whom the
 590 exemption ~~provided in this subsection~~ applies, the insurer shall
 591 cancel the coverages and return any unearned premium or suspend
 592 the security required by this section and s. 324.022.
 593 Notwithstanding s. 324.0221(2), the Department of Highway Safety
 594 and Motor Vehicles may not suspend the registration or
 595 operator's license of an ~~any~~ owner or registrant of a motor
 596 vehicle during the time she or he qualifies for the ~~an~~ exemption
 597 ~~under this subsection~~. An ~~Any~~ owner or registrant of a motor
 598 vehicle who qualifies for the ~~an~~ exemption ~~under this subsection~~
 599 shall immediately notify the department before ~~prior to~~ and at
 600 the end of the expiration of the exemption.

601 Section 14. Section 627.734, Florida Statutes, is amended
 602 to read:

603 627.734 Proof of security; security requirements;
 604 penalties.—

605 (1) The provisions of chapter 324 that ~~which~~ pertain to the
 606 method of giving and maintaining proof of financial
 607 responsibility and which govern and define a motor vehicle
 608 liability policy ~~shall~~ apply to filing and maintaining proof of
 609 security required under s. 627.733 ~~by ss. 627.730-627.7405~~.

14-01625-15

20151266__

610 (2) A ~~Any~~ person who:
 611 (a) Gives information required in a report ~~or otherwise as~~
 612 ~~provided for in ss. 627.730-627.7405,~~ knowing or having reason
 613 to believe that such information is false;
 614 (b) Forges or, without authority, signs ~~any~~ evidence of
 615 proof of security; or
 616 (c) Files, or offers for filing, ~~any~~ such evidence of
 617 proof, knowing or having reason to believe that it is forged or
 618 signed without authority,

619
 620 commits ~~is guilty of~~ a misdemeanor of the first degree,
 621 punishable as provided in s. 775.082 or s. 775.083.

622 Section 15. Section 627.7401, Florida Statutes, is
 623 renumbered as section 627.7341, Florida Statutes, and amended to
 624 read:

625 627.7341 ~~627.7401~~ Notification of security requirements
 626 insured's rights.-

627 (1) The commission, by rule, shall adopt a form for
 628 notifying the notification of insureds of the security required
 629 under s. 627.733 and the proof of security requirement under s.
 630 627.734 their right to receive personal injury protection
 631 ~~benefits under the Florida Motor Vehicle No-Fault Law. The~~ Such
 632 notice must ~~shall~~ include:

633 (a) A description of the benefits provided by bodily injury
 634 liability coverage and property damage liability coverage
 635 ~~personal injury protection, including, but not limited to, the~~
 636 ~~specific types of services for which medical benefits are paid,~~
 637 ~~disability benefits, death benefits, significant exclusions from~~
 638 ~~and limitations on personal injury protection benefits, when~~

14-01625-15

20151266__

639 ~~payments are due, how benefits are coordinated with other~~
640 ~~insurance benefits that the insured may have, penalties and~~
641 ~~interest that may be imposed on insurers for failure to make~~
642 ~~timely payments of benefits, and rights of parties regarding~~
643 ~~disputes as to benefits.~~

644 (b) An advisory informing insureds that, ~~±~~

645 ~~1.~~ pursuant to s. 626.9892, the Department of Financial
646 Services may pay rewards of up to \$25,000 to persons providing
647 information leading to the arrest and conviction of persons
648 committing crimes investigated by the Division of Insurance
649 Fraud arising from violations of s. 440.105, s. 624.15, s.
650 626.9541, s. 626.989, or s. 817.234.

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

655 (c) A notice that solicitation of a person injured in a
656 motor vehicle crash for purposes of filing ~~personal injury~~
657 ~~protection or~~ tort claims could be a violation of s. 817.234, s.
658 817.505, or the rules regulating The Florida Bar and should be
659 immediately reported to the Division of Insurance Fraud ~~if such~~
660 ~~conduct has taken place.~~

661 (2) Each insurer issuing a policy in this state providing
662 the security required under s. 627.733 shall ~~personal injury~~
663 ~~protection benefits must~~ mail or deliver the notice as specified
664 in subsection (1) to an insured within 21 days after receiving
665 notice from the insured ~~notice~~ of an automobile accident or
666 claim involving ~~personal injury to~~ an insured who is covered
667 under the policy. The office may allow an insurer up to 30 days

14-01625-15

20151266__

668 ~~of~~ additional time to provide the notice ~~specified in subsection~~
669 ~~(1) not to exceed 30 days,~~ upon a showing by the insurer that an
670 emergency justifies an extension of time.

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

674 Section 16. Section 627.7355, Florida Statutes, is created
675 to read:

676 627.7355 Motor vehicle insurance claims brought in a single
677 action.—In an action in which the owner, registrant, operator,
678 or occupant of a motor vehicle, to which security has been
679 provided pursuant to s. 627.733, is claiming personal injury,
680 all claims arising out of the plaintiff's injuries, including
681 all derivative claims, shall be brought together, unless good
682 cause is shown why such claims should be brought separately.

683 Section 17. Section 627.736, Florida Statutes, is repealed.

684 Section 18. Section 627.737, Florida Statutes, is repealed.

685 Section 19. Section 627.739, Florida Statutes, is repealed.

686 Section 20. Section 627.7403, Florida Statutes, is
687 repealed.

688 Section 21. Section 627.7405, Florida Statutes, is
689 repealed.

690 Section 22. Section 627.7407, Florida Statutes, is
691 repealed.

692 Section 23. Sections 15 and 16 of chapter 2012-197, Laws of
693 Florida, are repealed.

694 Section 24. Paragraph (b) of subsection (2) of section
695 318.18, Florida Statutes, is amended to read:

696 318.18 Amount of penalties.—The penalties required for a

14-01625-15

20151266__

697 noncriminal disposition pursuant to s. 318.14 or a criminal
698 offense listed in s. 318.17 are as follows:

699 (2) Thirty dollars for all nonmoving traffic violations
700 and:

701 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
702 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
703 320.07(1) shall be charged a delinquent fee pursuant to s.
704 320.07(4).

705 1. If a person who is cited for a violation of s. 320.0605
706 or s. 320.07 can show proof of having a valid registration at
707 the time of arrest, the clerk of the court may dismiss the case
708 and may assess a dismissal fee of up to \$10. A person who finds
709 it impossible or impractical to obtain a valid registration
710 certificate must submit an affidavit detailing the reasons for
711 the impossibility or impracticality. The reasons may include,
712 but are not limited to, the fact that the vehicle was sold,
713 stolen, or destroyed; that the state in which the vehicle is
714 registered does not issue a certificate of registration; or that
715 the vehicle is owned by another person.

716 2. If a person who is cited for a violation of s. 322.03,
717 s. 322.065, or s. 322.15 can show a driver license issued to him
718 or her and valid at the time of arrest, the clerk of the court
719 may dismiss the case and may assess a dismissal fee of up to
720 \$10.

721 3. If a person who is cited for a violation of s. 316.646
722 can show proof of security as required by s. 627.733, issued to
723 the person and valid at the time of arrest, the clerk of the
724 court may dismiss the case and may assess a dismissal fee of up
725 to \$10. A person who finds it impossible or impractical to

14-01625-15

20151266__

726 obtain proof of security must submit an affidavit detailing the
727 reasons for the impracticality. The reasons may include, but are
728 not limited to, the fact that the vehicle has since been sold,
729 stolen, or destroyed, ~~that the owner or registrant of the~~
730 ~~vehicle is not required by s. 627.733 to maintain personal~~
731 ~~injury protection insurance,~~ or that the vehicle is owned by
732 another person.

733 Section 25. Paragraphs (a) and (d) of subsection (5) of
734 section 320.02, Florida Statutes, are amended to read:

735 320.02 Registration required; application for registration;
736 forms.-

737 (5) (a) Proof that bodily injury liability and property
738 damage liability coverage ~~personal injury protection~~ benefits
739 have been purchased if required under ss. 324.022 and s.
740 ~~627.733, that property damage liability coverage has been~~
741 ~~purchased as required under s. 324.022,~~ that bodily injury or
742 death coverage has been purchased if required under s. 324.023,
743 and that combined bodily liability insurance and property damage
744 liability insurance have been purchased if required under s.
745 627.7415 shall be provided in the manner prescribed by law by
746 the applicant at the time of application for registration of any
747 motor vehicle that is subject to such requirements. The issuing
748 agent may not ~~shall refuse to~~ issue registration if such proof
749 of purchase is not provided. Insurers shall furnish uniform
750 proof-of-purchase cards in a paper or electronic format in a
751 form prescribed by the department and include the name of the
752 insured's insurance company, the coverage identification number,
753 and the make, year, and vehicle identification number of the
754 vehicle insured. The card must contain a statement notifying the

14-01625-15

20151266__

755 applicant of the penalty specified under s. 316.646(4). The card
 756 or insurance policy, insurance policy binder, or certificate of
 757 insurance or a photocopy of any of these; an affidavit
 758 containing the name of the insured's insurance company, the
 759 insured's policy number, and the make and year of the vehicle
 760 insured; or such other proof as may be prescribed by the
 761 department constitutes ~~shall constitute~~ sufficient proof of
 762 purchase. If an affidavit is provided as proof, it must be in
 763 substantially the following form:

764 Under penalty of perjury, I ... (Name of insured)... do hereby
 765 certify that I have ... (~~Personal Injury Protection~~, Property
 766 Damage Liability, ~~and, if required,~~ Bodily Injury Liability)...
 767 Insurance currently in effect with ... (Name of insurance
 768 company)... under ... (policy number)... covering ... (make, year,
 769 and vehicle identification number of vehicle)... ... (Signature
 770 of Insured)...

771

772 The ~~Such~~ affidavit must include the following warning:

773 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 774 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 775 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
 776 SUBJECT TO PROSECUTION.

777 If an application is made through a licensed motor vehicle
 778 dealer as required under s. 319.23, the original or a
 779 photostatic copy of such card, insurance policy, insurance
 780 policy binder, or certificate of insurance or the original
 781 affidavit from the insured shall be forwarded by the dealer to
 782 the tax collector of the county or the Department of Highway
 783 Safety and Motor Vehicles for processing. By executing the

14-01625-15

20151266__

784 ~~aforsaid~~ affidavit, the ~~no~~ licensed motor vehicle dealer will
785 not be liable in damages for any inadequacy, insufficiency, or
786 falsification of any statement contained therein. ~~A card must~~
787 ~~also indicate the existence of any bodily injury liability~~
788 ~~insurance voluntarily purchased.~~

789 (d) The verifying of proof of ~~personal injury protection~~
790 ~~insurance, proof of~~ property damage liability insurance, proof
791 of combined bodily liability insurance and property damage
792 liability insurance, or proof of financial responsibility
793 insurance and the issuance or failure to issue the motor vehicle
794 registration under ~~the provisions of~~ this chapter is ~~may not be~~
795 ~~construed in any court as~~ a warranty of the reliability or
796 accuracy of the evidence of such proof. Neither the department
797 nor a ~~any~~ tax collector is liable in damages for any inadequacy,
798 insufficiency, falsification, or unauthorized modification of
799 any item of the proof of ~~personal injury protection insurance,~~
800 ~~proof of~~ property damage liability insurance, proof of combined
801 bodily liability insurance and property damage liability
802 insurance, or proof of financial responsibility insurance before
803 ~~prior to,~~ during, or after ~~subsequent to~~ the verification of the
804 proof. The issuance of a motor vehicle registration does not
805 constitute prima facie evidence or a presumption of insurance
806 coverage.

807 Section 26. Paragraph (b) of subsection (1) of section
808 320.0609, Florida Statutes, is amended to read:

809 320.0609 Transfer and exchange of registration license
810 plates; transfer fee.—

811 (1)

812 (b) The transfer of a license plate from a vehicle disposed

14-01625-15

20151266__

813 of to a newly acquired vehicle does not constitute a new
814 registration. The application for transfer shall be accepted
815 without requiring proof of ~~personal injury protection or~~
816 liability insurance.

817 Section 27. Subsection (3) of section 320.27, Florida
818 Statutes, is amended to read:

819 320.27 Motor vehicle dealers.—

820 (3) APPLICATION AND FEE.—~~The application for the license~~
821 application shall be in such form as may be prescribed by the
822 department and is ~~shall be~~ subject to such rules ~~with respect~~
823 ~~thereto~~ as may be ~~so~~ prescribed by the department ~~it~~. The ~~Such~~
824 application shall be verified by oath or affirmation and must
825 ~~shall~~ contain a full statement of the name and birth date of the
826 person or persons applying for the license ~~therefor~~; the name of
827 the firm or copartnership, with the names and places of
828 residence of all members ~~thereof~~, if such applicant is a firm or
829 copartnership; the names and places of residence of the
830 principal officers, if the applicant is a body corporate or
831 other artificial body; the name of the state under whose laws
832 the corporation is organized; the present and former place or
833 places of residence of the applicant; and the ~~prior~~ business in
834 which the applicant has been engaged and its ~~the~~ location
835 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
836 location of the place of business and ~~shall~~ state whether the
837 place of business is owned by the applicant and when acquired,
838 or, if leased, a true copy of the lease shall be attached to the
839 application. The applicant shall certify that the location
840 provides an adequately equipped office and is not a residence;
841 that the location affords sufficient unoccupied space upon and

14-01625-15

20151266__

842 within which adequately to store all motor vehicles offered and
843 displayed for sale; and that the location is a suitable place
844 where the applicant can in good faith carry on such business and
845 keep and maintain books, records, and files necessary to conduct
846 such business, which shall be available at all reasonable hours
847 to inspection by the department or any of its inspectors or
848 other employees. The applicant shall certify that the business
849 of a motor vehicle dealer is the principal business that will
850 ~~which shall~~ be conducted at that location. The application must
851 ~~shall~~ contain a statement that the applicant is ~~either~~
852 franchised by a manufacturer of motor vehicles, in which case
853 the name of each motor vehicle that the applicant is franchised
854 to sell must ~~shall~~ be included, or an independent
855 (nonfranchised) motor vehicle dealer. The application must ~~shall~~
856 contain other relevant information as may be required by the
857 department, including evidence that the applicant is insured
858 under a garage liability insurance policy or a general liability
859 insurance policy coupled with a business automobile policy,
860 which includes ~~shall include~~, at a minimum, \$60,000 ~~\$25,000~~
861 combined single-limit liability coverage including bodily injury
862 and property damage protection ~~and \$10,000 personal injury~~
863 ~~protection~~. However, a salvage motor vehicle dealer as defined
864 in subparagraph (1)(c)5. is exempt from the requirements for
865 garage liability insurance ~~and personal injury protection~~
866 ~~insurance~~ on those vehicles that cannot be legally operated on
867 roads, highways, or streets in this state. Franchise dealers
868 must submit a garage liability insurance policy, and all other
869 dealers must submit a garage liability insurance policy or a
870 general liability insurance policy coupled with a business

14-01625-15

20151266__

871 automobile policy. Such policy shall be for the license period,
872 and evidence of a new or continued policy shall be delivered to
873 the department at the beginning of each license period. Upon
874 making initial application, the applicant shall pay to the
875 department a fee of \$300 in addition to any other fees required
876 by law. Applicants may choose to extend the licensure period for
877 1 additional year for a total of 2 years. An initial applicant
878 shall pay to the department a fee of \$300 for the first year and
879 \$75 for the second year, in addition to any other fees required
880 by law. An applicant for renewal shall pay to the department \$75
881 for a 1-year renewal or \$150 for a 2-year renewal, in addition
882 to any other fees required by law. Upon making an application
883 for a change of location, the applicant ~~person~~ shall pay a fee
884 of \$50 in addition to any other fees now required by law. The
885 department shall, in the case of every application for initial
886 licensure, verify whether certain facts set forth in the
887 application are true. Each applicant, general partner in the
888 case of a partnership, or corporate officer and director in the
889 case of a corporate applicant, must file a set of fingerprints
890 with the department for the purpose of determining any prior
891 criminal record or any outstanding warrants. The department
892 shall submit the fingerprints to the Department of Law
893 Enforcement for state processing and forwarding to the Federal
894 Bureau of Investigation for federal processing. The actual cost
895 of state and federal processing shall be borne by the applicant
896 and is in addition to the fee for licensure. The department may
897 issue a license to an applicant pending the results of the
898 fingerprint investigation, which license is fully revocable if
899 the department subsequently determines that any facts set forth

14-01625-15

20151266__

900 in the application are not true or correctly represented.

901 Section 28. Paragraph (j) of subsection (3) of section
902 320.771, Florida Statutes, is amended to read:

903 320.771 License required of recreational vehicle dealers.—

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

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

915
916 The department shall, if it deems necessary, cause an
917 investigation to be made to ascertain if the facts set forth in
918 the application are true and shall not issue a license to the
919 applicant until it is satisfied that the facts set forth in the
920 application are true.

921 Section 29. Subsection (2) of section 322.251, Florida
922 Statutes, is amended to read:

923 322.251 Notice of cancellation, suspension, revocation, or
924 disqualification of license.—

925 (2) The giving of notice and an order of cancellation,
926 suspension, revocation, or disqualification by mail is complete
927 ~~upon expiration of~~ 20 days after deposit in the United States
928 mail for all notices except those issued under chapter 324 or

14-01625-15

20151266__

929 ss. 627.733-627.734 ~~627.732-627.734~~, which are complete 15 days
930 after deposit in the United States mail. Proof of the giving of
931 notice and an order of cancellation, suspension, revocation, or
932 disqualification in either manner shall be made by entry in the
933 records of the department that such notice was given. The entry
934 is admissible in the courts of this state and constitutes
935 sufficient proof that such notice was given.

936 Section 30. Present subsection (7) of section 400.9905,
937 Florida Statutes, is renumbered as subsection (8), subsection
938 (4) is amended, and a new subsection (7) is added to that
939 section, to read:

940 400.9905 Definitions.—

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

947 (a) Entities licensed or registered by the state under
948 chapter 395; entities licensed or registered by the state and
949 providing only health care services within the scope of services
950 authorized under their respective licenses under ss. 383.30-
951 383.335, chapter 390, chapter 394, chapter 397, this chapter
952 except part X, chapter 429, chapter 463, chapter 465, chapter
953 466, chapter 478, part I of chapter 483, chapter 484, or chapter
954 651; end-stage renal disease providers authorized under 42
955 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
956 part 485, subpart B or subpart H; or any entity that provides
957 neonatal or pediatric hospital-based health care services or

14-01625-15

20151266__

958 other health care services by licensed practitioners solely
959 within a hospital licensed under chapter 395.

960 (b) Entities that own, directly or indirectly, entities
961 licensed or registered by the state pursuant to chapter 395;
962 entities that own, directly or indirectly, entities licensed or
963 registered by the state and providing only health care services
964 within the scope of services authorized pursuant to their
965 respective licenses under ss. 383.30-383.335, chapter 390,
966 chapter 394, chapter 397, this chapter except part X, chapter
967 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
968 of chapter 483, chapter 484, or chapter 651; end-stage renal
969 disease providers authorized under 42 C.F.R. part 405, subpart
970 U; providers certified under 42 C.F.R. part 485, subpart B or
971 subpart H; or any entity that provides neonatal or pediatric
972 hospital-based health care services by licensed practitioners
973 solely within a hospital licensed under chapter 395.

974 (c) Entities that are owned, directly or indirectly, by an
975 entity licensed or registered by the state pursuant to chapter
976 395; entities that are owned, directly or indirectly, by an
977 entity licensed or registered by the state and providing only
978 health care services within the scope of services authorized
979 pursuant to their respective licenses under ss. 383.30-383.335,
980 chapter 390, chapter 394, chapter 397, this chapter except part
981 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
982 478, part I of chapter 483, chapter 484, or chapter 651; end-
983 stage renal disease providers authorized under 42 C.F.R. part
984 405, subpart U; providers certified under 42 C.F.R. part 485,
985 subpart B or subpart H; or any entity that provides neonatal or
986 pediatric hospital-based health care services by licensed

14-01625-15

20151266__

987 practitioners solely within a hospital under chapter 395.

988 (d) Entities that are under common ownership, directly or
989 indirectly, with an entity licensed or registered by the state
990 pursuant to chapter 395; entities that are under common
991 ownership, directly or indirectly, with an entity licensed or
992 registered by the state and providing only health care services
993 within the scope of services authorized pursuant to their
994 respective licenses under ss. 383.30-383.335, chapter 390,
995 chapter 394, chapter 397, this chapter except part X, chapter
996 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
997 of chapter 483, chapter 484, or chapter 651; end-stage renal
998 disease providers authorized under 42 C.F.R. part 405, subpart
999 U; providers certified under 42 C.F.R. part 485, subpart B or
1000 subpart H; or any entity that provides neonatal or pediatric
1001 hospital-based health care services by licensed practitioners
1002 solely within a hospital licensed under chapter 395.

1003 (e) An entity that is exempt from federal taxation under 26
1004 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1005 under 26 U.S.C. s. 409 that has a board of trustees at least
1006 two-thirds of which are Florida-licensed health care
1007 practitioners and provides only physical therapy services under
1008 physician orders, any community college or university clinic,
1009 and any entity owned or operated by the federal or state
1010 government, including agencies, subdivisions, or municipalities
1011 thereof.

1012 (f) A sole proprietorship, group practice, partnership, or
1013 corporation that provides health care services by physicians
1014 covered by s. 627.419, that is directly supervised by one or
1015 more of such physicians, and that is wholly owned by one or more

14-01625-15

20151266__

1016 of those physicians or by a physician and the spouse, parent,
1017 child, or sibling of that physician.

1018 (g) A sole proprietorship, group practice, partnership, or
1019 corporation that provides health care services by licensed
1020 health care practitioners under chapter 457, chapter 458,
1021 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1022 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1023 chapter 490, chapter 491, or part I, part III, part X, part
1024 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1025 wholly owned by one or more licensed health care practitioners,
1026 or the licensed health care practitioners set forth in this
1027 paragraph and the spouse, parent, child, or sibling of a
1028 licensed health care practitioner if one of the owners who is a
1029 licensed health care practitioner is supervising the business
1030 activities and is legally responsible for the entity's
1031 compliance with all federal and state laws. However, a health
1032 care practitioner may not supervise services beyond the scope of
1033 the practitioner's license, except that, for the purposes of
1034 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1035 which provides only services authorized pursuant to s.
1036 456.053(3)(b) may be supervised by a licensee specified in s.
1037 456.053(3)(b).

1038 (h) Clinical facilities affiliated with an accredited
1039 medical school at which training is provided for medical
1040 students, residents, or fellows.

1041 (i) Entities that provide only oncology or radiation
1042 therapy services by physicians licensed under chapter 458 or
1043 chapter 459 or entities that provide oncology or radiation
1044 therapy services by physicians licensed under chapter 458 or

14-01625-15

20151266__

1045 chapter 459 which are owned by a corporation whose shares are
1046 publicly traded on a recognized stock exchange.

1047 (j) Clinical facilities affiliated with a college of
1048 chiropractic accredited by the Council on Chiropractic Education
1049 at which training is provided for chiropractic students.

1050 (k) Entities that provide licensed practitioners to staff
1051 emergency departments or to deliver anesthesia services in
1052 facilities licensed under chapter 395 and that derive at least
1053 90 percent of their gross annual revenues from the provision of
1054 such services. Entities claiming an exemption from licensure
1055 under this paragraph must provide documentation demonstrating
1056 compliance.

1057 (l) Orthotic, prosthetic, pediatric cardiology, or
1058 perinatology clinical facilities or anesthesia clinical
1059 facilities that are not otherwise exempt under paragraph (a) or
1060 paragraph (k) and that are a publicly traded corporation or are
1061 wholly owned, directly or indirectly, by a publicly traded
1062 corporation. As used in this paragraph, a publicly traded
1063 corporation is a corporation that issues securities traded on an
1064 exchange registered with the United States Securities and
1065 Exchange Commission as a national securities exchange.

1066 (m) Entities that are owned by a corporation that has \$250
1067 million or more in total annual sales of health care services
1068 provided by licensed health care practitioners where one or more
1069 of the persons responsible for the operations of the entity is a
1070 health care practitioner who is licensed in this state and who
1071 is responsible for supervising the business activities of the
1072 entity and is responsible for the entity's compliance with state
1073 law for purposes of this part.

14-01625-15

20151266__

1074 (n) Entities that employ 50 or more licensed health care
1075 practitioners licensed under chapter 458 or chapter 459 where
1076 the billing for medical services is under a single tax
1077 identification number. The application for exemption under this
1078 subsection must include ~~shall contain information that includes:~~
1079 the name, residence, and business address, and telephone ~~phone~~
1080 number of the entity that owns the practice; a complete list of
1081 the names and contact information of all the officers and
1082 directors of the corporation; the name, residence address,
1083 business address, and medical license number of each licensed
1084 Florida health care practitioner employed by the entity; the
1085 corporate tax identification number of the entity seeking an
1086 exemption; a list ~~listing~~ of health care services to be provided
1087 by the entity at the health care clinics owned or operated by
1088 the entity and a certified statement prepared by an independent
1089 certified public accountant which states that the entity and the
1090 health care clinics owned or operated by the entity have not
1091 received payment for health care services related to a motor
1092 vehicle accident injury ~~under personal injury protection~~
1093 ~~insurance coverage~~ for the preceding year. If the agency
1094 determines that an entity that ~~which~~ is exempt under this
1095 subsection has received payments for medical services related to
1096 a motor vehicle accident injury ~~under personal injury protection~~
1097 ~~insurance coverage~~, the agency may deny or revoke the exemption
1098 from licensure under this subsection.
1099
1100 ~~Notwithstanding this subsection, an entity shall be deemed a~~
1101 ~~clinic and must be licensed under this part in order to receive~~
1102 ~~reimbursement under the Florida Motor Vehicle No-Fault Law, ss.~~

14-01625-15

20151266__

1103 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1104 (7) "Motor vehicle accident injury" means accidental bodily
1105 injury sustained while occupying a motor vehicle as defined in
1106 s. 627.732 or, if the injured party is not an occupant of a
1107 motor vehicle, an injury caused by physical contact with a motor
1108 vehicle.

1109 Section 31. Subsection (6) of section 400.991, Florida
1110 Statutes, is amended to read:

1111 400.991 License requirements; background screenings;
1112 prohibitions.-

1113 (6) All agency forms for licensure application or exemption
1114 from licensure under this part must contain the following
1115 statement:

1116
1117 INSURANCE FRAUD NOTICE.-A person who knowingly submits
1118 a false, misleading, or fraudulent application or
1119 other document when applying for licensure as a health
1120 care clinic, seeking an exemption from licensure as a
1121 health care clinic, or demonstrating compliance with
1122 part X of chapter 400, Florida Statutes, with the
1123 intent to use the license, exemption from licensure,
1124 or demonstration of compliance to provide services or
1125 seek reimbursement related to a motor vehicle accident
1126 injury under the Florida Motor Vehicle No-Fault Law,
1127 commits a fraudulent insurance act, as defined in s.
1128 626.989, Florida Statutes. A person who presents a
1129 claim for personal injury protection benefits knowing
1130 that the payee knowingly submitted such health care
1131 clinic application or document, commits insurance

14-01625-15

20151266__

1132 fraud, as defined in s. 817.234, Florida Statutes.

1133 Section 32. Paragraph (g) of subsection (1) of section
1134 400.9935, Florida Statutes, is amended to read:

1135 400.9935 Clinic responsibilities.—

1136 (1) Each clinic shall appoint a medical director or clinic
1137 director who shall agree in writing to accept legal
1138 responsibility for the following activities on behalf of the
1139 clinic. The medical director or the clinic director shall:

1140 (g) Conduct systematic reviews of clinic billings to ensure
1141 that the billings are not fraudulent or unlawful. Upon discovery
1142 of an unlawful charge, the medical director or clinic director
1143 shall take immediate corrective action. If the clinic performs
1144 only the technical component of magnetic resonance imaging,
1145 static radiographs, computed tomography, or positron emission
1146 tomography, and provides the professional interpretation of such
1147 services, in a fixed facility that is accredited by a national
1148 accrediting organization that is approved by the Centers for
1149 Medicare and Medicaid Services for magnetic resonance imaging
1150 and advanced diagnostic imaging services and if, in the
1151 preceding quarter, the percentage of scans performed by that
1152 clinic relating to a motor vehicle accident injury ~~which was~~
1153 ~~billed to all personal injury protection insurance carriers~~ was
1154 less than 15 percent, the chief financial officer of the clinic
1155 may, in a written acknowledgment provided to the agency, assume
1156 the responsibility for the conduct of the systematic reviews of
1157 clinic billings to ensure that the billings are not fraudulent
1158 or unlawful.

1159 Section 33. Subsection (28) of section 409.901, Florida
1160 Statutes, is amended to read:

14-01625-15

20151266__

1161 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
 1162 409.901-409.920, except as otherwise specifically provided, the
 1163 term:

1164 (28) "Third-party benefit" means any benefit that is or may
 1165 be available at any time through contract, court award,
 1166 judgment, settlement, agreement, or ~~any~~ arrangement between a
 1167 third party and any person or entity, including, without
 1168 limitation, a Medicaid recipient, a provider, another third
 1169 party, an insurer, or the agency, for any Medicaid-covered
 1170 injury, illness, goods, or services, including costs of medical
 1171 services related thereto, for bodily ~~personal~~ injury or for
 1172 death of the recipient, but specifically excluding ~~policies of~~
 1173 life insurance policies on the recipient, unless available under
 1174 terms of the policy to pay medical expenses before ~~prior to~~
 1175 death. The term includes, ~~without limitation,~~ collateral, as
 1176 defined in this section, health insurance, any benefit under a
 1177 health maintenance organization, a preferred provider
 1178 arrangement, a prepaid health clinic, liability insurance,
 1179 uninsured motorist insurance ~~or personal injury protection~~
 1180 ~~coverage~~, medical benefits under workers' compensation, and any
 1181 obligation under law or equity to provide medical support.

1182 Section 34. Paragraph (f) of subsection (11) of section
 1183 409.910, Florida Statutes, is amended to read:

1184 409.910 Responsibility for payments on behalf of Medicaid-
 1185 eligible persons when other parties are liable.—

1186 (11) The agency may, as a matter of right, in order to
 1187 enforce its rights under this section, institute, intervene in,
 1188 or join any legal or administrative proceeding in its own name
 1189 in one or more of the following capacities: individually, as

14-01625-15

20151266__

1190 subrogee of the recipient, as assignee of the recipient, or as
 1191 lienholder of the collateral.

1192 (f) Notwithstanding any other provision in this section ~~to~~
 1193 ~~the contrary, if in the event of~~ an action in tort against a
 1194 third party in which the recipient or his or her legal
 1195 representative is a party ~~which~~ results in a judgment, award, or
 1196 settlement from a third party, the amount recovered shall be
 1197 distributed as follows:

1198 1. After attorney ~~attorney's~~ fees and taxable costs as
 1199 defined by the Florida Rules of Civil Procedure, one-half of the
 1200 remaining recovery shall be paid to the agency up to the total
 1201 amount of medical assistance provided by Medicaid.

1202 2. The remaining amount of the recovery shall be paid to
 1203 the recipient.

1204 3. For purposes of calculating the agency's recovery of
 1205 medical assistance benefits paid, the fee for services of an
 1206 attorney retained by the recipient or his or her legal
 1207 representative shall be calculated at 25 percent of the
 1208 judgment, award, or settlement.

1209 4. Notwithstanding any other provision of this section ~~to~~
 1210 ~~the contrary, the agency is shall be~~ entitled to all medical
 1211 coverage benefits up to the total amount of medical assistance
 1212 provided by Medicaid. For purposes of this paragraph, the term
 1213 "medical coverage" means any benefits under health insurance, a
 1214 health maintenance organization, a preferred provider
 1215 arrangement, or a prepaid health clinic, and the portion of
 1216 benefits designated for medical payments under coverage for
 1217 workers' compensation, ~~personal injury protection,~~ and casualty.

1218 Section 35. Paragraph (k) of subsection (2) of section

14-01625-15

20151266__

1219 456.057, Florida Statutes, is amended to read:

1220 456.057 Ownership and control of patient records; report or
1221 copies of records to be furnished; disclosure of information.—

1222 (2) As used in this section, the terms "records owner,"
1223 "health care practitioner," and "health care practitioner's
1224 employer" do not include any of the following persons or
1225 entities; furthermore, the following persons or entities are not
1226 authorized to acquire or own medical records, but are authorized
1227 under the confidentiality and disclosure requirements of this
1228 section to maintain those documents required by the part or
1229 chapter under which they are licensed or regulated:

1230 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1231 Section 36. Paragraphs (gg) through (nn) of subsection (1)
1232 of section 456.072, Florida Statutes, are redesignated as
1233 paragraphs (ee) through (ll), respectively, and paragraphs (ee)
1234 and (ff) of that subsection are amended, to read:

1235 456.072 Grounds for discipline; penalties; enforcement.—

1236 (1) The following acts shall constitute grounds for which
1237 the disciplinary actions specified in subsection (2) may be
1238 taken:

1239 ~~(ee) With respect to making a personal injury protection
1240 claim as required by s. 627.736, intentionally submitting a
1241 claim, statement, or bill that has been "upcoded" as defined in
1242 s. 627.732.~~

1243 ~~(ff) With respect to making a personal injury protection
1244 claim as required by s. 627.736, intentionally submitting a
1245 claim, statement, or bill for payment of services that were not
1246 rendered.~~

1247 Section 37. Paragraph (i) of subsection (1) of section

14-01625-15

20151266__

1248 626.9541, Florida Statutes, is amended to read:

1249 626.9541 Unfair methods of competition and unfair or
1250 deceptive acts or practices defined.—

1251 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1252 ACTS.—The following are defined as unfair methods of competition
1253 and unfair or deceptive acts or practices:

1254 (i) *Unfair claim settlement practices.*—

1255 1. Attempting to settle claims on the basis of an
1256 application, ~~when serving as a binder or intended to become a~~
1257 part of the policy, or any other material document that ~~which~~
1258 was altered without notice to, or knowledge or consent of, the
1259 insured;

1260 2. A material misrepresentation made to an insured or any
1261 other person having an interest in the proceeds that are payable
1262 under a ~~such~~ contract or policy, for the purpose and with the
1263 intent of effecting settlement of such claims, loss, or damage
1264 under such contract or policy on less favorable terms than those
1265 provided in, and contemplated by, the ~~such~~ contract or policy;
1266 or

1267 3. Committing or performing with such frequency as to
1268 indicate a general business practice any of the following:

1269 a. Failing to adopt and implement standards for the proper
1270 investigation of claims;

1271 b. Misrepresenting pertinent facts or insurance policy
1272 provisions relating to coverages at issue;

1273 c. Failing to acknowledge and act promptly upon
1274 communications with respect to claims;

1275 d. Denying claims without conducting reasonable
1276 investigations based upon available information;

14-01625-15

20151266__

1277 e. Failing to affirm or deny full or partial coverage of
1278 claims, and, as to partial coverage, the dollar amount or extent
1279 of coverage, or failing to provide a written statement that the
1280 claim is being investigated, upon the written request of the
1281 insured, within 30 days after proof-of-loss statements have been
1282 completed;

1283 f. Failing to promptly provide a reasonable explanation in
1284 writing to the insured of the basis in the insurance policy, in
1285 relation to the facts or applicable law, for denial of a claim
1286 or for the offer of a compromise settlement;

1287 g. Failing to promptly notify the insured of any additional
1288 information necessary for the processing of a claim; or

1289 h. Failing to clearly explain the nature of the requested
1290 information and the reasons why such information is necessary.

1291 ~~i. Failing to pay personal injury protection insurance~~
1292 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1293 ~~office may order the insurer to pay restitution to a~~
1294 ~~policyholder, medical provider, or other claimant, including~~
1295 ~~interest at a rate consistent with the amount set forth in s.~~
1296 ~~55.03(1), for the time period within which an insurer fails to~~
1297 ~~pay claims as required by law. Restitution is in addition to any~~
1298 ~~other penalties allowed by law, including, but not limited to,~~
1299 ~~the suspension of the insurer's certificate of authority.~~

1300 4. Failing to pay undisputed amounts of partial or full
1301 benefits owed under first-party property insurance policies
1302 within 90 days after an insurer receives notice of a residential
1303 property insurance claim, determines the amounts of partial or
1304 full benefits, and agrees to coverage, unless payment of the
1305 undisputed benefits is prevented by an act of God, prevented by

14-01625-15

20151266__

1306 the impossibility of performance, or due to actions by the
1307 insured or claimant that constitute fraud, lack of cooperation,
1308 or intentional misrepresentation regarding the claim for which
1309 benefits are owed.

1310 Section 38. Paragraph (a) of subsection (1) of section
1311 626.989, Florida Statutes, is amended to read:

1312 626.989 Investigation by department or Division of
1313 Insurance Fraud; compliance; immunity; confidential information;
1314 reports to division; division investigator's power of arrest.-

1315 (1) For the purposes of this section:

1316 (a) A person commits a "fraudulent insurance act" if the
1317 person:

1318 1. Knowingly and with intent to defraud presents, causes to
1319 be presented, or prepares with knowledge or belief that it will
1320 be presented, to or by an insurer, self-insurer, self-insurance
1321 fund, servicing corporation, purported insurer, broker, or any
1322 agent thereof, any written statement as part of, or in support
1323 of, an application for the issuance of, or the rating of, any
1324 insurance policy, or a claim for payment or other benefit
1325 pursuant to any insurance policy, which the person knows to
1326 contain materially false information concerning any fact
1327 material thereto or if the person conceals, for the purpose of
1328 misleading another, information concerning any fact material
1329 thereto.

1330 2. Knowingly submits:

1331 a. A false, misleading, or fraudulent application or other
1332 document when applying for licensure as a health care clinic,
1333 seeking an exemption from licensure as a health care clinic, or
1334 demonstrating compliance with part X of chapter 400 with an

14-01625-15

20151266__

1335 intent to use the license, exemption from licensure, or
 1336 demonstration of compliance to provide services or seek
 1337 reimbursement relating to a motor vehicle accident ~~under the~~
 1338 ~~Florida Motor Vehicle No-Fault Law.~~

1339 b. A claim for payment or other benefit relating to a motor
 1340 vehicle accident ~~pursuant to a personal injury protection~~
 1341 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
 1342 the person knows that the payee knowingly submitted a false,
 1343 misleading, or fraudulent application or other document when
 1344 applying for licensure as a health care clinic, seeking an
 1345 exemption from licensure as a health care clinic, or
 1346 demonstrating compliance with part X of chapter 400.

1347 Section 39. Paragraph (a) of subsection (4) of section
 1348 626.9895, Florida Statutes, is amended to read:

1349 626.9895 Motor vehicle insurance fraud direct-support
 1350 organization.—

1351 (4) BOARD OF DIRECTORS.—

1352 (a) The board of directors of the organization consists
 1353 ~~shall consist~~ of the following 11 members:

1354 1. The Chief Financial Officer, or designee, who serves
 1355 ~~shall serve~~ as chair.

1356 2. Two state attorneys, one ~~of whom shall be~~ appointed by
 1357 the Chief Financial Officer and the other ~~one of whom shall be~~
 1358 appointed by the Attorney General.

1359 3. Two representatives of motor vehicle insurers appointed
 1360 by the Chief Financial Officer.

1361 4. Two representatives of local law enforcement agencies,
 1362 one ~~of whom shall be~~ appointed by the Chief Financial Officer
 1363 and the other ~~one of whom shall be~~ appointed by the Attorney

14-01625-15

20151266__

1364 General.

1365 5. Two representatives of the types of health care
1366 providers who regularly make claims for benefits related to
1367 motor vehicle accidents ~~under ss. 627.730-627.7405~~, one ~~of whom~~
1368 ~~shall be~~ appointed by the President of the Senate and the other
1369 ~~one of whom shall be~~ appointed by the Speaker of the House of
1370 Representatives. The appointees may not represent the same type
1371 of health care provider.

1372 6. A private attorney who has experience in representing
1373 claimants in motor vehicle tort claims, ~~actions for benefits~~
1374 ~~under ss. 627.730-627.7405~~, who shall be appointed by the
1375 President of the Senate.

1376 7. A private attorney who has experience in representing
1377 insurers in motor vehicle tort claims, ~~actions for benefits~~
1378 ~~under ss. 627.730-627.7405~~, who shall be appointed by the
1379 Speaker of the House of Representatives.

1380 Section 40. Subsection (1) of section 627.06501, Florida
1381 Statutes, is amended to read:

1382 627.06501 Insurance discounts for certain persons
1383 completing driver improvement course.-

1384 (1) Any rate, rating schedule, or rating manual for the
1385 liability, ~~personal injury protection~~, and collision coverages
1386 of a motor vehicle insurance policy filed with the office may
1387 provide for an appropriate reduction in premium charges as to
1388 such coverages if ~~when~~ the principal operator on the covered
1389 vehicle has successfully completed a driver improvement course
1390 approved and certified by the Department of Highway Safety and
1391 Motor Vehicles which is effective in reducing crash or violation
1392 rates, or both, ~~as determined pursuant to s. 318.1451(5)~~. Any

14-01625-15

20151266__

1393 discount, not to exceed 10 percent, used by an insurer is
1394 presumed to be appropriate unless credible data demonstrates
1395 otherwise.

1396 Section 41. Subsection (1) of section 627.0652, Florida
1397 Statutes, is amended to read:

1398 627.0652 Insurance discounts for certain persons completing
1399 safety course.—

1400 (1) Any rates, rating schedules, or rating manuals for the
1401 liability, ~~personal injury protection,~~ and collision coverages
1402 of a motor vehicle insurance policy filed with the office must
1403 ~~shall~~ provide for an appropriate reduction in premium charges as
1404 to such coverages if ~~when~~ the principal operator on the covered
1405 vehicle is an insured 55 years of age or older who has
1406 successfully completed a motor vehicle accident prevention
1407 course approved by the Department of Highway Safety and Motor
1408 Vehicles. Any discount used by an insurer is presumed to be
1409 appropriate unless credible data demonstrates otherwise.

1410 Section 42. Subsections (1), (3), and (6) of section
1411 627.0653, Florida Statutes, are amended to read:

1412 627.0653 Insurance discounts for specified motor vehicle
1413 equipment.—

1414 (1) Any rates, rating schedules, or rating manuals for the
1415 liability, ~~personal injury protection,~~ and collision coverages
1416 of a motor vehicle insurance policy filed with the office must
1417 ~~shall~~ provide a premium discount if the insured vehicle is
1418 equipped with factory-installed, four-wheel antilock brakes.

1419 (3) Any rates, rating schedules, or rating manuals for
1420 ~~personal injury protection coverage and~~ medical payments
1421 coverage, if offered, of a motor vehicle insurance policy filed

14-01625-15

20151266__

1422 with the office must ~~shall~~ provide a premium discount if the
1423 insured vehicle is equipped with one or more air bags which are
1424 factory installed.

1425 (6) The Office of Insurance Regulation may approve a
1426 premium discount to any rates, rating schedules, or rating
1427 manuals for the liability, ~~personal injury protection,~~ and
1428 collision coverages of a motor vehicle insurance policy filed
1429 with the office if the insured vehicle is equipped with
1430 autonomous driving technology or electronic vehicle collision
1431 avoidance technology that is factory installed or a retrofitted
1432 system and that complies with National Highway Traffic Safety
1433 Administration standards.

1434 Section 43. Section 627.4132, Florida Statutes, is amended
1435 to read:

1436 627.4132 Stacking of coverages prohibited.—If an insured or
1437 named insured is protected by any type of motor vehicle
1438 insurance policy for liability, ~~personal injury protection,~~ or
1439 other coverage, the policy must ~~shall~~ provide that the insured
1440 or named insured is protected only to the extent of the coverage
1441 she or he has on the vehicle involved in the accident. However,
1442 if none of the insured's or named insured's vehicles is involved
1443 in the accident, coverage is available only to the extent of
1444 coverage on any one of the vehicles with applicable coverage.
1445 Coverage on any other vehicles may ~~shall~~ not be added to or
1446 stacked onto ~~upon~~ that coverage. This section does not apply:

1447 (1) To uninsured motorist coverage, which is separately
1448 governed by s. 627.727.

1449 (2) To reduce the coverage available by reason of insurance
1450 policies insuring different named insureds.

14-01625-15

20151266__

1451 Section 44. Subsection (6) of section 627.6482, Florida
1452 Statutes, is amended to read:

1453 627.6482 Definitions.—As used in ss. 627.648-627.6498, the
1454 term:

1455 (6) "Health insurance" means any hospital and medical
1456 expense incurred policy, minimum premium plan, stop-loss
1457 coverage, health maintenance organization contract, prepaid
1458 health clinic contract, multiple-employer welfare arrangement
1459 contract, or fraternal benefit society health benefits contract,
1460 whether sold as an individual or group policy or contract. The
1461 term does not include a ~~any~~ policy covering medical payment
1462 coverage or bodily ~~personal~~ injury liability ~~protection~~ coverage
1463 in a motor vehicle policy, coverage issued as a supplement to
1464 liability insurance, or workers' compensation.

1465 Section 45. Section 627.7263, Florida Statutes, is amended
1466 to read:

1467 627.7263 Rental and leasing driver's insurance to be
1468 primary; exception.—

1469 (1) ~~The~~ Valid and collectible liability insurance ~~or~~
1470 ~~personal injury protection insurance~~ providing coverage for the
1471 lessor of a motor vehicle for rent or lease is primary unless
1472 otherwise stated in at least 10-point type on the face of the
1473 rental or lease agreement. Such insurance is primary for the
1474 limits of liability required under s. 324.021(7) ~~and personal~~
1475 ~~injury protection coverage as required by ss. 324.021(7) and~~
1476 ~~627.736.~~

1477 (2) If the lessee's coverage is to be primary, the rental
1478 or lease agreement must contain the following language, in at
1479 least 10-point type:

14-01625-15

20151266__

1480

1481 "The valid and collectible liability insurance ~~and~~
1482 ~~personal injury protection insurance~~ of an any
1483 authorized rental or leasing driver is primary for the
1484 limits of liability ~~and personal injury protection~~
1485 coverage required under s. ~~by ss.~~ 324.021(7) ~~and~~
1486 ~~627.736~~, Florida Statutes."

1487 Section 46. Present subsections (8) through (10) of section
1488 627.727, Florida Statutes, are renumbered as subsections (7)
1489 through (9), respectively, and subsection (1) and present
1490 subsection (7) of that section are amended, to read:

1491 627.727 Motor vehicle insurance; uninsured and underinsured
1492 vehicle coverage; insolvent insurer protection.—

1493 (1) No motor vehicle liability insurance policy which
1494 provides bodily injury liability coverage shall be delivered or
1495 issued for delivery in this state with respect to any
1496 specifically insured or identified motor vehicle registered or
1497 principally garaged in this state unless uninsured motor vehicle
1498 coverage is provided therein or supplemental thereto for the
1499 protection of persons insured thereunder who are legally
1500 entitled to recover damages from owners or operators of
1501 uninsured motor vehicles because of bodily injury, sickness, or
1502 disease, including death, resulting therefrom. However, the
1503 coverage required under this section is not applicable if ~~when~~,
1504 or to the extent that, an insured named in the policy makes a
1505 written rejection of the coverage on behalf of all insureds
1506 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~
1507 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1508 of the lease contract, provides liability coverage on the leased

14-01625-15

20151266__

1509 vehicle, the lessee of such vehicle shall have the sole
1510 privilege to reject uninsured motorist coverage or to select
1511 lower limits than the bodily injury liability limits, regardless
1512 of whether the lessor is qualified as a self-insurer pursuant to
1513 s. 324.171. Unless an insured, or lessee having the privilege of
1514 rejecting uninsured motorist coverage, requests such coverage or
1515 requests higher uninsured motorist limits in writing, the
1516 coverage or such higher uninsured motorist limits need not be
1517 provided in or supplemental to any other policy that ~~which~~
1518 renews, extends, changes, supersedes, or replaces an existing
1519 policy with the same bodily injury liability limits if ~~when~~ an
1520 insured or lessee had rejected the coverage. If ~~When~~ an insured
1521 or lessee has initially selected limits of uninsured motorist
1522 coverage lower than her or his bodily injury liability limits,
1523 higher limits of uninsured motorist coverage need not be
1524 provided in or supplemental to any other policy that ~~which~~
1525 renews, extends, changes, supersedes, or replaces an existing
1526 policy with the same bodily injury liability limits unless an
1527 insured requests higher uninsured motorist coverage in writing.
1528 The rejection or selection of lower limits shall be made on a
1529 form approved by the office. The form must ~~shall~~ fully advise
1530 the applicant of the nature of the coverage and ~~shall~~ state that
1531 the coverage is equal to bodily injury liability limits unless
1532 lower limits are requested or the coverage is rejected. The
1533 heading of the form shall be in 12-point bold type and ~~shall~~
1534 state: "You are electing not to purchase certain valuable
1535 coverage that ~~which~~ protects you and your family or you are
1536 purchasing uninsured motorist limits less than your bodily
1537 injury liability limits when you sign this form. Please read

14-01625-15

20151266__

1538 carefully." If this form is signed by a named insured, it will
1539 be conclusively presumed that there was an informed, knowing
1540 rejection of coverage or election of lower limits on behalf of
1541 all insureds. The insurer shall notify the named insured at
1542 least annually of her or his options as to the coverage required
1543 by this section. Such notice must ~~shall~~ be part of, and attached
1544 to, the notice of premium, must ~~shall~~ provide for a means to
1545 allow the insured to request such coverage, and must ~~shall~~ be
1546 given in a manner approved by the office. Receipt of this notice
1547 does not constitute an affirmative waiver of the insured's right
1548 to uninsured motorist coverage if ~~where~~ the insured has not
1549 signed a selection or rejection form. The coverage described
1550 under this section is ~~shall be~~ over and above, but may ~~shall~~ not
1551 duplicate, the benefits available to an insured under any
1552 workers' compensation law, ~~personal injury protection benefits,~~
1553 disability benefits law, or similar law; under any automobile
1554 medical expense coverage; under any motor vehicle liability
1555 insurance coverage; or from the owner or operator of the
1556 uninsured motor vehicle or any other person or organization
1557 jointly or severally liable ~~together~~ with such owner or operator
1558 for the accident; and such coverage must ~~shall~~ cover the
1559 difference, if any, between the sum of such benefits and the
1560 damages sustained, up to the maximum amount of ~~such~~ coverage
1561 provided under this section. The amount of coverage available
1562 under this section may ~~shall~~ not be reduced by a setoff against
1563 any coverage, including liability insurance. Such coverage does
1564 ~~shall~~ not inure, directly or indirectly, to the benefit of any
1565 workers' compensation or disability benefits carrier or any
1566 person or organization qualifying as a self-insurer under any

14-01625-15

20151266__

1567 workers' compensation or disability benefits law or similar law.

1568 ~~(7) The legal liability of an uninsured motorist coverage~~
1569 ~~insurer does not include damages in tort for pain, suffering,~~
1570 ~~mental anguish, and inconvenience unless the injury or disease~~
1571 ~~is described in one or more of paragraphs (a) (d) of s.~~
1572 ~~627.737(2).~~

1573 Section 47. Subsection (1) and paragraphs (a) and (b) of
1574 subsection (2) of section 627.7275, Florida Statutes, are
1575 amended to read:

1576 627.7275 Motor vehicle liability.—

1577 (1) A motor vehicle insurance policy ~~providing personal~~
1578 ~~injury protection as set forth in s. 627.736~~ may not be
1579 delivered or issued for delivery in this state for a with
1580 ~~respect to any~~ specifically insured or identified motor vehicle
1581 registered or principally garaged in this state must provide
1582 ~~unless the policy also provides~~ coverage for property damage
1583 liability and bodily injury liability as required under ~~by~~ s.
1584 324.022.

1585 (2) (a) Insurers writing motor vehicle insurance in this
1586 state shall make available, subject to the insurers' usual
1587 underwriting restrictions:

1588 1. Coverage under policies as described in subsection (1)
1589 to an applicant for private passenger motor vehicle insurance
1590 coverage who is seeking the coverage in order to reinstate the
1591 applicant's driving privileges in this state if the driving
1592 privileges were revoked or suspended pursuant to s. 316.646 or
1593 s. 324.0221 due to the failure of the applicant to maintain
1594 required security.

1595 2. Coverage under policies as described in subsection (1),

14-01625-15

20151266__

1596 which also provides bodily injury liability coverage and
1597 property damage liability coverage for ~~bodily injury, death, and~~
1598 ~~property damage arising out of the ownership, maintenance, or~~
1599 ~~use of the motor vehicle~~ in an amount not less than the limits
1600 described in s. 324.021(7) and conforms to the requirements of
1601 s. 324.151, to an applicant for private passenger motor vehicle
1602 insurance coverage who is seeking the coverage in order to
1603 reinstate the applicant's driving privileges in this state after
1604 such privileges were revoked or suspended under s. 316.193 or s.
1605 322.26(2) for driving under the influence.

1606 (b) The policies described in paragraph (a) shall be issued
1607 for at least 6 months and, as to the minimum coverages required
1608 under this section, may not be canceled by the insured for any
1609 reason or by the insurer after 60 days, during which period the
1610 insurer is completing the underwriting of the policy. After the
1611 insurer has completed underwriting the policy, the insurer shall
1612 notify the Department of Highway Safety and Motor Vehicles that
1613 the policy is in full force and effect and is not cancelable for
1614 the remainder of the policy period. A premium shall be collected
1615 and the coverage is in effect for the 60-day period during which
1616 the insurer is completing the underwriting of the policy whether
1617 or not the person's driver license, motor vehicle tag, and motor
1618 vehicle registration are in effect. Once the noncancelable
1619 provisions of the policy become effective, the coverages for
1620 bodily injury ~~and,~~ property damage, ~~and personal injury~~
1621 ~~protection~~ may not be reduced below the minimum limits required
1622 under s. 324.021 or s. 324.023 during the policy period.

1623 Section 48. Paragraph (a) of subsection (1) of section
1624 627.728, Florida Statutes, is amended to read:

14-01625-15

20151266__

1625 627.728 Cancellations; nonrenewals.—

1626 (1) As used in this section, the term:

1627 (a) "Policy" means ~~the~~ bodily injury and property damage
1628 liability, ~~personal injury protection~~, medical payments,
1629 comprehensive, collision, and uninsured motorist coverage
1630 portions of a policy of motor vehicle insurance delivered or
1631 issued for delivery in this state:

1632 1. Insuring a natural person as named insured or one or
1633 more related individuals who are residents ~~resident~~ of the same
1634 household; and

1635 2. Insuring only a motor vehicle of the private passenger
1636 type or station wagon type which is not used as a public or
1637 livery conveyance for passengers or rented to others; or
1638 insuring any other four-wheel motor vehicle having a load
1639 capacity of 1,500 pounds or less which is not used in the
1640 occupation, profession, or business of the insured other than
1641 farming; other than any policy issued under an automobile
1642 insurance assigned risk plan; insuring more than four
1643 automobiles; or covering garage, automobile sales agency, repair
1644 shop, service station, or public parking place operation
1645 hazards.

1646

1647 The term "policy" does not include a binder as defined in s.
1648 627.420 unless the duration of the binder period exceeds 60
1649 days.

1650 Section 49. Subsection (1), paragraph (a) of subsection
1651 (5), and subsection (7) of section 627.7295, Florida Statutes,
1652 are amended to read:

1653 627.7295 Motor vehicle insurance contracts.—

14-01625-15

20151266__

1654 (1) As used in this section, the term:

1655 (a) "Policy" means a motor vehicle insurance policy that
1656 provides bodily injury liability ~~personal injury protection~~
1657 coverage, property damage liability coverage, or both.

1658 (b) "Binder" means a binder that provides motor vehicle
1659 bodily injury liability ~~personal injury protection~~ and property
1660 damage liability coverage.

1661 (5) (a) A licensed general lines agent may charge a per-
1662 policy fee of up to not to exceed \$10 to cover the agent's
1663 administrative costs ~~of the agent~~ associated with selling the
1664 motor vehicle insurance policy if the policy covers only bodily
1665 injury liability ~~personal injury protection~~ coverage ~~as provided~~
1666 ~~by s. 627.736~~ and property damage liability coverage as provided
1667 by s. 627.7275 and if no other insurance is sold or issued in
1668 conjunction with or collateral to the policy. The fee is not
1669 ~~considered~~ part of the premium.

1670 (7) A policy of private passenger motor vehicle insurance
1671 or a binder for such a policy may be initially issued in this
1672 state only if, before the effective date of such binder or
1673 policy, the insurer or agent has collected ~~from the insured an~~
1674 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
1675 agent, or premium finance company may not, directly or
1676 indirectly, take any action that results ~~resulting~~ in the
1677 insured paying ~~having paid~~ from the insured's own funds an
1678 amount less than the 2 months' premium required by this
1679 subsection. This subsection applies without regard to whether
1680 the premium is financed by a premium finance company or is paid
1681 pursuant to a periodic payment plan of an insurer or an
1682 insurance agent.

14-01625-15

20151266__

1683 (a) This subsection does not apply:

1684 1. If an insured or member of the insured's family is

1685 renewing or replacing a policy or a binder for such policy

1686 written by the same insurer or a member of the same insurer

1687 group; ~~This subsection does not apply~~

1688 2. To an insurer that issues private passenger motor

1689 vehicle coverage primarily to active duty or former military

1690 personnel or their dependents; or. ~~This subsection does not~~

1691 ~~apply~~

1692 3. If all policy payments are paid pursuant to a payroll

1693 deduction plan or an automatic electronic funds transfer payment

1694 plan from the policyholder.

1695 (b) This subsection and subsection (4) do not apply if:

1696 1. All policy payments to an insurer are paid pursuant to

1697 an automatic electronic funds transfer payment plan from an

1698 agent, a managing general agent, or a premium finance company

1699 and if the policy includes, at a minimum, bodily injury

1700 liability and ~~personal injury protection pursuant to ss.~~

1701 ~~627.730-627.7405;~~ motor vehicle property damage liability

1702 pursuant to s. 627.7275; or ~~and bodily injury liability in at~~

1703 ~~least the amount of \$10,000 because of bodily injury to, or~~

1704 ~~death of, one person in any one accident and in the amount of~~

1705 ~~\$20,000 because of bodily injury to, or death of, two or more~~

1706 ~~persons in any one accident. This subsection and subsection (4)~~

1707 ~~do not apply if~~

1708 2. An insured has had a policy in effect for at least 6

1709 months, the insured's agent is terminated by the insurer that

1710 issued the policy, and the insured obtains coverage on the

1711 policy's renewal date with a new company through the terminated

14-01625-15

20151266__

1712 agent.

1713 Section 50. Section 627.8405, Florida Statutes, is amended
1714 to read:

1715 627.8405 Prohibited acts; financing companies.—A ~~No~~ premium
1716 finance company ~~shall~~, in a premium finance agreement or other
1717 agreement, may not finance the cost of or otherwise provide for
1718 the collection or remittance of dues, assessments, fees, or
1719 other periodic payments of money for the cost of:

1720 (1) A membership in an automobile club. The term
1721 "automobile club" means a legal entity that ~~which~~, in
1722 consideration of dues, assessments, or periodic payments of
1723 money, promises its members or subscribers to assist them in
1724 matters relating to the ownership, operation, use, or
1725 maintenance of a motor vehicle; however, the term ~~this~~
1726 ~~definition of "automobile club"~~ does not include persons,
1727 associations, or corporations that ~~which~~ are organized and
1728 operated solely for the purpose of conducting, sponsoring, or
1729 sanctioning motor vehicle races, exhibitions, or contests upon
1730 racetracks, or upon racecourses established and marked as such
1731 for the duration of such particular events. The term ~~words~~
1732 "motor vehicle" has ~~used herein have~~ the same meaning as
1733 provided ~~defined~~ in chapter 320.

1734 (2) An accidental death and dismemberment policy sold in
1735 combination with a bodily injury liability ~~personal injury~~
1736 ~~protection~~ and property-damage-only ~~property damage-only~~ policy.

1737 (3) Any product not regulated under the provisions of this
1738 insurance code.

1739

1740 This section also applies to premium financing by any insurance

14-01625-15

20151266__

1741 agent or insurance company under part XVI. The commission shall
1742 adopt rules to assure disclosure, at the time of sale, of
1743 coverages financed with bodily injury liability coverage
1744 ~~personal injury protection~~ and shall prescribe the form of such
1745 disclosure.

1746 Section 51. Subsection (1) of section 627.915, Florida
1747 Statutes, is amended to read:

1748 627.915 Insurer experience reporting.-

1749 (1) Each insurer transacting private passenger automobile
1750 insurance in this state shall report certain information
1751 annually to the office. The information is ~~will be~~ due on or
1752 before July 1 of each year. The information shall be divided
1753 into the following categories: bodily injury liability; property
1754 damage liability; uninsured motorist; ~~personal injury protection~~
1755 ~~benefits~~; medical payments; comprehensive and collision. The
1756 information must ~~given shall~~ be on direct insurance writings in
1757 the state alone and ~~shall~~ represent total limits data. The
1758 information set forth in paragraphs (a)-(f) is applicable to
1759 voluntary private passenger and Joint Underwriting Association
1760 private passenger writings and shall be reported for each of the
1761 latest 3 calendar-accident years, with an evaluation date of
1762 March 31 of the current year. The information set forth in
1763 paragraphs (g)-(j) is applicable to voluntary private passenger
1764 writings and shall be reported on a calendar-accident year basis
1765 ultimately seven times at seven different stages of development.

1766 (a) Premiums earned for the latest 3 calendar-accident
1767 years.

1768 (b) Loss development factors and the historic development
1769 of those factors.

14-01625-15

20151266__

1770 (c) Policyholder dividends incurred.
 1771 (d) Expenses for other acquisition and general expense.
 1772 (e) Expenses for agents' commissions and taxes, licenses,
 1773 and fees.
 1774 (f) Profit and contingency factors as utilized in the
 1775 insurer's automobile rate filings for the applicable years.
 1776 (g) Losses paid.
 1777 (h) Losses unpaid.
 1778 (i) Loss adjustment expenses paid.
 1779 (j) Loss adjustment expenses unpaid.
 1780 Section 52. Paragraph (d) of subsection (2) and paragraph
 1781 (d) of subsection (3) of section 628.909, Florida Statutes, are
 1782 amended, to read:
 1783 628.909 Applicability of other laws.—
 1784 (2) The following provisions of the Florida Insurance Code
 1785 apply to captive insurance companies who are not industrial
 1786 insured captive insurance companies to the extent that such
 1787 provisions are not inconsistent with this part:
 1788 ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~
 1789 ~~provided.~~
 1790 (3) The following provisions of the Florida Insurance Code
 1791 shall apply to industrial insured captive insurance companies to
 1792 the extent that such provisions are not inconsistent with this
 1793 part:
 1794 ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~
 1795 ~~provided.~~
 1796 Section 53. Subsections (2), (6), and (7) of section
 1797 705.184, Florida Statutes, are amended to read:
 1798 705.184 Derelict or abandoned motor vehicles on the

14-01625-15

20151266__

1799 premises of public-use airports.—

1800 (2) The airport director or the director's designee shall
1801 contact the Department of Highway Safety and Motor Vehicles to
1802 notify that department that the airport has possession of the
1803 abandoned or derelict motor vehicle and to determine the name
1804 and address of the owner of the motor vehicle, the insurance
1805 company insuring the motor vehicle, ~~notwithstanding the~~
1806 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
1807 the motor vehicle. Within 7 business days after receipt of the
1808 information, the director or the director's designee shall send
1809 notice by certified mail, return receipt requested, to the owner
1810 of the motor vehicle, the insurance company insuring the motor
1811 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
1812 persons of record claiming a lien against the motor vehicle. The
1813 notice shall state the fact of possession of the motor vehicle,
1814 that charges for reasonable towing, storage, and parking fees,
1815 if any, have accrued and the amount thereof, that a lien as
1816 provided in subsection (6) will be claimed, that the lien is
1817 subject to enforcement pursuant to law, that the owner or
1818 lienholder, if any, has the right to a hearing as set forth in
1819 subsection (4), and that any motor vehicle which, at the end of
1820 30 calendar days after receipt of the notice, has not been
1821 removed from the airport upon payment in full of all accrued
1822 charges for reasonable towing, storage, and parking fees, if
1823 any, may be disposed of as provided in s. 705.182(2)(a), (b),
1824 (d), or (e), including, but not limited to, the motor vehicle
1825 being sold free of all prior liens after 35 calendar days after
1826 the time the motor vehicle is stored if any prior liens on the
1827 motor vehicle are more than 5 years of age or after 50 calendar

14-01625-15

20151266__

1828 days after the time the motor vehicle is stored if any prior
1829 liens on the motor vehicle are 5 years of age or less.

1830 (6) The airport pursuant to this section or, if used, a
1831 licensed independent wrecker company pursuant to s. 713.78 shall
1832 have a lien on an abandoned or derelict motor vehicle for all
1833 reasonable towing, storage, and accrued parking fees, if any,
1834 except that no storage fee shall be charged if the motor vehicle
1835 is stored less than 6 hours. As a prerequisite to perfecting a
1836 lien under this section, the airport director or the director's
1837 designee must serve a notice in accordance with subsection (2)
1838 on the owner of the motor vehicle, the insurance company
1839 insuring the motor vehicle, ~~notwithstanding the provisions of s.~~
1840 ~~627.736,~~ and all persons of record claiming a lien against the
1841 motor vehicle. If attempts to notify the owner, the insurance
1842 company insuring the motor vehicle, ~~notwithstanding the~~
1843 ~~provisions of s. 627.736,~~ or lienholders are not successful, the
1844 requirement of notice by mail shall be considered met. Serving
1845 of the notice does not dispense with recording the claim of
1846 lien.

1847 (7) (a) For the purpose of perfecting its lien under this
1848 section, the airport shall record a claim of lien, which states
1849 ~~shall state:~~

1850 1. The name and address of the airport.

1851 2. The name of the owner of the motor vehicle, the
1852 insurance company insuring the motor vehicle, ~~notwithstanding~~
1853 ~~the provisions of s. 627.736,~~ and all persons of record claiming
1854 a lien against the motor vehicle.

1855 3. The costs incurred from reasonable towing, storage, and
1856 parking fees, if any.

14-01625-15

20151266__

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

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

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

CLAIM OF LIEN

State of.....
County of.....

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

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

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

...(Signature)...

Sworn to (or affirmed) and subscribed before me this.... day of, ...(year)...., by...(name of person making statement)....

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

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

14-01625-15

20151266__

1886 However, the negligent inclusion or omission of any information
1887 in this claim of lien which does not prejudice the owner does
1888 not constitute a default that operates to defeat an otherwise
1889 valid lien.

1890 (d) The claim of lien shall be served on the owner of the
1891 motor vehicle, the insurance company insuring the motor vehicle,
1892 ~~notwithstanding the provisions of s. 627.736,~~ and all persons of
1893 record claiming a lien against the motor vehicle. If attempts to
1894 notify the owner, the insurance company insuring the motor
1895 vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
1896 lienholders are not successful, the requirement of notice by
1897 mail shall be considered met. The claim of lien shall be so
1898 served before recordation.

1899 (e) The claim of lien shall be recorded with the clerk of
1900 court in the county where the airport is located. The recording
1901 of the claim of lien shall be constructive notice to all persons
1902 of the contents and effect of such claim. The lien shall attach
1903 at the time of recordation and shall take priority as of that
1904 time.

1905 Section 54. Subsection (4) of section 713.78, Florida
1906 Statutes, is amended to read:

1907 713.78 Liens for recovering, towing, or storing vehicles
1908 and vessels.—

1909 (4) (a) Any person regularly engaged in the business of
1910 recovering, towing, or storing vehicles or vessels who comes
1911 into possession of a vehicle or vessel pursuant to subsection
1912 (2), and who claims a lien for recovery, towing, or storage
1913 services, shall give notice to the registered owner, the
1914 insurance company insuring the vehicle ~~notwithstanding the~~

14-01625-15

20151266__

1915 ~~provisions of s. 627.736, and to~~ all persons claiming a lien
1916 thereon, as disclosed by the records in the Department of
1917 Highway Safety and Motor Vehicles or as disclosed by the records
1918 of any corresponding agency in any other state in which the
1919 vehicle is identified through a records check of the National
1920 Motor Vehicle Title Information System or an equivalent
1921 commercially available system as being titled or registered.

1922 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
1923 removal of a vehicle or vessel or if a ~~whenever any~~ towing
1924 service, garage, repair shop, or automotive service, storage, or
1925 parking place notifies the law enforcement agency of possession
1926 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
1927 enforcement agency of the jurisdiction where the vehicle or
1928 vessel is stored shall contact the Department of Highway Safety
1929 and Motor Vehicles, or the appropriate agency of the state of
1930 registration, if known, within 24 hours through ~~the medium of~~
1931 electronic communications, giving the full description of the
1932 vehicle or vessel. Upon receipt of the full description of the
1933 vehicle or vessel, the department shall search its files to
1934 determine the owner's name, the insurance company insuring the
1935 vehicle or vessel, and whether any person has filed a lien upon
1936 the vehicle or vessel as provided in s. 319.27(2) and (3) and
1937 notify the applicable law enforcement agency within 72 hours.
1938 The person in charge of the towing service, garage, repair shop,
1939 or automotive service, storage, or parking place shall obtain
1940 such information from the applicable law enforcement agency
1941 within 5 days after the date of storage and shall give notice
1942 pursuant to paragraph (a). The department may release the
1943 insurance company information to the requestor ~~notwithstanding~~

14-01625-15

20151266__

1944 ~~the provisions of s. 627.736.~~

1945 (c) Notice by certified mail shall be sent within 7
1946 business days after the date of storage of the vehicle or vessel
1947 to the registered owner, the insurance company insuring the
1948 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
1949 persons of record claiming a lien against the vehicle or vessel.
1950 The notice must ~~It shall~~ state the fact of possession of the
1951 vehicle or vessel, that a lien as provided in subsection (2) is
1952 claimed, that charges have accrued and the amount thereof, that
1953 the lien is subject to enforcement pursuant to law, ~~and~~ that the
1954 owner or lienholder, if any, has the right to a hearing as set
1955 forth in subsection (5), and that any vehicle or vessel which
1956 remains unclaimed, or for which the charges for recovery,
1957 towing, or storage services remain unpaid, may be sold free of
1958 all prior liens after 35 days if the vehicle or vessel is more
1959 than 3 years of age or after 50 days if the vehicle or vessel is
1960 3 years of age or less.

1961 (d) If attempts to locate the name and address of the owner
1962 or lienholder prove unsuccessful, the towing-storage operator
1963 shall, after 7 working days, excluding Saturday and Sunday, of
1964 the initial tow or storage, notify the public agency of
1965 jurisdiction where the vehicle or vessel is stored in writing by
1966 certified mail or acknowledged hand delivery that the towing-
1967 storage company has been unable to locate the name and address
1968 of the owner or lienholder and a physical search of the vehicle
1969 or vessel has disclosed no ownership information and a good
1970 faith effort has been made, including records checks of the
1971 Department of Highway Safety and Motor Vehicles database and the
1972 National Motor Vehicle Title Information System or an equivalent

14-01625-15

20151266__

1973 commercially available system. As used in ~~For purposes of~~ this
1974 paragraph and subsection (9), the term "good faith effort" means
1975 that the following checks have been performed by the company to
1976 establish prior state of registration and ~~for~~ title:

1977 1. Check of the Department of Highway Safety and Motor
1978 Vehicles database for the owner and any lienholder.

1979 2. Check of the electronic National Motor Vehicle Title
1980 Information System or an equivalent commercially available
1981 system to determine the state of registration when there is not
1982 a current registration record for the vehicle on file with the
1983 Department of Highway Safety and Motor Vehicles.

1984 3. Check of vehicle or vessel for any type of tag, tag
1985 record, temporary tag, or regular tag.

1986 4. Check of law enforcement report for tag number or other
1987 information identifying the vehicle or vessel, ~~if the vehicle or~~
1988 vessel was towed at the request of a law enforcement officer.

1989 5. Check of trip sheet or tow ticket of tow truck operator
1990 to see if a tag was on vehicle or vessel at beginning of tow, if
1991 private tow.

1992 6. If there is no address of the owner on the impound
1993 report, check of law enforcement report to see if an out-of-
1994 state address is indicated from driver license information.

1995 7. Check of vehicle or vessel for inspection sticker or
1996 other stickers and decals that may indicate a state of possible
1997 registration.

1998 8. Check of the interior of the vehicle or vessel for any
1999 papers that may be in the glove box, trunk, or other areas for a
2000 state of registration.

2001 9. Check of vehicle for vehicle identification number.

14-01625-15

20151266__

2002 10. Check of vessel for vessel registration number.

2003 11. Check of vessel hull for a hull identification number,
2004 which should be carved, burned, stamped, embossed, or otherwise
2005 permanently affixed to the outboard side of the transom or, if
2006 there is no transom, to the outmost seaboard side at the end of
2007 the hull that bears the rudder or other steering mechanism.

2008 Section 55. Paragraph (a) of subsection (1), paragraph (c)
2009 of subsection (7), paragraphs (a), (b), and (c) of subsection
2010 (8), and subsections (9) and (10) of section 817.234, Florida
2011 Statutes, are amended to read:

2012 817.234 False and fraudulent insurance claims.—

2013 (1) (a) A person commits insurance fraud punishable as
2014 provided in subsection (11) if that person, with the intent to
2015 injure, defraud, or deceive any insurer:

2016 1. Presents or causes to be presented any written or oral
2017 statement as part of, or in support of, a claim for payment or
2018 other benefit pursuant to an insurance policy or a health
2019 maintenance organization subscriber or provider contract,
2020 knowing that such statement contains ~~any~~ false, incomplete, or
2021 misleading information concerning any fact or thing material to
2022 such claim;

2023 2. Prepares or makes any written or oral statement that is
2024 intended to be presented to an ~~any~~ insurer in connection with,
2025 or in support of, any claim for payment or other benefit
2026 pursuant to an insurance policy or a health maintenance
2027 organization subscriber or provider contract, knowing that such
2028 statement contains ~~any~~ false, incomplete, or misleading
2029 information concerning any fact or thing material to such claim;

2030 3.a. Knowingly presents, causes to be presented, or

14-01625-15

20151266__

2031 prepares or makes with knowledge or belief that it will be
2032 presented to an ~~any~~ insurer, purported insurer, servicing
2033 corporation, insurance broker, or insurance agent, or ~~any~~
2034 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2035 information or written or oral statement as part of, or in
2036 support of, an application for the issuance of, or the rating
2037 of, any insurance policy, or a health maintenance organization
2038 subscriber or provider contract; or

2039 b. Knowingly conceals information concerning any fact
2040 material to such application; or

2041 4. Knowingly presents, causes to be presented, or prepares
2042 or makes with knowledge or belief that it will be presented to
2043 any insurer a claim for payment or other benefit under a motor
2044 vehicle ~~personal injury protection~~ insurance policy if the
2045 person knows that the payee knowingly submitted a false,
2046 misleading, or fraudulent application or other document when
2047 applying for licensure as a health care clinic, seeking an
2048 exemption from licensure as a health care clinic, or
2049 demonstrating compliance with part X of chapter 400.

2050 (7)

2051 (c) An insurer, or any person acting at the direction of or
2052 on behalf of an insurer, may not change an opinion in a mental
2053 or physical report ~~prepared under s. 627.736(7)~~ or direct the
2054 physician preparing the report to change such opinion; however,
2055 this provision does not preclude the insurer from calling to the
2056 attention of the physician errors of fact in the report based
2057 upon information in the claim file. Any person who violates this
2058 paragraph commits a felony of the third degree, punishable as
2059 provided in s. 775.082, s. 775.083, or s. 775.084.

14-01625-15

20151266__

2060 (8) (a) It is unlawful for any person intending to defraud
2061 any other person to solicit or cause to be solicited any
2062 business from a person involved in a motor vehicle accident for
2063 the purpose of making, adjusting, or settling motor vehicle tort
2064 claims ~~or claims for personal injury protection benefits~~
2065 ~~required by s. 627.736~~. Any person who violates ~~the provisions~~
2066 ~~of~~ this paragraph commits a felony of the second degree,
2067 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
2068 A person who is convicted of a violation of this subsection
2069 shall be sentenced to a minimum term of imprisonment of 2 years.

2070 (b) A person may not solicit or cause to be solicited any
2071 business from a person involved in a motor vehicle accident by
2072 any means of communication other than advertising directed to
2073 the public for the purpose of making motor vehicle tort claims
2074 ~~or claims for personal injury protection benefits required by s.~~
2075 ~~627.736~~, within 60 days after the occurrence of the motor
2076 vehicle accident. Any person who violates this paragraph commits
2077 a felony of the third degree, punishable as provided in s.
2078 775.082, s. 775.083, or s. 775.084.

2079 (c) A lawyer, health care practitioner as defined in s.
2080 456.001, or owner or medical director of a clinic required to be
2081 licensed pursuant to s. 400.9905 may not, at any time after 60
2082 days have elapsed from the occurrence of a motor vehicle
2083 accident, solicit or cause to be solicited any business from a
2084 person involved in a motor vehicle accident by means of in
2085 person or telephone contact at the person's residence, for the
2086 purpose of making motor vehicle tort claims ~~or claims for~~
2087 ~~personal injury protection benefits required by s. 627.736~~. Any
2088 person who violates this paragraph commits a felony of the third

14-01625-15

20151266__

2089 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2090 775.084.

2091 (9) A person may not organize, plan, or knowingly
 2092 participate in an intentional motor vehicle crash or a scheme to
 2093 create documentation of a motor vehicle crash that did not occur
 2094 for the purpose of making motor vehicle tort claims ~~or claims~~
 2095 ~~for personal injury protection benefits as required by s.~~
 2096 ~~627.736~~. Any person who violates this subsection commits a
 2097 felony of the second degree, punishable as provided in s.
 2098 775.082, s. 775.083, or s. 775.084. A person who is convicted of
 2099 a violation of this subsection shall be sentenced to a minimum
 2100 term of imprisonment of 2 years.

2101 (10) A licensed health care practitioner who is found
 2102 guilty of insurance fraud under this section for an act relating
 2103 to a motor vehicle ~~personal injury protection~~ insurance policy
 2104 loses his or her license to practice for 5 years and may not
 2105 receive reimbursement for bodily ~~personal~~ injury liability
 2106 ~~protection~~ benefits for 10 years.

2107 Section 56. Applicability; notice to policyholders.-

2108 (1) As used in this section, the term "minimum security
 2109 requirements" means security that enables a person to respond in
 2110 damages for liability on account of accidents arising out of the
 2111 use of a motor vehicle in the amount of \$10,000 for damage to,
 2112 or destruction of, property of others in any one crash; in the
 2113 amount of \$25,000 for bodily injury to, or the death of, one
 2114 person in any one crash; and, subject to such limits for one
 2115 person, in the amount of \$50,000 for bodily injury to, or the
 2116 death of, two or more persons in any one crash.

2117 (2) Effective January 1, 2016:

14-01625-15

20151266__

2118 (a) Motor vehicle insurance policies issued or renewed on
2119 or after that date may not include personal injury protection.

2120 (b) Any person subject to ss. 324.022 and 627.733, Florida
2121 Statutes, must maintain at least minimum security requirements.

2122 (c) Any new or renewal motor vehicle insurance policy
2123 delivered or issued for delivery in this state must provide
2124 coverage that complies with minimum security requirements.

2125 (d) An existing motor vehicle insurance policy issued
2126 before that date that provides personal injury protection and
2127 property damage liability coverage that meet the requirements of
2128 ss. 324.022 and 627.733, Florida Statutes, on December 31, 2015,
2129 but that does not meet minimum security requirements on or after
2130 January 1, 2016, is deemed to meet the security requirements of
2131 ss. 324.022 and 627.733, Florida Statutes, until such policy is
2132 renewed, nonrenewed, or canceled on or after January 1, 2016.

2133 (3) Each insurer shall allow each insured who has a new or
2134 renewal policy providing personal injury protection, which
2135 becomes effective before January 1, 2016, and whose policy does
2136 not meet minimum security requirements on or after January 1,
2137 2016, to change coverages so as to eliminate personal injury
2138 protection and obtain coverage providing minimum security
2139 requirements, which shall be effective on or after January 1,
2140 2016. The insurer is not required to provide coverage complying
2141 with minimum security requirements in such policies if the
2142 insured does not pay the required premium, if any, by January 1,
2143 2016, or such later date as the insurer may allow. Any reduction
2144 in the premium must be refunded by the insurer. The insurer may
2145 not impose an additional fee or charge on the insured, which
2146 applies solely to a change in coverage; however, the insurer may

14-01625-15

20151266__

2147 charge an additional required premium that is actuarially
2148 indicated.

2149 (4) By September 1, 2015, each motor vehicle insurer shall
2150 provide notice of the provisions of this section to each motor
2151 vehicle policyholder who is subject to this section. The notice
2152 is subject to approval by the Office of Insurance Regulation and
2153 must clearly inform the policyholder that:

2154 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2155 effective January 1, 2016, and that on or after that date, the
2156 insured is no longer required to maintain personal injury
2157 protection insurance coverage, that personal injury protection
2158 coverage is no longer available for purchase in this state, and
2159 that all new or renewal policies issued on or after that date do
2160 not contain such coverage.

2161 (b) Effective January 1, 2016, a person subject to the
2162 financial responsibility requirements of s. 324.022, Florida
2163 Statutes, must maintain minimum security requirements that
2164 enable the person to respond in damages for liability on account
2165 of accidents arising out of the use of a motor vehicle in the
2166 amount of \$10,000 for damage to, or destruction of, property of
2167 others in any one crash; in the amount of \$25,000 for bodily
2168 injury to, or the death of, one person in any one crash; and,
2169 subject to such limits for one person, in the amount of \$50,000
2170 for bodily injury to, or the death of, two or more persons in
2171 any one crash.

2172 (c) Personal injury protection insurance pays covered
2173 medical expenses for injuries sustained in the motor vehicle
2174 crash by the policyholder, passengers, and relatives residing in
2175 the policyholder's household.

14-01625-15

20151266__

2176 (d) Bodily injury liability coverage protects the insured,
2177 up to the coverage limits, against loss if the insured is
2178 legally responsible for the death of or bodily injury to others
2179 in a motor vehicle accident.

2180 (e) The policyholder may be able to obtain medical payments
2181 coverage that pays covered medical expenses for injuries
2182 sustained in a motor vehicle crash by the policyholder and
2183 relatives residing in the policyholder's household, but that
2184 such coverage is not required under state law.

2185 (f) Policyholders whose insurance policies do not contain
2186 bodily injury liability coverage are without coverage that
2187 protects against loss if the policyholder is legally responsible
2188 for the death or bodily injury of others in a motor vehicle
2189 accident.

2190 (g) Underinsured motorist coverage provides benefits up to
2191 the limits of such coverage to a policyholder or other insured
2192 under the policy who is entitled to recover damages from owners
2193 or operators of uninsured or underinsured motor vehicles because
2194 of bodily injury, sickness, disease, or death in a motor vehicle
2195 accident.

2196 (h) If the policyholder's new or renewal motor vehicle
2197 insurance policy is effective before January 1, 2016, and
2198 contains personal injury protection and property damage
2199 liability coverage as required by state law before January 1,
2200 2016, but does not meet minimum security requirements on or
2201 after January 1, 2016, the policy is deemed to meet minimum
2202 security requirements until it is renewed, nonrenewed, or
2203 canceled on or after January 1, 2016.

2204 (i) A policyholder whose new or renewal policy becomes

14-01625-15

20151266__

2205 effective before January 1, 2016, but does not meet minimum
2206 security requirements on or after January 1, 2016, may change
2207 coverages under the policy so as to eliminate personal injury
2208 protection and to obtain coverage providing minimum security
2209 requirements, including bodily injury liability coverage, which
2210 are effective on or after January 1, 2016.

2211 (j) If the policyholder has any questions, he or she should
2212 contact the name and phone number provided in the notice.

2213 (5) This section shall take effect upon this act becoming a
2214 law.

2215 Section 57. Application of suspensions for failure to
2216 maintain security; reinstatement.—All suspensions for failure to
2217 maintain required security as required by law in effect before
2218 January 1, 2016, remain in full force and effect after the
2219 effective date of this act. A driver may reinstate a suspended
2220 driver license or registration as provided under s. 324.0221,
2221 Florida Statutes.

2222 Section 58. Except as otherwise expressly provided in this
2223 act and except for this section, which shall take effect upon
2224 this act becoming a law, this act shall take effect January 1,
2225 2016.