

1                   A bill to be entitled  
2           An act relating to motor vehicle insurance; amending  
3           s. 316.646, F.S.; revising security requirements for a  
4           motor vehicle owner or operator; amending s. 324.011,  
5           F.S.; providing legislative intent and purpose;  
6           creating s. 324.015, F.S.; defining the term "minimum  
7           security requirements"; excluding personal injury  
8           protection from motor vehicle insurance policies  
9           issued or renewed on or after a specified date;  
10          providing conditions for policies entered into by a  
11          specified date; requiring an insurer to permit an  
12          insured to change coverages under specified  
13          circumstances; providing notice requirements;  
14          providing that notice is subject to approval by the  
15          Office of Insurance Regulation; amending s. 324.021,  
16          F.S.; revising and providing definitions; increasing  
17          the minimum amount of motor vehicle liability coverage  
18          required; amending s. 324.022, F.S.; revising  
19          financial responsibility requirements for owners and  
20          operators of motor vehicles; conforming a cross-  
21          reference; amending s. 324.0221, F.S.; conforming  
22          provisions to changes made by the act; conforming  
23          cross-references; providing certain conditions for the  
24          suspension of a motor vehicle license or registration;  
25          amending s. 324.151, F.S.; providing definitions;

26 | revising provisions relating to certain motor vehicle  
27 | liability policies; amending s. 324.161, F.S.;  
28 | revising deposit requirements for self-insurers;  
29 | amending s. 324.171, F.S.; revising conditions under  
30 | which a person is able to obtain a certificate of  
31 | self-insurance; conforming provisions to changes made  
32 | by the act; amending s. 324.251, F.S.; revising a  
33 | short title; amending s. 627.727, F.S.; conforming  
34 | provisions to changes made by the act; revising legal  
35 | liability of an uninsured motorist coverage insurer;  
36 | repealing ss. 627.730, 627.731, 627.7311, 627.739, and  
37 | 627.7401, F.S., relating to Florida Motor Vehicle No-  
38 | Fault Law; repealing s. 627.7407, F.S., relating to  
39 | the application of the Florida Motor Vehicle No-Fault  
40 | Law; providing applicability for certain policies  
41 | issued under the Florida Motor Vehicle No-Fault Law;  
42 | amending ss. 318.18, 320.02, 320.0609, 320.27,  
43 | 320.771, 324.051, 324.091, 626.9541, 627.06501,  
44 | 627.0652, 627.0653, 627.4132, 627.7263, 627.7275,  
45 | 627.728, 627.7295, 627.736, 627.8405, 627.915, and  
46 | 628.909, F.S.; conforming provisions to changes made  
47 | by the act; providing effective dates.

48 |  
49 | Be It Enacted by the Legislature of the State of Florida:  
50 |

51 Section 1. Subsection (1) of section 316.646, Florida  
52 Statutes, is amended to read:

53 316.646 Security required; proof of security and display  
54 thereof.—

55 (1) A Any person operating a motor vehicle for which  
56 liability coverage is required under ~~by~~ s. 324.022, s. 324.023,  
57 s. 324.032, s. 627.7415, or s. 627.742 must to maintain property  
58 damage liability security, required by s. 324.023 to maintain  
59 liability security for bodily injury or death, or required by s.  
60 627.733 to maintain personal injury protection security on a  
61 ~~motor vehicle shall~~ have in his or her immediate possession at  
62 all times while operating such motor vehicle proper proof of  
63 maintenance of the required security.

64 (a) Such proof shall be in a uniform paper or electronic  
65 format, as prescribed by the department, a valid insurance  
66 policy, an insurance policy binder, a certificate of insurance,  
67 or such other proof as may be prescribed by the department.

68 (b)1. The act of presenting to a law enforcement officer  
69 an electronic device displaying proof of insurance in an  
70 electronic format does not constitute consent for the officer to  
71 access any information on the device other than the displayed  
72 proof of insurance.

73 2. The person who presents the device to the officer  
74 assumes the liability for any resulting damage to the device.

75 Section 2. Paragraph (b) of subsection (2) of section

76 | 318.18, Florida Statutes, is amended to read:

77 |       318.18 Amount of penalties.—The penalties required for a  
78 | noncriminal disposition pursuant to s. 318.14 or a criminal  
79 | offense listed in s. 318.17 are as follows:

80 |       (2) Thirty dollars for all nonmoving traffic violations  
81 | and:

82 |       (b) For all violations of ss. 320.0605, 320.07(1),  
83 | 322.065, and 322.15(1). Any person who is cited for a violation  
84 | of s. 320.07(1) shall be charged a delinquent fee pursuant to s.  
85 | 320.07(4).

86 |       1. If a person who is cited for a violation of s. 320.0605  
87 | or s. 320.07 can show proof of having a valid registration at  
88 | the time of arrest, the clerk of the court may dismiss the case  
89 | and may assess a dismissal fee of up to \$10. A person who finds  
90 | it impossible or impractical to obtain a valid registration  
91 | certificate must submit an affidavit detailing the reasons for  
92 | the impossibility or impracticality. The reasons may include,  
93 | but are not limited to, the fact that the vehicle was sold,  
94 | stolen, or destroyed; that the state in which the vehicle is  
95 | registered does not issue a certificate of registration; or that  
96 | the vehicle is owned by another person.

97 |       2. If a person who is cited for a violation of s. 322.03,  
98 | s. 322.065, or s. 322.15 can show a driver license issued to him  
99 | or her and valid at the time of arrest, the clerk of the court  
100 | may dismiss the case and may assess a dismissal fee of up to

101 \$10.

102 3. If a person who is cited for a violation of s. 316.646  
103 can show proof of security as required by s. 324.022, s.  
104 324.023, s. 324.032, s. 627.7415, or s. 627.742 ~~627.733~~, issued  
105 to the person and valid at the time of arrest, the clerk of the  
106 court may dismiss the case and may assess a dismissal fee of up  
107 to \$10. A person who finds it impossible or impractical to  
108 obtain proof of security must submit an affidavit detailing the  
109 reasons for the impracticality. The reasons may include, but are  
110 not limited to, the fact that the vehicle has since been sold,  
111 stolen, or destroyed; ~~that the owner or registrant of the~~  
112 ~~vehicle is not required by s. 627.733 to maintain personal~~  
113 ~~injury protection insurance;~~ or that the vehicle is owned by  
114 another person.

115 Section 3. Paragraphs (a) and (d) of subsection (5) of  
116 section 320.02, Florida Statutes, are amended to read:

117 320.02 Registration required; application for  
118 registration; forms.—

119 (5) (a) Proof that liability coverage has ~~personal injury~~  
120 ~~protection benefits have~~ been purchased if required under s.  
121 324.022, s. 324.023, s. 324.032, s. 627.7415, or s. 627.742  
122 ~~627.733, that property damage liability coverage has been~~  
123 ~~purchased as required under s. 324.022, that bodily injury or~~  
124 ~~death coverage has been purchased if required under s. 324.023,~~  
125 ~~and that combined bodily liability insurance and property damage~~

126 ~~liability insurance have been purchased if required under s.~~  
127 ~~627.7415~~ shall be provided in the manner prescribed by law by  
128 the applicant at the time of application for registration of any  
129 motor vehicle that is subject to such requirements. The issuing  
130 agent shall not ~~shall refuse to~~ issue registration if such proof  
131 of purchase is not provided. Insurers shall furnish uniform  
132 proof-of-purchase cards in a paper or electronic format in a  
133 form prescribed by the department and include the name of the  
134 insured's insurance company, the coverage identification number,  
135 and the make, year, and vehicle identification number of the  
136 vehicle insured. The card must contain a statement notifying the  
137 applicant of the penalty specified under s. 316.646(4). The card  
138 or insurance policy, insurance policy binder, or certificate of  
139 insurance or a photocopy of any of these; an affidavit  
140 containing the name of the insured's insurance company, the  
141 insured's policy number, and the make and year of the vehicle  
142 insured; or such other proof as may be prescribed by the  
143 department shall constitute sufficient proof of purchase. If an  
144 affidavit is provided as proof, it must be in substantially the  
145 following form:

146  
147 Under penalty of perjury, I ...(Name of insured)... do hereby  
148 certify that I have Bodily Injury Liability and...~~(Personal~~  
149 ~~Injury Protection,~~ Property Damage Liability coverage, and, ~~if~~  
150 ~~required, Bodily Injury Liability)~~... Insurance currently in

151 effect with ...(Name of insurance company)... under ...(policy  
 152 number)... covering ...(make, year, and vehicle identification  
 153 number of vehicle).... ...(Signature of Insured)...

154

155 Such affidavit must include the following warning:

156

157 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
 158 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
 159 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
 160 SUBJECT TO PROSECUTION.

161

162 If an application is made through a licensed motor vehicle  
 163 dealer as required under s. 319.23, the original or a  
 164 photostatic copy of such card, insurance policy, insurance  
 165 policy binder, or certificate of insurance or the original  
 166 affidavit from the insured shall be forwarded by the dealer to  
 167 the tax collector of the county or the Department of Highway  
 168 Safety and Motor Vehicles for processing. By executing the  
 169 ~~aforsaid~~ affidavit, a ~~ne~~ licensed motor vehicle dealer will not  
 170 be liable in damages for any inadequacy, insufficiency, or  
 171 falsification of any statement contained therein. A card must  
 172 also indicate the existence of any bodily injury liability  
 173 insurance ~~voluntarily~~ purchased.

174

175

(d) The verifying of proof of compliance with the  
liability coverage requirements of the ~~personal injury~~

176 ~~protection insurance, proof of property damage liability~~  
177 ~~insurance, proof of combined bodily liability insurance and~~  
178 ~~property damage liability insurance, or proof of financial~~  
179 ~~responsibility law insurance~~ and the issuance or failure to  
180 issue the motor vehicle registration under the provisions of  
181 this chapter may not be construed in any court as a warranty of  
182 the reliability or accuracy of the evidence of such proof, or  
183 that the provisions of any insurance policy furnished as proof  
184 of compliance with the liability coverage requirements of the  
185 financial responsibility law comply with the laws of this state.  
186 Neither the department nor any tax collector is liable in  
187 damages for any inadequacy, insufficiency, falsification, or  
188 unauthorized modification of any item of the proof of compliance  
189 with the liability coverage requirements of the personal injury  
190 ~~protection insurance, proof of property damage liability~~  
191 ~~insurance, proof of combined bodily liability insurance and~~  
192 ~~property damage liability insurance, or proof of financial~~  
193 ~~responsibility law insurance~~ prior to, during, or subsequent to  
194 the verification of the proof. The issuance of a motor vehicle  
195 registration does not constitute prima facie evidence or a  
196 presumption of insurance coverage.

197 Section 4. Paragraph (b) of subsection (1) of section  
198 320.0609, Florida Statutes, is amended to read:

199 320.0609 Transfer and exchange of registration license  
200 plates; transfer fee.—



201 (1)  
 202 (b) The transfer of a license plate from a vehicle  
 203 disposed of to a newly acquired vehicle does not constitute a  
 204 new registration. The application for transfer shall be accepted  
 205 without requiring proof of ~~personal injury protection or~~  
 206 liability insurance.

207 Section 5. Subsection (3) of section 320.27, Florida  
 208 Statutes, is amended to read:

209 320.27 Motor vehicle dealers.—

210 (3) APPLICATION AND FEE.—~~The application for the license~~  
 211 application shall be in such form as may be prescribed by the  
 212 department and is ~~shall be~~ subject to such rules ~~with respect~~  
 213 ~~thereto~~ as may be so prescribed by the department ~~it~~. Such  
 214 application shall be verified by oath or affirmation and must  
 215 ~~shall~~ contain a full statement of the name and birth date of the  
 216 person or persons applying for the license ~~therefor~~; the name of  
 217 the firm or copartnership, with the names and places of  
 218 residence of all members ~~thereof~~, if such applicant is a firm or  
 219 copartnership; the names and places of residence of the  
 220 principal officers, if the applicant is a body corporate or  
 221 other artificial body; the name of the state under whose laws  
 222 the corporation is organized; the present and former place or  
 223 places of residence of the applicant; and the prior business in  
 224 which the applicant has been engaged and its ~~the~~ location  
 225 thereof. The ~~Such~~ application must ~~shall~~ describe the exact

226 location of the place of business and must ~~shall~~ state whether  
227 the place of business is owned by the applicant and when  
228 acquired, or, if leased, a true copy of the lease shall be  
229 attached to the application. The applicant shall certify that  
230 the location provides an adequately equipped office and is not a  
231 residence; that the location affords sufficient unoccupied space  
232 upon and within which adequately to store all motor vehicles  
233 offered and displayed for sale; and that the location is a  
234 suitable place where the applicant can in good faith carry on  
235 such business and keep and maintain books, records, and files  
236 necessary to conduct such business, which shall be available at  
237 all reasonable hours to inspection by the department or any of  
238 its inspectors or other employees. The applicant shall certify  
239 that the business of a motor vehicle dealer is the principal  
240 business that will ~~which shall~~ be conducted at that location.  
241 The application must ~~shall~~ contain a statement that the  
242 applicant is either franchised by a manufacturer of motor  
243 vehicles, in which case the name of each motor vehicle that the  
244 applicant is franchised to sell shall be included, or an  
245 independent (nonfranchised) motor vehicle dealer. The  
246 application must ~~shall~~ contain other relevant information as may  
247 be required by the department., ~~including~~ The applicant must  
248 furnish evidence, in a form approved by the department, that the  
249 applicant is insured under a garage liability insurance policy  
250 or a general liability insurance policy coupled with a business

251 automobile policy, which shall include, at a minimum, \$25,000  
252 combined single-limit bodily injury and property damage  
253 liability coverage ~~including bodily injury and property damage~~  
254 ~~protection and \$10,000 personal injury protection~~. However, a  
255 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.  
256 is exempt from the requirements for garage liability insurance  
257 ~~and personal injury protection insurance~~ on those vehicles that  
258 cannot be legally operated on roads, highways, or streets in  
259 this state. Franchise dealers must submit a garage liability  
260 insurance policy, and all other dealers must submit a garage  
261 liability insurance policy or a general liability insurance  
262 policy coupled with a business automobile policy. Such policy  
263 shall be for the license period, and evidence of a new or  
264 continued policy shall be delivered to the department at the  
265 beginning of each license period. Upon making initial  
266 application, the applicant shall pay to the department a fee of  
267 \$300 in addition to any other fees required by law. Applicants  
268 may choose to extend the licensure period for 1 additional year  
269 for a total of 2 years. An initial applicant shall pay to the  
270 department a fee of \$300 for the first year and \$75 for the  
271 second year, in addition to any other fees required by law. An  
272 applicant for renewal shall pay to the department \$75 for a 1-  
273 year renewal or \$150 for a 2-year renewal, in addition to any  
274 other fees required by law. Upon making an application for a  
275 change of location, the applicant must ~~person shall~~ pay a fee of

276 \$50 in addition to any other fees now required by law. The  
277 department shall, in the case of every application for initial  
278 licensure, verify whether certain facts set forth in the  
279 application are true. Each applicant, general partner in the  
280 case of a partnership, or corporate officer and director in the  
281 case of a corporate applicant, must file a set of fingerprints  
282 with the department for the purpose of determining any prior  
283 criminal record or any outstanding warrants. The department  
284 shall submit the fingerprints to the Department of Law  
285 Enforcement for state processing and forwarding to the Federal  
286 Bureau of Investigation for federal processing. The actual cost  
287 of state and federal processing shall be borne by the applicant  
288 and is in addition to the fee for licensure. The department may  
289 issue a license to an applicant pending the results of the  
290 fingerprint investigation, which license is fully revocable if  
291 the department subsequently determines that any facts set forth  
292 in the application are not true or correctly represented.

293 Section 6. Paragraph (j) of subsection (3) of section  
294 320.771, Florida Statutes, is amended to read:

295 320.771 License required of recreational vehicle dealers.—

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

300 (j) A statement that the applicant is insured under a

301 garage liability insurance policy, which shall include, at a  
 302 minimum, \$25,000 combined single-limit bodily injury and  
 303 property damage liability coverage, ~~including bodily injury and~~  
 304 ~~property damage protection, and \$10,000 personal injury~~  
 305 ~~protection,~~ if the applicant is to be licensed as a dealer in,  
 306 or intends to sell, recreational vehicles.

307  
 308 The department shall, if it deems necessary, cause an  
 309 investigation to be made to ascertain if the facts set forth in  
 310 the application are true and shall not issue a license to the  
 311 applicant until it is satisfied that the facts set forth in the  
 312 application are true.

313 Section 7. Section 324.011, Florida Statutes, is amended  
 314 to read:

315 324.011 Legislative intent and purpose of chapter.—It is  
 316 the intent of the Legislature ~~this chapter~~ to ensure that the  
 317 privilege of owning or operating a motor vehicle in this state  
 318 be exercised ~~recognize the existing privilege to own or operate~~  
 319 ~~a motor vehicle on the public streets and highways of this state~~  
 320 ~~when such vehicles are used~~ with due consideration for others  
 321 and their property in order, ~~and~~ to promote safety and provide  
 322 financial security requirements for ~~such~~ owners and ~~or~~ operators  
 323 whose responsibility it is to recompense others for injury to  
 324 person or property caused by the operation of a motor vehicle.  
 325 Therefore, this chapter requires ~~it is required herein~~ that

326 owners and operators of motor vehicles, except in specified  
327 circumstances, establish, maintain, the operator of a motor  
328 vehicle involved in a crash or convicted of certain traffic  
329 offenses meeting the operative provisions of s. 324.051(2) shall  
330 respond for such damages and show proof of financial ability to  
331 respond for damages arising out of the ownership, maintenance,  
332 or use of a motor vehicle in future accidents as a requisite to  
333 his or her ownership or operation of a motor vehicle in this  
334 state future exercise of such privileges.

335 Section 8. Section 324.015, Florida Statutes, is created  
336 to read:

337 324.015 Applicability; notice to policyholders.-

338 (1) As used in this section, the term "minimum security  
339 requirements" means security that enables a person to respond in  
340 damages for liability on account of accidents arising out of the  
341 ownership, maintenance, or use of a motor vehicle in the amounts  
342 required by s. 324.021(7).

343 (2) Effective January 1, 2018:

344 (a) Notwithstanding any provision of law, motor vehicle  
345 insurance policies issued or renewed on or after January 1,  
346 2018, may not include personal injury protection.

347 (b) All persons subject to s. 324.022, s. 324.032, s.  
348 627.7415, or s. 627.742, must maintain at least minimum security  
349 requirements.

350 (c) A new or renewal motor vehicle insurance policy

351 delivered or issued for delivery in this state must provide  
352 coverage that complies with minimum security requirements.

353 (d) An existing motor vehicle insurance policy issued  
354 before January 1, 2018, that provides personal injury protection  
355 and property damage liability coverage and meets the  
356 requirements of s. 324.022, on December 31, 2017, but that does  
357 not meet minimum security requirements on or after January 1,  
358 2018, is deemed to meet the security requirements of s. 324.022  
359 until such policy is renewed, nonrenewed, or canceled.

360 (3) An insurer must allow an insured who has a new or  
361 renewal policy providing personal injury protection, which  
362 becomes effective before January 1, 2018, and whose policy does  
363 not meet minimum security requirements on or after January 1,  
364 2018, to change coverages to obtain coverage providing minimum  
365 security requirements that becomes effective on or after January  
366 1, 2018. The insurer is not required to provide coverage  
367 complying with minimum security requirements in such policies if  
368 the insured does not pay the required premium by January 1,  
369 2018, or such later date as the insurer may allow. The insurer  
370 must refund any reduction in the premium. The insurer may not  
371 impose an additional fee or charge on the insured for such  
372 changes in coverage; however, the insurer may charge an  
373 additional premium that is actuarially indicated.

374 (4) By September 1, 2017, a motor vehicle insurer must  
375 provide notice of the provisions of this section to each motor

376 vehicle policyholder who is subject to this section. The notice  
377 is subject to approval by the Office of Insurance Regulation and  
378 must clearly inform the policyholder that:

379 (a) The Florida Motor Vehicle No-Fault Law is repealed,  
380 effective January 1, 2018, and that on or after that date, the  
381 insured is no longer required to maintain personal injury  
382 protection insurance coverage, that personal injury protection  
383 coverage is no longer available for purchase in this state, and  
384 that all new or renewal policies issued on or after that date do  
385 not contain such coverage.

386 (b) Effective January 1, 2018, a person subject to the  
387 financial responsibility requirements of s. 324.022 must  
388 maintain minimum security requirements that enable the person to  
389 respond in damages for liability on account of accidents arising  
390 out of the ownership, maintenance, or use of a motor vehicle in  
391 the following amounts:

392 1. Twenty-five thousand dollars for bodily injury to, or  
393 the death of, one person in any one accident and, subject to  
394 such limits for one person, in the amount of \$50,000 for bodily  
395 injury to, or the death of, two or more persons in any one  
396 accident; and

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

399 (c) Personal injury protection coverage pays covered  
400 medical expenses for injuries sustained in a motor vehicle



401 accident by the policyholder, passengers, and relatives residing  
402 in the policyholder's household.

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

407 (e) The policyholder may obtain underinsured motorist  
408 coverage, which provides benefits, up to the limits of such  
409 coverage, to a policyholder or other insured entitled to recover  
410 damages for bodily injury, sickness, disease, or death resulting  
411 from a motor vehicle accident with an uninsured or underinsured  
412 owner or operator of a motor vehicle.

413 (f) If the policyholder's new or renewal motor vehicle  
414 insurance policy is effective before January 1, 2018, and  
415 contains personal injury protection and property damage  
416 liability coverage as required by state law before January 1,  
417 2018, but does not meet minimum security requirements on or  
418 after January 1, 2018, the policy is deemed to meet minimum  
419 security requirements until it is renewed, nonrenewed, or  
420 canceled.

421 (g) A policyholder whose new or renewal policy becomes  
422 effective before January 1, 2018, but does not meet minimum  
423 security requirements on or after January 1, 2018, may change  
424 coverages under the policy so as to eliminate personal injury  
425 protection and to obtain coverage providing minimum security

426 requirements, including bodily injury liability coverage, which  
427 are effective on or after January 1, 2018.

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

430 (5) This section shall take effect upon this act becoming  
431 law.

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

434 324.021 Definitions; minimum insurance required.—The  
435 following words and phrases when used in this chapter shall, for  
436 the purpose of this chapter, have the meanings respectively  
437 ascribed to them in this section, except in those instances  
438 where the context clearly indicates a different meaning:

439 (1) MOTOR VEHICLE.—Every self-propelled vehicle which is  
440 designed and required to be licensed for use upon a highway,  
441 including trailers and semitrailers designed for use with such  
442 vehicles, except traction engines, road rollers, farm tractors,  
443 power shovels, and well drillers, and every vehicle which is  
444 propelled by electric power obtained from overhead wires but not  
445 operated upon rails, but not including any bicycle or moped.  
446 ~~However, the term "motor vehicle" shall not include any motor~~  
447 ~~vehicle as defined in s. 627.732(3) when the owner of such~~  
448 ~~vehicle has complied with the requirements of ss. 627.730-~~  
449 ~~627.7405, inclusive, unless the provisions of s. 324.051 apply;~~  
450 ~~and, in such case, the applicable proof of insurance provisions~~

451 ~~of s. 320.02 apply.~~

452 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~Proof That proof~~ of  
453 ability to respond in damages for liability on account of  
454 accidents ~~crashes~~ arising out of the use of a motor vehicle:

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

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

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

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

467 Section 10. Section 324.022, Florida Statutes, is amended  
468 to read:

469 324.022 Financial responsibility requirements ~~for property~~  
470 ~~damage~~.—

471 (1) (a) Every owner ~~or operator~~ of a motor vehicle required  
472 to be registered in this state and every operator of a motor  
473 vehicle licensed in this state must ~~shall~~ establish and  
474 continuously maintain the ability to respond in damages for  
475 liability on account of accidents arising out of the ownership,

476 maintenance, or use of the motor vehicle in the amount of:

477 1. Twenty-five thousand dollars for bodily injury to, or  
478 the death of, one person in any one accident;

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

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

484 (b) The requirements of paragraph (a) ~~this section~~ may be  
485 met by one of the methods established in s. 324.031; by self-  
486 insuring as authorized by s. 768.28(16); or by maintaining a  
487 motor vehicle liability insurance ~~an insurance policy providing~~  
488 ~~coverage for property damage liability in the amount of at least~~  
489 ~~\$10,000 because of damage to, or destruction of, property of~~  
490 ~~others in any one accident arising out of the use of the motor~~  
491 ~~vehicle. The requirements of this section may also be met by~~  
492 ~~having a policy which provides coverage in the amount of at~~  
493 ~~least \$60,000 ~~\$30,000~~ for combined property damage liability and~~  
494 ~~bodily injury liability for any one accident ~~crash~~ arising out~~  
495 ~~of the use of the motor vehicle and which conforms to the~~  
496 ~~requirements of s. 324.151. The policy, with respect to coverage~~  
497 ~~for property damage liability, must meet the applicable~~  
498 ~~requirements of s. 324.151, subject to the usual policy~~  
499 ~~exclusions that have been approved in policy forms by the Office~~  
500 ~~of Insurance Regulation. No insurer shall have any duty to~~

501 defend uncovered claims irrespective of their joinder with  
502 covered claims.

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

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

509 1. A mobile home.

510 2. A motor vehicle that is used in mass transit and  
511 designed to transport more than five passengers, exclusive of  
512 the operator of the motor vehicle, and that is owned by a  
513 municipality, transit authority, or political subdivision of the  
514 state.

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

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

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

523 (3) Each nonresident owner or registrant of a motor  
524 vehicle that, whether operated or not, has been physically  
525 present within this state for more than 90 days during the

526 preceding 365 days shall maintain security as required by  
527 subsection (1) that is in effect continuously throughout the  
528 period the motor vehicle remains within this state.

529 (4) An ~~The~~ owner or registrant of a motor vehicle who is  
530 ~~exempt from the requirements of this section if she or he is a~~  
531 member of the United States Armed Forces and is called to or on  
532 active duty outside the United States in an emergency situation  
533 is exempt from this section while he or she. ~~The exemption~~  
534 ~~provided by this subsection applies only as long as the member~~  
535 ~~of the Armed Forces~~ is on such active duty outside the United  
536 States and applies only while the vehicle is not operated by any  
537 person. Upon receipt of a written request by the insured to whom  
538 the exemption provided in this subsection applies, the insurer  
539 shall cancel the coverages and return any unearned premium or  
540 suspend the security required by this section. Notwithstanding  
541 s. 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend  
542 the registration or operator's license of an ~~any~~ owner or  
543 registrant of a motor vehicle during the time she or he  
544 qualifies for an exemption under this subsection. An ~~Any~~ owner  
545 or registrant of a motor vehicle who qualifies for the ~~an~~  
546 exemption under this subsection shall immediately notify the  
547 department before ~~prior to~~ and at the end of the expiration of  
548 the exemption.

549 Section 11. Subsections (1) and (2) of section 324.0221,  
550 Florida Statutes, are amended, and subsection (4) is added to

551 that section, to read:

552 324.0221 Reports by insurers to the department; suspension  
553 of driver license and vehicle registrations; reinstatement.—

554 (1) (a) Each insurer that has issued a policy providing  
555 ~~personal injury protection coverage or property damage~~ liability  
556 coverage shall report the cancellation or nonrenewal thereof to  
557 the department within 10 days after the processing date or  
558 effective date of each cancellation or nonrenewal. Upon the  
559 issuance of a policy providing ~~personal injury protection~~  
560 ~~coverage or property damage~~ liability coverage to a named  
561 insured not previously insured by the insurer during that  
562 calendar year, the insurer shall report the issuance of the new  
563 policy to the department within 10 days. The report must ~~shall~~  
564 be in a the form prescribed by the department ~~and format~~ and  
565 contain any information required by the department and must be  
566 provided in a format that is compatible with the data processing  
567 capabilities of the department. Failure by an insurer to file  
568 proper reports with the department as required by this  
569 subsection constitutes a violation of the Florida Insurance  
570 Code. These records shall be used by the department only for  
571 enforcement and regulatory purposes, including the generation by  
572 the department of data regarding compliance by owners of motor  
573 vehicles with the requirements for financial responsibility  
574 coverage.

575 (b) With respect to an insurance policy providing ~~personal~~

576 ~~injury protection coverage or property damage~~ liability  
577 coverage, each insurer shall notify the named insured, or the  
578 first-named insured in the case of a commercial fleet policy, in  
579 writing that any cancellation or nonrenewal of the policy will  
580 be reported by the insurer to the department. The notice must  
581 also inform the named insured that failure to maintain bodily  
582 injury liability ~~personal injury protection~~ coverage and  
583 property damage liability coverage on a motor vehicle when  
584 required by law may result in the loss of registration and  
585 driving privileges in this state and inform the named insured of  
586 the amount of the reinstatement fees required by this section.  
587 This notice is for informational purposes only, and an insurer  
588 is not civilly liable for failing to provide this notice.

589 (2) The department shall suspend, after due notice and an  
590 opportunity to be heard, the registration and driver license of  
591 any owner or registrant of a motor vehicle with respect to which  
592 security is required under s. ss. 324.022, s. 324.023, s.  
593 324.032, s. 627.7415, or s. 627.742 ~~and 627.733~~ upon:

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

598 (b) Notification by the insurer to the department, in a  
599 form approved by the department, of cancellation or termination  
600 of the required security.



601       (4) All suspensions of license or registration under this  
602 section for failure to maintain required security that occurred  
603 before January 1, 2018, remain in full force and effect after  
604 the effective date of this act.

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

607       324.051 Reports of crashes; suspensions of licenses and  
608 registrations.—

609       (2) (a) Thirty days after receipt of notice of any accident  
610 described in paragraph (1) (a) involving a motor vehicle within  
611 this state, the department shall suspend, after due notice and  
612 opportunity to be heard, the license of each operator and all  
613 registrations of the owner of the vehicles operated by such  
614 operator whether or not involved in such crash and, in the case  
615 of a nonresident owner or operator, shall suspend such  
616 nonresident's operating privilege in this state, unless such  
617 operator or owner shall, prior to the expiration of such 30  
618 days, be found by the department to be exempt from the operation  
619 of this chapter, based upon evidence satisfactory to the  
620 department that:

621       1. The motor vehicle was legally parked at the time of  
622 such crash.

623       2. The motor vehicle was owned by the United States  
624 Government, this state, or any political subdivision of this  
625 state or any municipality therein.

626           3. Such operator or owner has secured a duly acknowledged  
 627 written agreement providing for release from liability by all  
 628 parties injured as the result of said crash and has complied  
 629 with one of the provisions of s. 324.031.

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

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

638           (b) This subsection shall not apply:

639           1. To such operator or owner if such operator or owner had  
 640 in effect at the time of such crash or traffic conviction a  
 641 motor vehicle ~~an automobile~~ liability policy with respect to all  
 642 of the registered motor vehicles owned by such operator or  
 643 owner.

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

649           3. To such operator or owner if the liability of such  
 650 operator or owner for damages resulting from such crash is, in

651 the judgment of the department, covered by any other form of  
652 liability insurance or bond.

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

656

657 No such policy or bond shall be effective under this subsection  
658 unless it contains limits of not less than those specified in s.  
659 324.021(7).

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

662 324.091 Notice to department; notice to insurer.—

663 (1) Each owner and operator involved in a crash or  
664 conviction case within the purview of this chapter shall furnish  
665 evidence of ~~automobile liability insurance or~~ motor vehicle  
666 liability insurance within 14 days after the date of the mailing  
667 of notice of crash by the department in the form and manner as  
668 it may designate. Upon receipt of evidence that a ~~an automobile~~  
669 ~~liability policy or~~ motor vehicle liability policy was in effect  
670 at the time of the crash or conviction case, the department  
671 shall forward to the insurer such information for verification  
672 in a method as determined by the department. The insurer shall  
673 respond to the department within 20 days after the notice  
674 whether or not such information is valid. If the department  
675 determines that a ~~an automobile liability policy or~~ motor

676 vehicle liability policy was not in effect and did not provide  
677 coverage for both the owner and the operator, it shall take  
678 action as it is authorized to do under this chapter.

679 Section 14. Section 324.151, Florida Statutes, is amended  
680 to read:

681 324.151 Motor vehicle liability policies; required  
682 provisions.—

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

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

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

692 (c) "Temporary substitute vehicle" means a motor vehicle  
693 as defined in s. 320.01(1) that is not owned by the named  
694 insured which is temporarily used with the permission of the  
695 owner as a substitute for a motor vehicle designated on the  
696 policy when the vehicle designated on the policy is withdrawn  
697 from normal use because of breakdown, repair, servicing, loss,  
698 or destruction.

699 (2) ~~(1)~~ A motor vehicle liability policy as to be proof of  
700 financial responsibility under s. 324.031(1), shall be issued to

701 owners ~~and~~ ~~or~~ operators of motor vehicles under the following  
702 provisions:

703 (a) A motor vehicle liability insurance policy issued to  
704 an owner of a motor vehicle registered in this state must ~~An~~  
705 ~~owner's liability insurance policy shall~~ designate by explicit  
706 description or by appropriate reference all motor vehicles with  
707 respect to which coverage is thereby granted. The policy must  
708 ~~and shall~~ insure the person or persons ~~owner~~ named therein and  
709 any resident relative of a named insured ~~other person as~~  
710 ~~operator using such motor vehicle or motor vehicles with the~~  
711 ~~express or implied permission of such owner against loss~~ from  
712 the liability imposed by law for damage arising out of the  
713 ownership, maintenance, or use of any such motor vehicle, except  
714 as otherwise provided in this section. The policy shall also  
715 insure any person operating an insured motor vehicle with the  
716 express or implied permission of the named insured against loss  
717 from liability imposed by law for damage arising out of the use  
718 of such vehicle. However, the insurer may exclude in its policy  
719 liability coverage for a motor vehicle not designated as an  
720 insured vehicle on the policy if such motor vehicle does not  
721 qualify as a newly acquired vehicle, does not qualify as a  
722 temporary substitute vehicle, and was owned by an insured or was  
723 furnished for an insured's regular use for more than 30  
724 consecutive days before an accident ~~or motor vehicles within the~~  
725 ~~United States or the Dominion of Canada, subject to limits,~~

726 ~~exclusive of interest and costs with respect to each such motor~~  
727 ~~vehicle as is provided for under s. 324.021(7).~~ Insurers may  
728 make available, with respect to property damage liability  
729 coverage, a deductible amount not to exceed \$500. In the event  
730 of a property damage loss covered by a policy containing a  
731 property damage deductible provision, the insurer shall pay to  
732 the third-party claimant the amount of any property damage  
733 liability settlement or judgment, subject to policy limits, as  
734 if no deductible existed.

735 (b) A motor vehicle liability insurance policy issued to a  
736 person who does not own a motor vehicle registered in this state  
737 and is not already insured under a policy described in  
738 subsection (a) must ~~An operator's motor vehicle liability policy~~  
739 ~~of insurance shall~~ insure the person or persons named in the  
740 policy ~~therein~~ against loss from ~~the~~ liability imposed ~~upon him~~  
741 ~~or her~~ by law for damages arising out of the use ~~by the person~~  
742 of any motor vehicle not owned by him or her, unless the vehicle  
743 was furnished for the named insured's regular use and used by  
744 the named insured for more than 30 consecutive days before an  
745 accident ~~with the same territorial limits and subject to the~~  
746 ~~same limits of liability as referred to above with respect to an~~  
747 ~~owner's policy of liability insurance.~~

748 (c) All such motor vehicle liability policies shall state  
749 the name and address of the named insured, the coverage afforded  
750 by the policy, the premium charged therefor, the policy period,

751 the limits of liability, and shall contain an agreement or be  
752 endorsed that insurance is provided in accordance with the  
753 coverage defined in this chapter ~~as respects bodily injury and~~  
754 ~~death or property damage or both~~ and is subject to all  
755 provisions of this chapter. The said policies must ~~shall~~ also  
756 contain a provision that the satisfaction by an insured of a  
757 judgment for such injury or damage shall not be a condition  
758 precedent to the right or duty of the insurance carrier to make  
759 payment on account of such injury or damage, and shall also  
760 contain a provision that bankruptcy or insolvency of the insured  
761 or of the insured's estate shall not relieve the insurance  
762 carrier of any of its obligations under the said policy.  
763 However, the policies may contain provisions excluding liability  
764 coverage for a vehicle used outside of the United States or  
765 Canada at the time of an accident.

766 (3) ~~(2)~~ The provisions of this section shall not be  
767 applicable to any automobile liability policy unless and until  
768 it is furnished as proof of financial responsibility for the  
769 future pursuant to s. 324.031, and then only from and after the  
770 date said policy is so furnished.

771 Section 15. Section 324.161, Florida Statutes, is amended  
772 to read:

773 324.161 Proof of financial responsibility; deposit.-  
774 Annually, before any certificate of insurance may be issued to a  
775 person, including any firm, partnership, association,

776 corporation, or other person, ~~other than a natural person,~~ proof  
 777 of a certificate of deposit of \$60,000 ~~\$30,000~~ issued and held  
 778 by a financial institution must be submitted to the department.  
 779 A power of attorney will be issued to and held by the department  
 780 and may be executed upon a judgment issued against such person  
 781 making the deposit, for damages for ~~because of~~ bodily injury to  
 782 or death of any person or for damages for ~~because of~~ injury to  
 783 or destruction of property resulting from the use or operation  
 784 of any motor vehicle occurring after such deposit was made.  
 785 Money so deposited is ~~shall~~ not be subject to attachment or  
 786 execution unless such attachment or execution shall arise out of  
 787 a suit for such damages ~~as aforesaid~~.

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

790 324.171 Self-insurer.—

791 (1) A ~~Any~~ person may qualify as a self-insurer by  
 792 obtaining a certificate of self-insurance from the department.  
 793 Upon which may, in its discretion and upon application of such a  
 794 person, the department may issue a ~~said~~ certificate of self-  
 795 insurance if the applicant ~~when such person~~ has satisfied the  
 796 requirements of this section ~~to qualify as a self-insurer under~~  
 797 ~~this section~~:

798 (a) A private individual with private passenger vehicles  
 799 must ~~shall~~ possess a net unencumbered worth of at least \$60,000  
 800 ~~\$40,000~~.



801 (b) A person, including any firm, partnership,  
 802 association, corporation, or other person, other than a natural  
 803 person, must ~~shall~~:

804 1. Possess a net unencumbered worth of at least \$60,000  
 805 ~~\$40,000~~ for the first motor vehicle and \$30,000 ~~\$20,000~~ for each  
 806 additional motor vehicle; or

807 2. Maintain sufficient net worth, in an amount determined  
 808 by the department to be financially responsible for potential  
 809 losses. The department must annually determine the minimum net  
 810 worth sufficient to satisfy this section ~~as determined annually~~  
 811 ~~by the department,~~ pursuant to rules adopted ~~promulgated~~ by the  
 812 department, with the assistance of the Office of Insurance  
 813 Regulation of the Financial Services Commission, ~~to be~~  
 814 ~~financially responsible for potential losses.~~ The rules must  
 815 consider any ~~shall take into consideration~~ excess insurance  
 816 carried by the applicant. The department's determination shall  
 817 be based upon reasonable actuarial principles considering the  
 818 frequency, severity, and loss development of claims incurred by  
 819 casualty insurers writing coverage on the type of motor vehicles  
 820 for which a certificate of self-insurance is desired.

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

824 (2) The self-insurance certificate shall provide limits of  
 825 liability insurance in the amounts specified under s. 324.021(7)

826 or s. 627.7415 and shall provide personal injury protection  
827 coverage under s. 627.733(3)(b).

828 Section 17. Section 324.251, Florida Statutes, is amended  
829 to read:

830 324.251 Short title.—This chapter may be cited as the  
831 "Financial Responsibility Law of 2017 ~~1955~~" and shall become  
832 effective at 12:01 a.m., January 1, 2018 ~~October 1, 1955~~.

833 Section 18. Paragraph (o) of subsection (1) of section  
834 626.9541, Florida Statutes, is amended to read:

835 626.9541 Unfair methods of competition and unfair or  
836 deceptive acts or practices defined.—

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

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

842 1. Knowingly collecting any sum as a premium or charge for  
843 insurance, which is not then provided, or is not in due course  
844 to be provided, subject to acceptance of the risk by the  
845 insurer, by an insurance policy issued by an insurer as  
846 permitted by this code.

847 2. Knowingly collecting as a premium or charge for  
848 insurance any sum in excess of or less than the premium or  
849 charge applicable to such insurance, in accordance with the  
850 applicable classifications and rates as filed with and approved

851 by the office, and as specified in the policy; or, in cases when  
852 classifications, premiums, or rates are not required by this  
853 code to be so filed and approved, premiums and charges collected  
854 from a Florida resident in excess of or less than those  
855 specified in the policy and as fixed by the insurer.

856 Notwithstanding any other provision of law, this provision shall  
857 not be deemed to prohibit the charging and collection, by  
858 surplus lines agents licensed under part VIII of this chapter,  
859 of the amount of applicable state and federal taxes, or fees as  
860 authorized by s. 626.916(4), in addition to the premium required  
861 by the insurer or the charging and collection, by licensed  
862 agents, of the exact amount of any discount or other such fee  
863 charged by a credit card facility in connection with the use of  
864 a credit card, as authorized by subparagraph (q)3., in addition  
865 to the premium required by the insurer. This subparagraph shall  
866 not be construed to prohibit collection of a premium for a  
867 universal life or a variable or indeterminate value insurance  
868 policy made in accordance with the terms of the contract.

869 3.a. Imposing or requesting an additional premium for a  
870 policy of motor vehicle liability, ~~personal injury protection,~~  
871 medical payment, or collision insurance or any combination  
872 thereof or refusing to renew the policy solely because the  
873 insured was involved in a motor vehicle accident unless the  
874 insurer's file contains information from which the insurer in  
875 good faith determines that the insured was substantially at

876 | fault in the accident.

877 |       b. An insurer which imposes and collects such a surcharge  
878 | or which refuses to renew such policy shall, in conjunction with  
879 | the notice of premium due or notice of nonrenewal, notify the  
880 | named insured that he or she is entitled to reimbursement of  
881 | such amount or renewal of the policy under the conditions listed  
882 | below and will subsequently reimburse him or her or renew the  
883 | policy, if the named insured demonstrates that the operator  
884 | involved in the accident was:

885 |       (I) Lawfully parked;

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

888 |       (III) Struck in the rear by another vehicle headed in the  
889 | same direction and was not convicted of a moving traffic  
890 | violation in connection with the accident;

891 |       (IV) Hit by a "hit-and-run" driver, if the accident was  
892 | reported to the proper authorities within 24 hours after  
893 | discovering the accident;

894 |       (V) Not convicted of a moving traffic violation in  
895 | connection with the accident, but the operator of the other  
896 | automobile involved in such accident was convicted of a moving  
897 | traffic violation;

898 |       (VI) Finally adjudicated not to be liable by a court of  
899 | competent jurisdiction;

900 |       (VII) In receipt of a traffic citation which was dismissed

901 or nolle prossed; or

902 (VIII) Not at fault as evidenced by a written statement  
903 from the insured establishing facts demonstrating lack of fault  
904 which are not rebutted by information in the insurer's file from  
905 which the insurer in good faith determines that the insured was  
906 substantially at fault.

907 c. In addition to the other provisions of this  
908 subparagraph, an insurer may not fail to renew a policy if the  
909 insured has had only one accident in which he or she was at  
910 fault within the current 3-year period. However, an insurer may  
911 nonrenew a policy for reasons other than accidents in accordance  
912 with s. 627.728. This subparagraph does not prohibit nonrenewal  
913 of a policy under which the insured has had three or more  
914 accidents, regardless of fault, during the most recent 3-year  
915 period.

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

920 a. A second infraction committed within an 18-month  
921 period, or a third or subsequent infraction committed within a  
922 36-month period.

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

926           5. Upon the request of the insured, the insurer and  
927 licensed agent shall supply to the insured the complete proof of  
928 fault or other criteria which justifies the additional charge or  
929 cancellation.

930           6. No insurer shall impose or request an additional  
931 premium for motor vehicle insurance, cancel or refuse to issue a  
932 policy, or refuse to renew a policy because the insured or the  
933 applicant is a handicapped or physically disabled person, so  
934 long as such handicap or physical disability does not  
935 substantially impair such person's mechanically assisted driving  
936 ability.

937           7. No insurer may cancel or otherwise terminate any  
938 insurance contract or coverage, or require execution of a  
939 consent to rate endorsement, during the stated policy term for  
940 the purpose of offering to issue, or issuing, a similar or  
941 identical contract or coverage to the same insured with the same  
942 exposure at a higher premium rate or continuing an existing  
943 contract or coverage with the same exposure at an increased  
944 premium.

945           8. No insurer may issue a nonrenewal notice on any  
946 insurance contract or coverage, or require execution of a  
947 consent to rate endorsement, for the purpose of offering to  
948 issue, or issuing, a similar or identical contract or coverage  
949 to the same insured at a higher premium rate or continuing an  
950 existing contract or coverage at an increased premium without

951 meeting any applicable notice requirements.

952 9. No insurer shall, with respect to premiums charged for  
 953 motor vehicle insurance, unfairly discriminate solely on the  
 954 basis of age, sex, marital status, or scholastic achievement.

955 10. Imposing or requesting an additional premium for motor  
 956 vehicle comprehensive or uninsured motorist coverage solely  
 957 because the insured was involved in a motor vehicle accident or  
 958 was convicted of a moving traffic violation.

959 11. No insurer shall cancel or issue a nonrenewal notice  
 960 on any insurance policy or contract without complying with any  
 961 applicable cancellation or nonrenewal provision required under  
 962 the Florida Insurance Code.

963 12. No insurer shall impose or request an additional  
 964 premium, cancel a policy, or issue a nonrenewal notice on any  
 965 insurance policy or contract because of any traffic infraction  
 966 when adjudication has been withheld and no points have been  
 967 assessed pursuant to s. 318.14(9) and (10). However, this  
 968 subparagraph does not apply to traffic infractions involving  
 969 accidents in which the insurer has incurred a loss due to the  
 970 fault of the insured.

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

973 627.06501 Insurance discounts for certain persons  
 974 completing driver improvement course.-

975 (1) Any rate, rating schedule, or rating manual for the

976 liability, ~~personal injury protection~~, and collision coverages  
977 of a motor vehicle insurance policy filed with the office may  
978 provide for an appropriate reduction in premium charges as to  
979 such coverages if ~~when~~ the principal operator on the covered  
980 vehicle has successfully completed a driver improvement course  
981 approved and certified by the Department of Highway Safety and  
982 Motor Vehicles which is effective in reducing accident ~~crash~~ or  
983 violation rates, or both, as determined pursuant to s.  
984 318.1451(5). Any discount, not to exceed 10 percent, used by an  
985 insurer is presumed to be appropriate unless credible data  
986 demonstrates otherwise.

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

989 627.0652 Insurance discounts for certain persons  
990 completing safety course.—

991 (1) Any rates, rating schedules, or rating manuals for the  
992 liability, ~~personal injury protection~~, and collision coverages  
993 of a motor vehicle insurance policy filed with the office must  
994 ~~shall~~ provide for an appropriate reduction in premium charges as  
995 to such coverages if ~~when~~ the principal operator on the covered  
996 vehicle is an insured 55 years of age or older who has  
997 successfully completed a motor vehicle accident prevention  
998 course approved by the Department of Highway Safety and Motor  
999 Vehicles. Any discount used by an insurer is presumed to be  
1000 appropriate unless credible data demonstrates otherwise.



1001 Section 21. Subsections (1), (3), and (6) of section  
 1002 627.0653, Florida Statutes, are amended to read:

1003 627.0653 Insurance discounts for specified motor vehicle  
 1004 equipment.—

1005 (1) Any rates, rating schedules, or rating manuals for the  
 1006 liability, ~~personal injury protection,~~ and collision coverages  
 1007 of a motor vehicle insurance policy filed with the office shall  
 1008 provide a premium discount if the insured vehicle is equipped  
 1009 with factory-installed, four-wheel antilock brakes.

1010 (3) Any rates, rating schedules, or rating manuals for  
 1011 ~~personal injury protection coverage and~~ medical payments  
 1012 coverage, if offered, of a motor vehicle insurance policy filed  
 1013 with the office shall provide a premium discount if the insured  
 1014 vehicle is equipped with one or more air bags which are factory  
 1015 installed.

1016 (6) The Office of Insurance Regulation may approve a  
 1017 premium discount to any rates, rating schedules, or rating  
 1018 manuals for the liability, ~~personal injury protection,~~ and  
 1019 collision coverages of a motor vehicle insurance policy filed  
 1020 with the office if the insured vehicle is equipped with  
 1021 autonomous driving technology or electronic vehicle collision  
 1022 avoidance technology that is factory installed or a retrofitted  
 1023 system and that complies with National Highway Traffic Safety  
 1024 Administration standards.

1025 Section 22. Section 627.4132, Florida Statutes, is amended

1026 to read:

1027           627.4132 Stacking of coverages prohibited.—If an insured  
 1028 or named insured is protected by any type of motor vehicle  
 1029 insurance policy for liability, ~~personal injury protection~~, or  
 1030 other coverage, the policy must ~~shall~~ provide that the insured  
 1031 or named insured is protected only to the extent of the coverage  
 1032 she or he has on the vehicle involved in the accident. However,  
 1033 if none of the insured's or named insured's vehicles are ~~is~~  
 1034 involved in the accident, coverage is available only to the  
 1035 extent of coverage on any one of the vehicles with applicable  
 1036 coverage. Coverage on any other vehicles may ~~shall~~ not be added  
 1037 to or stacked upon that coverage. This section does not apply:

1038           (1) To uninsured motorist coverage which is separately  
 1039 governed by s. 627.727.

1040           (2) To reduce the coverage available by reason of  
 1041 insurance policies insuring different named insureds.

1042           Section 23. Section 627.7263, Florida Statutes, is amended  
 1043 to read:

1044           627.7263 Rental and leasing driver's insurance to be  
 1045 primary; exception.—

1046           (1) The valid and collectible liability insurance ~~or~~  
 1047 ~~personal injury protection insurance~~ providing coverage for the  
 1048 lessor of a motor vehicle for rent or lease is primary unless  
 1049 otherwise stated in at least 10-point type on the face of the  
 1050 rental or lease agreement. Such insurance is primary for the

1051 | limits of liability in an amount not less than the minimum  
 1052 | limits described in and ~~personal injury protection coverage as~~  
 1053 | ~~required by s. 324.021(7) ss. 324.021(7) and 627.736.~~

1054 | (2) If the lessee's coverage is to be primary, the rental  
 1055 | or lease agreement must contain the following language, in at  
 1056 | least 10-point type:

1057 |  
 1058 | "The valid and collectible liability insurance ~~and personal~~  
 1059 | ~~injury protection insurance~~ of an any authorized rental or  
 1060 | leasing driver is primary for the limits of liability in an  
 1061 | amount not less than the minimum limits described in ~~and~~  
 1062 | ~~personal injury protection coverage required s. 324.021(7) by~~  
 1063 | ~~ss. 324.021(7) and 627.736, Florida Statutes."~~

1064 | Section 24. Subsections (1) and (7) of section 627.727,  
 1065 | Florida Statutes, are amended to read:

1066 | 627.727 Motor vehicle insurance; uninsured and  
 1067 | underinsured vehicle coverage; insolvent insurer protection.—

1068 | (1) No motor vehicle liability insurance policy which  
 1069 | provides bodily injury liability coverage shall be delivered or  
 1070 | issued for delivery in this state with respect to any  
 1071 | specifically insured or identified motor vehicle registered or  
 1072 | principally garaged in this state unless uninsured motor vehicle  
 1073 | coverage is provided therein or supplemental thereto for the  
 1074 | protection of persons insured thereunder who are legally  
 1075 | entitled to recover damages from owners or operators of

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1076 | uninsured motor vehicles because of bodily injury, sickness, or  
1077 | disease, including death, resulting therefrom. However, the  
1078 | coverage required under this section is not applicable if ~~when~~,  
1079 | or to the extent that, an insured named in the policy makes a  
1080 | written rejection of the coverage on behalf of all insureds  
1081 | under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~  
1082 | ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms  
1083 | of the lease contract, provides liability coverage on the leased  
1084 | vehicle, the lessee of such vehicle shall have the sole  
1085 | privilege to reject uninsured motorist coverage or to select  
1086 | lower limits than the bodily injury liability limits, regardless  
1087 | of whether the lessor is qualified as a self-insurer pursuant to  
1088 | s. 324.171. Unless an insured, or lessee having the privilege of  
1089 | rejecting uninsured motorist coverage, requests such coverage or  
1090 | requests higher uninsured motorist limits in writing, the  
1091 | coverage or such higher uninsured motorist limits need not be  
1092 | provided in or supplemental to any other policy which renews,  
1093 | extends, changes, supersedes, or replaces an existing policy  
1094 | with the same bodily injury liability limits when an insured or  
1095 | lessee had rejected the coverage. When an insured or lessee has  
1096 | initially selected limits of uninsured motorist coverage lower  
1097 | than her or his bodily injury liability limits, higher limits of  
1098 | uninsured motorist coverage need not be provided in or  
1099 | supplemental to any other policy that ~~which~~ renews, extends,  
1100 | changes, supersedes, or replaces an existing policy with the

1101 same bodily injury liability limits unless an insured requests  
 1102 higher uninsured motorist coverage in writing. The rejection or  
 1103 selection of lower limits shall be made on a form approved by  
 1104 the office. The form must ~~shall~~ fully advise the applicant of  
 1105 the nature of the coverage and must ~~shall~~ state that the  
 1106 coverage is equal to bodily injury liability limits unless lower  
 1107 limits are requested or the coverage is rejected. The heading of  
 1108 the form shall be in 12-point bold type and shall state: "You  
 1109 are electing not to purchase certain valuable coverage that  
 1110 ~~which~~ protects you and your family or you are purchasing  
 1111 uninsured motorist limits less than your bodily injury liability  
 1112 limits when you sign this form. Please read carefully." If this  
 1113 form is signed by a named insured, it will be conclusively  
 1114 presumed that there was an informed, knowing rejection of  
 1115 coverage or election of lower limits on behalf of all insureds.  
 1116 The insurer shall notify the named insured at least annually of  
 1117 her or his options as to the coverage required by this section.  
 1118 Such notice must ~~shall~~ be part of, and attached to, the notice  
 1119 of premium, must ~~shall~~ provide for a means to allow the insured  
 1120 to request such coverage, and must ~~shall~~ be given in a manner  
 1121 approved by the office. Receipt of this notice does not  
 1122 constitute an affirmative waiver of the insured's right to  
 1123 uninsured motorist coverage if ~~where~~ the insured has not signed  
 1124 a selection or rejection form. The coverage described under this  
 1125 section shall be over and above, but shall not duplicate, the

1126 benefits available to an insured under any workers' compensation  
1127 law, ~~personal injury protection benefits~~, disability benefits  
1128 law, or similar law; under any automobile medical payments  
1129 ~~expense~~ coverage; under any motor vehicle liability insurance  
1130 coverage; or from the owner or operator of the uninsured motor  
1131 vehicle or any other person or organization jointly or severally  
1132 liable together with such owner or operator for the accident;  
1133 and such coverage shall cover the difference, if any, between  
1134 the sum of such benefits and the damages sustained, up to the  
1135 maximum amount of such coverage provided under this section. The  
1136 amount of coverage available under this section may ~~shall~~ not be  
1137 reduced by a setoff against any coverage, including liability  
1138 insurance. Such coverage does ~~shall~~ not inure directly or  
1139 indirectly to the benefit of any workers' compensation or  
1140 disability benefits carrier or any person or organization  
1141 qualifying as a self-insurer under any workers' compensation or  
1142 disability benefits law or similar law.

1143 (7) (a) For uninsured and underinsured vehicle coverage  
1144 issued before January 1, 2018, the legal liability of an  
1145 uninsured motorist coverage insurer does not include damages in  
1146 tort for pain, suffering, mental anguish, and inconvenience  
1147 unless the injury or disease is described in one or more of  
1148 paragraphs (a)-(d) of s. 627.737(2).

1149 (b) For uninsured and underinsured vehicle coverage issued  
1150 on or after January 1, 2018, the legal liability of an uninsured

1151 motorist coverage insurer includes damages in tort for pain,  
1152 suffering, disability or physical impairment, disfigurement,  
1153 mental anguish, inconvenience, and the loss of capacity for the  
1154 enjoyment of life experienced in the past and to be experienced  
1155 in the future.

1156 Section 25. Subsection (1) and paragraphs (a) and (b) of  
1157 subsection (2) of section 627.7275, Florida Statutes, are  
1158 amended to read:

1159 627.7275 Motor vehicle liability.—

1160 (1) A motor vehicle insurance policy ~~providing personal~~  
1161 ~~injury protection as set forth in s. 627.736~~ may not be  
1162 delivered or issued for delivery in this state for a with  
1163 ~~respect to any~~ specifically insured or identified motor vehicle  
1164 registered or principally garaged in this state must provide  
1165 bodily injury liability coverage and ~~unless the policy also~~  
1166 ~~provides coverage for~~ property damage liability coverage as  
1167 required under ~~by~~ s. 324.022.

1168 (2) (a) Insurers writing motor vehicle insurance in this  
1169 state shall make available, subject to the insurers' usual  
1170 underwriting restrictions:

1171 1. Coverage under policies as described in subsection (1)  
1172 to an applicant for private passenger motor vehicle insurance  
1173 coverage who is seeking the coverage in order to reinstate the  
1174 applicant's driving privileges in this state if the driving  
1175 privileges were revoked or suspended pursuant to s. 316.646 or

1176 s. 324.0221 due to the failure of the applicant to maintain  
 1177 required security.

1178 2. Coverage under policies as described in subsection (1),  
 1179 which also provides bodily injury liability coverage and  
 1180 property damage liability coverage ~~for bodily injury, death, and~~  
 1181 ~~property damage arising out of the ownership, maintenance, or~~  
 1182 ~~use of the motor vehicle~~ in an amount not less than the minimum  
 1183 limits described in s. 324.021(7) or s. 324.023 and conforms to  
 1184 the requirements of s. 324.151, to an applicant for private  
 1185 passenger motor vehicle insurance coverage who is seeking the  
 1186 coverage in order to reinstate the applicant's driving  
 1187 privileges in this state after such privileges were revoked or  
 1188 suspended under s. 316.193 or s. 322.26(2) for driving under the  
 1189 influence.

1190 (b) The policies described in paragraph (a) shall be  
 1191 issued for at least 6 months and, as to the minimum coverages  
 1192 required under this section, may not be canceled by the insured  
 1193 for any reason or by the insurer after 60 days, during which  
 1194 period the insurer is completing the underwriting of the policy.  
 1195 After the insurer has completed underwriting the policy, the  
 1196 insurer shall notify the Department of Highway Safety and Motor  
 1197 Vehicles that the policy is in full force and effect and is not  
 1198 cancelable for the remainder of the policy period. A premium  
 1199 shall be collected and the coverage is in effect for the 60-day  
 1200 period during which the insurer is completing the underwriting



1201 of the policy whether or not the person's driver license, motor  
 1202 vehicle tag, and motor vehicle registration are in effect. Once  
 1203 the noncancelable provisions of the policy become effective, the  
 1204 bodily injury liability and property damage liability coverages  
 1205 ~~for bodily injury, property damage, and personal injury~~  
 1206 ~~protection~~ may not be reduced below the minimum limits required  
 1207 under s. 324.021 or s. 324.023 during the policy period.

1208 Section 26. Paragraph (a) of subsection (1) of section  
 1209 627.728, Florida Statutes, is amended to read:

1210 627.728 Cancellations; nonrenewals.—

1211 (1) As used in this section, the term:

1212 (a) "Policy" means the bodily injury and property damage  
 1213 liability, ~~personal injury protection~~, medical payments,  
 1214 comprehensive, collision, and uninsured motorist coverage  
 1215 portions of a policy of motor vehicle insurance delivered or  
 1216 issued for delivery in this state:

1217 1. Insuring a natural person as named insured or one or  
 1218 more related individuals who are residents ~~resident~~ of the same  
 1219 household; and

1220 2. Insuring only a motor vehicle of the private passenger  
 1221 type or station wagon type which is not used as a public or  
 1222 livery conveyance for passengers or rented to others; or  
 1223 insuring any other four-wheel motor vehicle having a load  
 1224 capacity of 1,500 pounds or less which is not used in the  
 1225 occupation, profession, or business of the insured other than

1226 farming; other than any policy issued under an automobile  
 1227 insurance assigned risk plan or covering garage, automobile  
 1228 sales agency, repair shop, service station, or public parking  
 1229 place operation hazards.

1230  
 1231 The term "policy" does not include a binder as defined in s.  
 1232 627.420 unless the duration of the binder period exceeds 60  
 1233 days.

1234 Section 27. Subsection (1), paragraph (a) of subsection  
 1235 (5), and subsection (7) of section 627.7295, Florida Statutes,  
 1236 are amended to read:

1237 627.7295 Motor vehicle insurance contracts.—

1238 (1) As used in this section, the term:

1239 (a) "Policy" means a motor vehicle insurance policy that  
 1240 provides bodily injury liability coverage and ~~personal injury~~  
 1241 ~~protection coverage,~~ property damage liability coverage, ~~or~~  
 1242 ~~both.~~

1243 (b) "Binder" means a binder that provides motor vehicle  
 1244 bodily injury liability coverage ~~personal injury protection~~ and  
 1245 property damage liability coverage.

1246 (5) (a) A licensed general lines agent may charge a per-  
 1247 policy fee up ~~not~~ to ~~exceed~~ \$10 to cover the administrative  
 1248 costs of the agent associated with selling the motor vehicle  
 1249 insurance policy if the policy covers only bodily injury  
 1250 liability coverage ~~personal injury protection coverage~~ as

1251 ~~provided by s. 627.736~~ and property damage liability coverage as  
1252 provided by s. 627.7275 and if no other insurance is sold or  
1253 issued in conjunction with or collateral to the policy. The fee  
1254 is not ~~considered~~ part of the premium.

1255 (7) A policy of private passenger motor vehicle insurance  
1256 or a binder for such a policy may be initially issued in this  
1257 state only if, before the effective date of such binder or  
1258 policy, the insurer or agent has collected ~~from the insured an~~  
1259 ~~amount equal to~~ 2 months' premium from the insured. An insurer,  
1260 agent, or premium finance company may not, directly or  
1261 indirectly, take any action that results ~~resulting~~ in the  
1262 insured paying ~~having paid~~ from the insured's own funds an  
1263 amount less than the 2 months' premium required by this  
1264 subsection. This subsection applies without regard to whether  
1265 the premium is financed by a premium finance company or is paid  
1266 pursuant to a periodic payment plan of an insurer or an  
1267 insurance agent.

1268 (a) This subsection does not apply:

1269 1. If an insured or member of the insured's family is  
1270 renewing or replacing a policy or a binder for such policy  
1271 written by the same insurer or a member of the same insurer  
1272 group.

1273 2. ~~To This subsection does not apply to~~ an insurer that  
1274 issues private passenger motor vehicle coverage primarily to  
1275 active duty or former military personnel or their dependents.

1276        3. ~~If This subsection does not apply if~~ all policy  
1277 payments are paid pursuant to a payroll deduction plan, an  
1278 automatic electronic funds transfer payment plan from the  
1279 policyholder, or a recurring credit card or debit card agreement  
1280 with the insurer.

1281        (b) This subsection and subsection (4) do not apply if:

1282        1. All policy payments to an insurer are paid pursuant to  
1283 an automatic electronic funds transfer payment plan from an  
1284 agent, a managing general agent, or a premium finance company  
1285 and if the policy includes, at a minimum, bodily injury  
1286 liability and ~~personal injury protection pursuant to ss.~~  
1287 ~~627.730-627.7405; motor vehicle property damage liability~~  
1288 coverage pursuant to s. 627.7275.; ~~and bodily injury liability~~  
1289 ~~in at least the amount of \$10,000 because of bodily injury to,~~  
1290 ~~or death of, one person in any one accident and in the amount of~~  
1291 ~~\$20,000 because of bodily injury to, or death of, two or more~~  
1292 ~~persons in any one accident. This subsection and subsection (4)~~  
1293 ~~do not apply if an~~

1294        2. An insured has had a policy in effect for at least 6  
1295 months, the insured's agent is terminated by the insurer that  
1296 issued the policy, and the insured obtains coverage on the  
1297 policy's renewal date with a new company through the terminated  
1298 agent.

1299        Section 28. Subsections (3) and (4), paragraphs (c) and  
1300 (h) of subsection (5), paragraphs (a) and (g) of subsection (6),

1301 and subsections (8) and (16) of section 627.736, Florida  
 1302 Statutes, are amended to read:

1303       627.736 Required personal injury protection benefits;  
 1304 exclusions; priority; claims.—

1305       (3) INSURED'S RIGHTS TO RECOVERY OF SPECIAL DAMAGES IN  
 1306 TORT CLAIMS.—No insurer shall have a lien on any recovery in  
 1307 tort by judgment, settlement, or otherwise for personal injury  
 1308 protection benefits, whether suit has been filed or settlement  
 1309 has been reached without suit. An injured party who is entitled  
 1310 to bring suit under the provisions of ss. 627.732-627.737,  
 1311 627.7403, and 627.7405 ~~627.730-627.7405~~, or his or her legal  
 1312 representative, shall have no right to recover any damages for  
 1313 which personal injury protection benefits are paid or payable.  
 1314 The plaintiff may prove all of his or her special damages  
 1315 notwithstanding this limitation, but if special damages are  
 1316 introduced in evidence, the trier of facts, whether judge or  
 1317 jury, shall not award damages for personal injury protection  
 1318 benefits paid or payable. In all cases in which a jury is  
 1319 required to fix damages, the court shall instruct the jury that  
 1320 the plaintiff shall not recover such special damages for  
 1321 personal injury protection benefits paid or payable.

1322       (4) PAYMENT OF BENEFITS.—Benefits due from an insurer  
 1323 under ss. 627.732-627.737, 627.7403, and 627.7405 ~~627.730-~~  
 1324 ~~627.7405~~ are primary, except that benefits received under any  
 1325 workers' compensation law must be credited against the benefits

1326 provided by subsection (1) and are due and payable as loss  
1327 accrues upon receipt of reasonable proof of such loss and the  
1328 amount of expenses and loss incurred which are covered by the  
1329 policy issued under ss. 627.732-627.737, 627.7403, and 627.7405  
1330 ~~627.730-627.7405~~. If the Agency for Health Care Administration  
1331 provides, pays, or becomes liable for medical assistance under  
1332 the Medicaid program related to injury, sickness, disease, or  
1333 death arising out of the ownership, maintenance, or use of a  
1334 motor vehicle, the benefits under ss. 627.732-627.737, 627.7403,  
1335 and 627.7405 ~~627.730-627.7405~~ are subject to the Medicaid  
1336 program. However, within 30 days after receiving notice that the  
1337 Medicaid program paid such benefits, the insurer shall repay the  
1338 full amount of the benefits to the Medicaid program.

1339 (a) An insurer may require written notice to be given as  
1340 soon as practicable after an accident involving a motor vehicle  
1341 with respect to which the policy affords the security required  
1342 by ss. 627.732-627.737, 627.7403, and 627.7405 ~~627.730-627.7405~~.

1343 (b) Personal injury protection insurance benefits paid  
1344 pursuant to this section are overdue if not paid within 30 days  
1345 after the insurer is furnished written notice of the fact of a  
1346 covered loss and of the amount of same. However:

1347 1. If written notice of the entire claim is not furnished  
1348 to the insurer, any partial amount supported by written notice  
1349 is overdue if not paid within 30 days after written notice is  
1350 furnished to the insurer. Any part or all of the remainder of

1351 the claim that is subsequently supported by written notice is  
1352 overdue if not paid within 30 days after written notice is  
1353 furnished to the insurer.

1354         2. If an insurer pays only a portion of a claim or rejects  
1355 a claim, the insurer shall provide at the time of the partial  
1356 payment or rejection an itemized specification of each item that  
1357 the insurer had reduced, omitted, or declined to pay and any  
1358 information that the insurer desires the claimant to consider  
1359 related to the medical necessity of the denied treatment or to  
1360 explain the reasonableness of the reduced charge if this does  
1361 not limit the introduction of evidence at trial. The insurer  
1362 must also include the name and address of the person to whom the  
1363 claimant should respond and a claim number to be referenced in  
1364 future correspondence.

1365         3. If an insurer pays only a portion of a claim or rejects  
1366 a claim due to an alleged error in the claim, the insurer, at  
1367 the time of the partial payment or rejection, shall provide an  
1368 itemized specification or explanation of benefits due to the  
1369 specified error. Upon receiving the specification or  
1370 explanation, the person making the claim, at the person's option  
1371 and without waiving any other legal remedy for payment, has 15  
1372 days to submit a revised claim, which shall be considered a  
1373 timely submission of written notice of a claim.

1374         4. Notwithstanding the fact that written notice has been  
1375 furnished to the insurer, payment is not overdue if the insurer

1376 has reasonable proof that the insurer is not responsible for the  
 1377 payment.

1378 5. For the purpose of calculating the extent to which  
 1379 benefits are overdue, payment shall be treated as being made on  
 1380 the date a draft or other valid instrument that is equivalent to  
 1381 payment was placed in the United States mail in a properly  
 1382 addressed, postpaid envelope or, if not so posted, on the date  
 1383 of delivery.

1384 6. This paragraph does not preclude or limit the ability  
 1385 of the insurer to assert that the claim was unrelated, was not  
 1386 medically necessary, or was unreasonable or that the amount of  
 1387 the charge was in excess of that permitted under, or in  
 1388 violation of, subsection (5). Such assertion may be made at any  
 1389 time, including after payment of the claim or after the 30-day  
 1390 period for payment set forth in this paragraph.

1391 (c) Upon receiving notice of an accident that is  
 1392 potentially covered by personal injury protection benefits, the  
 1393 insurer must reserve \$5,000 of personal injury protection  
 1394 benefits for payment to physicians licensed under chapter 458 or  
 1395 chapter 459 or dentists licensed under chapter 466 who provide  
 1396 emergency services and care, as defined in s. 395.002, or who  
 1397 provide hospital inpatient care. The amount required to be held  
 1398 in reserve may be used only to pay claims from such physicians  
 1399 or dentists until 30 days after the date the insurer receives  
 1400 notice of the accident. After the 30-day period, any amount of



1401 the reserve for which the insurer has not received notice of  
1402 such claims may be used by the insurer to pay other claims. The  
1403 time periods specified in paragraph (b) for payment of personal  
1404 injury protection benefits are tolled for the period of time  
1405 that an insurer is required to hold payment of a claim that is  
1406 not from such physician or dentist to the extent that the  
1407 personal injury protection benefits not held in reserve are  
1408 insufficient to pay the claim. This paragraph does not require  
1409 an insurer to establish a claim reserve for insurance accounting  
1410 purposes.

1411 (d) All overdue payments bear simple interest at the rate  
1412 established under s. 55.03 or the rate established in the  
1413 insurance contract, whichever is greater, for the quarter in  
1414 which the payment became overdue, calculated from the date the  
1415 insurer was furnished with written notice of the amount of  
1416 covered loss. Interest is due at the time payment of the overdue  
1417 claim is made.

1418 (e) The insurer of the owner of a motor vehicle shall pay  
1419 personal injury protection benefits for:

1420 1. Accidental bodily injury sustained in this state by the  
1421 owner while occupying a motor vehicle, or while not an occupant  
1422 of a self-propelled vehicle if the injury is caused by physical  
1423 contact with a motor vehicle.

1424 2. Accidental bodily injury sustained outside this state,  
1425 but within the United States of America or its territories or

1426 | possessions or Canada, by the owner while occupying the owner's  
 1427 | motor vehicle.

1428 |         3. Accidental bodily injury sustained by a relative of the  
 1429 | owner residing in the same household, under the circumstances  
 1430 | described in subparagraph 1. or subparagraph 2., if the relative  
 1431 | at the time of the accident is domiciled in the owner's  
 1432 | household and is not the owner of a motor vehicle with respect  
 1433 | to which security is required under ss. 627.732-627.737,  
 1434 | 627.7403, and 627.7405 ~~627.730-627.7405~~.

1435 |         4. Accidental bodily injury sustained in this state by any  
 1436 | other person while occupying the owner's motor vehicle or, if a  
 1437 | resident of this state, while not an occupant of a self-  
 1438 | propelled vehicle if the injury is caused by physical contact  
 1439 | with such motor vehicle, if the injured person is not:

1440 |             a. The owner of a motor vehicle with respect to which  
 1441 | security is required under ss. 627.732-627.737, 627.7403, and  
 1442 | 627.7405 ~~627.730-627.7405~~; or

1443 |             b. Entitled to personal injury benefits from the insurer  
 1444 | of the owner of such a motor vehicle.

1445 |             (f) If two or more insurers are liable for paying personal  
 1446 | injury protection benefits for the same injury to any one  
 1447 | person, the maximum payable is as specified in subsection (1),  
 1448 | and the insurer paying the benefits is entitled to recover from  
 1449 | each of the other insurers an equitable pro rata share of the  
 1450 | benefits paid and expenses incurred in processing the claim.

1451 (g) It is a violation of the insurance code for an insurer  
1452 to fail to timely provide benefits as required by this section  
1453 with such frequency as to constitute a general business  
1454 practice.

1455 (h) Benefits are not due or payable to or on the behalf of  
1456 an insured person if that person has committed, by a material  
1457 act or omission, insurance fraud relating to personal injury  
1458 protection coverage under his or her policy, if the fraud is  
1459 admitted to in a sworn statement by the insured or established  
1460 in a court of competent jurisdiction. Any insurance fraud voids  
1461 all coverage arising from the claim related to such fraud under  
1462 the personal injury protection coverage of the insured person  
1463 who committed the fraud, irrespective of whether a portion of  
1464 the insured person's claim may be legitimate, and any benefits  
1465 paid before the discovery of the fraud is recoverable by the  
1466 insurer in its entirety from the person who committed insurance  
1467 fraud. The prevailing party is entitled to its costs and  
1468 attorney fees in any action in which it prevails in an insurer's  
1469 action to enforce its right of recovery under this paragraph.

1470 (i) If an insurer has a reasonable belief that a  
1471 fraudulent insurance act, for the purposes of s. 626.989 or s.  
1472 817.234, has been committed, the insurer shall notify the  
1473 claimant, in writing, within 30 days after submission of the  
1474 claim that the claim is being investigated for suspected fraud.  
1475 Beginning at the end of the initial 30-day period, the insurer

1476 has an additional 60 days to conduct its fraud investigation.  
1477 Notwithstanding subsection (10), no later than 90 days after the  
1478 submission of the claim, the insurer must deny the claim or pay  
1479 the claim with simple interest as provided in paragraph (d).  
1480 Interest shall be assessed from the day the claim was submitted  
1481 until the day the claim is paid. All claims denied for suspected  
1482 fraudulent insurance acts shall be reported to the Division of  
1483 Investigative and Forensic Services.

1484 (j) An insurer shall create and maintain for each insured  
1485 a log of personal injury protection benefits paid by the insurer  
1486 on behalf of the insured. If litigation is commenced, the  
1487 insurer shall provide to the insured a copy of the log within 30  
1488 days after receiving a request for the log from the insured.

1489 (5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

1490 (c) With respect to any treatment or service, other than  
1491 medical services billed by a hospital or other provider for  
1492 emergency services and care as defined in s. 395.002 or  
1493 inpatient services rendered at a hospital-owned facility, the  
1494 statement of charges must be furnished to the insurer by the  
1495 provider and may not include, and the insurer is not required to  
1496 pay, charges for treatment or services rendered more than 35  
1497 days before the postmark date or electronic transmission date of  
1498 the statement, except for past due amounts previously billed on  
1499 a timely basis under this paragraph, and except that, if the  
1500 provider submits to the insurer a notice of initiation of

1501 treatment within 21 days after its first examination or  
1502 treatment of the claimant, the statement may include charges for  
1503 treatment or services rendered up to, but not more than, 75 days  
1504 before the postmark date of the statement. The injured party is  
1505 not liable for, and the provider may not bill the injured party  
1506 for, charges that are unpaid because of the provider's failure  
1507 to comply with this paragraph. Any agreement requiring the  
1508 injured person or insured to pay for such charges is  
1509 unenforceable.

1510 1. If the insured fails to furnish the provider with the  
1511 correct name and address of the insured's personal injury  
1512 protection insurer, the provider has 35 days from the date the  
1513 provider obtains the correct information to furnish the insurer  
1514 with a statement of the charges. The insurer is not required to  
1515 pay for such charges unless the provider includes with the  
1516 statement documentary evidence that was provided by the insured  
1517 during the 35-day period demonstrating that the provider  
1518 reasonably relied on erroneous information from the insured and  
1519 either:

1520 a. A denial letter from the incorrect insurer; or  
1521 b. Proof of mailing, which may include an affidavit under  
1522 penalty of perjury, reflecting timely mailing to the incorrect  
1523 address or insurer.

1524 2. For emergency services and care rendered in a hospital  
1525 emergency department or for transport and treatment rendered by

1526 an ambulance provider licensed pursuant to part III of chapter  
1527 401, the provider is not required to furnish the statement of  
1528 charges within the time periods established by this paragraph,  
1529 and the insurer is not considered to have been furnished with  
1530 notice of the amount of covered loss for purposes of paragraph  
1531 (4) (b) until it receives a statement complying with paragraph  
1532 (d), or copy thereof, which specifically identifies the place of  
1533 service to be a hospital emergency department or an ambulance in  
1534 accordance with billing standards recognized by the federal  
1535 Centers for Medicare and Medicaid Services.

1536 3. Each notice of the insured's rights ~~under s. 627.7401~~  
1537 must include the following statement in at least 12-point type:  
1538 BILLING REQUIREMENTS.—Florida law provides that with respect to  
1539 any treatment or services, other than certain hospital and  
1540 emergency services, the statement of charges furnished to the  
1541 insurer by the provider may not include, and the insurer and the  
1542 injured party are not required to pay, charges for treatment or  
1543 services rendered more than 35 days before the postmark date of  
1544 the statement, except for past due amounts previously billed on  
1545 a timely basis, and except that, if the provider submits to the  
1546 insurer a notice of initiation of treatment within 21 days after  
1547 its first examination or treatment of the claimant, the  
1548 statement may include charges for treatment or services rendered  
1549 up to, but not more than, 75 days before the postmark date of  
1550 the statement.

1551 (h) As provided in s. 400.9905, an entity excluded from  
1552 the definition of a clinic shall be deemed a clinic and must be  
1553 licensed under part X of chapter 400 in order to receive  
1554 reimbursement under ss. 627.732-627.737, 627.7403, and 627.7405  
1555 ~~627.730-627.7405~~. However, this licensing requirement does not  
1556 apply to:

1557 1. An entity wholly owned by a physician licensed under  
1558 chapter 458 or chapter 459, or by the physician and the spouse,  
1559 parent, child, or sibling of the physician;

1560 2. An entity wholly owned by a dentist licensed under  
1561 chapter 466, or by the dentist and the spouse, parent, child, or  
1562 sibling of the dentist;

1563 3. An entity wholly owned by a chiropractic physician  
1564 licensed under chapter 460, or by the chiropractic physician and  
1565 the spouse, parent, child, or sibling of the chiropractic  
1566 physician;

1567 4. A hospital or ambulatory surgical center licensed under  
1568 chapter 395;

1569 5. An entity that wholly owns or is wholly owned, directly  
1570 or indirectly, by a hospital or hospitals licensed under chapter  
1571 395;

1572 6. An entity that is a clinical facility affiliated with  
1573 an accredited medical school at which training is provided for  
1574 medical students, residents, or fellows;

1575 7. An entity that is certified under 42 C.F.R. part 485,

1576 subpart H; or

1577 8. An entity that is owned by a publicly traded  
 1578 corporation, either directly or indirectly through its  
 1579 subsidiaries, that has \$250 million or more in total annual  
 1580 sales of health care services provided by licensed health care  
 1581 practitioners if one or more of the persons responsible for the  
 1582 operations of the entity are health care practitioners who are  
 1583 licensed in this state and who are responsible for supervising  
 1584 the business activities of the entity and the entity's  
 1585 compliance with state law for purposes of this section.

1586 (6) DISCOVERY OF FACTS ABOUT AN INJURED PERSON; DISPUTES.—

1587 (a) If a request is made by an insurer providing personal  
 1588 injury protection benefits under ss. 627.732-627.737, 627.7403,  
 1589 and 627.7405 ~~627.730-627.7405~~ against whom a claim has been  
 1590 made, an employer must furnish, in a form approved by the  
 1591 office, a sworn statement of the earnings, since the time of the  
 1592 bodily injury and for a reasonable period before the injury, of  
 1593 the person upon whose injury the claim is based.

1594 (g) An insured seeking benefits under ss. 627.732-627.737,  
 1595 627.7403, and 627.7405 ~~627.730-627.7405~~, including an omnibus  
 1596 insured, must comply with the terms of the policy, which  
 1597 include, but are not limited to, submitting to an examination  
 1598 under oath. The scope of questioning during the examination  
 1599 under oath is limited to relevant information or information  
 1600 that could reasonably be expected to lead to relevant



1601 information. Compliance with this paragraph is a condition  
 1602 precedent to receiving benefits. An insurer that, as a general  
 1603 business practice as determined by the office, requests an  
 1604 examination under oath of an insured or an omnibus insured  
 1605 without a reasonable basis is subject to s. 626.9541.

1606 (8) APPLICABILITY OF PROVISION REGULATING ATTORNEY FEES.—  
 1607 With respect to any dispute under the provisions of ss. 627.732-  
 1608 627.737, 627.7403, and 627.7405 ~~627.730-627.7405~~ between the  
 1609 insured and the insurer, or between an assignee of an insured's  
 1610 rights and the insurer, the provisions of ss. 627.428 and 768.79  
 1611 apply, except as provided in subsections (10) and (15), and  
 1612 except that any attorney fees recovered must:

1613 (a) Comply with prevailing professional standards;

1614 (b) Not overstate or inflate the number of hours  
 1615 reasonably necessary for a case of comparable skill or  
 1616 complexity; and

1617 (c) Represent legal services that are reasonable and  
 1618 necessary to achieve the result obtained.

1619  
 1620 Upon request by either party, a judge must make written  
 1621 findings, substantiated by evidence presented at trial or any  
 1622 hearings associated therewith, that any award of attorney fees  
 1623 complies with this subsection. Notwithstanding s. 627.428,  
 1624 attorney fees recovered under ss. 627.732-627.737, 627.7403, and  
 1625 627.7405 ~~627.730-627.7405~~ must be calculated without regard to a

1626 contingency risk multiplier.

1627 (16) SECURE ELECTRONIC DATA TRANSFER.—A notice,  
 1628 documentation, transmission, or communication of any kind  
 1629 required or authorized under ss. 627.732-627.737, 627.7403, and  
 1630 627.7405 ~~627.730-627.7405~~ may be transmitted electronically if  
 1631 it is transmitted by secure electronic data transfer that is  
 1632 consistent with state and federal privacy and security laws.

1633 Section 29. Sections 627.730, 627.731, 627.7311, 627.739,  
 1634 and 627.7401, Florida Statutes, of the "Florida Motor Vehicle  
 1635 No-Fault Law," are repealed.

1636 Section 30. Section 627.7407, Florida Statutes, is  
 1637 repealed.

1638 Section 31. Notwithstanding any other provision of law,  
 1639 sections 627.732, 627.733, 627.734, 627.736, 627.737, 627.7403,  
 1640 and 627.7405, Florida Statutes, only apply to policies issued  
 1641 under the "Florida Motor Vehicle No-Fault Law" that are in force  
 1642 on or before December 31, 2017.

1643 Section 32. Section 627.8405, Florida Statutes, is amended  
 1644 to read:

1645 627.8405 Prohibited acts; financing companies.—A ~~No~~  
 1646 premium finance company ~~shall~~, in a premium finance agreement or  
 1647 other agreement, may not finance the cost of or otherwise  
 1648 provide for the collection or remittance of dues, assessments,  
 1649 fees, or other periodic payments of money for the cost of:

1650 (1) A membership in an automobile club. The term

1651 "automobile club" means a legal entity that ~~which~~, in  
1652 consideration of dues, assessments, or periodic payments of  
1653 money, promises its members or subscribers to assist them in  
1654 matters relating to the ownership, operation, use, or  
1655 maintenance of a motor vehicle; however, the term ~~this~~  
1656 ~~definition of "automobile club"~~ does not include persons,  
1657 associations, or corporations which are organized and operated  
1658 solely for the purpose of conducting, sponsoring, or sanctioning  
1659 motor vehicle races, exhibitions, or contests upon racetracks,  
1660 or upon racecourses established and marked as such for the  
1661 duration of such particular events. The term ~~words~~ "motor  
1662 vehicle" used herein have the same meaning as defined in chapter  
1663 320.

1664 (2) An accidental death and dismemberment policy sold in  
1665 combination with a policy providing only bodily injury liability  
1666 coverage ~~personal injury protection~~ and property damage  
1667 liability coverage ~~only policy~~.

1668 (3) Any product not regulated under the provisions of this  
1669 insurance code.

1670  
1671 This section also applies to premium financing by any insurance  
1672 agent or insurance company under part XVI. The commission shall  
1673 adopt rules to assure disclosure, at the time of sale, of motor  
1674 vehicle liability insurance coverages financed ~~with personal~~  
1675 ~~injury protection~~ and shall prescribe the form of such

1676 disclosure.

1677 Section 33. Subsection (1) of section 627.915, Florida  
 1678 Statutes, is amended to read:

1679 627.915 Insurer experience reporting.—

1680 (1) Each insurer transacting private passenger automobile  
 1681 insurance in this state shall report certain information  
 1682 annually to the office. The information will be due on or before  
 1683 July 1 of each year. The information shall be divided into the  
 1684 following categories: bodily injury liability; property damage  
 1685 liability; uninsured motorist; ~~personal injury protection~~  
 1686 ~~benefits~~; medical payments; and comprehensive and collision. The  
 1687 information given must ~~shall~~ be on direct insurance writings in  
 1688 the state alone and must ~~shall~~ represent total limits data. The  
 1689 information set forth in paragraphs (a)-(f) is applicable to  
 1690 voluntary private passenger and Joint Underwriting Association  
 1691 private passenger writings and shall be reported for each of the  
 1692 latest 3 calendar-accident years, with an evaluation date of  
 1693 March 31 of the current year. The information set forth in  
 1694 paragraphs (g)-(j) is applicable to voluntary private passenger  
 1695 writings and shall be reported on a calendar-accident year basis  
 1696 ultimately seven times at seven different stages of development.

1697 (a) Premiums earned for the latest 3 calendar-accident  
 1698 years.

1699 (b) Loss development factors and the historic development  
 1700 of those factors.

- 1701 (c) Policyholder dividends incurred.
- 1702 (d) Expenses for other acquisition and general expense.
- 1703 (e) Expenses for agents' commissions and taxes, licenses,  
1704 and fees.
- 1705 (f) Profit and contingency factors as utilized in the  
1706 insurer's automobile rate filings for the applicable years.
- 1707 (g) Losses paid.
- 1708 (h) Losses unpaid.
- 1709 (i) Loss adjustment expenses paid.
- 1710 (j) Loss adjustment expenses unpaid.
- 1711 Section 34. Subsections (2) and (3) of section 628.909,  
1712 Florida Statutes, are amended to read:
- 1713 628.909 Applicability of other laws.—
- 1714 (2) The following provisions of the Florida Insurance Code  
1715 apply to captive insurance companies who are not industrial  
1716 insured captive insurance companies to the extent that such  
1717 provisions are not inconsistent with this part:
- 1718 (a) Chapter 624, except for ss. 624.407, 624.408,  
1719 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.
- 1720 (b) Chapter 625, part II.
- 1721 (c) Chapter 626, part IX.
- 1722 ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~  
1723 ~~provided.~~
- 1724 (d)~~(e)~~ Chapter 628.
- 1725 (3) The following provisions of the Florida Insurance Code

1726 shall apply to industrial insured captive insurance companies to  
 1727 the extent that such provisions are not inconsistent with this  
 1728 part:

1729 (a) Chapter 624, except for ss. 624.407, 624.408,  
 1730 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and  
 1731 624.609(1).

1732 (b) Chapter 625, part II, if the industrial insured  
 1733 captive insurance company is incorporated in this state.

1734 (c) Chapter 626, part IX.

1735 ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~  
 1736 ~~provided.~~

1737 (d)~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and  
 1738 628.6018.

1739 Section 35. Subsections (2) and (3) of section 628.909,  
 1740 Florida Statutes, are amended to read:

1741 628.909 Applicability of other laws.—

1742 (2) The following provisions of the Florida Insurance Code  
 1743 apply to captive insurance companies who are not industrial  
 1744 insured captive insurance companies to the extent that such  
 1745 provisions are not inconsistent with this part:

1746 (a) Chapter 624, except for ss. 624.407, 624.408,  
 1747 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

1748 (b) Chapter 625, part II.

1749 (c) Chapter 626, part IX.

1750 ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~

1751 ~~provided.~~

1752 (d)~~(e)~~ Chapter 628.

1753 (3) The following provisions of the Florida Insurance Code  
 1754 shall apply to industrial insured captive insurance companies to  
 1755 the extent that such provisions are not inconsistent with this  
 1756 part:

1757 (a) Chapter 624, except for ss. 624.407, 624.408,  
 1758 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and  
 1759 624.609(1).

1760 (b) Chapter 625, part II, if the industrial insured  
 1761 captive insurance company is incorporated in this state.

1762 (c) Chapter 626, part IX.

1763 ~~(d) Sections 627.730-627.7405 when no fault coverage is~~  
 1764 ~~provided.~~

1765 (d)~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and  
 1766 628.6018.

1767 Section 36. Except as otherwise expressly provided in this  
 1768 act, this act shall take effect January 1, 2018.