



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



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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~~



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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



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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 July 1, 2018:

344 (a) Notwithstanding any provision of law, motor vehicle
345 insurance policies issued or renewed on or after July 1, 2018,
346 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 July 1, 2018, that provides personal injury protection
355 and property damage liability coverage and meets the
356 requirements of s. 324.022, on June 30, 2018, but that does not
357 meet minimum security requirements on or after July 1, 2018, is
358 deemed to meet the security requirements of s. 324.022 until
359 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 July 1, 2018, and whose policy does not
363 meet minimum security requirements on or after July 1, 2018, to
364 change coverages to obtain coverage providing minimum security
365 requirements that becomes effective on or after July 1, 2018.
366 The insurer is not required to provide coverage complying with
367 minimum security requirements in such policies if the insured
368 does not pay the required premium by July 1, 2018, or such later
369 date as the insurer may allow. The insurer must refund any
370 reduction in the premium. The insurer may not impose an
371 additional fee or charge on the insured for such changes in
372 coverage; however, the insurer may charge an additional premium
373 that is actuarially indicated.

374 (4) By March 1, 2018, a motor vehicle insurer must provide
375 notice of the provisions of this section to each motor vehicle



376 policyholder who is subject to this section. The notice is
377 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 July 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 July 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 July 1, 2018, and contains
415 personal injury protection and property damage liability
416 coverage as required by state law before July 1, 2018, but does
417 not meet minimum security requirements on or after July 1, 2018,
418 the policy is deemed to meet minimum security requirements until
419 it is renewed, nonrenewed, or canceled.

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



426 are effective on or after July 1, 2018.

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

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

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

433 324.021 Definitions; minimum insurance required.—The
434 following words and phrases when used in this chapter shall, for
435 the purpose of this chapter, have the meanings respectively
436 ascribed to them in this section, except in those instances
437 where the context clearly indicates a different meaning:

438 (1) MOTOR VEHICLE.—Every self-propelled vehicle which is
439 designed and required to be licensed for use upon a highway,
440 including trailers and semitrailers designed for use with such
441 vehicles, except traction engines, road rollers, farm tractors,
442 power shovels, and well drillers, and every vehicle which is
443 propelled by electric power obtained from overhead wires but not
444 operated upon rails, but not including any bicycle or moped.
445 ~~However, the term "motor vehicle" shall not include any motor~~
446 ~~vehicle as defined in s. 627.732(3) when the owner of such~~
447 ~~vehicle has complied with the requirements of ss. 627.730-~~
448 ~~627.7405, inclusive, unless the provisions of s. 324.051 apply;~~
449 ~~and, in such case, the applicable proof of insurance provisions~~
450 ~~of s. 320.02 apply.~~



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

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

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

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

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

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

468 324.022 Financial responsibility requirements ~~for property~~
469 ~~damage~~.—

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



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

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

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

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



501 covered claims.

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

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

508 1. A mobile home.

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

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

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

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

522 (3) Each nonresident owner or registrant of a motor
523 vehicle that, whether operated or not, has been physically
524 present within this state for more than 90 days during the
525 preceding 365 days shall maintain security as required by



526 subsection (1) that is in effect continuously throughout the
527 period the motor vehicle remains within this state.

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

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



551 324.0221 Reports by insurers to the department; suspension
552 of driver license and vehicle registrations; reinstatement.—

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

574 (b) With respect to an insurance policy providing ~~personal~~
575 ~~injury protection coverage or property damage~~ liability



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

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

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

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

600 (4) All suspensions of license or registration under this



601 section for failure to maintain required security that occurred
602 before July 1, 2018, remain in full force and effect after the
603 effective date of this act.

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

606 324.051 Reports of crashes; suspensions of licenses and
607 registrations.—

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

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

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

625 3. Such operator or owner has secured a duly acknowledged



626 written agreement providing for release from liability by all
627 parties injured as the result of said crash and has complied
628 with one of the provisions of s. 324.031.

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

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

637 (b) This subsection shall not apply:

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

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

648 3. To such operator or owner if the liability of such
649 operator or owner for damages resulting from such crash is, in
650 the judgment of the department, covered by any other form of



651 liability insurance or bond.

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

655

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

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

661 324.091 Notice to department; notice to insurer.—

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



676 coverage for both the owner and the operator, it shall take
677 action as it is authorized to do under this chapter.

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

680 324.151 Motor vehicle liability policies; required
681 provisions.—

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

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

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

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

698 (2) ~~(1)~~ A motor vehicle liability policy ~~as to be~~ proof of
699 financial responsibility under s. 324.031(1), shall be issued to
700 owners and ~~or~~ operators of motor vehicles under the following



701 provisions:

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



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

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

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



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

765 (3)~~(2)~~ The provisions of this section shall not be
766 applicable to any automobile liability policy unless and until
767 it is furnished as proof of financial responsibility for the
768 future pursuant to s. 324.031, and then only from and after the
769 date said policy is so furnished.

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

772 324.161 Proof of financial responsibility; deposit.—
773 Annually, before any certificate of insurance may be issued to a
774 person, including any firm, partnership, association,
775 corporation, or other person, ~~other than a natural person,~~ proof



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

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

789 324.171 Self-insurer.—

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

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

800 (b) A person, including any firm, partnership,



801 association, corporation, or other person, other than a natural
802 person, must ~~shall~~:

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

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

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

823 (2) The self-insurance certificate shall provide limits of
824 liability insurance in the amounts specified under s. 324.021(7)
825 or s. 627.7415 and ~~shall provide personal injury protection~~



826 ~~coverage under s. 627.733(3)(b).~~

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

829 324.251 Short title.—This chapter may be cited as the
830 "Financial Responsibility Law of 2017 ~~1955~~" and shall become
831 effective at 12:01 a.m., July 1, 2018 ~~October 1, 1955~~.

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

834 626.9541 Unfair methods of competition and unfair or
835 deceptive acts or practices defined.—

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

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

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

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



851 | classifications, premiums, or rates are not required by this
852 | code to be so filed and approved, premiums and charges collected
853 | from a Florida resident in excess of or less than those
854 | specified in the policy and as fixed by the insurer.
855 | Notwithstanding any other provision of law, this provision shall
856 | not be deemed to prohibit the charging and collection, by
857 | surplus lines agents licensed under part VIII of this chapter,
858 | of the amount of applicable state and federal taxes, or fees as
859 | authorized by s. 626.916(4), in addition to the premium required
860 | by the insurer or the charging and collection, by licensed
861 | agents, of the exact amount of any discount or other such fee
862 | charged by a credit card facility in connection with the use of
863 | a credit card, as authorized by subparagraph (q)3., in addition
864 | to the premium required by the insurer. This subparagraph shall
865 | not be construed to prohibit collection of a premium for a
866 | universal life or a variable or indeterminate value insurance
867 | policy made in accordance with the terms of the contract.

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



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

884 | (I) Lawfully parked;

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

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

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

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

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

899 | (VII) In receipt of a traffic citation which was dismissed
900 | or nolle prossed; or



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

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

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

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

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

925 5. Upon the request of the insured, the insurer and



926 licensed agent shall supply to the insured the complete proof of
927 fault or other criteria which justifies the additional charge or
928 cancellation.

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

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

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



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

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

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

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

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

972 627.06501 Insurance discounts for certain persons
973 completing driver improvement course.-

974 (1) Any rate, rating schedule, or rating manual for the
975 liability, ~~personal injury protection,~~ and collision coverages



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

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

988 627.0652 Insurance discounts for certain persons
989 completing safety course.—

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

1000 Section 21. Subsections (1), (3), and (6) of section



1001 627.0653, Florida Statutes, are amended to read:

1002 627.0653 Insurance discounts for specified motor vehicle
1003 equipment.—

1004 (1) Any rates, rating schedules, or rating manuals for the
1005 liability, ~~personal injury protection,~~ and collision coverages
1006 of a motor vehicle insurance policy filed with the office shall
1007 provide a premium discount if the insured vehicle is equipped
1008 with factory-installed, four-wheel antilock brakes.

1009 (3) Any rates, rating schedules, or rating manuals for
1010 ~~personal injury protection coverage and~~ medical payments
1011 coverage, if offered, of a motor vehicle insurance policy filed
1012 with the office shall provide a premium discount if the insured
1013 vehicle is equipped with one or more air bags which are factory
1014 installed.

1015 (6) The Office of Insurance Regulation may approve a
1016 premium discount to any rates, rating schedules, or rating
1017 manuals for the liability, ~~personal injury protection,~~ and
1018 collision coverages of a motor vehicle insurance policy filed
1019 with the office if the insured vehicle is equipped with
1020 autonomous driving technology or electronic vehicle collision
1021 avoidance technology that is factory installed or a retrofitted
1022 system and that complies with National Highway Traffic Safety
1023 Administration standards.

1024 Section 22. Section 627.4132, Florida Statutes, is amended
1025 to read:



1026 627.4132 Stacking of coverages prohibited.—If an insured
1027 or named insured is protected by any type of motor vehicle
1028 insurance policy for liability, ~~personal injury protection~~, or
1029 other coverage, the policy must ~~shall~~ provide that the insured
1030 or named insured is protected only to the extent of the coverage
1031 she or he has on the vehicle involved in the accident. However,
1032 if none of the insured's or named insured's vehicles are ~~is~~
1033 involved in the accident, coverage is available only to the
1034 extent of coverage on any one of the vehicles with applicable
1035 coverage. Coverage on any other vehicles may ~~shall~~ not be added
1036 to or stacked upon that coverage. This section does not apply:

1037 (1) To uninsured motorist coverage which is separately
1038 governed by s. 627.727.

1039 (2) To reduce the coverage available by reason of
1040 insurance policies insuring different named insureds.

1041 Section 23. Section 627.7263, Florida Statutes, is amended
1042 to read:

1043 627.7263 Rental and leasing driver's insurance to be
1044 primary; exception.—

1045 (1) The valid and collectible liability insurance ~~or~~
1046 ~~personal injury protection insurance~~ providing coverage for the
1047 lessor of a motor vehicle for rent or lease is primary unless
1048 otherwise stated in at least 10-point type on the face of the
1049 rental or lease agreement. Such insurance is primary for the
1050 limits of liability in an amount not less than the minimum



1051 limits described in ~~and personal injury protection coverage as~~
1052 ~~required by s. 324.021(7) ss. 324.021(7) and 627.736.~~

1053 (2) If the lessee's coverage is to be primary, the rental
1054 or lease agreement must contain the following language, in at
1055 least 10-point type:

1056
1057 "The valid and collectible liability insurance ~~and personal~~
1058 ~~injury protection insurance~~ of an any authorized rental or
1059 leasing driver is primary for the limits of liability in an
1060 amount not less than the minimum limits described in ~~and~~
1061 ~~personal injury protection coverage required s. 324.021(7) by~~
1062 ~~ss. 324.021(7) and 627.736, Florida Statutes."~~

1063 Section 24. Subsections (1) and (7) of section 627.727,
1064 Florida Statutes, are amended to read:

1065 627.727 Motor vehicle insurance; uninsured and
1066 underinsured vehicle coverage; insolvent insurer protection.—

1067 (1) No motor vehicle liability insurance policy which
1068 provides bodily injury liability coverage shall be delivered or
1069 issued for delivery in this state with respect to any
1070 specifically insured or identified motor vehicle registered or
1071 principally garaged in this state unless uninsured motor vehicle
1072 coverage is provided therein or supplemental thereto for the
1073 protection of persons insured thereunder who are legally
1074 entitled to recover damages from owners or operators of
1075 uninsured motor vehicles because of bodily injury, sickness, or



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



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



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

1142 (7) (a) For uninsured and underinsured vehicle coverage
1143 issued before July 1, 2018, the legal liability of an uninsured
1144 motorist coverage insurer does not include damages in tort for
1145 pain, suffering, mental anguish, and inconvenience unless the
1146 injury or disease is described in one or more of paragraphs (a)-
1147 (d) of s. 627.737(2).

1148 (b) For uninsured and underinsured vehicle coverage issued
1149 on or after July 1, 2018, the legal liability of an uninsured
1150 motorist coverage insurer includes damages in tort for pain,



1151 suffering, disability or physical impairment, disfigurement,
1152 mental anguish, inconvenience, and the loss of capacity for the
1153 enjoyment of life experienced in the past and to be experienced
1154 in the future.

1155 Section 25. Subsection (1) and paragraphs (a) and (b) of
1156 subsection (2) of section 627.7275, Florida Statutes, are
1157 amended to read:

1158 627.7275 Motor vehicle liability.—

1159 (1) A motor vehicle insurance policy ~~providing personal~~
1160 ~~injury protection as set forth in s. 627.736~~ may not be
1161 delivered or issued for delivery in this state for a with
1162 ~~respect to any~~ specifically insured or identified motor vehicle
1163 registered or principally garaged in this state must provide
1164 bodily injury liability coverage and unless the policy also
1165 ~~provides coverage for~~ property damage liability coverage as
1166 required under ~~by~~ s. 324.022.

1167 (2) (a) Insurers writing motor vehicle insurance in this
1168 state shall make available, subject to the insurers' usual
1169 underwriting restrictions:

1170 1. Coverage under policies as described in subsection (1)
1171 to an applicant for private passenger motor vehicle insurance
1172 coverage who is seeking the coverage in order to reinstate the
1173 applicant's driving privileges in this state if the driving
1174 privileges were revoked or suspended pursuant to s. 316.646 or
1175 s. 324.0221 due to the failure of the applicant to maintain



1176 required security.

1177 2. Coverage under policies as described in subsection (1),
1178 which also provides bodily injury liability coverage and
1179 property damage liability coverage ~~for bodily injury, death, and~~
1180 ~~property damage arising out of the ownership, maintenance, or~~
1181 ~~use of the motor vehicle~~ in an amount not less than the minimum
1182 limits described in s. 324.021(7) or s. 324.023 and conforms to
1183 the requirements of s. 324.151, to an applicant for private
1184 passenger motor vehicle insurance coverage who is seeking the
1185 coverage in order to reinstate the applicant's driving
1186 privileges in this state after such privileges were revoked or
1187 suspended under s. 316.193 or s. 322.26(2) for driving under the
1188 influence.

1189 (b) The policies described in paragraph (a) shall be
1190 issued for at least 6 months and, as to the minimum coverages
1191 required under this section, may not be canceled by the insured
1192 for any reason or by the insurer after 60 days, during which
1193 period the insurer is completing the underwriting of the policy.
1194 After the insurer has completed underwriting the policy, the
1195 insurer shall notify the Department of Highway Safety and Motor
1196 Vehicles that the policy is in full force and effect and is not
1197 cancelable for the remainder of the policy period. A premium
1198 shall be collected and the coverage is in effect for the 60-day
1199 period during which the insurer is completing the underwriting
1200 of the policy whether or not the person's driver license, motor



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

1207 Section 26. Paragraph (a) of subsection (1) of section
1208 627.728, Florida Statutes, is amended to read:

1209 627.728 Cancellations; nonrenewals.—

1210 (1) As used in this section, the term:

1211 (a) "Policy" means the bodily injury and property damage
1212 liability, ~~personal injury protection~~, medical payments,
1213 comprehensive, collision, and uninsured motorist coverage
1214 portions of a policy of motor vehicle insurance delivered or
1215 issued for delivery in this state:

1216 1. Insuring a natural person as named insured or one or
1217 more related individuals who are residents ~~resident~~ of the same
1218 household; and

1219 2. Insuring only a motor vehicle of the private passenger
1220 type or station wagon type which is not used as a public or
1221 livery conveyance for passengers or rented to others; or
1222 insuring any other four-wheel motor vehicle having a load
1223 capacity of 1,500 pounds or less which is not used in the
1224 occupation, profession, or business of the insured other than
1225 farming; other than any policy issued under an automobile



1226 insurance assigned risk plan or covering garage, automobile
1227 sales agency, repair shop, service station, or public parking
1228 place operation hazards.

1229

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

1233 Section 27. Subsection (1), paragraph (a) of subsection
1234 (5), and subsection (7) of section 627.7295, Florida Statutes,
1235 are amended to read:

1236 627.7295 Motor vehicle insurance contracts.—

1237 (1) As used in this section, the term:

1238 (a) "Policy" means a motor vehicle insurance policy that
1239 provides bodily injury liability coverage and ~~personal injury~~
1240 ~~protection coverage,~~ property damage liability coverage, ~~or~~
1241 ~~both.~~

1242 (b) "Binder" means a binder that provides motor vehicle
1243 bodily injury liability coverage ~~personal injury protection~~ and
1244 property damage liability coverage.

1245 (5) (a) A licensed general lines agent may charge a per-
1246 policy fee up ~~not~~ to ~~exceed~~ \$10 to cover the administrative
1247 costs of the agent associated with selling the motor vehicle
1248 insurance policy if the policy covers only bodily injury
1249 liability coverage ~~personal injury protection coverage as~~
1250 ~~provided by s. 627.736~~ and property damage liability coverage as



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

1254 (7) A policy of private passenger motor vehicle insurance
1255 or a binder for such a policy may be initially issued in this
1256 state only if, before the effective date of such binder or
1257 policy, the insurer or agent has collected ~~from the insured an~~
1258 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
1259 agent, or premium finance company may not, directly or
1260 indirectly, take any action that results ~~resulting~~ in the
1261 insured paying ~~having paid~~ from the insured's own funds an
1262 amount less than the 2 months' premium required by this
1263 subsection. This subsection applies without regard to whether
1264 the premium is financed by a premium finance company or is paid
1265 pursuant to a periodic payment plan of an insurer or an
1266 insurance agent.

1267 (a) This subsection does not apply:

1268 1. If an insured or member of the insured's family is
1269 renewing or replacing a policy or a binder for such policy
1270 written by the same insurer or a member of the same insurer
1271 group.

1272 2. ~~To This subsection does not apply to~~ an insurer that
1273 issues private passenger motor vehicle coverage primarily to
1274 active duty or former military personnel or their dependents.

1275 3. ~~If This subsection does not apply if~~ all policy



1276 payments are paid pursuant to a payroll deduction plan, an
1277 automatic electronic funds transfer payment plan from the
1278 policyholder, or a recurring credit card or debit card agreement
1279 with the insurer.

1280 (b) This subsection and subsection (4) do not apply if:

1281 1. All policy payments to an insurer are paid pursuant to
1282 an automatic electronic funds transfer payment plan from an
1283 agent, a managing general agent, or a premium finance company
1284 and if the policy includes, at a minimum, bodily injury
1285 liability and ~~personal injury protection pursuant to ss.~~
1286 ~~627.730-627.7405; motor vehicle~~ property damage liability
1287 coverage pursuant to s. 627.7275.; ~~and bodily injury liability~~
1288 ~~in at least the amount of \$10,000 because of bodily injury to,~~
1289 ~~or death of, one person in any one accident and in the amount of~~
1290 ~~\$20,000 because of bodily injury to, or death of, two or more~~
1291 ~~persons in any one accident. This subsection and subsection (4)~~
1292 ~~do not apply if an~~

1293 2. An insured has had a policy in effect for at least 6
1294 months, the insured's agent is terminated by the insurer that
1295 issued the policy, and the insured obtains coverage on the
1296 policy's renewal date with a new company through the terminated
1297 agent.

1298 Section 28. Subsections (3) and (4), paragraphs (c) and
1299 (h) of subsection (5), paragraphs (a) and (g) of subsection (6),
1300 and subsections (8) and (16) of section 627.736, Florida



1301 Statutes, are amended to read:

1302 627.736 Required personal injury protection benefits;
1303 exclusions; priority; claims.—

1304 (3) INSURED'S RIGHTS TO RECOVERY OF SPECIAL DAMAGES IN
1305 TORT CLAIMS.—No insurer shall have a lien on any recovery in
1306 tort by judgment, settlement, or otherwise for personal injury
1307 protection benefits, whether suit has been filed or settlement
1308 has been reached without suit. An injured party who is entitled
1309 to bring suit under the provisions of ss. 627.732-627.737,
1310 627.7403, and 627.7405 ~~627.730-627.7405~~, or his or her legal
1311 representative, shall have no right to recover any damages for
1312 which personal injury protection benefits are paid or payable.
1313 The plaintiff may prove all of his or her special damages
1314 notwithstanding this limitation, but if special damages are
1315 introduced in evidence, the trier of facts, whether judge or
1316 jury, shall not award damages for personal injury protection
1317 benefits paid or payable. In all cases in which a jury is
1318 required to fix damages, the court shall instruct the jury that
1319 the plaintiff shall not recover such special damages for
1320 personal injury protection benefits paid or payable.

1321 (4) PAYMENT OF BENEFITS.—Benefits due from an insurer
1322 under ss. 627.732-627.737, 627.7403, and 627.7405 ~~627.730-~~
1323 ~~627.7405~~ are primary, except that benefits received under any
1324 workers' compensation law must be credited against the benefits
1325 provided by subsection (1) and are due and payable as loss



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

1338 (a) An insurer may require written notice to be given as
1339 soon as practicable after an accident involving a motor vehicle
1340 with respect to which the policy affords the security required
1341 by ss. 627.732-627.737, 627.7403, and 627.7405 ~~627.730-627.7405~~.

1342 (b) Personal injury protection insurance benefits paid
1343 pursuant to this section are overdue if not paid within 30 days
1344 after the insurer is furnished written notice of the fact of a
1345 covered loss and of the amount of same. However:

1346 1. If written notice of the entire claim is not furnished
1347 to the insurer, any partial amount supported by written notice
1348 is overdue if not paid within 30 days after written notice is
1349 furnished to the insurer. Any part or all of the remainder of
1350 the claim that is subsequently supported by written notice is



1351 overdue if not paid within 30 days after written notice is
1352 furnished to the insurer.

1353 2. If an insurer pays only a portion of a claim or rejects
1354 a claim, the insurer shall provide at the time of the partial
1355 payment or rejection an itemized specification of each item that
1356 the insurer had reduced, omitted, or declined to pay and any
1357 information that the insurer desires the claimant to consider
1358 related to the medical necessity of the denied treatment or to
1359 explain the reasonableness of the reduced charge if this does
1360 not limit the introduction of evidence at trial. The insurer
1361 must also include the name and address of the person to whom the
1362 claimant should respond and a claim number to be referenced in
1363 future correspondence.

1364 3. If an insurer pays only a portion of a claim or rejects
1365 a claim due to an alleged error in the claim, the insurer, at
1366 the time of the partial payment or rejection, shall provide an
1367 itemized specification or explanation of benefits due to the
1368 specified error. Upon receiving the specification or
1369 explanation, the person making the claim, at the person's option
1370 and without waiving any other legal remedy for payment, has 15
1371 days to submit a revised claim, which shall be considered a
1372 timely submission of written notice of a claim.

1373 4. Notwithstanding the fact that written notice has been
1374 furnished to the insurer, payment is not overdue if the insurer
1375 has reasonable proof that the insurer is not responsible for the



1376 payment.

1377 5. For the purpose of calculating the extent to which
1378 benefits are overdue, payment shall be treated as being made on
1379 the date a draft or other valid instrument that is equivalent to
1380 payment was placed in the United States mail in a properly
1381 addressed, postpaid envelope or, if not so posted, on the date
1382 of delivery.

1383 6. This paragraph does not preclude or limit the ability
1384 of the insurer to assert that the claim was unrelated, was not
1385 medically necessary, or was unreasonable or that the amount of
1386 the charge was in excess of that permitted under, or in
1387 violation of, subsection (5). Such assertion may be made at any
1388 time, including after payment of the claim or after the 30-day
1389 period for payment set forth in this paragraph.

1390 (c) Upon receiving notice of an accident that is
1391 potentially covered by personal injury protection benefits, the
1392 insurer must reserve \$5,000 of personal injury protection
1393 benefits for payment to physicians licensed under chapter 458 or
1394 chapter 459 or dentists licensed under chapter 466 who provide
1395 emergency services and care, as defined in s. 395.002, or who
1396 provide hospital inpatient care. The amount required to be held
1397 in reserve may be used only to pay claims from such physicians
1398 or dentists until 30 days after the date the insurer receives
1399 notice of the accident. After the 30-day period, any amount of
1400 the reserve for which the insurer has not received notice of



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

1410 (d) All overdue payments bear simple interest at the rate
1411 established under s. 55.03 or the rate established in the
1412 insurance contract, whichever is greater, for the quarter in
1413 which the payment became overdue, calculated from the date the
1414 insurer was furnished with written notice of the amount of
1415 covered loss. Interest is due at the time payment of the overdue
1416 claim is made.

1417 (e) The insurer of the owner of a motor vehicle shall pay
1418 personal injury protection benefits for:

1419 1. Accidental bodily injury sustained in this state by the
1420 owner while occupying a motor vehicle, or while not an occupant
1421 of a self-propelled vehicle if the injury is caused by physical
1422 contact with a motor vehicle.

1423 2. Accidental bodily injury sustained outside this state,
1424 but within the United States of America or its territories or
1425 possessions or Canada, by the owner while occupying the owner's



1426 motor vehicle.

1427 3. Accidental bodily injury sustained by a relative of the
1428 owner residing in the same household, under the circumstances
1429 described in subparagraph 1. or subparagraph 2., if the relative
1430 at the time of the accident is domiciled in the owner's
1431 household and is not the owner of a motor vehicle with respect
1432 to which security is required under ss. 627.732-627.737,
1433 627.7403, and 627.7405 ~~627.730-627.7405~~.

1434 4. Accidental bodily injury sustained in this state by any
1435 other person while occupying the owner's motor vehicle or, if a
1436 resident of this state, while not an occupant of a self-
1437 propelled vehicle if the injury is caused by physical contact
1438 with such motor vehicle, if the injured person is not:

1439 a. The owner of a motor vehicle with respect to which
1440 security is required under ss. 627.732-627.737, 627.7403, and
1441 627.7405 ~~627.730-627.7405~~; or

1442 b. Entitled to personal injury benefits from the insurer
1443 of the owner of such a motor vehicle.

1444 (f) If two or more insurers are liable for paying personal
1445 injury protection benefits for the same injury to any one
1446 person, the maximum payable is as specified in subsection (1),
1447 and the insurer paying the benefits is entitled to recover from
1448 each of the other insurers an equitable pro rata share of the
1449 benefits paid and expenses incurred in processing the claim.

1450 (g) It is a violation of the insurance code for an insurer



1451 to fail to timely provide benefits as required by this section
1452 with such frequency as to constitute a general business
1453 practice.

1454 (h) Benefits are not due or payable to or on the behalf of
1455 an insured person if that person has committed, by a material
1456 act or omission, insurance fraud relating to personal injury
1457 protection coverage under his or her policy, if the fraud is
1458 admitted to in a sworn statement by the insured or established
1459 in a court of competent jurisdiction. Any insurance fraud voids
1460 all coverage arising from the claim related to such fraud under
1461 the personal injury protection coverage of the insured person
1462 who committed the fraud, irrespective of whether a portion of
1463 the insured person's claim may be legitimate, and any benefits
1464 paid before the discovery of the fraud is recoverable by the
1465 insurer in its entirety from the person who committed insurance
1466 fraud. The prevailing party is entitled to its costs and
1467 attorney fees in any action in which it prevails in an insurer's
1468 action to enforce its right of recovery under this paragraph.

1469 (i) If an insurer has a reasonable belief that a
1470 fraudulent insurance act, for the purposes of s. 626.989 or s.
1471 817.234, has been committed, the insurer shall notify the
1472 claimant, in writing, within 30 days after submission of the
1473 claim that the claim is being investigated for suspected fraud.
1474 Beginning at the end of the initial 30-day period, the insurer
1475 has an additional 60 days to conduct its fraud investigation.



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

1483 (j) An insurer shall create and maintain for each insured
1484 a log of personal injury protection benefits paid by the insurer
1485 on behalf of the insured. If litigation is commenced, the
1486 insurer shall provide to the insured a copy of the log within 30
1487 days after receiving a request for the log from the insured.

1488 (5) CHARGES FOR TREATMENT OF INJURED PERSONS.—

1489 (c) With respect to any treatment or service, other than
1490 medical services billed by a hospital or other provider for
1491 emergency services and care as defined in s. 395.002 or
1492 inpatient services rendered at a hospital-owned facility, the
1493 statement of charges must be furnished to the insurer by the
1494 provider and may not include, and the insurer is not required to
1495 pay, charges for treatment or services rendered more than 35
1496 days before the postmark date or electronic transmission date of
1497 the statement, except for past due amounts previously billed on
1498 a timely basis under this paragraph, and except that, if the
1499 provider submits to the insurer a notice of initiation of
1500 treatment within 21 days after its first examination or



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

1509 1. If the insured fails to furnish the provider with the
1510 correct name and address of the insured's personal injury
1511 protection insurer, the provider has 35 days from the date the
1512 provider obtains the correct information to furnish the insurer
1513 with a statement of the charges. The insurer is not required to
1514 pay for such charges unless the provider includes with the
1515 statement documentary evidence that was provided by the insured
1516 during the 35-day period demonstrating that the provider
1517 reasonably relied on erroneous information from the insured and
1518 either:

1519 a. A denial letter from the incorrect insurer; or
1520 b. Proof of mailing, which may include an affidavit under
1521 penalty of perjury, reflecting timely mailing to the incorrect
1522 address or insurer.

1523 2. For emergency services and care rendered in a hospital
1524 emergency department or for transport and treatment rendered by
1525 an ambulance provider licensed pursuant to part III of chapter



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

1535 3. Each notice of the insured's rights ~~under s. 627.7401~~
1536 must include the following statement in at least 12-point type:
1537 BILLING REQUIREMENTS.—Florida law provides that with respect to
1538 any treatment or services, other than certain hospital and
1539 emergency services, the statement of charges furnished to the
1540 insurer by the provider may not include, and the insurer and the
1541 injured party are not required to pay, charges for treatment or
1542 services rendered more than 35 days before the postmark date of
1543 the statement, except for past due amounts previously billed on
1544 a timely basis, and except that, if the provider submits to the
1545 insurer a notice of initiation of treatment within 21 days after
1546 its first examination or treatment of the claimant, the
1547 statement may include charges for treatment or services rendered
1548 up to, but not more than, 75 days before the postmark date of
1549 the statement.

1550 (h) As provided in s. 400.9905, an entity excluded from



1551 the definition of a clinic shall be deemed a clinic and must be
1552 licensed under part X of chapter 400 in order to receive
1553 reimbursement under ss. 627.732-627.737, 627.7403, and 627.7405
1554 ~~627.730-627.7405~~. However, this licensing requirement does not
1555 apply to:

1556 1. An entity wholly owned by a physician licensed under
1557 chapter 458 or chapter 459, or by the physician and the spouse,
1558 parent, child, or sibling of the physician;

1559 2. An entity wholly owned by a dentist licensed under
1560 chapter 466, or by the dentist and the spouse, parent, child, or
1561 sibling of the dentist;

1562 3. An entity wholly owned by a chiropractic physician
1563 licensed under chapter 460, or by the chiropractic physician and
1564 the spouse, parent, child, or sibling of the chiropractic
1565 physician;

1566 4. A hospital or ambulatory surgical center licensed under
1567 chapter 395;

1568 5. An entity that wholly owns or is wholly owned, directly
1569 or indirectly, by a hospital or hospitals licensed under chapter
1570 395;

1571 6. An entity that is a clinical facility affiliated with
1572 an accredited medical school at which training is provided for
1573 medical students, residents, or fellows;

1574 7. An entity that is certified under 42 C.F.R. part 485,
1575 subpart H; or



1576 8. An entity that is owned by a publicly traded
1577 corporation, either directly or indirectly through its
1578 subsidiaries, that has \$250 million or more in total annual
1579 sales of health care services provided by licensed health care
1580 practitioners if one or more of the persons responsible for the
1581 operations of the entity are health care practitioners who are
1582 licensed in this state and who are responsible for supervising
1583 the business activities of the entity and the entity's
1584 compliance with state law for purposes of this section.

1585 (6) DISCOVERY OF FACTS ABOUT AN INJURED PERSON; DISPUTES.—

1586 (a) If a request is made by an insurer providing personal
1587 injury protection benefits under ss. 627.732-627.737, 627.7403,
1588 and 627.7405 ~~627.730-627.7405~~ against whom a claim has been
1589 made, an employer must furnish, in a form approved by the
1590 office, a sworn statement of the earnings, since the time of the
1591 bodily injury and for a reasonable period before the injury, of
1592 the person upon whose injury the claim is based.

1593 (g) An insured seeking benefits under ss. 627.732-627.737,
1594 627.7403, and 627.7405 ~~627.730-627.7405~~, including an omnibus
1595 insured, must comply with the terms of the policy, which
1596 include, but are not limited to, submitting to an examination
1597 under oath. The scope of questioning during the examination
1598 under oath is limited to relevant information or information
1599 that could reasonably be expected to lead to relevant
1600 information. Compliance with this paragraph is a condition



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

1605 (8) APPLICABILITY OF PROVISION REGULATING ATTORNEY FEES.—
1606 With respect to any dispute under the provisions of ss. 627.732-
1607 627.737, 627.7403, and 627.7405 ~~627.730-627.7405~~ between the
1608 insured and the insurer, or between an assignee of an insured's
1609 rights and the insurer, the provisions of ss. 627.428 and 768.79
1610 apply, except as provided in subsections (10) and (15), and
1611 except that any attorney fees recovered must:

1612 (a) Comply with prevailing professional standards;

1613 (b) Not overstate or inflate the number of hours
1614 reasonably necessary for a case of comparable skill or
1615 complexity; and

1616 (c) Represent legal services that are reasonable and
1617 necessary to achieve the result obtained.

1618
1619 Upon request by either party, a judge must make written
1620 findings, substantiated by evidence presented at trial or any
1621 hearings associated therewith, that any award of attorney fees
1622 complies with this subsection. Notwithstanding s. 627.428,
1623 attorney fees recovered under ss. 627.732-627.737, 627.7403, and
1624 627.7405 ~~627.730-627.7405~~ must be calculated without regard to a
1625 contingency risk multiplier.



1626 (16) SECURE ELECTRONIC DATA TRANSFER.—A notice,
1627 documentation, transmission, or communication of any kind
1628 required or authorized under ss. 627.732-627.737, 627.7403, and
1629 627.7405 ~~627.730-627.7405~~ may be transmitted electronically if
1630 it is transmitted by secure electronic data transfer that is
1631 consistent with state and federal privacy and security laws.

1632 Section 29. Sections 627.730, 627.731, 627.7311, 627.739,
1633 and 627.7401, Florida Statutes, of the "Florida Motor Vehicle
1634 No-Fault Law," are repealed.

1635 Section 30. Section 627.7407, Florida Statutes, is
1636 repealed.

1637 Section 31. Notwithstanding any other provision of law,
1638 sections 627.732, 627.733, 627.734, 627.736, 627.737, 627.7403,
1639 and 627.7405, Florida Statutes, only apply to policies issued
1640 under the "Florida Motor Vehicle No-Fault Law" that are in force
1641 on or before December 31, 2017.

1642 Section 32. Section 627.8405, Florida Statutes, is amended
1643 to read:

1644 627.8405 Prohibited acts; financing companies.—~~A No~~
1645 premium finance company ~~shall~~, in a premium finance agreement or
1646 other agreement, may not finance the cost of or otherwise
1647 provide for the collection or remittance of dues, assessments,
1648 fees, or other periodic payments of money for the cost of:

1649 (1) A membership in an automobile club. The term
1650 "automobile club" means a legal entity that ~~which~~, in



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

1663 (2) An accidental death and dismemberment policy sold in
1664 combination with a policy providing only bodily injury liability
1665 coverage ~~personal injury protection~~ and property damage
1666 liability coverage ~~only policy~~.

1667 (3) Any product not regulated under the provisions of this
1668 insurance code.

1669
1670 This section also applies to premium financing by any insurance
1671 agent or insurance company under part XVI. The commission shall
1672 adopt rules to assure disclosure, at the time of sale, of motor
1673 vehicle liability insurance coverages financed ~~with personal~~
1674 ~~injury protection~~ and shall prescribe the form of such
1675 disclosure.



1676 Section 33. Subsection (1) of section 627.915, Florida
1677 Statutes, is amended to read:

1678 627.915 Insurer experience reporting.—

1679 (1) Each insurer transacting private passenger automobile
1680 insurance in this state shall report certain information
1681 annually to the office. The information will be due on or before
1682 July 1 of each year. The information shall be divided into the
1683 following categories: bodily injury liability; property damage
1684 liability; uninsured motorist; ~~personal injury protection~~
1685 ~~benefits~~; medical payments; and comprehensive and collision. The
1686 information given must ~~shall~~ be on direct insurance writings in
1687 the state alone and must ~~shall~~ represent total limits data. The
1688 information set forth in paragraphs (a)-(f) is applicable to
1689 voluntary private passenger and Joint Underwriting Association
1690 private passenger writings and shall be reported for each of the
1691 latest 3 calendar-accident years, with an evaluation date of
1692 March 31 of the current year. The information set forth in
1693 paragraphs (g)-(j) is applicable to voluntary private passenger
1694 writings and shall be reported on a calendar-accident year basis
1695 ultimately seven times at seven different stages of development.

1696 (a) Premiums earned for the latest 3 calendar-accident
1697 years.

1698 (b) Loss development factors and the historic development
1699 of those factors.

1700 (c) Policyholder dividends incurred.



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



1726 | the extent that such provisions are not inconsistent with this
1727 | part:

1728 | (a) Chapter 624, except for ss. 624.407, 624.408,
1729 | 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and
1730 | 624.609(1).

1731 | (b) Chapter 625, part II, if the industrial insured
1732 | captive insurance company is incorporated in this state.

1733 | (c) Chapter 626, part IX.

1734 | ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~
1735 | ~~provided.~~

1736 | (d)(e) Chapter 628, except for ss. 628.341, 628.351, and
1737 | 628.6018.

1738 | Section 35. Subsections (2) and (3) of section 628.909,
1739 | Florida Statutes, are amended to read:

1740 | 628.909 Applicability of other laws.—

1741 | (2) The following provisions of the Florida Insurance Code
1742 | apply to captive insurance companies who are not industrial
1743 | insured captive insurance companies to the extent that such
1744 | provisions are not inconsistent with this part:

1745 | (a) Chapter 624, except for ss. 624.407, 624.408,
1746 | 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

1747 | (b) Chapter 625, part II.

1748 | (c) Chapter 626, part IX.

1749 | ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~
1750 | ~~provided.~~



1751 | (d)~~(e)~~ Chapter 628.

1752 | (3) The following provisions of the Florida Insurance Code
1753 | shall apply to industrial insured captive insurance companies to
1754 | the extent that such provisions are not inconsistent with this
1755 | part:

1756 | (a) Chapter 624, except for ss. 624.407, 624.408,
1757 | 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and
1758 | 624.609(1).

1759 | (b) Chapter 625, part II, if the industrial insured
1760 | captive insurance company is incorporated in this state.

1761 | (c) Chapter 626, part IX.

1762 | ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~
1763 | ~~provided.~~

1764 | (d)~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
1765 | 628.6018.

1766 | Section 36. Except as otherwise expressly provided in this
1767 | act, this act shall take effect July 1, 2018.