

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Grall offered the following:

2
3 **Amendment**

4 Remove lines 343-1768 and insert:

5 (2) Effective July 1, 2018:

6 (a) Notwithstanding any provision of law, motor vehicle
7 insurance policies issued or renewed on or after July 1, 2018,
8 may not include personal injury protection.

9 (b) All persons subject to s. 324.022, s. 324.032, s.
10 627.7415, or s. 627.742, must maintain at least minimum security
11 requirements.

12 (c) A new or renewal motor vehicle insurance policy
13 delivered or issued for delivery in this state must provide

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14 coverage that complies with minimum security requirements.

15 (d) An existing motor vehicle insurance policy issued
16 before July 1, 2018, that provides personal injury protection
17 and property damage liability coverage and meets the
18 requirements of s. 324.022, on June 30, 2018, but that does not
19 meet minimum security requirements on or after July 1, 2018, is
20 deemed to meet the security requirements of s. 324.022 until
21 such policy is renewed, nonrenewed, or canceled.

22 (3) An insurer must allow an insured who has a new or
23 renewal policy providing personal injury protection, which
24 becomes effective before July 1, 2018, and whose policy does not
25 meet minimum security requirements on or after July 1, 2018, to
26 change coverages to obtain coverage providing minimum security
27 requirements that becomes effective on or after July 1, 2018.
28 The insurer is not required to provide coverage complying with
29 minimum security requirements in such policies if the insured
30 does not pay the required premium by July 1, 2018, or such later
31 date as the insurer may allow. The insurer must refund any
32 reduction in the premium. The insurer may not impose an
33 additional fee or charge on the insured for such changes in
34 coverage; however, the insurer may charge an additional premium
35 that is actuarially indicated.

36 (4) By March 1, 2018, a motor vehicle insurer must provide
37 notice of the provisions of this section to each motor vehicle
38 policyholder who is subject to this section. The notice is

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39 subject to approval by the Office of Insurance Regulation and
40 must clearly inform the policyholder that:

41 (a) The Florida Motor Vehicle No-Fault Law is repealed,
42 effective July 1, 2018, and that on or after that date, the
43 insured is no longer required to maintain personal injury
44 protection insurance coverage, that personal injury protection
45 coverage is no longer available for purchase in this state, and
46 that all new or renewal policies issued on or after that date do
47 not contain such coverage.

48 (b) Effective July 1, 2018, a person subject to the
49 financial responsibility requirements of s. 324.022 must
50 maintain minimum security requirements that enable the person to
51 respond in damages for liability on account of accidents arising
52 out of the ownership, maintenance, or use of a motor vehicle in
53 the following amounts:

54 1. Twenty-five thousand dollars for bodily injury to, or
55 the death of, one person in any one accident and, subject to
56 such limits for one person, in the amount of \$50,000 for bodily
57 injury to, or the death of, two or more persons in any one
58 accident; and

59 2. Ten thousand dollars for damage to, or destruction of,
60 property of others in any one accident.

61 (c) Personal injury protection coverage pays covered
62 medical expenses for injuries sustained in a motor vehicle
63 accident by the policyholder, passengers, and relatives residing

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64 in the policyholder's household.

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

69 (e) The policyholder may obtain underinsured motorist
70 coverage, which provides benefits, up to the limits of such
71 coverage, to a policyholder or other insured entitled to recover
72 damages for bodily injury, sickness, disease, or death resulting
73 from a motor vehicle accident with an uninsured or underinsured
74 owner or operator of a motor vehicle.

75 (f) If the policyholder's new or renewal motor vehicle
76 insurance policy is effective before July 1, 2018, and contains
77 personal injury protection and property damage liability
78 coverage as required by state law before July 1, 2018, but does
79 not meet minimum security requirements on or after July 1, 2018,
80 the policy is deemed to meet minimum security requirements until
81 it is renewed, nonrenewed, or canceled.

82 (g) A policyholder whose new or renewal policy becomes
83 effective before July 1, 2018, but does not meet minimum
84 security requirements on or after July 1, 2018, may change
85 coverages under the policy so as to eliminate personal injury
86 protection and to obtain coverage providing minimum security
87 requirements, including bodily injury liability coverage, which
88 are effective on or after July 1, 2018.

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89 (h) If the policyholder has any questions, he or she
90 should contact the name and phone number provided in the notice.

91 (5) This section shall take effect upon this act becoming
92 law.

93 Section 9. Subsections (1) and (7) of section 324.021,
94 Florida Statutes, are amended to read:

95 324.021 Definitions; minimum insurance required.—The
96 following words and phrases when used in this chapter shall, for
97 the purpose of this chapter, have the meanings respectively
98 ascribed to them in this section, except in those instances
99 where the context clearly indicates a different meaning:

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

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

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114 ability to respond in damages for liability on account of
115 accidents ~~crashes~~ arising out of the use of a motor vehicle:

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

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

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

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

128 Section 10. Section 324.022, Florida Statutes, is amended
129 to read:

130 324.022 Financial responsibility requirements ~~for property~~
131 ~~damage~~.-

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

138 1. Twenty-five thousand dollars for bodily injury to, or

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139 the death of, one person in any one accident;

140 2. Subject to the limits for one person, \$50,000 for
141 bodily injury to, or the death of, two or more persons in any
142 one accident; and \$10,000 because of

143 3. Ten thousand dollars for damage to, or destruction of,
144 property of others in any one accident ~~crash~~.

145 (b) The requirements of paragraph (a) ~~this section~~ may be
146 met by one of the methods established in s. 324.031; by self-
147 insuring as authorized by s. 768.28(16); or by maintaining a
148 motor vehicle liability insurance ~~an insurance policy providing~~
149 ~~coverage for property damage liability in the amount of at least~~
150 ~~\$10,000 because of damage to, or destruction of, property of~~
151 ~~others in any one accident arising out of the use of the motor~~
152 ~~vehicle. The requirements of this section may also be met by~~
153 ~~having a policy which provides coverage in the amount of at~~
154 ~~least \$60,000 \$30,000 for combined property damage liability and~~
155 ~~bodily injury liability for any one accident ~~crash~~ arising out~~
156 ~~of the use of the motor vehicle and which conforms to the~~
157 ~~requirements of s. 324.151. The policy, with respect to coverage~~
158 ~~for property damage liability, must meet the applicable~~
159 ~~requirements of s. 324.151, subject to the usual policy~~
160 ~~exclusions that have been approved in policy forms by the Office~~
161 ~~of Insurance Regulation. No insurer shall have any duty to~~
162 ~~defend uncovered claims irrespective of their joinder with~~
163 ~~covered claims.~~

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

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

170 1. A mobile home.

171 2. A motor vehicle that is used in mass transit and
172 designed to transport more than five passengers, exclusive of
173 the operator of the motor vehicle, and that is owned by a
174 municipality, transit authority, or political subdivision of the
175 state.

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

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

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

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

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189 period the motor vehicle remains within this state.

190 (4) An ~~The~~ owner or registrant of a motor vehicle who is
191 ~~exempt from the requirements of this section if she or he is a~~
192 member of the United States Armed Forces and is called to or on
193 active duty outside the United States in an emergency situation
194 is exempt from this section while he or she. ~~The exemption~~
195 ~~provided by this subsection applies only as long as the member~~
196 ~~of the Armed Forces~~ is on such active duty outside the United
197 States and applies only while the vehicle is not operated by any
198 person. Upon receipt of a written request by the insured to whom
199 the exemption provided in this subsection applies, the insurer
200 shall cancel the coverages and return any unearned premium or
201 suspend the security required by this section. Notwithstanding
202 s. 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend
203 the registration or operator's license of an ~~any~~ owner or
204 registrant of a motor vehicle during the time she or he
205 qualifies for an exemption under this subsection. An ~~Any~~ owner
206 or registrant of a motor vehicle who qualifies for the ~~an~~
207 exemption under this subsection shall immediately notify the
208 department before ~~prior to~~ and at the end of the expiration of
209 the exemption.

210 Section 11. Subsections (1) and (2) of section 324.0221,
211 Florida Statutes, are amended, and subsection (4) is added to
212 that section, to read:

213 324.0221 Reports by insurers to the department; suspension

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214 of driver license and vehicle registrations; reinstatement.—
215 (1) (a) Each insurer that has issued a policy providing
216 ~~personal injury protection coverage or property damage~~ liability
217 coverage shall report the cancellation or nonrenewal thereof to
218 the department within 10 days after the processing date or
219 effective date of each cancellation or nonrenewal. Upon the
220 issuance of a policy providing ~~personal injury protection~~
221 ~~coverage or property damage~~ liability coverage to a named
222 insured not previously insured by the insurer during that
223 calendar year, the insurer shall report the issuance of the new
224 policy to the department within 10 days. The report must ~~shall~~
225 be in a the form prescribed by the department ~~and format~~ and
226 contain any information required by the department and must be
227 provided in a format that is compatible with the data processing
228 capabilities of the department. Failure by an insurer to file
229 proper reports with the department as required by this
230 subsection constitutes a violation of the Florida Insurance
231 Code. These records shall be used by the department only for
232 enforcement and regulatory purposes, including the generation by
233 the department of data regarding compliance by owners of motor
234 vehicles with the requirements for financial responsibility
235 coverage.

236 (b) With respect to an insurance policy providing ~~personal~~
237 ~~injury protection coverage or property damage~~ liability
238 coverage, each insurer shall notify the named insured, or the

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

250 (2) The department shall suspend, after due notice and an
251 opportunity to be heard, the registration and driver license of
252 any owner or registrant of a motor vehicle with respect to which
253 security is required under s. ~~ss.~~ 324.022, s. 324.023, s.
254 324.032, s. 627.7415, or s. 627.742 ~~and 627.733~~ upon:

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

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

262 (4) All suspensions of license or registration under this
263 section for failure to maintain required security that occurred

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264 before July 1, 2018, remain in full force and effect after the
265 effective date of this act.

266 Section 12. Subsection (2) of section 324.051, Florida
267 Statutes, is amended to read:

268 324.051 Reports of crashes; suspensions of licenses and
269 registrations.—

270 (2)(a) Thirty days after receipt of notice of any accident
271 described in paragraph (1)(a) involving a motor vehicle within
272 this state, the department shall suspend, after due notice and
273 opportunity to be heard, the license of each operator and all
274 registrations of the owner of the vehicles operated by such
275 operator whether or not involved in such crash and, in the case
276 of a nonresident owner or operator, shall suspend such
277 nonresident's operating privilege in this state, unless such
278 operator or owner shall, prior to the expiration of such 30
279 days, be found by the department to be exempt from the operation
280 of this chapter, based upon evidence satisfactory to the
281 department that:

282 1. The motor vehicle was legally parked at the time of
283 such crash.

284 2. The motor vehicle was owned by the United States
285 Government, this state, or any political subdivision of this
286 state or any municipality therein.

287 3. Such operator or owner has secured a duly acknowledged
288 written agreement providing for release from liability by all

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289 parties injured as the result of said crash and has complied
290 with one of the provisions of s. 324.031.

291 4. Such operator or owner has deposited with the
292 department security to conform with s. 324.061 when applicable
293 and has complied with one of the provisions of s. 324.031.

294 5. One year has elapsed since such owner or operator was
295 suspended pursuant to subsection (3), the owner or operator has
296 complied with one of the provisions of s. 324.031, and no bill
297 of complaint of which the department has notice has been filed
298 in a court of competent jurisdiction.

299 (b) This subsection shall not apply:

300 1. To such operator or owner if such operator or owner had
301 in effect at the time of such crash or traffic conviction a
302 motor vehicle ~~an automobile~~ liability policy with respect to all
303 of the registered motor vehicles owned by such operator or
304 owner.

305 2. To such operator, if not the owner of such motor
306 vehicle, if there was in effect at the time of such crash or
307 traffic conviction a motor vehicle ~~an automobile~~ liability
308 policy or bond with respect to his or her operation of motor
309 vehicles not owned by him or her.

310 3. To such operator or owner if the liability of such
311 operator or owner for damages resulting from such crash is, in
312 the judgment of the department, covered by any other form of
313 liability insurance or bond.

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314 4. To a ~~any~~ person who has obtained from the department a
315 certificate of self-insurance, in accordance with s. 324.171, or
316 to a ~~any~~ person operating a motor vehicle for such self-insurer.
317

318 No such policy or bond shall be effective under this subsection
319 unless it contains limits of not less than those specified in s.
320 324.021(7).

321 Section 13. Subsection (1) of section 324.091, Florida
322 Statutes, is amended to read:

323 324.091 Notice to department; notice to insurer.—

324 (1) Each owner and operator involved in a crash or
325 conviction case within the purview of this chapter shall furnish
326 evidence of ~~automobile liability insurance~~ or motor vehicle
327 liability insurance within 14 days after the date of the mailing
328 of notice of crash by the department in the form and manner as
329 it may designate. Upon receipt of evidence that a ~~an automobile~~
330 ~~liability policy~~ or motor vehicle liability policy was in effect
331 at the time of the crash or conviction case, the department
332 shall forward to the insurer such information for verification
333 in a method as determined by the department. The insurer shall
334 respond to the department within 20 days after the notice
335 whether or not such information is valid. If the department
336 determines that a ~~an automobile liability policy~~ or motor
337 vehicle liability policy was not in effect and did not provide
338 coverage for both the owner and the operator, it shall take

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339 action as it is authorized to do under this chapter.

340 Section 14. Section 324.151, Florida Statutes, is amended
341 to read:

342 324.151 Motor vehicle liability policies; required
343 provisions.—

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

345 (a) "Newly acquired vehicle" means a vehicle owned by a
346 named insured or resident relative of the named insured which
347 was acquired 30 days or less before an accident.

348 (b) "Resident relative" means a person related to a named
349 insured by any degree by blood, marriage, or adoption, including
350 a ward or foster child, who usually makes her or his home in the
351 same family unit as the named insured, whether or not he or she
352 is temporarily living elsewhere.

353 (c) "Temporary substitute vehicle" means a motor vehicle
354 as defined in s. 320.01(1) that is not owned by the named
355 insured which is temporarily used with the permission of the
356 owner as a substitute for a motor vehicle designated on the
357 policy when the vehicle designated on the policy is withdrawn
358 from normal use because of breakdown, repair, servicing, loss,
359 or destruction.

360 (2) ~~(1)~~ A motor vehicle liability policy as to be proof of
361 financial responsibility under s. 324.031(1), shall be issued to
362 owners ~~and~~ ~~or~~ operators of motor vehicles under the following
363 provisions:

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364 (a) A motor vehicle liability insurance policy issued to
365 an owner of a motor vehicle registered in this state must ~~An~~
366 ~~owner's liability insurance policy shall~~ designate by explicit
367 description or by appropriate reference all motor vehicles with
368 respect to which coverage is thereby granted. The policy must
369 ~~and shall~~ insure the person or persons ~~owner~~ named therein and
370 any resident relative of a named insured ~~other person as~~
371 ~~operator using such motor vehicle or motor vehicles with the~~
372 ~~express or implied permission of such owner against loss from~~
373 the liability imposed by law for damage arising out of the
374 ownership, maintenance, or use of any such motor vehicle, except
375 as otherwise provided in this section. The policy shall also
376 insure any person operating an insured motor vehicle with the
377 express or implied permission of the named insured against loss
378 from liability imposed by law for damage arising out of the use
379 of such vehicle. However, the insurer may exclude in its policy
380 liability coverage for a motor vehicle not designated as an
381 insured vehicle on the policy if such motor vehicle does not
382 qualify as a newly acquired vehicle, does not qualify as a
383 temporary substitute vehicle, and was owned by an insured or was
384 furnished for an insured's regular use for more than 30
385 consecutive days before an accident ~~or motor vehicles within the~~
386 ~~United States or the Dominion of Canada, subject to limits,~~
387 ~~exclusive of interest and costs with respect to each such motor~~
388 ~~vehicle as is provided for under s. 324.021(7). Insurers may~~

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389 make available, with respect to property damage liability
390 coverage, a deductible amount not to exceed \$500. In the event
391 of a property damage loss covered by a policy containing a
392 property damage deductible provision, the insurer shall pay to
393 the third-party claimant the amount of any property damage
394 liability settlement or judgment, subject to policy limits, as
395 if no deductible existed.

396 (b) A motor vehicle liability insurance policy issued to a
397 person who does not own a motor vehicle registered in this state
398 and is not already insured under a policy described in
399 subsection (a) must ~~An operator's motor vehicle liability policy~~
400 ~~of insurance shall~~ insure the person or persons named in the
401 policy ~~therein~~ against loss from ~~the~~ liability imposed ~~upon him~~
402 ~~or her~~ by law for damages arising out of the use ~~by the person~~
403 of any motor vehicle not owned by him or her, unless the vehicle
404 was furnished for the named insured's regular use and used by
405 the named insured for more than 30 consecutive days before an
406 accident ~~with the same territorial limits and subject to the~~
407 ~~same limits of liability as referred to above with respect to an~~
408 ~~owner's policy of liability insurance.~~

409 (c) All such motor vehicle liability policies shall state
410 the name and address of the named insured, the coverage afforded
411 by the policy, the premium charged therefor, the policy period,
412 the limits of liability, and shall contain an agreement or be
413 endorsed that insurance is provided in accordance with the

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414 coverage defined in this chapter ~~as respects bodily injury and~~
415 ~~death or property damage or both~~ and is subject to all
416 provisions of this chapter. The said policies must ~~shall~~ also
417 contain a provision that the satisfaction by an insured of a
418 judgment for such injury or damage shall not be a condition
419 precedent to the right or duty of the insurance carrier to make
420 payment on account of such injury or damage, and shall also
421 contain a provision that bankruptcy or insolvency of the insured
422 or of the insured's estate shall not relieve the insurance
423 carrier of any of its obligations under the said policy.
424 However, the policies may contain provisions excluding liability
425 coverage for a vehicle used outside of the United States or
426 Canada at the time of an accident.

427 (3)-(2) The provisions of this section shall not be
428 applicable to any automobile liability policy unless and until
429 it is furnished as proof of financial responsibility for the
430 future pursuant to s. 324.031, and then only from and after the
431 date said policy is so furnished.

432 Section 15. Section 324.161, Florida Statutes, is amended
433 to read:

434 324.161 Proof of financial responsibility; deposit.-
435 Annually, before any certificate of insurance may be issued to a
436 person, including any firm, partnership, association,
437 corporation, or other person, ~~other than a natural person~~, proof
438 of a certificate of deposit of \$60,000 ~~\$30,000~~ issued and held

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439 by a financial institution must be submitted to the department.
440 A power of attorney will be issued to and held by the department
441 and may be executed upon a judgment issued against such person
442 making the deposit, for damages for ~~because of~~ bodily injury to
443 or death of any person or for damages for ~~because of~~ injury to
444 or destruction of property resulting from the use or operation
445 of any motor vehicle occurring after such deposit was made.
446 Money so deposited is ~~shall~~ not be subject to attachment or
447 execution unless such attachment or execution shall arise out of
448 a suit for such damages ~~as aforesaid~~.

449 Section 16. Subsections (1) and (2) of section 324.171,
450 Florida Statutes, are amended to read:

451 324.171 Self-insurer.—

452 (1) A ~~Any~~ person may qualify as a self-insurer by
453 obtaining a certificate of self-insurance from the department.
454 ~~Upon which may, in its discretion and upon~~ application of such a
455 person, the department may issue a ~~said~~ certificate of self-
456 insurance if the applicant ~~when such person~~ has satisfied the
457 requirements of this section ~~to qualify as a self-insurer under~~
458 ~~this section~~:

459 (a) A private individual with private passenger vehicles
460 must ~~shall~~ possess a net unencumbered worth of at least \$60,000
461 ~~\$40,000~~.

462 (b) A person, including any firm, partnership,
463 association, corporation, or other person, other than a natural

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464 person, must ~~shall~~:

465 1. Possess a net unencumbered worth of at least \$60,000
466 ~~\$40,000~~ for the first motor vehicle and \$30,000 ~~\$20,000~~ for each
467 additional motor vehicle; or

468 2. Maintain sufficient net worth, in an amount determined
469 by the department to be financially responsible for potential
470 losses. The department must annually determine the minimum net
471 worth sufficient to satisfy this section as determined annually
472 ~~by the department,~~ pursuant to rules adopted ~~promulgated~~ by the
473 department, with the assistance of the Office of Insurance
474 Regulation of the Financial Services Commission, ~~to be~~
475 ~~financially responsible for potential losses.~~ The rules must
476 consider any ~~shall take into consideration~~ excess insurance
477 carried by the applicant. The department's determination shall
478 be based upon reasonable actuarial principles considering the
479 frequency, severity, and loss development of claims incurred by
480 casualty insurers writing coverage on the type of motor vehicles
481 for which a certificate of self-insurance is desired.

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

485 (2) The self-insurance certificate shall provide limits of
486 liability insurance in the amounts specified under s. 324.021(7)
487 or s. 627.7415 ~~and shall provide personal injury protection~~
488 ~~coverage under s. 627.733(3)(b).~~

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489 Section 17. Section 324.251, Florida Statutes, is amended
490 to read:

491 324.251 Short title.—This chapter may be cited as the
492 "Financial Responsibility Law of 2017 ~~1955~~" and shall become
493 effective at 12:01 a.m., July 1, 2018 ~~October 1, 1955~~.

494 Section 18. Paragraph (o) of subsection (1) of section
495 626.9541, Florida Statutes, is amended to read:

496 626.9541 Unfair methods of competition and unfair or
497 deceptive acts or practices defined.—

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

501 (o) Illegal dealings in premiums; excess or reduced
502 charges for insurance.—

503 1. Knowingly collecting any sum as a premium or charge for
504 insurance, which is not then provided, or is not in due course
505 to be provided, subject to acceptance of the risk by the
506 insurer, by an insurance policy issued by an insurer as
507 permitted by this code.

508 2. Knowingly collecting as a premium or charge for
509 insurance any sum in excess of or less than the premium or
510 charge applicable to such insurance, in accordance with the
511 applicable classifications and rates as filed with and approved
512 by the office, and as specified in the policy; or, in cases when
513 classifications, premiums, or rates are not required by this

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514 code to be so filed and approved, premiums and charges collected
515 from a Florida resident in excess of or less than those
516 specified in the policy and as fixed by the insurer.

517 Notwithstanding any other provision of law, this provision shall
518 not be deemed to prohibit the charging and collection, by
519 surplus lines agents licensed under part VIII of this chapter,
520 of the amount of applicable state and federal taxes, or fees as
521 authorized by s. 626.916(4), in addition to the premium required
522 by the insurer or the charging and collection, by licensed
523 agents, of the exact amount of any discount or other such fee
524 charged by a credit card facility in connection with the use of
525 a credit card, as authorized by subparagraph (q)3., in addition
526 to the premium required by the insurer. This subparagraph shall
527 not be construed to prohibit collection of a premium for a
528 universal life or a variable or indeterminate value insurance
529 policy made in accordance with the terms of the contract.

530 3.a. Imposing or requesting an additional premium for a
531 policy of motor vehicle liability, ~~personal injury protection,~~
532 medical payment, or collision insurance or any combination
533 thereof or refusing to renew the policy solely because the
534 insured was involved in a motor vehicle accident unless the
535 insurer's file contains information from which the insurer in
536 good faith determines that the insured was substantially at
537 fault in the accident.

538 b. An insurer which imposes and collects such a surcharge

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539 or which refuses to renew such policy shall, in conjunction with
540 the notice of premium due or notice of nonrenewal, notify the
541 named insured that he or she is entitled to reimbursement of
542 such amount or renewal of the policy under the conditions listed
543 below and will subsequently reimburse him or her or renew the
544 policy, if the named insured demonstrates that the operator
545 involved in the accident was:

546 (I) Lawfully parked;

547 (II) Reimbursed by, or on behalf of, a person responsible
548 for the accident or has a judgment against such person;

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

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

555 (V) Not convicted of a moving traffic violation in
556 connection with the accident, but the operator of the other
557 automobile involved in such accident was convicted of a moving
558 traffic violation;

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

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

563 (VIII) Not at fault as evidenced by a written statement

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564 from the insured establishing facts demonstrating lack of fault
565 which are not rebutted by information in the insurer's file from
566 which the insurer in good faith determines that the insured was
567 substantially at fault.

568 c. In addition to the other provisions of this
569 subparagraph, an insurer may not fail to renew a policy if the
570 insured has had only one accident in which he or she was at
571 fault within the current 3-year period. However, an insurer may
572 nonrenew a policy for reasons other than accidents in accordance
573 with s. 627.728. This subparagraph does not prohibit nonrenewal
574 of a policy under which the insured has had three or more
575 accidents, regardless of fault, during the most recent 3-year
576 period.

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

581 a. A second infraction committed within an 18-month
582 period, or a third or subsequent infraction committed within a
583 36-month period.

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

587 5. Upon the request of the insured, the insurer and
588 licensed agent shall supply to the insured the complete proof of

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589 fault or other criteria which justifies the additional charge or
590 cancellation.

591 6. No insurer shall impose or request an additional
592 premium for motor vehicle insurance, cancel or refuse to issue a
593 policy, or refuse to renew a policy because the insured or the
594 applicant is a handicapped or physically disabled person, so
595 long as such handicap or physical disability does not
596 substantially impair such person's mechanically assisted driving
597 ability.

598 7. No insurer may cancel or otherwise terminate any
599 insurance contract or coverage, or require execution of a
600 consent to rate endorsement, during the stated policy term for
601 the purpose of offering to issue, or issuing, a similar or
602 identical contract or coverage to the same insured with the same
603 exposure at a higher premium rate or continuing an existing
604 contract or coverage with the same exposure at an increased
605 premium.

606 8. No insurer may issue a nonrenewal notice on any
607 insurance contract or coverage, or require execution of a
608 consent to rate endorsement, for the purpose of offering to
609 issue, or issuing, a similar or identical contract or coverage
610 to the same insured at a higher premium rate or continuing an
611 existing contract or coverage at an increased premium without
612 meeting any applicable notice requirements.

613 9. No insurer shall, with respect to premiums charged for

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614 motor vehicle insurance, unfairly discriminate solely on the
615 basis of age, sex, marital status, or scholastic achievement.

616 10. Imposing or requesting an additional premium for motor
617 vehicle comprehensive or uninsured motorist coverage solely
618 because the insured was involved in a motor vehicle accident or
619 was convicted of a moving traffic violation.

620 11. No insurer shall cancel or issue a nonrenewal notice
621 on any insurance policy or contract without complying with any
622 applicable cancellation or nonrenewal provision required under
623 the Florida Insurance Code.

624 12. No insurer shall impose or request an additional
625 premium, cancel a policy, or issue a nonrenewal notice on any
626 insurance policy or contract because of any traffic infraction
627 when adjudication has been withheld and no points have been
628 assessed pursuant to s. 318.14(9) and (10). However, this
629 subparagraph does not apply to traffic infractions involving
630 accidents in which the insurer has incurred a loss due to the
631 fault of the insured.

632 Section 19. Subsection (1) of section 627.06501, Florida
633 Statutes, is amended to read:

634 627.06501 Insurance discounts for certain persons
635 completing driver improvement course.—

636 (1) Any rate, rating schedule, or rating manual for the
637 liability, ~~personal injury protection~~, and collision coverages
638 of a motor vehicle insurance policy filed with the office may

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639 provide for an appropriate reduction in premium charges as to
640 such coverages if ~~when~~ the principal operator on the covered
641 vehicle has successfully completed a driver improvement course
642 approved and certified by the Department of Highway Safety and
643 Motor Vehicles which is effective in reducing accident ~~crash~~ or
644 violation rates, or both, as determined pursuant to s.
645 318.1451(5). Any discount, not to exceed 10 percent, used by an
646 insurer is presumed to be appropriate unless credible data
647 demonstrates otherwise.

648 Section 20. Subsection (1) of section 627.0652, Florida
649 Statutes, is amended to read:

650 627.0652 Insurance discounts for certain persons
651 completing safety course.—

652 (1) Any rates, rating schedules, or rating manuals for the
653 liability, ~~personal injury protection,~~ and collision coverages
654 of a motor vehicle insurance policy filed with the office must
655 ~~shall~~ provide for an appropriate reduction in premium charges as
656 to such coverages if ~~when~~ the principal operator on the covered
657 vehicle is an insured 55 years of age or older who has
658 successfully completed a motor vehicle accident prevention
659 course approved by the Department of Highway Safety and Motor
660 Vehicles. Any discount used by an insurer is presumed to be
661 appropriate unless credible data demonstrates otherwise.

662 Section 21. Subsections (1), (3), and (6) of section
663 627.0653, Florida Statutes, are amended to read:

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664 627.0653 Insurance discounts for specified motor vehicle
665 equipment.—

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

671 (3) Any rates, rating schedules, or rating manuals for
672 ~~personal injury protection coverage and~~ medical payments
673 coverage, if offered, of a motor vehicle insurance policy filed
674 with the office shall provide a premium discount if the insured
675 vehicle is equipped with one or more air bags which are factory
676 installed.

677 (6) The Office of Insurance Regulation may approve a
678 premium discount to any rates, rating schedules, or rating
679 manuals for the liability, ~~personal injury protection,~~ and
680 collision coverages of a motor vehicle insurance policy filed
681 with the office if the insured vehicle is equipped with
682 autonomous driving technology or electronic vehicle collision
683 avoidance technology that is factory installed or a retrofitted
684 system and that complies with National Highway Traffic Safety
685 Administration standards.

686 Section 22. Section 627.4132, Florida Statutes, is amended
687 to read:

688 627.4132 Stacking of coverages prohibited.—If an insured

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689 or named insured is protected by any type of motor vehicle
690 insurance policy for liability, ~~personal injury protection,~~ or
691 other coverage, the policy must ~~shall~~ provide that the insured
692 or named insured is protected only to the extent of the coverage
693 she or he has on the vehicle involved in the accident. However,
694 if none of the insured's or named insured's vehicles are ~~is~~
695 involved in the accident, coverage is available only to the
696 extent of coverage on any one of the vehicles with applicable
697 coverage. Coverage on any other vehicles may ~~shall~~ not be added
698 to or stacked upon that coverage. This section does not apply:

699 (1) To uninsured motorist coverage which is separately
700 governed by s. 627.727.

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

703 Section 23. Section 627.7263, Florida Statutes, is amended
704 to read:

705 627.7263 Rental and leasing driver's insurance to be
706 primary; exception.—

707 (1) The valid and collectible liability insurance ~~or~~
708 ~~personal injury protection insurance~~ providing coverage for the
709 lessor of a motor vehicle for rent or lease is primary unless
710 otherwise stated in at least 10-point type on the face of the
711 rental or lease agreement. Such insurance is primary for the
712 limits of liability in an amount not less than the minimum
713 limits described in ~~and personal injury protection coverage as~~

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714 ~~required by s. 324.021(7) ss. 324.021(7) and 627.736.~~

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

718

719 "The valid and collectible liability insurance ~~and personal~~
720 ~~injury protection insurance~~ of an any authorized rental or
721 leasing driver is primary for the limits of liability in an
722 amount not less than the minimum limits described in and
723 ~~personal injury protection coverage required s. 324.021(7) by~~
724 ~~ss. 324.021(7) and 627.736, Florida Statutes."~~

725 Section 24. Subsections (1) and (7) of section 627.727,
726 Florida Statutes, are amended to read:

727 627.727 Motor vehicle insurance; uninsured and
728 underinsured vehicle coverage; insolvent insurer protection.—

729 (1) No motor vehicle liability insurance policy which
730 provides bodily injury liability coverage shall be delivered or
731 issued for delivery in this state with respect to any
732 specifically insured or identified motor vehicle registered or
733 principally garaged in this state unless uninsured motor vehicle
734 coverage is provided therein or supplemental thereto for the
735 protection of persons insured thereunder who are legally
736 entitled to recover damages from owners or operators of
737 uninsured motor vehicles because of bodily injury, sickness, or
738 disease, including death, resulting therefrom. However, the

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739 coverage required under this section is not applicable if ~~when~~,
740 or to the extent that, an insured named in the policy makes a
741 written rejection of the coverage on behalf of all insureds
742 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~
743 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
744 of the lease contract, provides liability coverage on the leased
745 vehicle, the lessee of such vehicle shall have the sole
746 privilege to reject uninsured motorist coverage or to select
747 lower limits than the bodily injury liability limits, regardless
748 of whether the lessor is qualified as a self-insurer pursuant to
749 s. 324.171. Unless an insured, or lessee having the privilege of
750 rejecting uninsured motorist coverage, requests such coverage or
751 requests higher uninsured motorist limits in writing, the
752 coverage or such higher uninsured motorist limits need not be
753 provided in or supplemental to any other policy which renews,
754 extends, changes, supersedes, or replaces an existing policy
755 with the same bodily injury liability limits when an insured or
756 lessee had rejected the coverage. When an insured or lessee has
757 initially selected limits of uninsured motorist coverage lower
758 than her or his bodily injury liability limits, higher limits of
759 uninsured motorist coverage need not be provided in or
760 supplemental to any other policy that ~~which~~ renews, extends,
761 changes, supersedes, or replaces an existing policy with the
762 same bodily injury liability limits unless an insured requests
763 higher uninsured motorist coverage in writing. The rejection or

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764 selection of lower limits shall be made on a form approved by
765 the office. The form must ~~shall~~ fully advise the applicant of
766 the nature of the coverage and must ~~shall~~ state that the
767 coverage is equal to bodily injury liability limits unless lower
768 limits are requested or the coverage is rejected. The heading of
769 the form shall be in 12-point bold type and shall state: "You
770 are electing not to purchase certain valuable coverage that
771 ~~which~~ protects you and your family or you are purchasing
772 uninsured motorist limits less than your bodily injury liability
773 limits when you sign this form. Please read carefully." If this
774 form is signed by a named insured, it will be conclusively
775 presumed that there was an informed, knowing rejection of
776 coverage or election of lower limits on behalf of all insureds.
777 The insurer shall notify the named insured at least annually of
778 her or his options as to the coverage required by this section.
779 Such notice must ~~shall~~ be part of, and attached to, the notice
780 of premium, must ~~shall~~ provide for a means to allow the insured
781 to request such coverage, and must ~~shall~~ be given in a manner
782 approved by the office. Receipt of this notice does not
783 constitute an affirmative waiver of the insured's right to
784 uninsured motorist coverage if ~~where~~ the insured has not signed
785 a selection or rejection form. The coverage described under this
786 section shall be over and above, but shall not duplicate, the
787 benefits available to an insured under any workers' compensation
788 law, ~~personal injury protection benefits~~, disability benefits

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789 law, or similar law; under any automobile medical payments
790 ~~expense~~ coverage; under any motor vehicle liability insurance
791 coverage; or from the owner or operator of the uninsured motor
792 vehicle or any other person or organization jointly or severally
793 liable together with such owner or operator for the accident;
794 and such coverage shall cover the difference, if any, between
795 the sum of such benefits and the damages sustained, up to the
796 maximum amount of such coverage provided under this section. The
797 amount of coverage available under this section may ~~shall~~ not be
798 reduced by a setoff against any coverage, including liability
799 insurance. Such coverage does ~~shall~~ not inure directly or
800 indirectly to the benefit of any workers' compensation or
801 disability benefits carrier or any person or organization
802 qualifying as a self-insurer under any workers' compensation or
803 disability benefits law or similar law.

804 (7) (a) For uninsured and underinsured vehicle coverage
805 issued before July 1, 2018, the legal liability of an uninsured
806 motorist coverage insurer does not include damages in tort for
807 pain, suffering, mental anguish, and inconvenience unless the
808 injury or disease is described in one or more of paragraphs (a)-
809 (d) of s. 627.737(2).

810 (b) For uninsured and underinsured vehicle coverage issued
811 on or after July 1, 2018, the legal liability of an uninsured
812 motorist coverage insurer includes damages in tort for pain,
813 suffering, disability or physical impairment, disfigurement,

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814 mental anguish, inconvenience, and the loss of capacity for the
815 enjoyment of life experienced in the past and to be experienced
816 in the future.

817 Section 25. Subsection (1) and paragraphs (a) and (b) of
818 subsection (2) of section 627.7275, Florida Statutes, are
819 amended to read:

820 627.7275 Motor vehicle liability.—

821 (1) A motor vehicle insurance policy ~~providing personal~~
822 ~~injury protection as set forth in s. 627.736 may not be~~
823 delivered or issued for delivery in this state for a with
824 ~~respect to any~~ specifically insured or identified motor vehicle
825 registered or principally garaged in this state must provide
826 bodily injury liability coverage and unless the policy also
827 ~~provides coverage for~~ property damage liability coverage as
828 required under ~~by~~ s. 324.022.

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

832 1. Coverage under policies as described in subsection (1)
833 to an applicant for private passenger motor vehicle insurance
834 coverage who is seeking the coverage in order to reinstate the
835 applicant's driving privileges in this state if the driving
836 privileges were revoked or suspended pursuant to s. 316.646 or
837 s. 324.0221 due to the failure of the applicant to maintain
838 required security.

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839 2. Coverage under policies as described in subsection (1),
840 which also provides bodily injury liability coverage and
841 property damage liability coverage ~~for bodily injury, death, and~~
842 ~~property damage arising out of the ownership, maintenance, or~~
843 ~~use of the motor vehicle~~ in an amount not less than the minimum
844 limits described in s. 324.021(7) or s. 324.023 and conforms to
845 the requirements of s. 324.151, to an applicant for private
846 passenger motor vehicle insurance coverage who is seeking the
847 coverage in order to reinstate the applicant's driving
848 privileges in this state after such privileges were revoked or
849 suspended under s. 316.193 or s. 322.26(2) for driving under the
850 influence.

851 (b) The policies described in paragraph (a) shall be
852 issued for at least 6 months and, as to the minimum coverages
853 required under this section, may not be canceled by the insured
854 for any reason or by the insurer after 60 days, during which
855 period the insurer is completing the underwriting of the policy.
856 After the insurer has completed underwriting the policy, the
857 insurer shall notify the Department of Highway Safety and Motor
858 Vehicles that the policy is in full force and effect and is not
859 cancelable for the remainder of the policy period. A premium
860 shall be collected and the coverage is in effect for the 60-day
861 period during which the insurer is completing the underwriting
862 of the policy whether or not the person's driver license, motor
863 vehicle tag, and motor vehicle registration are in effect. Once

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864 the noncancelable provisions of the policy become effective, the
865 bodily injury liability and property damage liability coverages
866 ~~for bodily injury, property damage, and personal injury~~
867 ~~protection~~ may not be reduced below the minimum limits required
868 under s. 324.021 or s. 324.023 during the policy period.

869 Section 26. Paragraph (a) of subsection (1) of section
870 627.728, Florida Statutes, is amended to read:

871 627.728 Cancellations; nonrenewals.-

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

873 (a) "Policy" means the bodily injury and property damage
874 liability, ~~personal injury protection~~, medical payments,
875 comprehensive, collision, and uninsured motorist coverage
876 portions of a policy of motor vehicle insurance delivered or
877 issued for delivery in this state:

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

881 2. Insuring only a motor vehicle of the private passenger
882 type or station wagon type which is not used as a public or
883 livery conveyance for passengers or rented to others; or
884 insuring any other four-wheel motor vehicle having a load
885 capacity of 1,500 pounds or less which is not used in the
886 occupation, profession, or business of the insured other than
887 farming; other than any policy issued under an automobile
888 insurance assigned risk plan or covering garage, automobile

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889 sales agency, repair shop, service station, or public parking
890 place operation hazards.

891

892 The term "policy" does not include a binder as defined in s.
893 627.420 unless the duration of the binder period exceeds 60
894 days.

895 Section 27. Subsection (1), paragraph (a) of subsection
896 (5), and subsection (7) of section 627.7295, Florida Statutes,
897 are amended to read:

898 627.7295 Motor vehicle insurance contracts.—

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

900 (a) "Policy" means a motor vehicle insurance policy that
901 provides bodily injury liability coverage and ~~personal injury~~
902 ~~protection coverage,~~ property damage liability coverage, ~~or~~
903 ~~both.~~

904 (b) "Binder" means a binder that provides motor vehicle
905 bodily injury liability coverage ~~personal injury protection~~ and
906 property damage liability coverage.

907 (5) (a) A licensed general lines agent may charge a per-
908 policy fee up not ~~to exceed~~ \$10 to cover the administrative
909 costs of the agent associated with selling the motor vehicle
910 insurance policy if the policy covers only bodily injury
911 liability coverage ~~personal injury protection coverage as~~
912 ~~provided by s. 627.736~~ and property damage liability coverage as
913 provided by s. 627.7275 and if no other insurance is sold or

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914 issued in conjunction with or collateral to the policy. The fee
915 is not ~~considered~~ part of the premium.

916 (7) A policy of private passenger motor vehicle insurance
917 or a binder for such a policy may be initially issued in this
918 state only if, before the effective date of such binder or
919 policy, the insurer or agent has collected ~~from the insured an~~
920 ~~amount equal to 2 months' premium~~ from the insured. An insurer,
921 agent, or premium finance company may not, directly or
922 indirectly, take any action that results ~~resulting~~ in the
923 insured paying ~~having paid~~ from the insured's own funds an
924 amount less than the 2 months' premium required by this
925 subsection. This subsection applies without regard to whether
926 the premium is financed by a premium finance company or is paid
927 pursuant to a periodic payment plan of an insurer or an
928 insurance agent.

929 (a) This subsection does not apply:

930 1. If an insured or member of the insured's family is
931 renewing or replacing a policy or a binder for such policy
932 written by the same insurer or a member of the same insurer
933 group.

934 2. ~~To This subsection does not apply to~~ an insurer that
935 issues private passenger motor vehicle coverage primarily to
936 active duty or former military personnel or their dependents.

937 3. ~~If This subsection does not apply if~~ all policy
938 payments are paid pursuant to a payroll deduction plan, an

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939 automatic electronic funds transfer payment plan from the
940 policyholder, or a recurring credit card or debit card agreement
941 with the insurer.

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

943 1. All policy payments to an insurer are paid pursuant to
944 an automatic electronic funds transfer payment plan from an
945 agent, a managing general agent, or a premium finance company
946 and if the policy includes, at a minimum, bodily injury
947 liability and ~~personal injury protection pursuant to ss.~~
948 ~~627.730-627.7405; motor vehicle property damage liability~~
949 coverage pursuant to s. 627.7275.; ~~and bodily injury liability~~
950 ~~in at least the amount of \$10,000 because of bodily injury to,~~
951 ~~or death of, one person in any one accident and in the amount of~~
952 ~~\$20,000 because of bodily injury to, or death of, two or more~~
953 ~~persons in any one accident. This subsection and subsection (4)~~
954 ~~do not apply if an~~

955 2. An insured has had a policy in effect for at least 6
956 months, the insured's agent is terminated by the insurer that
957 issued the policy, and the insured obtains coverage on the
958 policy's renewal date with a new company through the terminated
959 agent.

960 Section 28. Subsections (3) and (4), paragraphs (c) and
961 (h) of subsection (5), paragraphs (a) and (g) of subsection (6),
962 and subsections (8) and (16) of section 627.736, Florida
963 Statutes, are amended to read:

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964 627.736 Required personal injury protection benefits;
965 exclusions; priority; claims.—

966 (3) INSURED'S RIGHTS TO RECOVERY OF SPECIAL DAMAGES IN
967 TORT CLAIMS.—No insurer shall have a lien on any recovery in
968 tort by judgment, settlement, or otherwise for personal injury
969 protection benefits, whether suit has been filed or settlement
970 has been reached without suit. An injured party who is entitled
971 to bring suit under the provisions of ss. 627.732-627.737,
972 627.7403, and 627.7405 ~~627.730-627.7405~~, or his or her legal
973 representative, shall have no right to recover any damages for
974 which personal injury protection benefits are paid or payable.
975 The plaintiff may prove all of his or her special damages
976 notwithstanding this limitation, but if special damages are
977 introduced in evidence, the trier of facts, whether judge or
978 jury, shall not award damages for personal injury protection
979 benefits paid or payable. In all cases in which a jury is
980 required to fix damages, the court shall instruct the jury that
981 the plaintiff shall not recover such special damages for
982 personal injury protection benefits paid or payable.

983 (4) PAYMENT OF BENEFITS.—Benefits due from an insurer
984 under ss. 627.732-627.737, 627.7403, and 627.7405 ~~627.730-~~
985 ~~627.7405~~ are primary, except that benefits received under any
986 workers' compensation law must be credited against the benefits
987 provided by subsection (1) and are due and payable as loss
988 accrues upon receipt of reasonable proof of such loss and the

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989 amount of expenses and loss incurred which are covered by the
990 policy issued under ss. 627.732-627.737, 627.7403, and 627.7405
991 ~~627.730-627.7405~~. If the Agency for Health Care Administration
992 provides, pays, or becomes liable for medical assistance under
993 the Medicaid program related to injury, sickness, disease, or
994 death arising out of the ownership, maintenance, or use of a
995 motor vehicle, the benefits under ss. 627.732-627.737, 627.7403,
996 and 627.7405 ~~627.730-627.7405~~ are subject to the Medicaid
997 program. However, within 30 days after receiving notice that the
998 Medicaid program paid such benefits, the insurer shall repay the
999 full amount of the benefits to the Medicaid program.

1000 (a) An insurer may require written notice to be given as
1001 soon as practicable after an accident involving a motor vehicle
1002 with respect to which the policy affords the security required
1003 by ss. 627.732-627.737, 627.7403, and 627.7405 ~~627.730-627.7405~~.

1004 (b) Personal injury protection insurance benefits paid
1005 pursuant to this section are overdue if not paid within 30 days
1006 after the insurer is furnished written notice of the fact of a
1007 covered loss and of the amount of same. However:

1008 1. If written notice of the entire claim is not furnished
1009 to the insurer, any partial amount supported by written notice
1010 is overdue if not paid within 30 days after written notice is
1011 furnished to the insurer. Any part or all of the remainder of
1012 the claim that is subsequently supported by written notice is
1013 overdue if not paid within 30 days after written notice is

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1014 furnished to the insurer.

1015 2. If an insurer pays only a portion of a claim or rejects
1016 a claim, the insurer shall provide at the time of the partial
1017 payment or rejection an itemized specification of each item that
1018 the insurer had reduced, omitted, or declined to pay and any
1019 information that the insurer desires the claimant to consider
1020 related to the medical necessity of the denied treatment or to
1021 explain the reasonableness of the reduced charge if this does
1022 not limit the introduction of evidence at trial. The insurer
1023 must also include the name and address of the person to whom the
1024 claimant should respond and a claim number to be referenced in
1025 future correspondence.

1026 3. If an insurer pays only a portion of a claim or rejects
1027 a claim due to an alleged error in the claim, the insurer, at
1028 the time of the partial payment or rejection, shall provide an
1029 itemized specification or explanation of benefits due to the
1030 specified error. Upon receiving the specification or
1031 explanation, the person making the claim, at the person's option
1032 and without waiving any other legal remedy for payment, has 15
1033 days to submit a revised claim, which shall be considered a
1034 timely submission of written notice of a claim.

1035 4. Notwithstanding the fact that written notice has been
1036 furnished to the insurer, payment is not overdue if the insurer
1037 has reasonable proof that the insurer is not responsible for the
1038 payment.

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1039 5. For the purpose of calculating the extent to which
1040 benefits are overdue, payment shall be treated as being made on
1041 the date a draft or other valid instrument that is equivalent to
1042 payment was placed in the United States mail in a properly
1043 addressed, postpaid envelope or, if not so posted, on the date
1044 of delivery.

1045 6. This paragraph does not preclude or limit the ability
1046 of the insurer to assert that the claim was unrelated, was not
1047 medically necessary, or was unreasonable or that the amount of
1048 the charge was in excess of that permitted under, or in
1049 violation of, subsection (5). Such assertion may be made at any
1050 time, including after payment of the claim or after the 30-day
1051 period for payment set forth in this paragraph.

1052 (c) Upon receiving notice of an accident that is
1053 potentially covered by personal injury protection benefits, the
1054 insurer must reserve \$5,000 of personal injury protection
1055 benefits for payment to physicians licensed under chapter 458 or
1056 chapter 459 or dentists licensed under chapter 466 who provide
1057 emergency services and care, as defined in s. 395.002, or who
1058 provide hospital inpatient care. The amount required to be held
1059 in reserve may be used only to pay claims from such physicians
1060 or dentists until 30 days after the date the insurer receives
1061 notice of the accident. After the 30-day period, any amount of
1062 the reserve for which the insurer has not received notice of
1063 such claims may be used by the insurer to pay other claims. The

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1064 time periods specified in paragraph (b) for payment of personal
1065 injury protection benefits are tolled for the period of time
1066 that an insurer is required to hold payment of a claim that is
1067 not from such physician or dentist to the extent that the
1068 personal injury protection benefits not held in reserve are
1069 insufficient to pay the claim. This paragraph does not require
1070 an insurer to establish a claim reserve for insurance accounting
1071 purposes.

1072 (d) All overdue payments bear simple interest at the rate
1073 established under s. 55.03 or the rate established in the
1074 insurance contract, whichever is greater, for the quarter in
1075 which the payment became overdue, calculated from the date the
1076 insurer was furnished with written notice of the amount of
1077 covered loss. Interest is due at the time payment of the overdue
1078 claim is made.

1079 (e) The insurer of the owner of a motor vehicle shall pay
1080 personal injury protection benefits for:

1081 1. Accidental bodily injury sustained in this state by the
1082 owner while occupying a motor vehicle, or while not an occupant
1083 of a self-propelled vehicle if the injury is caused by physical
1084 contact with a motor vehicle.

1085 2. Accidental bodily injury sustained outside this state,
1086 but within the United States of America or its territories or
1087 possessions or Canada, by the owner while occupying the owner's
1088 motor vehicle.

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1089 3. Accidental bodily injury sustained by a relative of the
1090 owner residing in the same household, under the circumstances
1091 described in subparagraph 1. or subparagraph 2., if the relative
1092 at the time of the accident is domiciled in the owner's
1093 household and is not the owner of a motor vehicle with respect
1094 to which security is required under ss. 627.732-627.737,
1095 627.7403, and 627.7405 ~~627.730-627.7405~~.

1096 4. Accidental bodily injury sustained in this state by any
1097 other person while occupying the owner's motor vehicle or, if a
1098 resident of this state, while not an occupant of a self-
1099 propelled vehicle if the injury is caused by physical contact
1100 with such motor vehicle, if the injured person is not:

1101 a. The owner of a motor vehicle with respect to which
1102 security is required under ss. 627.732-627.737, 627.7403, and
1103 627.7405 ~~627.730-627.7405~~; or

1104 b. Entitled to personal injury benefits from the insurer
1105 of the owner of such a motor vehicle.

1106 (f) If two or more insurers are liable for paying personal
1107 injury protection benefits for the same injury to any one
1108 person, the maximum payable is as specified in subsection (1),
1109 and the insurer paying the benefits is entitled to recover from
1110 each of the other insurers an equitable pro rata share of the
1111 benefits paid and expenses incurred in processing the claim.

1112 (g) It is a violation of the insurance code for an insurer
1113 to fail to timely provide benefits as required by this section

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1114 with such frequency as to constitute a general business
1115 practice.

1116 (h) Benefits are not due or payable to or on the behalf of
1117 an insured person if that person has committed, by a material
1118 act or omission, insurance fraud relating to personal injury
1119 protection coverage under his or her policy, if the fraud is
1120 admitted to in a sworn statement by the insured or established
1121 in a court of competent jurisdiction. Any insurance fraud voids
1122 all coverage arising from the claim related to such fraud under
1123 the personal injury protection coverage of the insured person
1124 who committed the fraud, irrespective of whether a portion of
1125 the insured person's claim may be legitimate, and any benefits
1126 paid before the discovery of the fraud is recoverable by the
1127 insurer in its entirety from the person who committed insurance
1128 fraud. The prevailing party is entitled to its costs and
1129 attorney fees in any action in which it prevails in an insurer's
1130 action to enforce its right of recovery under this paragraph.

1131 (i) If an insurer has a reasonable belief that a
1132 fraudulent insurance act, for the purposes of s. 626.989 or s.
1133 817.234, has been committed, the insurer shall notify the
1134 claimant, in writing, within 30 days after submission of the
1135 claim that the claim is being investigated for suspected fraud.
1136 Beginning at the end of the initial 30-day period, the insurer
1137 has an additional 60 days to conduct its fraud investigation.
1138 Notwithstanding subsection (10), no later than 90 days after the

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1139 submission of the claim, the insurer must deny the claim or pay
1140 the claim with simple interest as provided in paragraph (d).
1141 Interest shall be assessed from the day the claim was submitted
1142 until the day the claim is paid. All claims denied for suspected
1143 fraudulent insurance acts shall be reported to the Division of
1144 Investigative and Forensic Services.

1145 (j) An insurer shall create and maintain for each insured
1146 a log of personal injury protection benefits paid by the insurer
1147 on behalf of the insured. If litigation is commenced, the
1148 insurer shall provide to the insured a copy of the log within 30
1149 days after receiving a request for the log from the insured.

1150 (5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

1151 (c) With respect to any treatment or service, other than
1152 medical services billed by a hospital or other provider for
1153 emergency services and care as defined in s. 395.002 or
1154 inpatient services rendered at a hospital-owned facility, the
1155 statement of charges must be furnished to the insurer by the
1156 provider and may not include, and the insurer is not required to
1157 pay, charges for treatment or services rendered more than 35
1158 days before the postmark date or electronic transmission date of
1159 the statement, except for past due amounts previously billed on
1160 a timely basis under this paragraph, and except that, if the
1161 provider submits to the insurer a notice of initiation of
1162 treatment within 21 days after its first examination or
1163 treatment of the claimant, the statement may include charges for

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1164 treatment or services rendered up to, but not more than, 75 days
1165 before the postmark date of the statement. The injured party is
1166 not liable for, and the provider may not bill the injured party
1167 for, charges that are unpaid because of the provider's failure
1168 to comply with this paragraph. Any agreement requiring the
1169 injured person or insured to pay for such charges is
1170 unenforceable.

1171 1. If the insured fails to furnish the provider with the
1172 correct name and address of the insured's personal injury
1173 protection insurer, the provider has 35 days from the date the
1174 provider obtains the correct information to furnish the insurer
1175 with a statement of the charges. The insurer is not required to
1176 pay for such charges unless the provider includes with the
1177 statement documentary evidence that was provided by the insured
1178 during the 35-day period demonstrating that the provider
1179 reasonably relied on erroneous information from the insured and
1180 either:

1181 a. A denial letter from the incorrect insurer; or
1182 b. Proof of mailing, which may include an affidavit under
1183 penalty of perjury, reflecting timely mailing to the incorrect
1184 address or insurer.

1185 2. For emergency services and care rendered in a hospital
1186 emergency department or for transport and treatment rendered by
1187 an ambulance provider licensed pursuant to part III of chapter
1188 401, the provider is not required to furnish the statement of

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1189 charges within the time periods established by this paragraph,
1190 and the insurer is not considered to have been furnished with
1191 notice of the amount of covered loss for purposes of paragraph
1192 (4) (b) until it receives a statement complying with paragraph
1193 (d), or copy thereof, which specifically identifies the place of
1194 service to be a hospital emergency department or an ambulance in
1195 accordance with billing standards recognized by the federal
1196 Centers for Medicare and Medicaid Services.

1197 3. Each notice of the insured's rights ~~under s. 627.7401~~
1198 must include the following statement in at least 12-point type:
1199 BILLING REQUIREMENTS.—Florida law provides that with respect to
1200 any treatment or services, other than certain hospital and
1201 emergency services, the statement of charges furnished to the
1202 insurer by the provider may not include, and the insurer and the
1203 injured party are not required to pay, charges for treatment or
1204 services rendered more than 35 days before the postmark date of
1205 the statement, except for past due amounts previously billed on
1206 a timely basis, and except that, if the provider submits to the
1207 insurer a notice of initiation of treatment within 21 days after
1208 its first examination or treatment of the claimant, the
1209 statement may include charges for treatment or services rendered
1210 up to, but not more than, 75 days before the postmark date of
1211 the statement.

1212 (h) As provided in s. 400.9905, an entity excluded from
1213 the definition of a clinic shall be deemed a clinic and must be

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1214 licensed under part X of chapter 400 in order to receive
1215 reimbursement under ss. 627.732-627.737, 627.7403, and 627.7405
1216 ~~627.730-627.7405~~. However, this licensing requirement does not
1217 apply to:

1218 1. An entity wholly owned by a physician licensed under
1219 chapter 458 or chapter 459, or by the physician and the spouse,
1220 parent, child, or sibling of the physician;

1221 2. An entity wholly owned by a dentist licensed under
1222 chapter 466, or by the dentist and the spouse, parent, child, or
1223 sibling of the dentist;

1224 3. An entity wholly owned by a chiropractic physician
1225 licensed under chapter 460, or by the chiropractic physician and
1226 the spouse, parent, child, or sibling of the chiropractic
1227 physician;

1228 4. A hospital or ambulatory surgical center licensed under
1229 chapter 395;

1230 5. An entity that wholly owns or is wholly owned, directly
1231 or indirectly, by a hospital or hospitals licensed under chapter
1232 395;

1233 6. An entity that is a clinical facility affiliated with
1234 an accredited medical school at which training is provided for
1235 medical students, residents, or fellows;

1236 7. An entity that is certified under 42 C.F.R. part 485,
1237 subpart H; or

1238 8. An entity that is owned by a publicly traded

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1239 corporation, either directly or indirectly through its
1240 subsidiaries, that has \$250 million or more in total annual
1241 sales of health care services provided by licensed health care
1242 practitioners if one or more of the persons responsible for the
1243 operations of the entity are health care practitioners who are
1244 licensed in this state and who are responsible for supervising
1245 the business activities of the entity and the entity's
1246 compliance with state law for purposes of this section.

1247 (6) DISCOVERY OF FACTS ABOUT AN INJURED PERSON; DISPUTES.—

1248 (a) If a request is made by an insurer providing personal
1249 injury protection benefits under ss. 627.732-627.737, 627.7403,
1250 and 627.7405 ~~627.730-627.7405~~ against whom a claim has been
1251 made, an employer must furnish, in a form approved by the
1252 office, a sworn statement of the earnings, since the time of the
1253 bodily injury and for a reasonable period before the injury, of
1254 the person upon whose injury the claim is based.

1255 (g) An insured seeking benefits under ss. 627.732-627.737,
1256 627.7403, and 627.7405 ~~627.730-627.7405~~, including an omnibus
1257 insured, must comply with the terms of the policy, which
1258 include, but are not limited to, submitting to an examination
1259 under oath. The scope of questioning during the examination
1260 under oath is limited to relevant information or information
1261 that could reasonably be expected to lead to relevant
1262 information. Compliance with this paragraph is a condition
1263 precedent to receiving benefits. An insurer that, as a general

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1264 business practice as determined by the office, requests an
1265 examination under oath of an insured or an omnibus insured
1266 without a reasonable basis is subject to s. 626.9541.

1267 (8) APPLICABILITY OF PROVISION REGULATING ATTORNEY FEES.—
1268 With respect to any dispute under the provisions of ss. 627.732-
1269 627.737, 627.7403, and 627.7405 ~~627.730-627.7405~~ between the
1270 insured and the insurer, or between an assignee of an insured's
1271 rights and the insurer, the provisions of ss. 627.428 and 768.79
1272 apply, except as provided in subsections (10) and (15), and
1273 except that any attorney fees recovered must:

1274 (a) Comply with prevailing professional standards;

1275 (b) Not overstate or inflate the number of hours
1276 reasonably necessary for a case of comparable skill or
1277 complexity; and

1278 (c) Represent legal services that are reasonable and
1279 necessary to achieve the result obtained.

1280

1281 Upon request by either party, a judge must make written
1282 findings, substantiated by evidence presented at trial or any
1283 hearings associated therewith, that any award of attorney fees
1284 complies with this subsection. Notwithstanding s. 627.428,
1285 attorney fees recovered under ss. 627.732-627.737, 627.7403, and
1286 627.7405 ~~627.730-627.7405~~ must be calculated without regard to a
1287 contingency risk multiplier.

1288 (16) SECURE ELECTRONIC DATA TRANSFER.—A notice,

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1289 documentation, transmission, or communication of any kind
1290 required or authorized under ss. 627.732-627.737, 627.7403, and
1291 627.7405 ~~627.730-627.7405~~ may be transmitted electronically if
1292 it is transmitted by secure electronic data transfer that is
1293 consistent with state and federal privacy and security laws.

1294 Section 29. Sections 627.730, 627.731, 627.7311, 627.739,
1295 and 627.7401, Florida Statutes, of the "Florida Motor Vehicle
1296 No-Fault Law," are repealed.

1297 Section 30. Section 627.7407, Florida Statutes, is
1298 repealed.

1299 Section 31. Notwithstanding any other provision of law,
1300 sections 627.732, 627.733, 627.734, 627.736, 627.737, 627.7403,
1301 and 627.7405, Florida Statutes, only apply to policies issued
1302 under the "Florida Motor Vehicle No-Fault Law" that are in force
1303 on or before December 31, 2017.

1304 Section 32. Section 627.8405, Florida Statutes, is amended
1305 to read:

1306 627.8405 Prohibited acts; financing companies.—A ~~No~~
1307 premium finance company ~~shall~~, in a premium finance agreement or
1308 other agreement, may not finance the cost of or otherwise
1309 provide for the collection or remittance of dues, assessments,
1310 fees, or other periodic payments of money for the cost of:

1311 (1) A membership in an automobile club. The term
1312 "automobile club" means a legal entity that ~~which~~, in
1313 consideration of dues, assessments, or periodic payments of

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1314 money, promises its members or subscribers to assist them in
1315 matters relating to the ownership, operation, use, or
1316 maintenance of a motor vehicle; however, the term ~~this~~
1317 ~~definition of "automobile club"~~ does not include persons,
1318 associations, or corporations which are organized and operated
1319 solely for the purpose of conducting, sponsoring, or sanctioning
1320 motor vehicle races, exhibitions, or contests upon racetracks,
1321 or upon racecourses established and marked as such for the
1322 duration of such particular events. The term ~~words~~ "motor
1323 vehicle" used herein have the same meaning as defined in chapter
1324 320.

1325 (2) An accidental death and dismemberment policy sold in
1326 combination with a policy providing only bodily injury liability
1327 coverage ~~personal injury protection~~ and property damage
1328 liability coverage ~~only policy~~.

1329 (3) Any product not regulated under the provisions of this
1330 insurance code.

1331
1332 This section also applies to premium financing by any insurance
1333 agent or insurance company under part XVI. The commission shall
1334 adopt rules to assure disclosure, at the time of sale, of motor
1335 vehicle liability insurance coverages financed ~~with personal~~
1336 ~~injury protection~~ and shall prescribe the form of such
1337 disclosure.

1338 Section 33. Subsection (1) of section 627.915, Florida

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1339 Statutes, is amended to read:

1340 627.915 Insurer experience reporting.—

1341 (1) Each insurer transacting private passenger automobile
1342 insurance in this state shall report certain information
1343 annually to the office. The information will be due on or before
1344 July 1 of each year. The information shall be divided into the
1345 following categories: bodily injury liability; property damage
1346 liability; uninsured motorist; ~~personal injury protection~~
1347 ~~benefits~~; medical payments; and comprehensive and collision. The
1348 information given must ~~shall~~ be on direct insurance writings in
1349 the state alone and must ~~shall~~ represent total limits data. The
1350 information set forth in paragraphs (a)-(f) is applicable to
1351 voluntary private passenger and Joint Underwriting Association
1352 private passenger writings and shall be reported for each of the
1353 latest 3 calendar-accident years, with an evaluation date of
1354 March 31 of the current year. The information set forth in
1355 paragraphs (g)-(j) is applicable to voluntary private passenger
1356 writings and shall be reported on a calendar-accident year basis
1357 ultimately seven times at seven different stages of development.

1358 (a) Premiums earned for the latest 3 calendar-accident
1359 years.

1360 (b) Loss development factors and the historic development
1361 of those factors.

1362 (c) Policyholder dividends incurred.

1363 (d) Expenses for other acquisition and general expense.

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1364 (e) Expenses for agents' commissions and taxes, licenses,
1365 and fees.

1366 (f) Profit and contingency factors as utilized in the
1367 insurer's automobile rate filings for the applicable years.

1368 (g) Losses paid.

1369 (h) Losses unpaid.

1370 (i) Loss adjustment expenses paid.

1371 (j) Loss adjustment expenses unpaid.

1372 Section 34. Subsections (2) and (3) of section 628.909,
1373 Florida Statutes, are amended to read:

1374 628.909 Applicability of other laws.—

1375 (2) The following provisions of the Florida Insurance Code
1376 apply to captive insurance companies who are not industrial
1377 insured captive insurance companies to the extent that such
1378 provisions are not inconsistent with this part:

1379 (a) Chapter 624, except for ss. 624.407, 624.408,
1380 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

1381 (b) Chapter 625, part II.

1382 (c) Chapter 626, part IX.

1383 ~~(d) Sections 627.730-627.7405, when no fault coverage is~~
1384 ~~provided.~~

1385 (d)~~(e)~~ Chapter 628.

1386 (3) The following provisions of the Florida Insurance Code
1387 shall apply to industrial insured captive insurance companies to
1388 the extent that such provisions are not inconsistent with this

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1389 part:

1390 (a) Chapter 624, except for ss. 624.407, 624.408,
1391 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and
1392 624.609(1).

1393 (b) Chapter 625, part II, if the industrial insured
1394 captive insurance company is incorporated in this state.

1395 (c) Chapter 626, part IX.

1396 ~~(d) Sections 627.730-627.7405 when no fault coverage is~~
1397 ~~provided.~~

1398 (d)(e) Chapter 628, except for ss. 628.341, 628.351, and
1399 628.6018.

1400 Section 35. Subsections (2) and (3) of section 628.909,
1401 Florida Statutes, are amended to read:

1402 628.909 Applicability of other laws.—

1403 (2) The following provisions of the Florida Insurance Code
1404 apply to captive insurance companies who are not industrial
1405 insured captive insurance companies to the extent that such
1406 provisions are not inconsistent with this part:

1407 (a) Chapter 624, except for ss. 624.407, 624.408,
1408 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

1409 (b) Chapter 625, part II.

1410 (c) Chapter 626, part IX.

1411 ~~(d) Sections 627.730-627.7405, when no fault coverage is~~
1412 ~~provided.~~

1413 (d)(e) Chapter 628.

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1414 (3) The following provisions of the Florida Insurance Code
1415 shall apply to industrial insured captive insurance companies to
1416 the extent that such provisions are not inconsistent with this
1417 part:

1418 (a) Chapter 624, except for ss. 624.407, 624.408,
1419 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and
1420 624.609(1).

1421 (b) Chapter 625, part II, if the industrial insured
1422 captive insurance company is incorporated in this state.

1423 (c) Chapter 626, part IX.

1424 ~~(d) Sections 627.730-627.7405 when no fault coverage is~~
1425 ~~provided.~~

1426 (d)~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
1427 628.6018.

1428 Section 36. Except as otherwise expressly provided in this
1429 act, this act shall take effect July 1, 2018.

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