

1 A bill to be entitled

2 An act relating to motor vehicle insurance; amending
3 s. 320.27, F.S.; increasing the amount of liability
4 coverage for motor vehicle dealers; conforming
5 provisions to changes made by this act; amending s.
6 320.771, F.S.; increasing the amount of liability
7 coverage for recreational vehicle dealers; amending s.
8 324.011, F.S.; providing legislative intent for owners
9 and operators of motor vehicles to maintain financial
10 responsibility; amending s. 324.021, F.S.; revising
11 definitions; increasing the amount required for a
12 person to prove financial responsibility; amending s.
13 324.022, F.S.; increasing the required amount for a
14 person to respond to damages resulting from motor
15 vehicle accidents; conforming cross-references;
16 amending s. 324.031, F.S.; increasing the amount of
17 the required deposit for a person to obtain a
18 certificate of self-insurance; amending s. 324.071,
19 F.S.; revising conditions in which the department may
20 reinstate and renew a license; amending s. 324.161,
21 F.S.; increasing the amount of certificate of deposit
22 required for the issuance of a certificate of
23 insurance; amending s. 324.171, F.S.; increasing the
24 amount of net worth a person must have to obtain a

25 certificate of self-insurance; conforming provisions
26 to changes made by this act; amending s. 400.9905,
27 F.S.; conforming provisions to changes made by this
28 act; providing a definition for motor vehicle accident
29 injury; amending s. 624.155, F.S.; providing civil
30 remedy for a bad faith action for failure to settle an
31 automobile insurance claim; amending s. 626.9541,
32 F.S.; conforming provisions to changes made by this
33 act; creating s. 672.7265, F.S.; providing
34 applicability of this act; requiring insurers to allow
35 insureds to change coverage in motor vehicle insurance
36 to meet the requirements of this act; requiring
37 insurers to provide notice to insureds related to
38 changes made by this act by a specified date;
39 providing that suspension of a driver license or
40 registration before the effective date of this act
41 remains in full force and effect; amending s. 627.727,
42 F.S.; removing provision related to remedies for
43 uninsured motorist coverage; creating s. 627.7272,
44 F.S.; limiting remedies in a tort action related to
45 noneconomic damages; providing exceptions; repealing
46 ss. 627.730, 627.731, 627.7311, 627.732, 627.736,
47 627.737, 627.739, 627.7401, 627.7403, 627.7405, and
48 627.7407, F.S., relating to the Florida Motor Vehicle

49 No-Fault Law; amending s. 627.733, F.S.; revising
50 security requirements for owners and registrants of
51 motor vehicles; creating s. 627.7341, F.S.; requiring
52 the Financial Services Commission to adopt a form by
53 rule for notifying insureds of the security
54 requirements; specifying required provisions in such
55 notice; creating s. 627.7355, F.S.; requiring motor
56 vehicle insurance claims be brought in a single action
57 unless good cause is shown; amending ss. 316.646,
58 318.18, 320.02, 320.0609, 322.251, 324.0221, 324.023,
59 400.991, 400.9935, 409.901, 409.910, 456.057, 456.072,
60 626.9541, 626.989, 627.06501, 627.0652, 627.0653,
61 627.4132, 627.7263, 627.7275, 627.728, 627.7295,
62 627.734, 627.8405, 627.915, 628.909, 705.184, 713.78,
63 and 817.234, F.S.; conforming provisions to changes
64 made by this act; making technical changes; repealing
65 ss. 15 and 16 of chapter 2012-197, Laws of Florida,
66 which require the Office of Insurance Regulation to
67 contract for a study and perform a data call relating
68 to certain changes made to the Florida Motor Vehicle
69 No-Fault Law; providing effective dates.

70

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

72

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

75 316.646 Security required; proof of security and display
 76 thereof.—

77 (1) A ~~Any~~ person required by ss. s. 324.022 and 627.733 to
 78 maintain property damage liability security and, ~~required by s.~~
 79 ~~324.023 to maintain liability security for~~ bodily injury
 80 liability security must ~~or death, or required by s. 627.733 to~~
 81 ~~maintain personal injury protection security on a motor vehicle~~
 82 ~~shall~~ have in his or her immediate possession at all times while
 83 operating a ~~such~~ motor vehicle proper proof of maintenance of
 84 the required security.

85 (a) Such proof may be provided by ~~shall be in a uniform~~
 86 ~~paper or electronic format, as prescribed by the department, a~~
 87 valid insurance policy, an insurance policy binder, a
 88 certificate of insurance, or such other proof in a uniform paper
 89 or electronic format as may be prescribed by the department.

90 (b)1. The presentation of ~~act of presenting to a law~~
 91 ~~enforcement officer~~ an electronic device displaying proof of
 92 insurance in an electronic format to a law enforcement officer
 93 does not constitute consent for the officer to access ~~any~~
 94 information on the device other than the displayed proof of
 95 insurance.

96 2. The person who presents the device to the officer

97 assumes the liability for any resulting damage to the device.

98 Section 2. Paragraph (b) of subsection (2) of section
99 318.18, Florida Statutes, is amended to read:

100 318.18 Amount of penalties.—The penalties required for a
101 noncriminal disposition pursuant to s. 318.14 or a criminal
102 offense listed in s. 318.17 are as follows:

103 (2) Thirty dollars for all nonmoving traffic violations
104 and:

105 (b) ~~For all violations of ss. 320.0605, 320.07(1),~~
106 ~~322.065, and 322.15(1). Any person who is cited for a violation~~
107 ~~of s. 320.07(1) shall be charged a delinquent fee pursuant to s.~~
108 ~~320.07(4).~~

109 1. If a person who is cited for a violation of s. 320.0605
110 or s. 320.07 shows ~~can show~~ proof of having a valid registration
111 at the time of arrest, the clerk of the court may dismiss the
112 case and may assess a dismissal fee of up to \$10. A person who
113 finds it impossible or impractical to obtain a valid
114 registration certificate must submit an affidavit detailing the
115 reasons for the impossibility or impracticality. The reasons may
116 include, but are not limited to, the fact that the vehicle was
117 sold, stolen, or destroyed; that the state in which the vehicle
118 is registered does not issue a certificate of registration; or
119 that the vehicle is owned by another person. A person who is
120 cited for a violation of s. 320.07(1) must be charged a

121 delinquent fee pursuant to s. 320.07(4).

122 2. If a person who is cited for a violation of s. 322.03,
123 s. 322.065, or s. 322.15 shows ~~can show~~ a driver license issued
124 to him or her and valid at the time of arrest, the clerk of the
125 court may dismiss the case and may assess a dismissal fee of up
126 to \$10.

127 3. If a person who is cited for a violation of s. 316.646
128 shows ~~can show~~ proof of security as required by s. 627.733,
129 issued to the person and valid at the time of arrest, the clerk
130 of the court may dismiss the case and may assess a dismissal fee
131 of up to \$10. A person who finds it impossible or impractical to
132 obtain proof of security must submit an affidavit detailing the
133 reasons for the impracticality. The reasons may include, but are
134 not limited to, the fact that the vehicle has since been sold,
135 stolen, or destroyed; ~~that the owner or registrant of the~~
136 ~~vehicle is not required by s. 627.733 to maintain personal~~
137 ~~injury protection insurance;~~ or that the vehicle is owned by
138 another person.

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

141 320.02 Registration required; application for
142 registration; forms.—

143 (5) (a) Proof that bodily personal injury liability and
144 property damage liability coverage ~~protection~~ benefits have been

145 purchased if required under ss. 324.022 and s. 627.733, ~~that~~
146 ~~property damage liability coverage has been purchased as~~
147 ~~required under s. 324.022~~, that bodily injury or death coverage
148 has been purchased if required under s. 324.023, and that
149 combined bodily injury liability insurance and property damage
150 liability insurance have been purchased if required under s.
151 627.7415 must ~~shall~~ be provided in the manner prescribed by law
152 by the applicant at the time of application for registration of
153 any motor vehicle that is subject to such requirements. The
154 issuing agent shall refuse to issue registration if such proof
155 of purchase is not provided. Insurers shall furnish uniform
156 proof-of-purchase cards in a paper or electronic format in a
157 form prescribed by the department and include the name of the
158 insured's insurance company, the coverage identification number,
159 and the make, year, and vehicle identification number of the
160 vehicle insured. The card must contain a statement notifying the
161 applicant of the penalty specified under s. 316.646(4). The card
162 or insurance policy, insurance policy binder, or certificate of
163 insurance or a photocopy of any of these; an affidavit
164 containing the name of the insured's insurance company, the
165 insured's policy number, and the make and year of the vehicle
166 insured; or such other proof as may be prescribed by the
167 department constitutes ~~shall constitute~~ sufficient proof of
168 purchase. If an affidavit is provided as proof, it must be in

169 substantially the following form:

170 Under penalty of perjury, I ...(Name of insured)... do hereby
 171 certify that I have ...(Personal Injury Protection, Property
 172 Damage Liability, and, ~~if required,~~ Bodily Injury Liability)...
 173 Insurance currently in effect with ...(Name of insurance
 174 company)... under ...(policy number)... covering ...(make, year,
 175 and vehicle identification number of vehicle).... ...(Signature
 176 of Insured)...

177 The ~~Such~~ affidavit must include the following statement warning:
 178 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 179 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 180 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
 181 SUBJECT TO PROSECUTION.

182 If an application is made through a licensed motor vehicle
 183 dealer as required under s. 319.23, the original or a
 184 photostatic copy of such card, insurance policy, insurance
 185 policy binder, or certificate of insurance or the original
 186 affidavit from the insured shall be forwarded by the dealer to
 187 the tax collector of the county or the Department of Highway
 188 Safety and Motor Vehicles for processing. By executing the
 189 ~~aforsaid~~ affidavit, the ~~no~~ licensed motor vehicle dealer is not
 190 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
 191 falsification of any statement contained therein. ~~A card must~~
 192 ~~also indicate the existence of any bodily injury liability~~

193 ~~insurance voluntarily purchased.~~

194 (d) The verifying of proof of bodily ~~personal~~ injury
195 liability ~~protection~~ insurance, proof of property damage
196 liability insurance, proof of combined bodily liability
197 insurance and property damage liability insurance, or proof of
198 financial responsibility insurance and the issuance or failure
199 to issue the motor vehicle registration under ~~the provisions of~~
200 this chapter may not be construed in any court as a warranty of
201 the reliability or accuracy of the evidence of such proof.
202 Neither the department nor any tax collector is liable in
203 damages for any inadequacy, insufficiency, falsification, or
204 unauthorized modification of any item of the proof of bodily
205 ~~personal~~ injury liability ~~protection~~ insurance, proof of
206 property damage liability insurance, proof of combined bodily
207 injury liability insurance and property damage liability
208 insurance, or proof of financial responsibility insurance before
209 ~~prior to~~, during, or subsequent to the verification of the
210 proof. The issuance of a motor vehicle registration does not
211 constitute prima facie evidence or a presumption of insurance
212 coverage.

213 Section 4. Paragraph (b) of subsection (1) of section
214 320.0609, Florida Statutes, is amended to read:

215 320.0609 Transfer and exchange of registration license
216 plates; transfer fee.-

217 (1)

218 (b) The transfer of a license plate from a vehicle
219 disposed of to a newly acquired vehicle does not constitute a
220 new registration. The application for transfer shall be accepted
221 without requiring proof of ~~personal injury protection or~~
222 liability insurance.

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

225 320.27 Motor vehicle dealers.—

226 (3) APPLICATION AND FEE.—~~The application for the license~~
227 application must shall be in a such form ~~as may be~~ prescribed by
228 the department and is shall be subject to ~~such~~ rules with
229 ~~respect thereto as may be so~~ prescribed by the department it.
230 The Such application must shall be verified by oath or
231 affirmation and ~~shall~~ contain a full statement of the name and
232 birth date of the person ~~or persons~~ applying for the license
233 ~~therefor~~; the name of the firm or copartnership, with the names
234 and places of residence of all members thereof, if such
235 applicant is a firm or copartnership; the names and places of
236 residence of the principal officers, if the applicant is a body
237 corporate or other artificial body; the name of the state under
238 whose laws the corporation is organized; the present and former
239 place or places of residence of the applicant; and the prior
240 business in which the applicant has been engaged and its the

241 location thereof. The ~~Such~~ application must ~~shall~~ describe the
 242 exact location of the place of business and ~~shall~~ state whether
 243 the place of business is owned or leased by the applicant. If
 244 the location is owned by the applicant, the applicant must
 245 provide the date of acquisition. If the location is ~~and when~~
 246 ~~acquired, or, if~~ leased, a true copy of the lease shall be
 247 attached to the application. The applicant shall certify that
 248 the location provides an adequately equipped office and is not a
 249 residence; that the location affords sufficient unoccupied space
 250 upon and within which adequately to store all motor vehicles
 251 offered and displayed for sale; and that the location is a
 252 suitable place where the applicant can in good faith carry on
 253 such business and keep and maintain books, records, and files
 254 necessary to conduct such business, which shall be available at
 255 all reasonable hours for ~~to~~ inspection by the department or any
 256 of its inspectors or other employees. The applicant shall
 257 certify that the business of a motor vehicle dealer is the
 258 principal business ~~which shall be~~ conducted at the ~~that~~
 259 location. The application must ~~shall~~ contain a statement that
 260 the applicant is ~~either~~ franchised by a manufacturer of motor
 261 vehicles, in which case the name of each motor vehicle that the
 262 applicant is franchised to sell must ~~shall~~ be included, or a
 263 nonfranchised, ~~an independent (nonfranchised)~~ motor vehicle
 264 dealer. The application must ~~shall~~ contain other relevant

265 information as ~~may be~~ required by the department, including
266 evidence that the applicant is insured under a garage liability
267 insurance policy or a general liability insurance policy coupled
268 with a business automobile policy, which must ~~shall~~ include, at
269 a minimum, \$60,000 ~~\$25,000~~ combined single-limit liability
270 coverage including bodily injury and property damage protection
271 and ~~\$10,000 personal injury protection~~. However, a salvage motor
272 vehicle dealer as defined in subparagraph (1)(c)5. is exempt
273 from the requirements for garage liability insurance ~~and~~
274 ~~personal injury protection insurance~~ on those vehicles that
275 cannot be legally operated on roads, highways, or streets in
276 this state. Franchise dealers must submit a garage liability
277 insurance policy, ~~and~~ All other dealers must submit a garage
278 liability insurance policy or a general liability insurance
279 policy coupled with a business automobile policy. Such policy
280 shall be for the license period, and evidence of a new or
281 continued policy shall be delivered to the department at the
282 beginning of each license period. Upon ~~making~~ initial
283 application, the applicant shall pay to the department a fee of
284 \$300 in addition to any other fees required by law. Applicants
285 may choose to extend the licensure period for 1 additional year
286 for a total of 2 years. An initial applicant shall pay to the
287 department a fee of \$300 for the first year and \$75 for the
288 second year, in addition to any other fees required by law. An

289 applicant for renewal shall pay to the department \$75 for a 1-
290 year renewal or \$150 for a 2-year renewal, in addition to any
291 other fees required by law. Upon ~~making an~~ application for a
292 change of location, the applicant ~~person~~ shall pay a fee of \$50
293 in addition to any other fees ~~now~~ required by law. The
294 department shall, ~~in the case of every application for initial~~
295 ~~licensure,~~ verify that the ~~whether certain~~ facts set forth in
296 the initial application are true. Each applicant, general
297 partner in the case of a partnership, or corporate officer and
298 director in the case of a corporate applicant, must file a set
299 of fingerprints with the department for the purpose of
300 determining any prior criminal record or any outstanding
301 warrants. The department shall submit the fingerprints to the
302 Department of Law Enforcement for state processing and
303 forwarding to the Federal Bureau of Investigation for federal
304 processing. The actual cost of state and federal processing
305 shall be borne by the applicant and is in addition to the fee
306 for licensure. The department may issue a license to an
307 applicant pending the results of the fingerprint investigation,
308 which license is fully revocable if the department subsequently
309 determines that any facts set forth in the application are not
310 true or correctly represented.

311 Section 6. Paragraph (j) of subsection (3) of section
312 320.771, Florida Statutes, is amended to read:

313 320.771 License required of recreational vehicle dealers.—

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

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

325
 326 The department shall, if it deems necessary, cause an
 327 investigation to be made to ascertain if the facts set forth in
 328 the application are true and shall not issue a license to the
 329 applicant until it is satisfied that the facts set forth in the
 330 application are true.

331 Section 7. Subsections (1) and (2) of section 322.251,
 332 Florida Statutes, are amended to read:

333 322.251 Notice of cancellation, suspension, revocation, or
 334 disqualification of license.—

335 (1) All orders of cancellation, suspension, revocation, or
 336 disqualification issued under ~~the provisions of~~ this chapter,

337 chapter 318, chapter 324, s. 627.733, or s. 627.734 must ~~or ss.~~
338 ~~627.732-627.734~~ shall be given ~~either~~ by personal delivery
339 thereof to the licensee whose license is being canceled,
340 suspended, revoked, or disqualified or by deposit in the United
341 States mail in an envelope, first class, postage prepaid,
342 addressed to the licensee at his or her last known mailing
343 address furnished to the department. Such mailing by the
344 department constitutes notification, and ~~any~~ failure by the
345 person to receive the mailed order does ~~will~~ not affect or stay
346 the effective date or term of the cancellation, suspension,
347 revocation, or disqualification of the licensee's driving
348 privilege.

349 (2) The giving of notice and an order of cancellation,
350 suspension, revocation, or disqualification by mail is complete
351 upon expiration of 20 days after deposit in the United States
352 mail for all notices except those issued under chapter 324, s.
353 627.733, or s. 627.734 ~~ss. 627.732-627.734~~, which are complete
354 15 days after deposit in the United States mail. Proof of the
355 giving of notice and an order of cancellation, suspension,
356 revocation, or disqualification in either manner shall be made
357 by entry in the records of the department ~~that such notice was~~
358 ~~given~~. The entry is admissible in the courts of this state and
359 constitutes sufficient proof that such notice was given.

360 Section 8. Section 324.011, Florida Statutes, is amended

361 to read:

362 324.011 Legislative intent ~~Purpose of chapter.~~—It is the
 363 Legislature's intent ~~that of this chapter to recognize~~ the
 364 ~~existing~~ privilege of owning and operating ~~to own or operate~~ a
 365 motor vehicle on the public streets and highways of this state
 366 be exercised ~~when such vehicles are used~~ with due consideration
 367 for others and their property, ~~and~~ to promote safety and provide
 368 financial security requirements for ~~such~~ owners or operators
 369 whose responsibility it is to recompense others for injury to
 370 person or property caused by the operation of a motor vehicle.
 371 Therefore, this chapter requires ~~it is required herein~~ that the
 372 owner or operator of a motor vehicle establish and maintain the
 373 ability to ~~involved in a crash or convicted of certain traffic~~
 374 ~~offenses meeting the operative provisions of s. 324.051(2)~~ shall
 375 respond for ~~such~~ damages and show proof of financial ability to
 376 respond for damages arising out of the ownership or use of a
 377 motor vehicle ~~in future accidents~~ as a requisite to his or her
 378 ~~future~~ exercise of such privileges.

379 Section 9. Subsections (1) and (7) and paragraph (c) of
 380 subsection (9) of section 324.021, Florida Statutes, are amended
 381 to read:

382 324.021 Definitions; minimum insurance required.—The
 383 following words and phrases when used in this chapter shall, for
 384 the purpose of this chapter, have the meanings respectively

385 ascribed to them in this section, except in those instances
 386 where the context clearly indicates a different meaning:

387 (1) MOTOR VEHICLE.—Every self-propelled vehicle that ~~which~~
 388 is designed and required to be licensed for use upon a highway,
 389 including trailers and semitrailers designed for use with such
 390 vehicles, except for traction engines, road rollers, farm
 391 tractors, power shovels, and well drillers, and every vehicle
 392 that ~~which~~ is propelled by electric power obtained from overhead
 393 wires but not operated upon rails, but not including a ~~any~~
 394 bicycle or moped. ~~However, the term "motor vehicle" shall not~~
 395 ~~include any motor vehicle as defined in s. 627.732(3) when the~~
 396 ~~owner of such vehicle has complied with the requirements of ss.~~
 397 ~~627.730-627.7405, inclusive, unless the provisions of s. 324.051~~
 398 ~~apply; and, in such case, the applicable proof of insurance~~
 399 ~~provisions of s. 320.02 apply.~~

400 (7) PROOF OF FINANCIAL RESPONSIBILITY.—That proof of
 401 ability to respond in damages for liability on account of
 402 crashes arising out of the use of a motor vehicle:

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

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

408 (c) In the amount of \$10,000 for damage ~~because of injury~~

409 to, or destruction of, the property of others in any one crash;
 410 and

411 (d) With respect to commercial motor vehicles and
 412 nonpublic sector buses, in the amounts specified in ss. 627.7415
 413 and 627.742, respectively.

414 (9) OWNER; OWNER/LESSOR.—

415 (c) Application.—

416 1. The limits on liability in subparagraphs (b)2. and 3.
 417 do not apply to an owner of motor vehicles that are used for
 418 commercial activity in the owner's ordinary course of business,
 419 other than a rental company that rents or leases motor vehicles.
 420 For purposes of this paragraph, the term "rental company"
 421 includes only an entity that is engaged in the business of
 422 renting or leasing motor vehicles to the general public and that
 423 rents or leases a majority of its motor vehicles to persons with
 424 no direct or indirect affiliation with the rental company. The
 425 term also includes:

426 a. A motor vehicle dealer that provides temporary
 427 replacement vehicles to its customers for up to 10 days. ~~The~~
 428 ~~term "rental company" also includes:~~

429 ~~b.a.~~ A related rental or leasing company that is a
 430 subsidiary of the same parent company as that of the renting or
 431 leasing company that rented or leased the vehicle.

432 ~~c.b.~~ The holder of a motor vehicle title or an equity

433 interest in a motor vehicle title if the title or equity
434 interest is held pursuant to or to facilitate an asset-backed
435 securitization of a fleet of motor vehicles used solely in the
436 business of renting or leasing motor vehicles to the general
437 public and under the dominion and control of a rental company,
438 as described in this subparagraph, in the operation of such
439 rental company's business.

440 2. ~~Furthermore,~~ With respect to commercial motor vehicles
441 ~~as defined in s. 627.732,~~ the limits on liability in
442 subparagraphs (b)2. and 3. do not apply if, at the time of the
443 incident, the commercial motor vehicle is being used in the
444 transportation of materials found to be hazardous for the
445 purposes of the Hazardous Materials Transportation Authorization
446 Act of 1994, ~~as amended, 49 U.S.C. ss. 5101 et seq.,~~ and that is
447 required pursuant to such act to carry placards warning others
448 of the hazardous cargo, unless at the time of lease or rental
449 ~~either:~~

450 a. The lessee indicates in writing that the vehicle will
451 not be used to transport materials found to be hazardous for the
452 purposes of the Hazardous Materials Transportation Authorization
453 Act of 1994, ~~as amended, 49 U.S.C. ss. 5101 et seq.;~~ or

454 b. The lessee or other operator of the commercial motor
455 vehicle has in effect insurance with limits of at least
456 \$5,000,000 combined property damage and bodily injury liability.

457 Section 10. Section 324.022, Florida Statutes, is
458 reordered and amended to read:

459 324.022 Financial responsibility for property damage.—

460 (2)~~(1)~~ An ~~Every~~ owner or operator of a motor vehicle
461 required to be registered in this state shall establish and
462 maintain the ability to respond in damages for liability on
463 account of accidents arising out of the use of the motor vehicle
464 in the amount of:

465 (a) Ten thousand dollars for ~~\$10,000 because of damage to,~~
466 ~~or destruction of, property of others in any one crash.~~

467 (b) Twenty-five thousand dollars for bodily injury to, or
468 the death of, one person in any one crash and, subject to such
469 limits for one person, in the amount of \$50,000 for bodily
470 injury to, or the death of, two or more persons in any one
471 crash.

472 (3) The requirements of this section may be met by one of
473 the methods established in s. 324.031~~,+~~ by self-insuring as
474 authorized by s. 768.28(16)~~,+~~ or by maintaining an insurance
475 policy providing coverage in at least the amounts for bodily
476 injury liability coverage and property damage coverage specified
477 in subsection (2) ~~for property damage liability in the amount of~~
478 ~~at least \$10,000 because of damage to, or destruction of,~~
479 ~~property of others in any one accident arising out of the use of~~
480 ~~the motor vehicle.~~ The requirements of this section may also be

481 met by having a policy that ~~which~~ provides coverage in the
 482 amount of at least \$60,000 ~~\$30,000~~ for combined property damage
 483 liability and bodily injury liability for any one crash arising
 484 out of the use of the motor vehicle.

485 (4) ~~The~~ policy, with respect to coverage for property
 486 damage liability and bodily injury liability, must meet the
 487 applicable requirements of s. 324.151, subject to the usual
 488 policy exclusions that have been approved in policy forms by the
 489 Office of Insurance Regulation.

490 (5) ~~An~~ ~~no~~ insurer does not ~~shall~~ have a ~~any~~ duty to defend
 491 uncovered claims regardless ~~irrespective~~ of their joinder with
 492 covered claims.

493 (1)~~(2)~~ As used in this section, the term:

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

- 499 1. A mobile home.
- 500 2. A motor vehicle that is used in mass transit and
 501 designed to transport more than five passengers, exclusive of
 502 the operator of the motor vehicle, and that is owned by a
 503 municipality, transit authority, or political subdivision of the
 504 state.

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

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

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

513 ~~(6)-(3)~~ Each nonresident owner or registrant of a motor
514 vehicle that, whether operated or not, has been physically
515 present within this state for more than 90 days during the
516 preceding 365 days shall maintain security as required by this
517 section ~~subsection (1) that is~~ in effect during ~~continuously~~
518 ~~throughout~~ the period the motor vehicle remains within this
519 state.

520 ~~(7)-(4)~~ An ~~The~~ owner or registrant of a motor vehicle who
521 ~~is exempt from the requirements of this section if she or he is~~
522 a member of the United States Armed Forces and is called to or
523 on active duty outside the United States in an emergency
524 situation is exempt from this section. The exemption ~~provided by~~
525 ~~this subsection~~ applies only as long as the member of the Armed
526 Forces is on ~~such~~ active duty outside the United States and
527 applies only while the vehicle covered by the security is not
528 operated by any person. Upon receipt of a written request by the

529 insured to whom the exemption ~~provided in this subsection~~
 530 applies, the insurer shall cancel the coverages and return any
 531 unearned premium or suspend the security required by this
 532 section. Notwithstanding s. 324.0221(2) ~~s. 324.0221(3)~~, the
 533 department may not suspend the registration or operator's
 534 license of an ~~any~~ owner or registrant of a motor vehicle during
 535 the time she or he qualifies for the ~~an~~ exemption ~~under this~~
 536 ~~subsection~~. An ~~Any~~ owner or registrant of a motor vehicle who
 537 qualifies for the ~~an~~ exemption ~~under this subsection~~ shall
 538 immediately notify the department before ~~prior to~~ and at the end
 539 of the expiration of the exemption.

540 Section 11. Subsections (1) and (2) of section 324.0221,
 541 Florida Statutes, are amended to read:

542 324.0221 Reports by insurers to the department; suspension
 543 of driver license and vehicle registrations; reinstatement.—

544 (1) (a) Each insurer that has issued a policy providing
 545 bodily ~~personal~~ injury liability ~~protection~~ coverage or property
 546 damage liability coverage must ~~shall~~ report the cancellation or
 547 nonrenewal thereof to the department within 10 days after the
 548 processing date or effective date of each cancellation or
 549 nonrenewal. Upon the issuance of a policy providing bodily
 550 ~~personal~~ injury liability ~~protection~~ coverage or property damage
 551 liability coverage to a named insured not previously insured by
 552 the insurer during that calendar year, the insurer shall report

553 the issuance of the new policy to the department within 10 days.
554 The report must ~~shall~~ be in the form and format and contain ~~any~~
555 information required by the department and ~~must~~ be provided in a
556 format that is compatible with the data processing capabilities
557 of the department. Failure by an insurer to file proper reports
558 with the department as required by this subsection constitutes a
559 violation of the Florida Insurance Code. These records shall be
560 used by the department only for enforcement and regulatory
561 purposes, including the generation by the department of data
562 regarding compliance by owners of motor vehicles with the
563 requirements for financial responsibility coverage.

564 (b) With respect to an insurance policy providing bodily
565 ~~personal~~ injury liability ~~protection~~ coverage or property damage
566 liability coverage, each insurer shall notify the named insured,
567 or the first-named insured in the case of a commercial fleet
568 policy, in writing that ~~any~~ cancellation or nonrenewal of the
569 policy will be reported by the insurer to the department. The
570 notice must also inform the named insured that failure to
571 maintain bodily ~~personal~~ injury liability ~~protection~~ coverage
572 and property damage liability coverage on a motor vehicle when
573 required by law may result in the loss of registration and
574 driving privileges in this state and inform the named insured of
575 the amount of the reinstatement fees required by this section.
576 This notice is for informational purposes only, and an insurer

577 is not civilly liable for failing to provide this notice.

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

582 (a) The department's records showing that the owner or
 583 registrant of such motor vehicle did not have the required
 584 security under ss. 324.022 and 627.733 in full force and effect
 585 ~~when required security that complies with the requirements of~~
 586 ~~ss. 324.022 and 627.733; or~~

587 (b) Notification by the insurer to the department, in a
 588 form approved by the department, of cancellation or termination
 589 of the required security.

590 Section 12. Section 324.023, Florida Statutes, is amended
 591 to read:

592 324.023 Financial responsibility for bodily injury or
 593 death; driving under the influence.—In addition to any other
 594 financial responsibility required by law, an ~~every~~ owner or
 595 operator of a motor vehicle that is required to be registered in
 596 this state, or that is located within this state, and who~~,~~
 597 ~~regardless of adjudication of guilt,~~ has been found guilty of,
 598 or entered a plea of guilty or nolo contendere to, regardless of
 599 adjudication, a charge of driving under the influence under s.
 600 316.193 after October 1, 2007, must ~~shall~~, by one of the methods

601 established in s. 324.031(1) or (2), establish and maintain the
602 ability to respond in damages for liability on account of
603 accidents arising out of the use of a motor vehicle in the
604 amount of \$100,000 because of bodily injury to, or death of, one
605 person in ~~any~~ one crash and, subject to such limits for one
606 person, in the amount of \$300,000 because of bodily injury to,
607 or death of, two or more persons in ~~any~~ one crash and in the
608 amount of \$50,000 because of property damage in ~~any~~ one crash.
609 If the owner or operator chooses to establish and maintain such
610 ability by furnishing a certificate of deposit pursuant to s.
611 324.031(2), the ~~such~~ certificate of deposit must be at least
612 \$350,000. Such higher limits must be carried for a minimum
613 ~~period~~ of 3 years. If the owner or operator has not been
614 convicted of driving under the influence or a felony traffic
615 offense for ~~a period of~~ 3 years after ~~from~~ the date of
616 reinstatement of driving privileges for a violation of s.
617 316.193, the owner or operator is ~~shall be~~ exempt from this
618 section.

619 Section 13. Section 324.031, Florida Statutes, is amended
620 to read:

621 324.031 Manner of proving financial responsibility.—The
622 owner or operator of a taxicab, limousine, jitney, or any other
623 for-hire passenger transportation vehicle may prove financial
624 responsibility by providing satisfactory evidence of holding a

625 motor vehicle liability policy as defined in s. 324.021(8) or s.
 626 324.151, which ~~policy~~ is issued by an insurance carrier that
 627 ~~which~~ is a member of the Florida Insurance Guaranty Association.
 628 The operator or owner of any other vehicle may prove his or her
 629 financial responsibility by:

630 (1) Furnishing satisfactory evidence of holding a motor
 631 vehicle liability policy as defined in s. ~~ss.~~ 324.021(8) ~~and~~
 632 ~~324.151~~;

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

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

637
 638 A ~~Any~~ person, including any firm, partnership, association,
 639 corporation, or other person, other than a natural person,
 640 electing to use the method of proof specified in subsection (2)
 641 shall furnish a certificate of deposit equal to the number of
 642 vehicles owned times \$60,000 ~~\$30,000~~, to a maximum of \$240,000.
 643 ~~\$120,000~~; In addition, ~~any~~ such person, other than a natural
 644 person, shall maintain insurance providing coverage in excess of
 645 limits of \$25,000/\$50,000/\$10,000 or \$60,000
 646 ~~\$10,000/20,000/10,000 or \$30,000~~ combined single limits, and
 647 such excess insurance shall provide minimum limits of
 648 \$125,000/250,000/50,000 or \$300,000 combined single limits.

649 These increased limits do ~~shall~~ not affect the requirements for
650 proving financial responsibility under s. 324.032(1).

651 Section 14. Section 324.071, Florida Statutes, is amended
652 to read:

653 324.071 Reinstatement; renewal of license; reinstatement
654 fee.—An ~~Any~~ operator or owner whose license or registration has
655 been suspended pursuant to s. 324.051(2), s. 324.072, s.
656 324.081, or s. 324.121 may reinstate the license or registration
657 ~~effect its reinstatement~~ upon compliance with s. 324.0221 ~~the~~
658 ~~provisions of s. 324.051(2)(a)3. or 4., or s. 324.081(2) and~~
659 ~~(3), as the case may be, and with one of the provisions of s.~~
660 ~~324.031 and upon payment to the department of a nonrefundable~~
661 ~~reinstatement fee of \$15. Only one such fee shall be paid by any~~
662 ~~one person~~ regardless ~~irrespective~~ of the number of licenses and
663 registrations to be then reinstated or issued to such person.
664 All such fees shall be deposited to a department trust fund.
665 ~~When the reinstatement of any license or registration is~~
666 ~~effected by compliance with s. 324.051(2)(a)3. or 4., The~~
667 department may ~~shall~~ not renew the license or registration
668 within a ~~period of 3 years from such reinstatement~~ and may not
669 issue, ~~nor shall~~ any other license or registration to be issued
670 ~~in the name of~~ such person, unless the operator continues ~~is~~
671 ~~continuing to comply with one of the provisions of s. 324.031.~~

672 Section 15. Section 324.161, Florida Statutes, is amended

673 to read:

674 324.161 Proof of financial responsibility; deposit.—
 675 ~~Annually,~~ Before a any certificate of insurance may be issued to
 676 a person, including any firm, partnership, association,
 677 corporation, or other person, other than a natural person, proof
 678 of a certificate of deposit of \$60,000 ~~\$30,000~~ issued and held
 679 by a financial institution must be submitted annually to the
 680 department. A power of attorney shall ~~will~~ be issued to and held
 681 by the department and may be executed upon a judgment issued
 682 against such person making the deposit, ~~for damages~~ for ~~because~~
 683 ~~of~~ bodily injury to or death of any person or ~~for damages~~
 684 ~~because of~~ injury to or destruction of property resulting from
 685 the use or operation of a any motor vehicle occurring after such
 686 deposit was made. Money or securities so deposited are ~~shall~~ not
 687 ~~be~~ subject to attachment or execution unless such attachment or
 688 execution arises ~~shall arise~~ out of a suit for such damages ~~as~~
 689 ~~aforsaid.~~

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

692 324.171 Self-insurer.—

693 (1) A Any person may qualify as a self-insurer by
 694 obtaining a certificate of self-insurance from the department.
 695 The department ~~which may, in its discretion and upon application~~
 696 ~~of such a person,~~ issue a said certificate of self-insurance to

697 an applicant who satisfies ~~when such person has satisfied~~ the
 698 requirements of this section ~~to qualify as a self-insurer under~~
 699 ~~this section:~~

700 (a) A private individual with private passenger vehicles
 701 who possesses ~~shall possess~~ a net unencumbered worth of at least
 702 \$60,000 ~~\$40,000~~.

703 (b) A person, including any firm, partnership,
 704 association, corporation, or other person, other than a natural
 705 person, that shall:

706 1. Possesses ~~Possess~~ a net unencumbered worth of at least
 707 \$60,000 ~~\$40,000~~ for the first motor vehicle and \$20,000 for each
 708 additional motor vehicle; or

709 2. Maintains ~~Maintain~~ sufficient net worth, as determined
 710 annually by the department, ~~pursuant to rules adopted~~
 711 ~~promulgated~~ by the department, with the assistance of the Office
 712 of Insurance Regulation of the Financial Services Commission, to
 713 be financially responsible for potential losses. The rules must
 714 address any ~~shall take into consideration~~ excess insurance
 715 carried by the applicant. The department's determination must
 716 ~~shall~~ be based upon reasonable actuarial principles considering
 717 the frequency, severity, and loss development of claims incurred
 718 by casualty insurers writing coverage on the type of motor
 719 vehicles for which a certificate of self-insurance is desired.

720 (c) The owner of a commercial motor vehicle, as defined in

721 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
 722 to the standards provided ~~for~~ in subparagraph (b)2.

723 (2) The self-insurance certificate must ~~shall~~ provide
 724 limits of liability insurance in the amounts specified under s.
 725 324.021(7) or s. 627.7415 ~~and shall provide personal injury~~
 726 ~~protection coverage under s. 627.733(3)(b).~~

727 Section 17. Subsection (7) of section 400.9905, Florida
 728 Statutes, is renumbered as subsection (8), subsection (4) of
 729 that section is amended, and a new subsection (7) is added to
 730 that section, to read:

731 400.9905 Definitions.—

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

738 (a) Entities licensed or registered by the state under
 739 chapter 395; entities licensed or registered by the state which
 740 provide ~~and providing~~ only health care services within the scope
 741 of services authorized under their respective licenses under ss.
 742 383.30-383.335, chapter 390, chapter 394, chapter 397, this
 743 chapter except part X, chapter 429, chapter 463, chapter 465,
 744 chapter 466, chapter 478, part I of chapter 483, chapter 484, or

745 chapter 651; end-stage renal disease providers authorized under
746 42 C.F.R. part 405, subpart U; providers certified under 42
747 C.F.R. part 485, subpart B or subpart H; or any entity that
748 provides neonatal or pediatric hospital-based health care
749 services or other health care services by licensed practitioners
750 solely within a hospital licensed under chapter 395.

751 (b) Entities that own, directly or indirectly, entities
752 licensed or registered by the state pursuant to chapter 395;
753 entities that own, directly or indirectly, entities licensed or
754 registered by the state which provide ~~and providing~~ only health
755 care services within the scope of services authorized pursuant
756 to their respective licenses under ss. 383.30-383.335, chapter
757 390, chapter 394, chapter 397, this chapter except part X,
758 chapter 429, chapter 463, chapter 465, chapter 466, chapter 478,
759 part I of chapter 483, chapter 484, or chapter 651; end-stage
760 renal disease providers authorized under 42 C.F.R. part 405,
761 subpart U; providers certified under 42 C.F.R. part 485, subpart
762 B or subpart H; or any entity that provides neonatal or
763 pediatric hospital-based health care services by licensed
764 practitioners solely within a hospital licensed under chapter
765 395.

766 (c) Entities that are owned, directly or indirectly, by an
767 entity licensed or registered by the state pursuant to chapter
768 395; entities that are owned, directly or indirectly, by an

769 entity licensed or registered by the state which provide ~~and~~
770 ~~providing~~ only health care services within the scope of services
771 authorized pursuant to their respective licenses under ss.
772 383.30-383.335, chapter 390, chapter 394, chapter 397, this
773 chapter except part X, chapter 429, chapter 463, chapter 465,
774 chapter 466, chapter 478, part I of chapter 483, chapter 484, or
775 chapter 651; end-stage renal disease providers authorized under
776 42 C.F.R. part 405, subpart U; providers certified under 42
777 C.F.R. part 485, subpart B or subpart H; or any entity that
778 provides neonatal or pediatric hospital-based health care
779 services by licensed practitioners solely within a hospital
780 under chapter 395.

781 (d) Entities that are under common ownership, directly or
782 indirectly, with an entity licensed or registered by the state
783 pursuant to chapter 395; entities that are under common
784 ownership, directly or indirectly, with an entity licensed or
785 registered by the state which provide ~~and providing~~ only health
786 care services within the scope of services authorized pursuant
787 to their respective licenses under ss. 383.30-383.335, chapter
788 390, chapter 394, chapter 397, this chapter except part X,
789 chapter 429, chapter 463, chapter 465, chapter 466, chapter 478,
790 part I of chapter 483, chapter 484, or chapter 651; end-stage
791 renal disease providers authorized under 42 C.F.R. part 405,
792 subpart U; providers certified under 42 C.F.R. part 485, subpart

793 B or subpart H; or any entity that provides neonatal or
794 pediatric hospital-based health care services by licensed
795 practitioners solely within a hospital licensed under chapter
796 395.

797 (e) An entity that is exempt from federal taxation under
798 26 U.S.C. s. 501(c)(3) or (4); ~~it~~ an employee stock ownership plan
799 under 26 U.S.C. s. 409 that has a board of trustees at least
800 two-thirds of which are Florida-licensed health care
801 practitioners and provides only physical therapy services under
802 physician orders; ~~a~~ ~~any~~ community college or university
803 clinic; ~~it~~ and an ~~any~~ entity owned or operated by the federal or
804 state government, including agencies, subdivisions, or
805 municipalities thereof.

806 (f) A sole proprietorship, group practice, partnership, or
807 corporation that provides health care services by physicians
808 subject to covered by s. 627.419, that is directly supervised by
809 one or more of such physicians, and that is wholly owned by one
810 or more of those physicians or by a physician and the spouse,
811 parent, child, or sibling of that physician.

812 (g) A sole proprietorship, group practice, partnership, or
813 corporation in which ~~that provides~~ health care services are
814 provided by licensed health care practitioners licensed under
815 chapter 457, chapter 458, chapter 459, chapter 460, chapter 461,
816 chapter 462, chapter 463, chapter 466, chapter 467, chapter 480,

817 chapter 484, chapter 486, chapter 490, chapter 491, or part I,
818 part III, part X, part XIII, or part XIV of chapter 468, or s.
819 464.012, and which ~~that~~ is wholly owned by one or more licensed
820 health care practitioners, or the licensed health care
821 practitioners set forth in this paragraph and the spouse,
822 parent, child, or sibling of a licensed health care practitioner
823 if one of the owners who is a licensed health care practitioner
824 is supervising the business activities and is legally
825 responsible for the entity's compliance with all federal and
826 state laws. However, a health care practitioner may not
827 supervise services beyond the scope of the practitioner's
828 license, except that, for the purposes of this part, a clinic
829 owned by a licensee specified in s. 456.053(3)(b) which provides
830 only services authorized pursuant to s. 456.053(3)(b) may be
831 supervised by a licensee specified in s. 456.053(3)(b).

832 (h) Clinical facilities affiliated with an accredited
833 medical school at which training is provided for medical
834 students, residents, or fellows.

835 (i) Entities that provide only oncology or radiation
836 therapy services by physicians licensed under chapter 458 or
837 chapter 459 or entities that provide oncology or radiation
838 therapy services by physicians licensed under chapter 458 or
839 chapter 459 which are owned by a corporation whose shares are
840 publicly traded on a recognized stock exchange.

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

844 (k) Entities that provide licensed practitioners to staff
 845 emergency departments or to deliver anesthesia services in
 846 facilities licensed under chapter 395 and that derive at least
 847 90 percent of their gross annual revenues from the provision of
 848 such services. Entities claiming an exemption from licensure
 849 under this paragraph must provide documentation demonstrating
 850 compliance.

851 (l) Orthotic, prosthetic, pediatric cardiology, or
 852 perinatology clinical facilities or anesthesia clinical
 853 facilities that are not otherwise exempt under paragraph (a) or
 854 paragraph (k) and that are a publicly traded corporation or are
 855 wholly owned, directly or indirectly, by a publicly traded
 856 corporation. As used in this paragraph, a publicly traded
 857 corporation is a corporation that issues securities traded on an
 858 exchange registered with the United States Securities and
 859 Exchange Commission as a national securities exchange.

860 (m) Entities that are owned by a corporation that has \$250
 861 million or more in total annual sales of health care services
 862 provided by licensed health care practitioners if ~~where~~ one or
 863 more of the persons responsible for the operations of the entity
 864 is a health care practitioner who is licensed in this state and

865 ~~who~~ is responsible for supervising the business activities of
866 the entity and ~~is responsible for~~ the entity's compliance with
867 state law for purposes of this part.

868 (n) Entities that employ 50 or more licensed health care
869 practitioners licensed under chapter 458 or chapter 459 if ~~where~~
870 ~~the~~ billing for medical services is under a single tax
871 identification number. The application for exemption under this
872 subsection must include ~~shall contain information that includes:~~
873 the name, residence, and business address and phone number of
874 the entity that owns the practice; a complete list of the names
875 and contact information of all the officers and directors of the
876 corporation; the name, residence address, business address, and
877 medical license number of each licensed Florida health care
878 practitioner employed by the entity; the corporate tax
879 identification number of the entity seeking an exemption; a list
880 ~~listing~~ of health care services to be provided by the entity at
881 the health care clinics owned or operated by the entity and a
882 certified statement prepared by an independent certified public
883 accountant which states that the entity and the health care
884 clinics owned or operated by the entity have not received
885 payment for health care services related to a motor vehicle
886 accident ~~under personal injury protection insurance coverage~~ for
887 the preceding year. If the agency determines that an entity that
888 ~~which~~ is exempt under this subsection has received payments for

889 | medical services related to a motor vehicle accident ~~under~~
890 | ~~personal injury protection insurance coverage~~, the agency may
891 | deny or revoke the exemption from licensure under this
892 | subsection.

893 |
894 | ~~Notwithstanding this subsection, an entity shall be deemed a~~
895 | ~~clinic and must be licensed under this part in order to receive~~
896 | ~~reimbursement under the Florida Motor Vehicle No-Fault Law, ss.~~
897 | ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

898 | (7) "Motor vehicle accident injury" means accidental
899 | bodily injury sustained while occupying a motor vehicle or, if
900 | the injured party is not an occupant of a motor vehicle, an
901 | injury caused by physical contact with a motor vehicle.

902 | Section 18. Subsection (6) of section 400.991, Florida
903 | Statutes, is amended to read:

904 | 400.991 License requirements; background screenings;
905 | prohibitions.—

906 | (6) All agency forms for licensure application or
907 | exemption from licensure under this part must contain the
908 | following statement:

909 | INSURANCE FRAUD NOTICE.—A person who knowingly submits a false,
910 | misleading, or fraudulent application or other document when
911 | applying for licensure as a health care clinic, seeking an
912 | exemption from licensure as a health care clinic, or

913 demonstrating compliance with part X of chapter 400, Florida
 914 Statutes, with the intent to use the license, exemption from
 915 licensure, or demonstration of compliance to provide services or
 916 seek reimbursement related to a motor vehicle accident injury
 917 ~~under the Florida Motor Vehicle No-Fault Law~~, commits a
 918 fraudulent insurance act, as defined in s. 626.989, Florida
 919 Statutes. A person who presents a claim for bodily personal
 920 injury ~~protection~~ benefits knowing that the payee knowingly
 921 submitted such health care clinic application or document,
 922 commits insurance fraud, as defined in s. 817.234, Florida
 923 Statutes.

924 Section 19. Paragraph (g) of subsection (1) of section
 925 400.9935, Florida Statutes, is amended to read:

926 400.9935 Clinic responsibilities.—

927 (1) Each clinic shall appoint a medical director or clinic
 928 director who shall agree in writing to accept legal
 929 responsibility for the following activities on behalf of the
 930 clinic. The medical director or the clinic director shall:

931 (g) Conduct systematic reviews of clinic billings to
 932 ensure that the billings are not fraudulent or unlawful. Upon
 933 discovery of an unlawful charge, the medical director or clinic
 934 director shall take immediate corrective action. If the clinic
 935 performs only the technical component of magnetic resonance
 936 imaging, static radiographs, computed tomography, or positron

937 emission tomography, and provides the professional
 938 interpretation of such services, in a fixed facility that is
 939 accredited by a national accrediting organization that is
 940 approved by the Centers for Medicare and Medicaid Services for
 941 magnetic resonance imaging and advanced diagnostic imaging
 942 services and if, in the preceding quarter, the percentage of
 943 scans performed by that clinic relating to motor vehicle
 944 accident injuries ~~which was billed to all personal injury~~
 945 ~~protection insurance carriers~~ was less than 15 percent, the
 946 chief financial officer of the clinic may, in a written
 947 acknowledgment provided to the agency, assume the responsibility
 948 for the conduct of the systematic reviews of clinic billings to
 949 ensure that the billings are not fraudulent or unlawful.

950 Section 20. Subsection (28) of section 409.901, Florida
 951 Statutes, is amended to read:

952 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
 953 409.901-409.920, except as otherwise specifically provided, the
 954 term:

955 (28) "Third-party benefit" means a ~~any~~ benefit that is or
 956 may be available ~~at any time~~ through contract, court award,
 957 judgment, settlement, agreement, or ~~any~~ arrangement between a
 958 third party and any person or entity, including, without
 959 limitation, a Medicaid recipient, a provider, another third
 960 party, an insurer, or the agency, for a ~~any~~ Medicaid-covered

961 injury, illness, goods, or services, including costs of related
 962 medical services ~~related thereto~~, for the bodily ~~personal~~ injury
 963 or ~~for~~ death of the recipient, but specifically excluding
 964 ~~policies of~~ life insurance on the recipient, unless available
 965 under terms of the policy to pay medical expenses prior to
 966 death. The term includes, without limitation, collateral, as
 967 defined in this section, health insurance, any benefit under a
 968 health maintenance organization, a preferred provider
 969 arrangement, a prepaid health clinic, liability insurance,
 970 uninsured motorist insurance ~~or personal injury protection~~
 971 ~~coverage~~, medical benefits under workers' compensation, and any
 972 obligation under law or equity to provide medical support.

973 Section 21. Paragraph (f) of subsection (11) of section
 974 409.910, Florida Statutes, is amended to read:

975 409.910 Responsibility for payments on behalf of Medicaid-
 976 eligible persons when other parties are liable.-

977 (11) The agency may, as a matter of right, in order to
 978 enforce its rights under this section, institute, intervene in,
 979 or join any legal or administrative proceeding in its own name
 980 in one or more of the following capacities: individually, as
 981 subrogee of the recipient, as assignee of the recipient, or as
 982 lienholder of the collateral.

983 (f) Notwithstanding other provisions ~~any provision~~ in this
 984 section ~~to the contrary~~, in the event of an action in tort

985 against a third party in which the recipient or his or her legal
 986 representative is a party which results in a judgment, award, or
 987 settlement from a third party, the amount recovered shall be
 988 distributed as follows:

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

993 2. The remaining amount of the recovery shall be paid to
 994 the recipient.

995 3. For purposes of calculating the agency's recovery of
 996 medical assistance benefits paid, the fee for services of an
 997 attorney retained by the recipient or his or her legal
 998 representative shall be calculated at 25 percent of the
 999 judgment, award, or settlement.

1000 4. Notwithstanding other provisions ~~any provision~~ of this
 1001 section ~~to the contrary~~, the agency is ~~shall be~~ entitled to all
 1002 medical coverage benefits up to the total amount of medical
 1003 assistance provided by Medicaid. For purposes of this paragraph,
 1004 the term "medical coverage" means any benefits under health
 1005 insurance, a health maintenance organization, a preferred
 1006 provider arrangement, or a prepaid health clinic, and the
 1007 portion of benefits designated for medical payments under
 1008 coverage for workers' compensation, bodily injury liability

1009 ~~personal injury protection~~, and casualty.

1010 Section 22. Paragraph (k) of subsection (2) of section
1011 456.057, Florida Statutes, is amended to read:

1012 456.057 Ownership and control of patient records; report
1013 or copies of records to be furnished; disclosure of
1014 information.—

1015 (2) As used in this section, the terms "records owner,"
1016 "health care practitioner," and "health care practitioner's
1017 employer" do not include any of the following persons or
1018 entities; furthermore, the following persons or entities are not
1019 authorized to acquire or own medical records, but are authorized
1020 under the confidentiality and disclosure requirements of this
1021 section to maintain those documents required by the part or
1022 chapter under which they are licensed or regulated:

1023 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1024 Section 23. Paragraphs (ee) and (ff) of subsection (1) of
1025 section 456.072, Florida Statutes, are amended to read:

1026 456.072 Grounds for discipline; penalties; enforcement.—

1027 (1) The following acts shall constitute grounds for which
1028 the disciplinary actions specified in subsection (2) may be
1029 taken:

1030 ~~(ee) With respect to making a personal injury protection
1031 claim as required by s. 627.736, intentionally submitting a
1032 claim, statement, or bill that has been "upcoded" as defined in~~

1033 ~~s. 627.732.~~

1034 ~~(ff) With respect to making a personal injury protection~~
1035 ~~claim as required by s. 627.736, intentionally submitting a~~
1036 ~~claim, statement, or bill for payment of services that were not~~
1037 ~~rendered.~~

1038 Section 24. Paragraph (a) of subsection (3) of section
1039 624.155, Florida Statutes, is amended, and subsection (10) is
1040 added to that section, to read:

1041 624.155 Civil remedy.—

1042 (3) (a) Except as provided in subsection (10), as a
1043 condition precedent to bringing an action under this section,
1044 the department and the authorized insurer must have been given
1045 60 days' written notice of the violation. If the department
1046 returns a notice for lack of specificity, the 60-day time period
1047 does ~~shall~~ not begin until a proper notice is filed.

1048 (10) In any bad faith action for failure to settle an
1049 automobile insurance claim, brought under statutory or common
1050 law, the insurer must have been provided with a written notice
1051 of loss before the insured, the claimant, or any person acting
1052 on behalf of the insured or the claimant may file suit. An
1053 insurer does not violate the duty to attempt in good faith to
1054 settle the claim if the insurer:

1055 (a) Complies with a request for a disclosure statement as
1056 described in s. 627.4137.

1057 (b) Offers, within 45 days after receipt of the written
1058 notice of loss, to pay the claimant the lesser of the amount
1059 that the claimant is willing to accept or the limits of coverage
1060 applicable to the claimant's insurance claim in exchange for a
1061 full release of the insured from any liability arising from the
1062 incident reported in the written notice of loss.

1063 Section 25. Paragraph (i) of subsection (1) of section
1064 626.9541, Florida Statutes, is amended to read:

1065 626.9541 Unfair methods of competition and unfair or
1066 deceptive acts or practices defined.—

1067 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1068 ACTS.—The following are defined as unfair methods of competition
1069 and unfair or deceptive acts or practices:

1070 (i) Unfair claim settlement practices.—

1071 1. Attempting to settle claims on the basis of an
1072 application, ~~when~~ serving as a binder or intended to become a
1073 part of the policy, ~~or any other material document~~ that is ~~which~~
1074 ~~was~~ altered without notice to, or knowledge or consent of, the
1075 insured. ~~†~~

1076 2. A material misrepresentation made to an insured or ~~any~~
1077 other person having an interest in the proceeds payable under a
1078 ~~such~~ contract or policy, ~~for the purpose and with the intent of~~
1079 effecting the settlement of ~~such~~ claims, loss, or damage under
1080 such contract or policy on less favorable terms than those

1081 provided in, and contemplated by, such contract or policy.~~; or~~
 1082 3. Committing or performing with such frequency as to
 1083 indicate a general business practice ~~any~~ of the following:
 1084 a. Failing to adopt and implement standards for the proper
 1085 investigation of claims;
 1086 b. Misrepresenting pertinent facts or insurance policy
 1087 provisions relating to coverages at issue;
 1088 c. Failing to acknowledge and act promptly upon
 1089 communications with respect to claims;
 1090 d. Denying claims without conducting reasonable
 1091 investigations based upon available information;
 1092 e. Failing to affirm or deny full or partial coverage of
 1093 claims, and, as to partial coverage, the dollar amount or extent
 1094 of coverage, or failing to provide a written statement that the
 1095 claim is being investigated, upon the written request of the
 1096 insured within 30 days after proof-of-loss statements have been
 1097 completed;
 1098 f. Failing to promptly provide a reasonable explanation in
 1099 writing to the insured of the basis in the insurance policy, in
 1100 relation to the facts or applicable law, for denial of a claim
 1101 or for the offer of a compromise settlement;
 1102 g. Failing to promptly notify the insured of any
 1103 additional information necessary for the processing of a claim;
 1104 or

1105 h. Failing to clearly explain the nature of the requested
 1106 information and the reasons why such information is necessary.

1107 ~~i. Failing to pay personal injury protection insurance~~
 1108 ~~claims within the time periods required by s. 627.736(4)(b). The~~
 1109 ~~office may order the insurer to pay restitution to a~~
 1110 ~~policyholder, medical provider, or other claimant, including~~
 1111 ~~interest at a rate consistent with the amount set forth in s.~~
 1112 ~~55.03(1), for the time period within which an insurer fails to~~
 1113 ~~pay claims as required by law. Restitution is in addition to any~~
 1114 ~~other penalties allowed by law, including, but not limited to,~~
 1115 ~~the suspension of the insurer's certificate of authority.~~

1116 4. Failing to pay undisputed amounts of partial or full
 1117 benefits owed under first-party property insurance policies
 1118 within 90 days after an insurer receives notice of a residential
 1119 property insurance claim, determines the amounts of partial or
 1120 full benefits, and agrees to coverage, unless payment of the
 1121 undisputed benefits is prevented by an act of God or, ~~prevented~~
 1122 ~~by~~ the impossibility of performance, or due to actions by the
 1123 insured or claimant that constitute fraud, lack of cooperation,
 1124 or intentional misrepresentation regarding the claim for which
 1125 benefits are owed.

1126 Section 26. Paragraph (a) of subsection (1) of section
 1127 626.989, Florida Statutes, is amended to read:

1128 626.989 Investigation by department or Division of

1129 Investigative and Forensic Services; compliance; immunity;
 1130 confidential information; reports to division; division
 1131 investigator's power of arrest.—

1132 (1) For the purposes of this section:

1133 (a) A person commits a "fraudulent insurance act" if the
 1134 person:

1135 1. Knowingly and with intent to defraud presents, causes
 1136 to be presented, or prepares with knowledge or belief that it
 1137 will be presented, to or by an insurer, self-insurer, self-
 1138 insurance fund, servicing corporation, purported insurer,
 1139 broker, or any agent thereof, any written statement as part of,
 1140 or in support of, an application for the issuance of, or the
 1141 rating of, any insurance policy, or a claim for payment or other
 1142 benefit pursuant to any insurance policy, which the person knows
 1143 to contain materially false information concerning any fact
 1144 material thereto or if the person conceals, for the purpose of
 1145 misleading another, information concerning any fact material
 1146 thereto.

1147 2. Knowingly submits:

1148 a. A false, misleading, or fraudulent application or other
 1149 document when applying for licensure as a health care clinic,
 1150 seeking an exemption from licensure as a health care clinic, or
 1151 demonstrating compliance with part X of chapter 400 with an
 1152 intent to use the license, exemption from licensure, or

1153 demonstration of compliance to provide services or seek
 1154 reimbursement relating to a motor vehicle accident ~~under the~~
 1155 ~~Florida Motor Vehicle No-Fault Law.~~

1156 b. A claim for payment or other benefit relating to a
 1157 motor vehicle accident ~~pursuant to a personal injury protection~~
 1158 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
 1159 the person knows that the payee knowingly submitted a false,
 1160 misleading, or fraudulent application or other document when
 1161 applying for licensure as a health care clinic, seeking an
 1162 exemption from licensure as a health care clinic, or
 1163 demonstrating compliance with part X of chapter 400.

1164 Section 27. Subsection (1) of section 627.06501, Florida
 1165 Statutes, is amended to read:

1166 627.06501 Insurance discounts for certain persons
 1167 completing driver improvement course.—

1168 (1) Any rate, rating schedule, or rating manual for the
 1169 liability, ~~personal injury protection,~~ and collision coverages
 1170 of a motor vehicle insurance policy filed with the office may
 1171 provide for an appropriate reduction in premium charges as to
 1172 such coverages if ~~when~~ the principal operator on the covered
 1173 vehicle has successfully completed a driver improvement course
 1174 approved and certified by the Department of Highway Safety and
 1175 Motor Vehicles which is effective in reducing crash or violation
 1176 rates, or both, ~~as determined pursuant to s. 318.1451(5).~~ A Any

1177 | discount of up to, ~~not to exceed~~ 10 percent, ~~used by an insurer~~
 1178 | is presumed to be appropriate unless credible data demonstrates
 1179 | otherwise.

1180 | Section 28. Subsection (1) of section 627.0652, Florida
 1181 | Statutes, is amended to read:

1182 | 627.0652 Insurance discounts for certain persons
 1183 | completing safety course.—

1184 | (1) Any rates, rating schedules, or rating manuals for the
 1185 | liability, ~~personal injury protection~~, and collision coverages
 1186 | of a motor vehicle insurance policy filed with the office must
 1187 | ~~shall~~ provide for an appropriate reduction in premium charges as
 1188 | to such coverages if ~~when~~ the principal operator on the covered
 1189 | vehicle is an insured 55 years of age or older who has
 1190 | successfully completed a motor vehicle accident prevention
 1191 | course approved by the Department of Highway Safety and Motor
 1192 | Vehicles. Any discount used by an insurer is presumed to be
 1193 | appropriate unless credible data demonstrates otherwise.

1194 | Section 29. Subsections (1) and (3) of section 627.0653,
 1195 | Florida Statutes, are amended to read:

1196 | 627.0653 Insurance discounts for specified motor vehicle
 1197 | equipment.—

1198 | (1) Any rates, rating schedules, or rating manuals for the
 1199 | liability, ~~personal injury protection~~, and collision coverages
 1200 | of a motor vehicle insurance policy filed with the office must

1201 ~~shall~~ provide a premium discount if the insured vehicle is
 1202 equipped with factory-installed, four-wheel antilock brakes.

1203 (3) Any rates, rating schedules, or rating manuals for
 1204 bodily personal injury liability protection coverage and medical
 1205 payments coverage, if offered, of a motor vehicle insurance
 1206 policy filed with the office must ~~shall~~ provide a premium
 1207 discount if the insured vehicle is equipped with one or more
 1208 factory installed air bags ~~which are factory installed~~.

1209 Section 30. Section 627.4132, Florida Statutes, is amended
 1210 to read:

1211 627.4132 Stacking of coverages prohibited.—If an insured
 1212 or named insured is protected by a ~~any type of~~ motor vehicle
 1213 insurance policy for liability, ~~personal injury protection,~~ or
 1214 other coverage, the policy must ~~shall~~ provide that the insured
 1215 or named insured is protected only to the extent of the coverage
 1216 she or he has on the vehicle involved in the accident. However,
 1217 if none of the insured's or named insured's vehicles is involved
 1218 in the accident, coverage is available only to the extent of
 1219 coverage on any one of the vehicles with applicable coverage.
 1220 Coverage on any other vehicles may ~~shall~~ not be added to or
 1221 stacked upon that coverage. This section does not apply:

1222 (1) To uninsured motorist coverage which is separately
 1223 governed by s. 627.727.

1224 (2) To reduce the coverage available by reason of

1225 insurance policies insuring different named insureds.

1226 Section 31. Section 627.7263, Florida Statutes, is amended
1227 to read:

1228 627.7263 Rental and leasing driver's insurance to be
1229 primary; exception.—

1230 (1) The valid and collectible liability insurance ~~or~~
1231 ~~personal injury protection insurance~~ providing coverage for the
1232 lessor of a motor vehicle for rent or lease is primary unless
1233 otherwise stated in at least 10-point type on the face of the
1234 rental or lease agreement. Such insurance is primary for the
1235 limits of liability ~~and personal injury protection coverage as~~
1236 required by s. ss. 324.021(7) ~~and 627.736.~~

1237 (2) If the lessee's coverage is to be primary, the rental
1238 or lease agreement must contain the following language, in at
1239 least 10-point type:

1240 "The valid and collectible liability insurance ~~and personal~~
1241 ~~injury protection insurance~~ of an any authorized rental or
1242 leasing driver is primary for the limits of liability ~~and~~
1243 ~~personal injury protection coverage~~ required by s. ss.
1244 324.021(7) ~~and 627.736~~, Florida Statutes."

1245 Section 32. Effective upon this act becoming a law,
1246 section 627.7265, Florida Statutes, is created to read:

1247 627.7265 Applicability; notice to policyholders.—

1248 (1) Effective January 1, 2018:

1249 (a) Motor vehicle insurance policies issued or renewed on
1250 or after that date may not include personal injury protection.

1251 (b) If applicable, a person must meet the minimum security
1252 requirements pursuant to ss. 324.022 and 627.733.

1253 (c) A new or renewal motor vehicle insurance policy
1254 delivered or issued for delivery in this state must provide
1255 coverage that meets or exceeds the security requirements in ss.
1256 324.022 and 627.733.

1257 (d) A motor vehicle insurance policy issued before that
1258 date that meets the requirements of ss. 324.022 and 627.733 on
1259 December 31, 2017, but does not meet the requirements on or
1260 after January 1, 2018, is deemed to meet the security
1261 requirements of ss. 324.022 and 627.733 until such policy is
1262 renewed, nonrenewed, or canceled on or after January 1, 2018.

1263 (2) An insurer must allow an insured of a motor vehicle
1264 insurance policy issued before January 1, 2018, to change
1265 coverage to meet the security requirements provided in ss.
1266 324.022 and 627.733. Any reductions in the premium due to the
1267 change in coverage must be refunded to the insured. The insurer
1268 may not impose an additional fee or charge for the change in
1269 coverage unless such additional charge is for a premium that is
1270 actuarially indicated.

1271 (3) By November 1, 2017, a motor vehicle insurer must
1272 provide a notice approved by the office to clearly inform

1273 policyholders that:

1274 (a) The Florida Motor Vehicle No-Fault Law will be
1275 repealed on January 1, 2018, and personal injury protection
1276 coverage will not be available in this state.

1277 (b) Effective January 1, 2018, a person subject to the
1278 financial responsibility requirements of ss. 324.022 and 627.733
1279 must maintain the required security for the liability of damages
1280 from accidents arising out of the use of a motor vehicle in the
1281 amount of \$10,000 for damage to, or destruction of, the property
1282 of others in an accident; in the amount of \$25,000 for bodily
1283 injury to, or the death of, one person in an accident; and
1284 subject to such limits for one person, in the amount of \$50,000
1285 for bodily injury to, or the death of, two or more persons in an
1286 accident.

1287 (c) Bodily injury liability coverage protects the insured
1288 against loss, up to the coverage limits, if the insured is
1289 legally responsible for the death of or bodily injury to others
1290 in a motor vehicle accident.

1291 (d) An insurance policy that does not include bodily
1292 injury liability coverage does not protect the policyholder
1293 against loss if the policyholder is legally responsible for the
1294 death or bodily injury of others in a motor vehicle accident.

1295 (e) A policyholder may, but is not required to, obtain
1296 medical payments coverage for medical expenses for injuries

1297 sustained in a motor vehicle accident by the policyholder and
1298 relatives residing in the policyholder's household.

1299 (f) Underinsured motorist coverage provides benefits up to
1300 the limits of such coverage to a policyholder or other insured
1301 under the policy who is entitled to recover damages from owners
1302 or operators of uninsured or underinsured motor vehicles
1303 attributable to bodily injury, sickness, disease, or death in a
1304 motor vehicle accident.

1305 (g) A motor vehicle insurance policy effective before
1306 January 1, 2018, that meets the financial responsibility
1307 requirements at the time of issuance does not violate the
1308 obligation to maintain minimum security until the policy is
1309 renewed, nonrenewed, canceled, or expires on or after January 1,
1310 2018.

1311 (h) If the policyholder has any questions, he or she may
1312 contact the name and phone number provided in the notice.

1313 (4) A suspension of a driver license or registration for
1314 failure to maintain minimum security before January 1, 2018,
1315 remains in full force and effect, and a person may reinstate the
1316 suspended driver license or registration pursuant to s.
1317 324.0221.

1318 Section 33. Subsections (1) and (7) of section 627.727,
1319 Florida Statutes, are amended to read:

1320 627.727 Motor vehicle insurance; uninsured and

1321 underinsured vehicle coverage; insolvent insurer protection.—
 1322 (1) A ~~No~~ motor vehicle liability insurance policy that
 1323 ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be
 1324 delivered or issued for delivery in this state with respect to
 1325 any specifically insured or identified motor vehicle registered
 1326 or principally garaged in this state unless uninsured motor
 1327 vehicle coverage is provided ~~therein~~ or supplemental thereto for
 1328 the protection of persons insured thereunder who are legally
 1329 entitled to recover damages from owners or operators of
 1330 uninsured motor vehicles because of bodily injury, sickness, ~~or~~
 1331 disease, or including ~~death,~~ resulting therefrom.
 1332 (a) However, The coverage required under this section is
 1333 not applicable if ~~when~~, or to the extent that, an insured named
 1334 in the policy makes a written rejection of the coverage on
 1335 behalf of all insureds under the policy. If ~~When~~ a motor vehicle
 1336 is leased for ~~a period of~~ 1 year or longer and the lessor of
 1337 such vehicle, by the terms of the lease contract, provides
 1338 liability coverage on the leased vehicle, only the lessee of
 1339 such vehicle may ~~shall have the sole privilege to~~ reject
 1340 uninsured motorist coverage or ~~to~~ select lower limits than the
 1341 bodily injury liability limits, regardless of whether the lessor
 1342 is qualified as a self-insurer pursuant to s. 324.171. Unless an
 1343 insured~~,~~ or a lessee having the privilege of rejecting uninsured
 1344 motorist coverage, requests such coverage or requests higher

1345 | uninsured motorist limits in writing, the coverage or such
 1346 | higher uninsured motorist limits need not be provided in or
 1347 | supplemental to any other policy that ~~which~~ renews, extends,
 1348 | changes, supersedes, or replaces an existing policy that has
 1349 | ~~with~~ the same bodily injury liability limits ~~when an insured or~~
 1350 | ~~lessee had rejected the coverage. If~~ When an insured or lessee
 1351 | ~~has~~ initially selected limits of uninsured motorist coverage
 1352 | lower than her or his bodily injury liability limits, higher
 1353 | limits of uninsured motorist coverage need not be provided in or
 1354 | supplemental to any other policy that ~~which~~ renews, extends,
 1355 | changes, supersedes, or replaces an existing policy that has
 1356 | ~~with~~ the same bodily injury liability limits unless an insured
 1357 | requests higher uninsured motorist coverage in writing.

1358 | **(b)** The rejection or selection of lower limits must ~~shall~~
 1359 | be made on a form approved by the office. The form must ~~shall~~
 1360 | fully advise the applicant of the nature of the coverage and
 1361 | ~~shall~~ state that the coverage is equal to bodily injury
 1362 | liability limits unless lower limits are requested or the
 1363 | coverage is rejected. The heading of the form must ~~shall~~ be in
 1364 | 12-point bold type and ~~shall~~ state: "You are electing not to
 1365 | purchase certain valuable coverage that ~~which~~ protects you and
 1366 | your family or you are purchasing uninsured motorist limits less
 1367 | than your bodily injury liability limits when you sign this
 1368 | form. Please read carefully." If this form is signed by a named

1369 insured, it is ~~will be~~ conclusively presumed that there was an
1370 informed, knowing rejection of coverage or election of lower
1371 limits on behalf of all insureds.

1372 (c) The insurer shall notify the named insured at least
1373 annually of her or his options as to the coverage required by
1374 this section. Such notice shall be part of, and attached to, the
1375 notice of premium, shall provide ~~for~~ a means to allow the
1376 insured to request such coverage, and shall be given in a manner
1377 approved by the office. Receipt of this notice does not
1378 constitute an affirmative waiver of the insured's right to
1379 uninsured motorist coverage if ~~where~~ the insured has not signed
1380 a selection or rejection form.

1381 (d) The coverage described under this section must exceed
1382 ~~shall be over and above~~, but may ~~shall~~ not duplicate, the
1383 benefits available to an insured under ~~any~~ workers' compensation
1384 law, ~~personal injury protection benefits~~, disability benefits
1385 law, or similar law; under ~~any~~ automobile medical expense
1386 coverage; under ~~any~~ motor vehicle liability insurance coverage;
1387 or from the owner or operator of the uninsured motor vehicle or
1388 any other person or organization jointly or severally liable
1389 ~~together~~ with such owner or operator for the accident. Such; ~~and~~
1390 ~~such~~ coverage must ~~shall~~ cover any ~~the~~ difference, ~~if any~~,
1391 between the sum of such benefits and the damages sustained, up
1392 to the maximum amount of such coverage provided under this

1393 section. The amount of coverage available under this section may
1394 ~~shall~~ not be reduced by a setoff against any coverage, including
1395 liability insurance. Such coverage does ~~shall~~ not inure directly
1396 or indirectly to the benefit of ~~any~~ workers' compensation or
1397 disability benefits carrier or any person or organization
1398 qualifying as a self-insurer under ~~any~~ workers' compensation or
1399 disability benefits law or similar law.

1400 ~~(7) The legal liability of an uninsured motorist coverage~~
1401 ~~insurer does not include damages in tort for pain, suffering,~~
1402 ~~mental anguish, and inconvenience unless the injury or disease~~
1403 ~~is described in one or more of paragraphs (a)-(d) of s.~~
1404 ~~627.737(2).~~

1405 Section 34. Section 627.7272, Florida Statutes, is created
1406 to read:

1407 627.7272 Uninsured motorist, waiver of ability to collect
1408 noneconomic damages.—A person may not recover, and an insurer is
1409 not liable for, noneconomic losses to compensate for pain,
1410 suffering, inconvenience, physical impairment, disfigurement,
1411 and other nonpecuniary damages in an action to recover damages
1412 arising out of the operation or use of a motor vehicle if:

1413 (1) The injured person is the owner of a vehicle involved
1414 in the accident and is not required maintain minimum security
1415 under ss. 324.022 or 627.733;

1416 (2) The injured person is the operator of a vehicle

1417 involved in the accident who fails to maintain minimum security
 1418 required under ss. 324.022 and 627.733; or

1419 (3) The person is injured by a motor vehicle operated by a
 1420 person convicted of driving under the influence pursuant to s.
 1421 316.193 and the operator fails to maintain minimum security
 1422 required under ss. 324.022 and 627.733.

1423 Section 35. Subsection (1) and paragraph (a) of subsection
 1424 (2) of section 627.7275, Florida Statutes, are amended to read:
 1425 627.7275 Motor vehicle liability.—

1426 (1) A motor vehicle insurance policy ~~providing personal~~
 1427 ~~injury protection as set forth in s. 627.736~~ may not be
 1428 delivered or issued for delivery in this state for a with
 1429 ~~respect to any~~ specifically insured or identified motor vehicle
 1430 registered or principally garaged in this state must provide
 1431 ~~unless the policy also provides~~ coverage for property damage
 1432 liability and bodily injury liability as required by s. 324.022.

1433 (2) (a) Insurers writing motor vehicle insurance in this
 1434 state shall make available, subject to the insurers' usual
 1435 underwriting restrictions:

1436 1. Coverage under policies as described in subsection (1)
 1437 to an applicant for private passenger motor vehicle insurance
 1438 coverage who is seeking the coverage in order to reinstate the
 1439 applicant's driving privileges in this state if the driving
 1440 privileges were revoked or suspended pursuant to s. 316.646 or

1441 s. 324.0221 due to the failure of the applicant to maintain
1442 required security.

1443 2. Coverage under policies as described in subsection (1),
1444 which also provides bodily injury liability coverage ~~for bodily~~
1445 ~~injury, death,~~ and property damage liability coverage arising
1446 ~~out of the ownership, maintenance, or use of the motor vehicle~~
1447 in an amount not less than the limits described in s. 324.021(7)
1448 and conforms to the requirements of s. 324.151, to an applicant
1449 for private passenger motor vehicle insurance coverage who is
1450 seeking the coverage in order to reinstate the applicant's
1451 driving privileges in this state after such privileges were
1452 revoked or suspended under s. 316.193 or s. 322.26(2) for
1453 driving under the influence.

1454 Section 36. Paragraph (a) of subsection (1) of section
1455 627.728, Florida Statutes, is amended to read:

1456 627.728 Cancellations; nonrenewals.—

1457 (1) As used in this section, the term:

1458 (a) "Policy" means the bodily injury and property damage
1459 liability, ~~personal injury protection,~~ medical payments,
1460 comprehensive, collision, and uninsured motorist coverage
1461 portions of a policy of motor vehicle insurance delivered or
1462 issued for delivery in this state:

1463 1. Insuring a natural person as named insured or one or
1464 more related individuals who are residents ~~resident~~ of the same

1465 household; and

1466 2. Insuring only a motor vehicle for ~~of the~~ private
 1467 passengers ~~passenger-type~~ or station wagon that ~~type~~ which is
 1468 not used as a public or livery conveyance for passengers or
 1469 rented to others; or insuring any other four-wheel motor vehicle
 1470 having a load capacity of 1,500 pounds or less which is not used
 1471 in the occupation, profession, or business of the insured other
 1472 than farming; other than any policy issued under an automobile
 1473 insurance assigned risk plan or covering garage, automobile
 1474 sales agency, repair shop, service station, or public parking
 1475 place operation hazards.

1476
 1477 The term "~~policy~~" does not include a binder as defined in s.
 1478 627.420 unless the duration of the binder ~~period~~ exceeds 60
 1479 days.

1480 Section 37. Subsection (1), paragraph (a) of subsection
 1481 (5), and subsection (7) of section 627.7295, Florida Statutes,
 1482 are amended to read:

1483 627.7295 Motor vehicle insurance contracts.—

1484 (1) As used in this section, the term:

1485 (a) "Policy" means a motor vehicle insurance policy that
 1486 provides bodily ~~personal~~ injury liability ~~protection~~ coverage,
 1487 property damage liability coverage, or both.

1488 (b) "Binder" means a binder that provides motor vehicle

1489 bodily personal injury liability protection and property damage
1490 liability coverage.

1491 (5) (a) A licensed general lines agent may charge a per-
1492 policy fee up to ~~not to exceed~~ \$10 to cover the agent's
1493 administrative costs ~~of the agent~~ associated with selling the
1494 motor vehicle insurance policy if the policy provides covers
1495 only bodily personal injury liability protection ~~coverage as~~
1496 ~~provided by s. 627.736~~ and property damage liability coverage as
1497 provided in ~~by~~ s. 627.7275 and if no other insurance is sold or
1498 issued in conjunction with or collateral to the policy. The fee
1499 is not ~~considered~~ part of the premium.

1500 (7) A policy of private passenger motor vehicle insurance
1501 or a binder for such a policy may be initially issued in this
1502 state only if, before the effective date of such binder or
1503 policy, the insurer or agent has collected ~~from the insured~~ an
1504 amount equal to 2 months' premium from the insured. An insurer,
1505 agent, or premium finance company may not, directly or
1506 indirectly, take any action that results ~~resulting~~ in the
1507 insured paying ~~having paid~~ from the insured's own funds an
1508 amount less than the 2 months' premium required under ~~by~~ this
1509 subsection. This subsection applies without regard to whether
1510 the premium is financed by a premium finance company or ~~is~~ paid
1511 pursuant to a periodic payment plan of an insurer or an
1512 insurance agent.

1513 (a) This subsection does not apply:

1514 1. If an insured or member of the insured's family is

1515 renewing or replacing a policy or a binder for such policy

1516 written by the same insurer or a member of the same insurer

1517 group;~~;~~

1518 2. ~~This subsection does not apply~~ To an insurer that

1519 issues private passenger motor vehicle coverage primarily to

1520 active duty or former military personnel or their dependents;

1521 ~~or.~~

1522 3. ~~This subsection does not apply~~ If all policy payments

1523 are paid pursuant to a payroll deduction plan, an automatic

1524 electronic funds transfer payment plan from the policyholder, or

1525 a recurring credit card or debit card agreement with the

1526 insurer.

1527 (b) This subsection and subsection (4) do not apply if:

1528 1. All policy payments to an insurer are paid pursuant to

1529 an automatic electronic funds transfer payment plan from an

1530 agent, a managing general agent, or a premium finance company

1531 and ~~if~~ the policy includes, at a minimum, bodily personal injury

1532 liability and ~~protection pursuant to ss. 627.730-627.7405; motor~~

1533 ~~vehicle~~ property damage liability pursuant to s. 627.7275; or

1534 2. ~~and bodily injury liability in at least the amount of~~

1535 ~~\$10,000 because of bodily injury to, or death of, one person in~~

1536 ~~any one accident and in the amount of \$20,000 because of bodily~~

1537 ~~injury to, or death of, two or more persons in any one accident.~~
 1538 ~~This subsection and subsection (4) do not apply if~~ An insured
 1539 has had a policy in effect for at least 6 months, the insured's
 1540 agent is terminated by the insurer that issued the policy, and
 1541 the insured obtains coverage on the policy's renewal date with a
 1542 new company through the terminated agent.

1543 Section 38. Section 627.730, Florida Statutes, is
 1544 repealed.

1545 Section 39. Section 627.731, Florida Statutes, is
 1546 repealed.

1547 Section 40. Section 627.7311, Florida Statutes, is
 1548 repealed.

1549 Section 41. Section 627.732, Florida Statutes, is
 1550 repealed.

1551 Section 42. Section 627.733, Florida Statutes, is amended
 1552 to read:

1553 627.733 Required security.—

1554 (1) (a) An ~~Every~~ owner or registrant of a motor vehicle,
 1555 other than a motor vehicle used as a school bus as defined in s.
 1556 1006.25 or limousine, required to be registered and licensed in
 1557 this state must ~~shall~~ maintain security as required by s.
 1558 324.022 subsection (3) in effect continuously throughout the
 1559 registration or licensing period.

1560 (b) Notwithstanding paragraph (a), an ~~Every~~ owner or

1561 registrant of a motor vehicle used as a taxicab must ~~shall not~~
1562 ~~be governed by paragraph (1)(a) but shall~~ maintain security as
1563 required under s. 324.032(1), ~~and s. 627.737 shall not apply to~~
1564 ~~any motor vehicle used as a taxicab.~~

1565 (2) Every nonresident owner or registrant of a motor
1566 vehicle ~~which~~, whether operated or not, which has been
1567 physically present within this state for more than 90 days
1568 during the preceding 365 days shall thereafter maintain security
1569 as required by this section during ~~defined by subsection (3) in~~
1570 ~~effect continuously throughout~~ the period the ~~such~~ motor vehicle
1571 remains within this state.

1572 (3) Such security must ~~shall~~ be provided:

1573 (a) By an insurance policy delivered or issued for
1574 delivery in this state by an authorized or eligible motor
1575 vehicle liability insurer which provides the security required
1576 under s. 324.022 ~~the benefits and exemptions contained in ss.~~
1577 ~~627.730-627.7405.~~ Any policy of insurance that provides, or is
1578 represented or sold as providing the security required under s.
1579 324.022 is hereunder shall be deemed to provide insurance for
1580 the payment of the required benefits; or

1581 (b) By any other method authorized by s. 324.031(2) or (3)
1582 and approved by the Department of Highway Safety and Motor
1583 Vehicles as affording security equivalent to that afforded by a
1584 policy of insurance or by self-insuring as authorized by s.

1585 768.28(16). ~~The person filing such security shall have all of~~
1586 ~~the obligations and rights of an insurer under ss. 627.730-~~
1587 ~~627.7405.~~

1588 ~~(4) An owner of a motor vehicle with respect to which~~
1589 ~~security is required by this section who fails to have such~~
1590 ~~security in effect at the time of an accident shall have no~~
1591 ~~immunity from tort liability, but shall be personally liable for~~
1592 ~~the payment of benefits under s. 627.736. With respect to such~~
1593 ~~benefits, such an owner shall have all of the rights and~~
1594 ~~obligations of an insurer under ss. 627.730-627.7405.~~

1595 ~~(4)-(5) An~~ In addition to other persons who are not
1596 ~~required to provide required security as required under this~~
1597 ~~section and s. 324.022,~~ the owner or registrant of a motor
1598 vehicle who is exempt from such requirements if she or he is a
1599 member of the United States Armed Forces and is called to or on
1600 active duty outside the United States in an emergency situation
1601 is exempt from this section. The exemption ~~provided by this~~
1602 ~~subsection~~ applies only as long as the member of the armed
1603 forces is on ~~such~~ active duty outside the United States and
1604 applies only while the vehicle covered by the security required
1605 by this section and s. 324.022 is not operated by any person.
1606 Upon receipt of a written request by the insured to whom the
1607 exemption ~~provided in this subsection~~ applies, the insurer shall
1608 cancel the coverages and return any unearned premium or suspend

1609 the security required by this section and s. 324.022.
 1610 Notwithstanding s. 324.0221(2), the Department of Highway Safety
 1611 and Motor Vehicles may not suspend the registration or
 1612 operator's license of an ~~any~~ owner or registrant of a motor
 1613 vehicle during the time she or he qualifies for the ~~an~~ exemption
 1614 ~~under this subsection.~~ An ~~Any~~ owner or registrant of a motor
 1615 vehicle who qualifies for the ~~an~~ exemption must ~~under this~~
 1616 ~~subsection shall~~ immediately notify the department before ~~prior~~
 1617 ~~to~~ and at the end of the expiration of the exemption.

1618 Section 43. Section 627.734, Florida Statutes, is amended
 1619 to read:

1620 627.734 Proof of security; security requirements;
 1621 penalties.—

1622 (1) The provisions of chapter 324 which pertain to the
 1623 method of giving and maintaining proof of financial
 1624 responsibility and which govern and define a motor vehicle
 1625 liability policy ~~shall~~ apply to filing and maintaining proof of
 1626 security required under s. 627.733 ~~by ss. 627.730-627.7405.~~

1627 (2) A ~~Any~~ person commits a misdemeanor of the first
 1628 degree, punishable as provided in s. 775.082 or s. 775.083, if
 1629 he or she ~~who~~:

1630 (a) Gives information required in a report ~~or otherwise as~~
 1631 ~~provided for in ss. 627.730-627.7405,~~ knowing or having reason
 1632 to believe that such information is false;

1633 (b) Forges or, without authority, signs any evidence of
 1634 proof of security; or

1635 (c) Files, or offers for filing, any such evidence of
 1636 proof, knowing or having reason to believe that it is forged or
 1637 signed without authority~~;~~

1638
 1639 ~~is guilty of a misdemeanor of the first degree, punishable as~~
 1640 ~~provided in s. 775.082 or s. 775.083.~~

1641 Section 44. Section 627.7341, Florida Statutes, is created
 1642 to read:

1643 627.7341 Notification of security requirements.-

1644 (1) The commission must adopt a form by rule for notifying
 1645 insureds of the security required under s. 627.733 and the proof
 1646 of security requirement under s. 627.734. Such notice must
 1647 include:

1648 (a) A description of the benefits provided by bodily
 1649 injury liability coverage and property damage liability
 1650 coverage.

1651 (b) An advisory informing insureds that, pursuant to s.
 1652 626.9892, the Department of Financial Services may pay rewards of
 1653 up to \$25,000 to persons providing information leading to the
 1654 arrest and conviction of persons committing crimes investigated
 1655 by the Division of Insurance Fraud arising from violations of s.
 1656 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.

1657 (c) A notice that solicitation of a person injured in a
1658 motor vehicle crash for purposes of filing tort claims could be
1659 a violation of s. 817.234, s. 817.505, or the rules regulating
1660 The Florida Bar and should be immediately reported to the
1661 Division of Insurance Fraud.

1662 (2) An insurer issuing a policy in this state providing
1663 the security required under s. 627.733 must mail or deliver the
1664 notice required by subsection (1) to an insured within 21 days
1665 after receiving notice from the insured of an automobile
1666 accident or claim involving an insured. The office may allow an
1667 insurer up to 30 days of additional time to provide the notice
1668 upon a showing by the insurer that an emergency justifies an
1669 extension of time.

1670 (3) The notice required by this section does not alter or
1671 modify the terms of the insurance contract or other security
1672 requirements.

1673 Section 45. Section 627.7355, Florida Statutes, is created
1674 to read:

1675 627.7355 Motor vehicle insurance claims brought in a
1676 single action.—An owner, registrant, operator, or occupant of a
1677 motor vehicle who satisfies the security requirements of s.
1678 627.733 must include all claims arising out of the injuries
1679 related to an accident, including derivative claims, in a single
1680 action unless good cause is shown for such claims to be brought

1681 separately.

1682 Section 46. Section 627.736, Florida Statutes, is

1683 repealed.

1684 Section 47. Section 627.737, Florida Statutes, is

1685 repealed.

1686 Section 48. Section 627.739, Florida Statutes, is

1687 repealed.

1688 Section 49. Section 627.7401, Florida Statutes, is

1689 repealed.

1690 Section 50. Section 627.7403, Florida Statutes, is

1691 repealed.

1692 Section 51. Section 627.7405, Florida Statutes, is

1693 repealed.

1694 Section 52. Section 627.7407, Florida Statutes, is

1695 repealed.

1696 Section 53. Section 627.8405, Florida Statutes, is amended

1697 to read:

1698 627.8405 Prohibited acts; financing companies.—A ~~No~~

1699 premium finance company ~~shall~~, in a premium finance agreement or

1700 other agreement, may not finance the cost of or otherwise

1701 provide for the collection or remittance of dues, assessments,

1702 fees, or other periodic payments of money for the cost of:

1703 (1) A membership in an automobile club. The term

1704 "automobile club" means a legal entity that ~~which~~, in

1705 consideration of dues, assessments, or periodic payments of
1706 money, promises ~~its members or subscribers~~ to assist its members
1707 or subscribers ~~them~~ in matters relating to the ownership,
1708 operation, use, or maintenance of a motor vehicle; however, the
1709 term ~~this definition of "automobile club"~~ does not include
1710 persons, associations, or corporations that ~~which~~ are organized
1711 and operated solely for the purpose of conducting, sponsoring,
1712 or sanctioning motor vehicle races, exhibitions, or contests
1713 upon racetracks, or upon racecourses established and marked as
1714 such for the duration of such particular events. The term ~~words~~
1715 "motor vehicle" has ~~used herein have~~ the same meaning as
1716 provided ~~defined~~ in chapter 320.

1717 (2) An accidental death and dismemberment policy sold in
1718 combination with a bodily ~~personal~~ injury liability ~~protection~~
1719 and property damage only policy.

1720 (3) Any product not regulated under the ~~provisions of this~~
1721 insurance code.

1722
1723 This section also applies to premium financing by an ~~any~~
1724 insurance agent or insurance company under part XVI. The
1725 commission shall adopt rules to assure disclosure, at the time
1726 of sale, of coverages financed with bodily ~~personal~~ injury
1727 liability coverage ~~protection~~ and shall prescribe the form of
1728 such disclosure.

1729 Section 54. Subsection (1) of section 627.915, Florida
 1730 Statutes, is amended to read:
 1731 627.915 Insurer experience reporting.—
 1732 (1) Each insurer transacting private passenger automobile
 1733 insurance in this state shall report certain information
 1734 ~~annually~~ to the office. ~~The information will be due~~ on or before
 1735 July 1 of each year. The information shall be divided into the
 1736 following categories: bodily injury liability; property damage
 1737 liability; uninsured motorist; ~~personal injury protection~~
 1738 ~~benefits~~; medical payments; comprehensive and collision. Only
 1739 ~~The information given shall be~~ on direct insurance writings in
 1740 the state is required ~~alone~~ and must ~~shall~~ represent total
 1741 limits data. The information specified ~~set forth~~ in paragraphs
 1742 (a)-(f) applies ~~is applicable~~ to voluntary private passenger and
 1743 Joint Underwriting Association private passenger writings and
 1744 shall be reported for each of the latest 3 calendar-accident
 1745 years, with an evaluation date of March 31 of the current year.
 1746 The information specified ~~set forth~~ in paragraphs (g)-(j)
 1747 applies ~~is applicable~~ to voluntary private passenger writings
 1748 and shall be reported on a calendar-accident year basis
 1749 ultimately seven times at seven different stages of development.
 1750 (a) Premiums earned for the latest 3 calendar-accident
 1751 years.
 1752 (b) Loss development factors and the historic development

1753 of those factors.

1754 (c) Policyholder dividends incurred.

1755 (d) Expenses for other acquisition and general expense.

1756 (e) Expenses for agents' commissions and taxes, licenses,
1757 and fees.

1758 (f) Profit and contingency factors as used ~~utilized~~ in the
1759 insurer's automobile rate filings for the applicable years.

1760 (g) Losses paid.

1761 (h) Losses unpaid.

1762 (i) Loss adjustment expenses paid.

1763 (j) Loss adjustment expenses unpaid.

1764 Section 55. Paragraph (d) of subsection (2) and paragraph
1765 (d) of subsection (3) of section 628.909, Florida Statutes, are
1766 amended to read:

1767 628.909 Applicability of other laws.—

1768 (2) The following provisions of the Florida Insurance Code
1769 apply to captive insurance companies who are not industrial
1770 insured captive insurance companies to the extent that such
1771 provisions are not inconsistent with this part:

1772 ~~(d) Sections 627.730-627.7405, when no fault coverage is~~
1773 ~~provided.~~

1774 (3) The following provisions of the Florida Insurance Code
1775 shall apply to industrial insured captive insurance companies to
1776 the extent that such provisions are not inconsistent with this

1777 part:

1778 ~~(d) Sections 627.730-627.7405 when no fault coverage is~~
1779 ~~provided.~~

1780 Section 56. Subsections (2), (6), and (7) of section
1781 705.184, Florida Statutes, are amended to read:

1782 705.184 Derelict or abandoned motor vehicles on the
1783 premises of public-use airports.—

1784 (2) The airport director or the director's designee shall
1785 contact the Department of Highway Safety and Motor Vehicles to
1786 notify that department that the airport has possession of the
1787 abandoned or derelict motor vehicle and to determine the name
1788 and address of the owner of the motor vehicle, the insurance
1789 company insuring the motor vehicle, ~~notwithstanding the~~
1790 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
1791 the motor vehicle. Within 7 business days after receipt of such
1792 ~~the~~ information, the director or the director's designee shall
1793 send notice by certified mail, return receipt requested, to the
1794 owner of the motor vehicle, the insurance company insuring the
1795 motor vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and
1796 all persons of record claiming a lien against the motor vehicle.
1797 The notice must ~~shall~~ state the fact of possession of the motor
1798 vehicle, that charges for reasonable towing, storage, and
1799 parking fees, if any, have accrued and the amount thereof, that
1800 a lien as provided in subsection (6) will be claimed, that the

1801 lien is subject to enforcement pursuant to law, that the owner
 1802 or lienholder, if any, has the right to a hearing as set forth
 1803 in subsection (4), and that any motor vehicle that ~~which~~, at the
 1804 end of 30 calendar days after receipt of the notice, has not
 1805 been removed from the airport upon payment in full of all
 1806 accrued charges for reasonable towing, storage, and parking
 1807 fees, if any, may be disposed of as provided in s.
 1808 705.182(2) (a), (b), (d), or (e), including, but not limited to,
 1809 selling the motor vehicle ~~being sold~~ free of all prior liens
 1810 ~~after~~ 35 calendar days after the time the motor vehicle is
 1811 stored for motor vehicles with ~~if any~~ prior liens that are ~~on~~
 1812 ~~the motor vehicle are~~ more than 5 years of age, or ~~after~~ 50
 1813 calendar days after the time the motor vehicle is stored for
 1814 motor vehicles with ~~if any~~ prior liens that are ~~on the motor~~
 1815 ~~vehicle are~~ 5 years of age or less.

1816 (6) The airport pursuant to this section or, if used, a
 1817 licensed independent wrecker company pursuant to s. 713.78 shall
 1818 have a lien on an abandoned or derelict motor vehicle for all
 1819 reasonable towing, storage, and accrued parking fees, if any,
 1820 except that a no storage fee may not ~~shall~~ be charged if the
 1821 motor vehicle is stored less than 6 hours. As a prerequisite to
 1822 perfecting a lien under this section, the airport director or
 1823 the director's designee must serve a notice in accordance with
 1824 subsection (2) on the owner of the motor vehicle, the insurance

1825 company insuring the motor vehicle, ~~notwithstanding the~~
 1826 ~~provisions of s. 627.736,~~ and all persons of record claiming a
 1827 lien against the motor vehicle. If attempts to notify the owner,
 1828 the insurance company insuring the motor vehicle,
 1829 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
 1830 not successful, the requirement of notice by mail shall be
 1831 considered met. ~~Serving of the notice does not dispense with~~
 1832 ~~recording the claim of lien.~~

1833 (7) (a) To perfect its lien after the notice required by
 1834 subsection (6) is served ~~For the purpose of perfecting its lien~~
 1835 ~~under this section,~~ the airport shall record a claim of lien
 1836 that states ~~which shall state:~~

- 1837 1. The name and address of the airport.
- 1838 2. The name of the owner of the motor vehicle, the
 1839 insurance company insuring the motor vehicle, ~~notwithstanding~~
 1840 ~~the provisions of s. 627.736,~~ and all persons of record claiming
 1841 a lien against the motor vehicle.
- 1842 3. The costs incurred from reasonable towing, storage, and
 1843 parking fees, if any.
- 1844 4. A description of the motor vehicle sufficient for
 1845 identification.

1846 (b) The claim of lien shall be signed and sworn to or
 1847 affirmed by the airport director or the director's designee.

1848 (c) The claim of lien is ~~shall be~~ sufficient if it is in

1849 substantially the following form:
 1850 CLAIM OF LIEN
 1851 State of
 1852 County of
 1853 Before me, the undersigned notary public, personally appeared
 1854, who was duly sworn and says that he/she is the
 1855 of, whose address is.....; and that the
 1856 following described motor vehicle:
 1857 ...(Description of motor vehicle)...
 1858 owned by, whose address is, has accrued
 1859 \$..... in fees for a reasonable tow, ~~for~~ storage, and ~~for~~
 1860 parking, if applicable; that the lienor served its notice to the
 1861 owner, the insurance company insuring the motor vehicle
 1862 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
 1863 and all persons of record claiming a lien against the motor
 1864 vehicle on, ...(year)...., by.....
 1865 ...(Signature)..
 1866 Sworn to (or affirmed) and subscribed before me this day of
 1867, ...(year)...., by ...(name of person making statement)....
 1868 ...(Signature of Notary Public)... ...(Print, Type, or Stamp
 1869 Commissioned name of Notary Public)..
 1870 Personally Known....OR Produced....as identification.
 1871 However, the negligent inclusion or omission of any information
 1872 in this claim of lien which does not prejudice the owner does

1873 not constitute a default that operates to defeat an otherwise
 1874 valid lien.

1875 (d) The claim of lien shall be served on the owner of the
 1876 motor vehicle, the insurance company insuring the motor vehicle,
 1877 ~~notwithstanding the provisions of s. 627.736,~~ and all persons of
 1878 record claiming a lien against the motor vehicle. If attempts to
 1879 notify the owner, the insurance company insuring the motor
 1880 vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
 1881 lienholders are not successful, the requirement of notice by
 1882 mail shall be considered met. The claim of lien shall be so
 1883 served before recordation.

1884 (e) The claim of lien shall be recorded with the clerk of
 1885 court in the county where the airport is located. The recording
 1886 of the claim of lien is ~~shall be~~ constructive notice to all
 1887 persons of the contents and effect of such claim. The lien
 1888 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
 1889 ~~take~~ priority as of that time.

1890 Section 57. Subsection (4) of section 713.78, Florida
 1891 Statutes, is amended to read:

1892 713.78 Liens for recovering, towing, or storing vehicles
 1893 and vessels.—

1894 (4) (a) A ~~Any~~ person regularly engaged in the business of
 1895 recovering, towing, or storing vehicles or vessels who comes
 1896 into possession of a vehicle or vessel pursuant to subsection

1897 (2) ~~and who~~ claims a lien for recovery, towing, or storage
1898 services must, ~~shall~~ give notice to the registered owner, the
1899 insurance company insuring the vehicle ~~notwithstanding the~~
1900 ~~provisions of s. 627.736~~, and ~~to~~ all persons claiming a lien
1901 thereon, as disclosed by the records in the Department of
1902 Highway Safety and Motor Vehicles or as disclosed by the records
1903 of any corresponding agency in any other state in which the
1904 vehicle is identified as being titled or registered through a
1905 records check of the National Motor Vehicle Title Information
1906 System or an equivalent commercially available system ~~as being~~
1907 ~~titled or registered~~.

1908 (b) If a ~~Whenever any~~ law enforcement agency authorizes
1909 the removal of a vehicle or vessel or if a ~~whenever any~~ towing
1910 service, garage, repair shop, or automotive service, storage, or
1911 parking place notifies the law enforcement agency of possession
1912 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
1913 enforcement agency of the jurisdiction where the vehicle or
1914 vessel is stored must ~~shall~~ contact the Department of Highway
1915 Safety and Motor Vehicles, or the appropriate agency of the
1916 state of registration, if known, within 24 hours through the
1917 medium of electronic communications, giving the full description
1918 of the vehicle or vessel. Upon receipt of the full description
1919 of the vehicle or vessel, the department shall search its files
1920 to determine the owner's name, the insurance company insuring

1921 the vehicle or vessel, and whether any person has filed a lien
1922 upon the vehicle or vessel as provided in s. 319.27(2) and (3)
1923 and notify the applicable law enforcement agency within 72
1924 hours. The person in charge of the towing service, garage,
1925 repair shop, or automotive service, storage, or parking place
1926 shall obtain such information from the applicable law
1927 enforcement agency within 5 days after the date of storage and
1928 ~~shall~~ give notice pursuant to paragraph (a). The department may
1929 release the insurance company information to the requestor
1930 ~~notwithstanding the provisions of s. 627.736.~~

1931 (c) Notice by certified mail shall be sent within 7
1932 business days after the date of storage of the vehicle or vessel
1933 to the registered owner, the insurance company insuring the
1934 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
1935 persons of record claiming a lien against the vehicle or vessel.
1936 The notice must ~~It shall~~ state the fact of possession of the
1937 vehicle or vessel, that a lien as provided in subsection (2) is
1938 claimed, that charges have accrued and the amount thereof, that
1939 the lien is subject to enforcement pursuant to law, and that the
1940 owner or lienholder, if any, has the right to a hearing as
1941 specified ~~set forth~~ in subsection (5), and that any vehicle or
1942 vessel that ~~which~~ remains unclaimed, or for which the charges
1943 for recovery, towing, or storage services remain unpaid, may be
1944 sold free of all prior liens after 35 days if the vehicle or

1945 vessel is more than 3 years of age or after 50 days if the
1946 vehicle or vessel is 3 years of age or less.

1947 (d) If attempts to locate the name and address of the
1948 owner or lienholder prove unsuccessful, the towing-storage
1949 operator shall, after 7 working days, excluding Saturday and
1950 Sunday, of the initial tow or storage, notify the public agency
1951 of jurisdiction where the vehicle or vessel is stored in writing
1952 by certified mail or acknowledged hand delivery that the towing-
1953 storage company has been unable to locate the name and address
1954 of the owner or lienholder and a physical search of the vehicle
1955 or vessel has disclosed no ownership information and a good
1956 faith effort has been made, including records checks of the
1957 Department of Highway Safety and Motor Vehicles database and the
1958 National Motor Vehicle Title Information System or an equivalent
1959 commercially available system. For purposes of this paragraph
1960 and subsection (9), the term "good faith effort" means that the
1961 following checks have been performed by the company to establish
1962 prior state of registration and for title:

1963 1. Check of the Department of Highway Safety and Motor
1964 Vehicles database for the owner and any lienholder.

1965 2. Check of the electronic National Motor Vehicle Title
1966 Information System or an equivalent commercially available
1967 system to determine the state of registration if ~~when~~ there is
1968 not a current registration record for the vehicle on file with

1969 the Department of Highway Safety and Motor Vehicles.

1970 3. Check of the vehicle or vessel for ~~any type of~~ tag, tag

1971 record, temporary tag, or regular tag.

1972 4. Check of the law enforcement report for tag number or

1973 other information identifying the vehicle or vessel, if the

1974 vehicle or vessel was towed at the request of a law enforcement

1975 officer.

1976 5. Check of the trip sheet or tow ticket of the tow truck

1977 operator to see if a tag was on the vehicle or vessel at

1978 beginning of tow, if a private tow.

1979 6. If there is no address of the owner on the impound

1980 report, check of the law enforcement report to see if an out-of-

1981 state address is indicated from driver license information.

1982 7. Check of vehicle or vessel for an inspection sticker or

1983 other stickers and decals that may indicate a state of possible

1984 registration.

1985 8. Check of the interior of the vehicle or vessel for any

1986 papers that may be in the glove box, trunk, or other areas for a

1987 state of registration.

1988 9. Check of the vehicle for a vehicle identification

1989 number.

1990 10. Check of the vessel for a vessel registration number.

1991 11. Check of the vessel hull for a hull identification

1992 number, which is generally ~~should be~~ carved, burned, stamped,

1993 embossed, or otherwise permanently affixed to the outboard side
 1994 of the transom or, if there is no transom, to the outmost
 1995 seaboard side at the end of the hull that bears the rudder or
 1996 other steering mechanism.

1997 Section 58. Paragraph (a) of subsection (1), paragraph (c)
 1998 of subsection (7), paragraphs (a), (b), and (c) of subsection
 1999 (8), and subsections (9) and (10) of section 817.234, Florida
 2000 Statutes, are amended to read:

2001 817.234 False and fraudulent insurance claims.—

2002 (1)(a) A person commits insurance fraud punishable as
 2003 provided in subsection (11) if that person, with the intent to
 2004 injure, defraud, or deceive any insurer:

2005 1. Presents or causes to be presented any written or oral
 2006 statement as part of, or in support of, a claim for payment or
 2007 other benefit pursuant to an insurance policy or a health
 2008 maintenance organization subscriber or provider contract,
 2009 knowing that such statement contains ~~any~~ false, incomplete, or
 2010 misleading information concerning any fact or thing material to
 2011 such claim;

2012 2. Prepares or makes any written or oral statement that is
 2013 intended to be presented to an ~~any~~ insurer in connection with,
 2014 or in support of, any claim for payment or other benefit
 2015 pursuant to an insurance policy or a health maintenance
 2016 organization subscriber or provider contract, knowing that such

2017 statement contains ~~any~~ false, incomplete, or misleading
 2018 information concerning any fact or thing material to such claim;

2019 3.a. Knowingly presents, causes to be presented, or
 2020 prepares or makes with knowledge or belief that it will be
 2021 presented to an ~~any~~ insurer, purported insurer, servicing
 2022 corporation, insurance broker, or insurance agent, or an ~~any~~
 2023 employee or agent thereof, ~~any~~ false, incomplete, or misleading
 2024 information or written or oral statement as part of, or in
 2025 support of, an application for the issuance of, or the rating
 2026 of, any insurance policy, or a health maintenance organization
 2027 subscriber or provider contract; or

2028 b. Knowingly conceals information concerning any fact
 2029 material to such application; or

2030 4. Knowingly presents, causes to be presented, or prepares
 2031 or makes with knowledge or belief that it will be presented to
 2032 any insurer a claim for payment or other benefit under a motor
 2033 vehicle ~~personal injury protection~~ insurance policy if the
 2034 person knows that the payee knowingly submitted a false,
 2035 misleading, or fraudulent application or other document when
 2036 applying for licensure as a health care clinic, seeking an
 2037 exemption from licensure as a health care clinic, or
 2038 demonstrating compliance with part X of chapter 400.

2039 (7)

2040 (c) An insurer, or any person acting at the direction of

2041 or on behalf of an insurer, may not change an opinion in a
 2042 mental or physical report ~~prepared under s. 627.736(7)~~ or direct
 2043 the physician preparing the report to change such opinion;
 2044 however, this prohibition ~~provision~~ does not preclude the
 2045 insurer from calling to the attention of the physician errors of
 2046 fact in the report based upon information in the claim file. Any
 2047 person who violates this paragraph commits a felony of the third
 2048 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2049 775.084.

2050 (8) (a) It is unlawful for any person intending to defraud
 2051 any other person to solicit or cause to be solicited any
 2052 business from a person involved in a motor vehicle accident for
 2053 the purpose of making, adjusting, or settling motor vehicle tort
 2054 claims or claims for personal injury protection benefits
 2055 ~~required by s. 627.736.~~ A Any person who violates ~~the provisions~~
 2056 ~~of~~ this paragraph commits a felony of the second degree,
 2057 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 2058 A person who is convicted of a violation of this subsection
 2059 shall be sentenced to a minimum term of imprisonment of 2 years.

2060 (b) A person may not solicit or cause to be solicited any
 2061 business from a person involved in a motor vehicle accident by
 2062 any means of communication other than advertising directed to
 2063 the public for the purpose of making motor vehicle tort claims
 2064 or claims for bodily ~~personal~~ injury liability coverage

2065 ~~protection~~ benefits ~~required by s. 627.736,~~ within 60 days after
2066 the occurrence of the motor vehicle accident. Any person who
2067 violates this paragraph commits a felony of the third degree,
2068 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2069 (c) A lawyer, health care practitioner as defined in s.
2070 456.001, or owner or medical director of a clinic required to be
2071 licensed pursuant to s. 400.9905 may not, ~~at any time~~ after 60
2072 days ~~have elapsed~~ from the date ~~occurrence~~ of a motor vehicle
2073 accident, solicit or cause to be solicited ~~any~~ business from a
2074 person involved in a motor vehicle accident by means of personal
2075 ~~in-person~~ or telephone contact at the person's residence, for
2076 the purpose of making motor vehicle tort claims or claims for
2077 bodily personal injury liability coverage ~~protection~~ benefits
2078 ~~required by s. 627.736.~~ Any person who violates this paragraph
2079 commits a felony of the third degree, punishable as provided in
2080 s. 775.082, s. 775.083, or s. 775.084.

2081 (9) A person may not organize, plan, or knowingly
2082 participate in an intentional motor vehicle crash or a scheme to
2083 create documentation of a motor vehicle crash that did not occur
2084 for the purpose of making motor vehicle tort claims or claims
2085 for bodily personal injury liability coverage ~~protection~~
2086 ~~benefits as required by s. 627.736.~~ Any person who violates this
2087 subsection commits a felony of the second degree, punishable as
2088 provided in s. 775.082, s. 775.083, or s. 775.084. A person who

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2089 is convicted of a violation of this subsection shall be
2090 sentenced to a minimum term of imprisonment of 2 years.

2091 (10) The license of a licensed health care practitioner
2092 who is found guilty of insurance fraud under this section for an
2093 act relating to a motor vehicle accident shall be revoked
2094 ~~personal injury protection insurance policy loses his or her~~
2095 ~~license to practice~~ for 5 years and such practitioner may not
2096 receive reimbursement for a claim for payment or other benefit
2097 related to a motor vehicle accident ~~personal injury protection~~
2098 ~~benefits~~ for 10 years.

2099 Section 59. Sections 15 and 16 of chapter 2012-197, Laws
2100 of Florida, are repealed.

2101 Section 60. Except as otherwise expressly provided in this
2102 act and except for this section, which shall take effect upon
2103 this act becoming a law, this act shall take effect January 1,
2104 2018.