



177304

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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	.	
	.	

Appropriations Subcommittee on Health and Human Services
(Rouson) recommended the following:

1 **Senate Substitute for Amendment (371248) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
7 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
8 and 627.7405, Florida Statutes, which comprise the Florida Motor
9 Vehicle No-Fault Law, are repealed.

10 Section 2. Section 627.7407, Florida Statutes, is repealed.



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11 Section 3. Subsection (1) of section 316.646, Florida
12 Statutes, is amended to read:

13 316.646 Security required; proof of security and display
14 thereof.—

15 (1) Any person required by s. 324.022 to maintain liability
16 security for property damage, ~~liability security, required by s.~~
17 ~~324.023 to maintain liability security for~~ bodily injury, or
18 ~~death, or required by s. 627.733 to maintain personal injury~~
19 ~~protection security on a motor vehicle~~ shall have in his or her
20 immediate possession at all times while operating such motor
21 vehicle proper proof of maintenance of the ~~required~~ security
22 required under s. 324.021(7).

23 (a) Such proof must ~~shall~~ be in a uniform paper or
24 electronic format, as prescribed by the department, a valid
25 insurance policy, an insurance policy binder, a certificate of
26 insurance, or such other proof as may be prescribed by the
27 department.

28 (b)1. The act of presenting to a law enforcement officer an
29 electronic device displaying proof of insurance in an electronic
30 format does not constitute consent for the officer to access any
31 information on the device other than the displayed proof of
32 insurance.

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

35 Section 4. Paragraph (b) of subsection (2) of section
36 318.18, Florida Statutes, is amended to read:

37 318.18 Amount of penalties.—The penalties required for a
38 noncriminal disposition pursuant to s. 318.14 or a criminal
39 offense listed in s. 318.17 are as follows:



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40 (2) Thirty dollars for all nonmoving traffic violations
41 and:

42 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
43 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
44 320.07(1) shall be charged a delinquent fee pursuant to s.
45 320.07(4).

46 1. If a person who is cited for a violation of s. 320.0605
47 or s. 320.07 can show proof of having a valid registration at
48 the time of arrest, the clerk of the court may dismiss the case
49 and may assess a dismissal fee of up to \$10. A person who finds
50 it impossible or impractical to obtain a valid registration
51 certificate must submit an affidavit detailing the reasons for
52 the impossibility or impracticality. The reasons may include,
53 but are not limited to, the fact that the vehicle was sold,
54 stolen, or destroyed; that the state in which the vehicle is
55 registered does not issue a certificate of registration; or that
56 the vehicle is owned by another person.

57 2. If a person who is cited for a violation of s. 322.03,
58 s. 322.065, or s. 322.15 can show a driver license issued to him
59 or her and valid at the time of arrest, the clerk of the court
60 may dismiss the case and may assess a dismissal fee of up to
61 \$10.

62 3. If a person who is cited for a violation of s. 316.646
63 can show proof of security as required by s. 324.021(7) ~~s.~~
64 ~~627.733~~, issued to the person and valid at the time of arrest,
65 the clerk of the court may dismiss the case and may assess a
66 dismissal fee of up to \$10. A person who finds it impossible or
67 impractical to obtain proof of security must submit an affidavit
68 detailing the reasons for the impracticality. The reasons may



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69 include, but are not limited to, the fact that the vehicle has
70 since been sold, stolen, or destroyed; ~~that the owner or~~
71 ~~registrant of the vehicle is not required by s. 627.733 to~~
72 ~~maintain personal injury protection insurance;~~ or that the
73 vehicle is owned by another person.

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

76 320.02 Registration required; application for registration;
77 forms.—

78 (5) (a) Proof that bodily injury liability coverage and
79 property damage liability coverage ~~personal injury protection~~
80 ~~benefits~~ have been purchased if required under s. 324.022, s.
81 324.032, or s. 627.742, that medical payments coverage has been
82 purchased if required under s. 627.7265 ~~s. 627.733, that~~
83 ~~property damage liability coverage has been purchased as~~
84 ~~required under s. 324.022, that bodily injury liability or death~~
85 coverage has been purchased if required under s. 324.023, and
86 that combined bodily liability insurance and property damage
87 liability insurance have been purchased if required under s.
88 627.7415 must ~~shall~~ be provided in the manner prescribed by law
89 by the applicant at the time of application for registration of
90 any motor vehicle that is subject to such requirements. The
91 issuing agent may not ~~shall refuse to~~ issue registration if such
92 proof of purchase is not provided. Insurers shall furnish
93 uniform proof-of-purchase cards in a paper or electronic format
94 in a form prescribed by the department and include the name of
95 the insured's insurance company, the coverage identification
96 number, and the make, year, and vehicle identification number of
97 the vehicle insured. The card must contain a statement notifying



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98 the applicant of the penalty specified under s. 316.646(4). The
99 card or insurance policy, insurance policy binder, or
100 certificate of insurance or a photocopy of any of these; an
101 affidavit containing the name of the insured's insurance
102 company, the insured's policy number, and the make and year of
103 the vehicle insured; or such other proof as may be prescribed by
104 the department constitutes ~~shall constitute~~ sufficient proof of
105 purchase. If an affidavit is provided as proof, it must be in
106 substantially the following form:

107
108 Under penalty of perjury, I ...(Name of insured)... do hereby
109 certify that I have ...(bodily injury liability and ~~Personal~~
110 ~~Injury Protection~~, property damage liability coverage, and
111 medical payments coverage, and, if required, Bodily Injury
112 Liability)... Insurance currently in effect with ...(Name of
113 insurance company)... under ...(policy number)... covering
114 ...(make, year, and vehicle identification number of
115 vehicle).... ...(Signature of Insured)...

116
117 Such affidavit must include the following warning:

118
119 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
120 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
121 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
122 SUBJECT TO PROSECUTION.

123
124 If an application is made through a licensed motor vehicle
125 dealer as required under s. 319.23, the original or a photocopy
126 ~~photostatic copy~~ of such card, insurance policy, insurance



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127 policy binder, or certificate of insurance or the original
128 affidavit from the insured must ~~shall~~ be forwarded by the dealer
129 to the tax collector of the county or the Department of Highway
130 Safety and Motor Vehicles for processing. By executing the
131 ~~aforsaid~~ affidavit, a ~~ne~~ licensed motor vehicle dealer is not
132 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
133 falsification of any statement contained therein. ~~A card must~~
134 ~~also indicate the existence of any bodily injury liability~~
135 ~~insurance voluntarily purchased.~~

136 (d) The verifying of ~~proof of personal injury protection~~
137 ~~insurance, proof of property damage liability insurance, proof~~
138 ~~of combined bodily liability insurance and property damage~~
139 ~~liability insurance, or proof of financial responsibility~~
140 ~~insurance~~ and the issuance or failure to issue the motor vehicle
141 registration under ~~the provisions of~~ this chapter may not be
142 construed in any court as a warranty of the reliability or
143 accuracy of the evidence of such proof, or that the provisions
144 of any insurance policy furnished as proof of financial
145 responsibility comply with state law. ~~Neither~~ The department or
146 ~~nor~~ any tax collector is not liable in damages for any
147 inadequacy, insufficiency, falsification, or unauthorized
148 modification of any item of ~~the proof of personal injury~~
149 ~~protection insurance, proof of property damage liability~~
150 ~~insurance, proof of combined bodily liability insurance and~~
151 ~~property damage liability insurance, or proof of financial~~
152 responsibility before ~~insurance prior to~~, during, or subsequent
153 to the verification of the proof. The issuance of a motor
154 vehicle registration does not constitute prima facie evidence or
155 a presumption of insurance coverage.



156 Section 6. Paragraph (b) of subsection (1) of section
157 320.0609, Florida Statutes, is amended to read:

158 320.0609 Transfer and exchange of registration license
159 plates; transfer fee.—

160 (1)

161 (b) The transfer of a license plate from a vehicle disposed
162 of to a newly acquired vehicle does not constitute a new
163 registration. The application for transfer shall be accepted
164 without requiring proof of ~~personal injury protection or~~
165 liability insurance.

166 Section 7. Paragraph (g) is added to subsection (1) of
167 section 320.27, Florida Statutes, and subsection (3) of that
168 section is amended, to read:

169 320.27 Motor vehicle dealers.—

170 (1) DEFINITIONS.—The following words, terms, and phrases
171 when used in this section have the meanings respectively
172 ascribed to them in this subsection, except where the context
173 clearly indicates a different meaning:

174 (g) "Garage liability insurance" means combined single-
175 limit liability coverage, including property damage and bodily
176 injury liability coverage, in the amount of:

177 1. Beginning January 1, 2019, and continuing through
178 December 31, 2020, at least \$50,000.

179 2. Beginning January 1, 2021, and continuing through
180 December 31, 2022, at least \$60,000.

181 3. Beginning January 1, 2023 and thereafter, at least
182 \$70,000.

183 (3) APPLICATION AND FEE.—The ~~application for the license~~
184 application must shall be in such form as may be prescribed by



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185 the department and is ~~shall be~~ subject to such rules with
186 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.
187 Such application must ~~shall~~ be verified by oath or affirmation
188 and must ~~shall~~ contain a full statement of the name and birth
189 date of the person or persons applying for the license ~~therefor~~;
190 the name of the firm or copartnership, with the names and places
191 of residence of all members ~~thereof~~, if such applicant is a firm
192 or copartnership; the names and places of residence of the
193 principal officers, if the applicant is a body corporate or
194 other artificial body; the name of the state under whose laws
195 the corporation is organized; the present and former place or
196 places of residence of the applicant; and the prior business in
197 which the applicant has been engaged and its ~~the~~ location
198 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
199 location of the place of business and must ~~shall~~ state whether
200 the place of business is owned by the applicant and when
201 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
202 attached to the application. The applicant shall certify that
203 the location provides an adequately equipped office and is not a
204 residence; that the location affords sufficient unoccupied space
205 upon and within which adequately to store all motor vehicles
206 offered and displayed for sale; and that the location is a
207 suitable place where the applicant can in good faith carry on
208 such business and keep and maintain books, records, and files
209 necessary to conduct such business, which must ~~shall~~ be
210 available at all reasonable hours to inspection by the
211 department or any of its inspectors or other employees. The
212 applicant shall certify that the business of a motor vehicle
213 dealer is the principal business that will ~~which shall~~ be



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214 conducted at that location. The application must ~~shall~~ contain a
215 statement that the applicant is either franchised by a
216 manufacturer of motor vehicles, in which case the name of each
217 motor vehicle that the applicant is franchised to sell must
218 ~~shall~~ be included, or an independent (nonfranchised) motor
219 vehicle dealer. The application must ~~shall~~ contain other
220 relevant information as may be required by the department. The
221 applicant must furnish, including evidence, in a form approved
222 by the department, that the applicant is insured under a garage
223 liability insurance policy or a general liability insurance
224 policy coupled with a business automobile policy having the
225 garage liability insurance coverage required by this subsection,
226 which shall include, at a minimum, \$25,000 combined single limit
227 liability coverage including bodily injury and property damage
228 protection and \$10,000 personal injury protection. However, a
229 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.
230 is exempt from the requirements for garage liability insurance
231 and medical payments coverage insurance and personal injury
232 protection insurance on those vehicles that cannot be legally
233 operated on roads, highways, or streets in this state. Franchise
234 dealers must submit a garage liability insurance policy, and all
235 other dealers must submit a garage liability insurance policy or
236 a general liability insurance policy coupled with a business
237 automobile policy. Such policy must ~~shall~~ be for the license
238 period, and evidence of a new or continued policy must ~~shall~~ be
239 delivered to the department at the beginning of each license
240 period. Upon making an initial application, the applicant shall
241 pay to the department a fee of \$300 in addition to any other
242 fees required by law. Applicants may choose to extend the



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243 licensure period for 1 additional year for a total of 2 years.
244 An initial applicant shall pay to the department a fee of \$300
245 for the first year and \$75 for the second year, in addition to
246 any other fees required by law. An applicant for renewal shall
247 pay to the department \$75 for a 1-year renewal or \$150 for a 2-
248 year renewal, in addition to any other fees required by law.
249 Upon making an application for a change of location, the
250 applicant ~~person~~ shall pay a fee of \$50 in addition to any other
251 fees now required by law. The department shall, in the case of
252 every application for initial licensure, verify whether certain
253 facts set forth in the application are true. Each applicant,
254 general partner in the case of a partnership, or corporate
255 officer and director in the case of a corporate applicant shall~~r~~
256 ~~must~~ file a set of fingerprints with the department for the
257 purpose of determining any prior criminal record or any
258 outstanding warrants. The department shall submit the
259 fingerprints to the Department of Law Enforcement for state
260 processing and forwarding to the Federal Bureau of Investigation
261 for federal processing. The actual cost of state and federal
262 processing must ~~shall~~ be borne by the applicant and is in
263 addition to the fee for licensure. The department may issue a
264 license to an applicant pending the results of the fingerprint
265 investigation, which license is fully revocable if the
266 department subsequently determines that any facts set forth in
267 the application are not true or correctly represented.

268 Section 8. Paragraph (j) of subsection (3) of section
269 320.771, Florida Statutes, is amended to read:

270 320.771 License required of recreational vehicle dealers.-

271 (3) APPLICATION.-The application for such license shall be



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272 in the form prescribed by the department and subject to such
273 rules as may be prescribed by it. The application shall be
274 verified by oath or affirmation and shall contain:

275 (j) A statement that the applicant is insured under a
276 garage liability insurance policy in accordance with s.
277 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
278 ~~combined single limit liability coverage, including bodily~~
279 ~~injury and property damage protection, and \$10,000 personal~~
280 ~~injury protection,~~ if the applicant is to be licensed as a
281 dealer in, or intends to sell, recreational vehicles.

282
283 The department shall, if it deems necessary, cause an
284 investigation to be made to ascertain if the facts set forth in
285 the application are true and shall not issue a license to the
286 applicant until it is satisfied that the facts set forth in the
287 application are true.

288 Section 9. Subsections (1) and (2) of section 322.251,
289 Florida Statutes, are amended to read:

290 322.251 Notice of cancellation, suspension, revocation, or
291 disqualification of license.—

292 (1) All orders of cancellation, suspension, revocation, or
293 disqualification issued under ~~the provisions of this chapter,~~
294 ~~chapter 318, or chapter 324 must, or ss. 627.732-627.734 shall~~
295 be given either by personal delivery thereof to the licensee
296 whose license is being canceled, suspended, revoked, or
297 disqualified or by deposit in the United States mail in an
298 envelope, first class, postage prepaid, addressed to the
299 licensee at his or her last known mailing address furnished to
300 the department. Such mailing by the department constitutes



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301 notification, and any failure by the person to receive the
302 mailed order will not affect or stay the effective date or term
303 of the cancellation, suspension, revocation, or disqualification
304 of the licensee's driving privilege.

305 (2) The giving of notice and an order of cancellation,
306 suspension, revocation, or disqualification by mail is complete
307 upon expiration of 20 days after deposit in the United States
308 mail for all notices except those issued under chapter 324 ~~or~~
309 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
310 the United States mail. Proof of the giving of notice and an
311 order of cancellation, suspension, revocation, or
312 disqualification in either manner must ~~shall~~ be made by entry in
313 the records of the department that such notice was given. The
314 entry is admissible in the courts of this state and constitutes
315 sufficient proof that such notice was given.

316 Section 10. Paragraph (a) of subsection (8) of section
317 322.34, Florida Statutes, is amended to read:

318 322.34 Driving while license suspended, revoked, canceled,
319 or disqualified.-

320 (8) (a) Upon the arrest of a person for the offense of
321 driving while the person's driver license or driving privilege
322 is suspended or revoked, the arresting officer shall determine:

323 1. Whether the person's driver license is suspended or
324 revoked.

325 2. Whether the person's driver license has remained
326 suspended or revoked since a conviction for the offense of
327 driving with a suspended or revoked license.

328 3. Whether the suspension or revocation was made under s.
329 316.646 ~~or s. 627.733~~, relating to failure to maintain required



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330 security, or under s. 322.264, relating to habitual traffic
331 offenders.

332 4. Whether the driver is the registered owner or coowner of
333 the vehicle.

334 Section 11. Section 324.011, Florida Statutes, is amended
335 to read:

336 324.011 Legislative intent and purpose of chapter.—It is
337 the Legislature's intent of this chapter to ensure that the
338 privilege of owning or operating a motor vehicle in this state
339 be exercised ~~recognize the existing privilege to own or operate~~
340 ~~a motor vehicle on the public streets and highways of this state~~
341 ~~when such vehicles are used~~ with due consideration for others'
342 safety ~~others~~ and their property, ~~and~~ to promote safety, and to
343 provide financial security requirements for ~~such~~ owners and ~~or~~
344 operators whose responsibility it is to recompense others for
345 injury to person or property caused by the operation of a motor
346 vehicle. Therefore, this chapter requires that every owner or
347 operator of a motor vehicle required to be registered in this
348 state establish, maintain, and it is required herein that the
349 ~~operator of a motor vehicle involved in a crash or convicted of~~
350 ~~certain traffic offenses meeting the operative provisions of s.~~
351 ~~324.051(2) shall respond for such damages and show proof of~~
352 financial ability to respond for damages arising out of the
353 ownership, maintenance, or use of a motor vehicle in future
354 ~~accidents~~ as a requisite to owning or operating a motor vehicle
355 in this state ~~his or her future exercise of such privileges.~~

356 Section 12. Subsections (1) and (7) and paragraph (c) of
357 subsection (9) of section 324.021, Florida Statutes, are
358 amended, and subsection (12) is added to that section, to read:



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359 324.021 Definitions; minimum insurance required.—The
360 following words and phrases when used in this chapter shall, for
361 the purpose of this chapter, have the meanings respectively
362 ascribed to them in this section, except in those instances
363 where the context clearly indicates a different meaning:

364 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
365 designed and required to be licensed for use upon a highway,
366 including trailers and semitrailers designed for use with such
367 vehicles, except traction engines, road rollers, farm tractors,
368 power shovels, and well drillers, and every vehicle that is
369 propelled by electric power obtained from overhead wires but not
370 operated upon rails, but not including any personal delivery
371 device as defined in s. 316.003, bicycle, or moped. ~~However, the~~
372 ~~term "motor vehicle" does not include a motor vehicle as defined~~
373 ~~in s. 627.732(3) when the owner of such vehicle has complied~~
374 ~~with the requirements of ss. 627.730-627.7405, inclusive, unless~~
375 ~~the provisions of s. 324.051 apply; and, in such case, the~~
376 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

377 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~That~~ Proof of
378 ability to respond in damages for liability on account of
379 crashes arising out of the ownership, maintenance, or use of a
380 motor vehicle:

381 (a) With respect to a motor vehicle that is not a
382 commercial motor vehicle, nonpublic sector bus, or for-hire
383 passenger transportation vehicle:

384 1. Beginning January 1, 2019, and continuing through
385 December 31, 2020, in the amount of:

386 a. Twenty thousand dollars for ~~\$10,000 because of~~ bodily
387 injury to, or the death of, one person in any one crash and,



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388 ~~(b)~~ subject to such limits for one person, in the amount of
389 \$40,000 for \$20,000 because of bodily injury to, or the death
390 of, two or more persons in any one crash; and

391 b. Ten thousand dollars for damage to, or destruction of,
392 property of others in any one crash.

393 2. Beginning January 1, 2021, and continuing through
394 December 31, 2022, in the amount of:

395 a. Twenty-five thousand dollars for bodily injury to, or
396 the death of, one person in any one crash and, subject to such
397 limits for one person, in the amount of \$50,000 for bodily
398 injury to, or the death of, two or more persons in any one
399 crash; and

400 b. Ten thousand dollars for damage to, or destruction of,
401 property of others in any one crash.

402 3. Beginning January 1, 2023, and continuing thereafter, in
403 the amount of:

404 a. Thirty thousand dollars for bodily injury to, or the
405 death of, one person in any one crash and, subject to such
406 limits for one person, in the amount of \$60,000 for bodily
407 injury to, or the death of, two or more persons in any one
408 crash; and

409 b. ~~(e)~~ Ten thousand dollars for damage ~~In the amount of~~
410 ~~\$10,000 because of injury to, or destruction of, property of~~
411 ~~others in any one crash.; and~~

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

415 (c) With respect to nonpublic sector buses, in the amounts
416 specified in s. 627.742.



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417 (d) With respect to for-hire passenger transportation
418 vehicles, in the amounts specified in s. 324.032.

419 (9) OWNER; OWNER/LESSOR.—

420 (c) *Application*.—

421 1. The limits on liability in subparagraphs (b)2. and 3. do
422 not apply to an owner of motor vehicles that are used for
423 commercial activity in the owner's ordinary course of business,
424 other than a rental company that rents or leases motor vehicles.
425 For purposes of this paragraph, the term "rental company"
426 includes only an entity that is engaged in the business of
427 renting or leasing motor vehicles to the general public and that
428 rents or leases a majority of its motor vehicles to persons with
429 no direct or indirect affiliation with the rental company. The
430 term also includes a motor vehicle dealer that provides
431 temporary replacement vehicles to its customers for up to 10
432 days. The term "rental company" also includes:

433 a. A related rental or leasing company that is a subsidiary
434 of the same parent company as that of the renting or leasing
435 company that rented or leased the vehicle.

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

444 2. Furthermore, with respect to commercial motor vehicles
445 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on



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446 liability in subparagraphs (b)2. and 3. do not apply if, at the
447 time of the incident, the commercial motor vehicle is being used
448 in the transportation of materials found to be hazardous for the
449 purposes of the Hazardous Materials Transportation Authorization
450 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
451 required pursuant to such act to carry placards warning others
452 of the hazardous cargo, unless at the time of lease or rental
453 either:

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

458 b. The lessee or other operator of the commercial motor
459 vehicle has in effect insurance with limits of at least \$5
460 million ~~\$5,000,000~~ combined property damage and bodily injury
461 liability.

462 (12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every “for-
463 hire vehicle” as defined in s. 320.01(15) which is offered or
464 used to provide transportation for persons, including taxicabs,
465 limousines, and jitneys.

466 Section 13. Section 324.022, Florida Statutes, is amended
467 to read:

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

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



475 1. Beginning January 1, 2019, and continuing through
476 December 31, 2020:

477 a. Twenty thousand dollars for bodily injury to, or the
478 death of, one person in any one crash and, subject to such
479 limits for one person, in the amount of \$40,000 for bodily
480 injury to, or the death of, two or more persons in any one
481 crash; and

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

484 2. Beginning January 1, 2021, and continuing through
485 December 31, 2022:

486 a. Twenty-five thousand dollars for bodily injury to, or
487 the death of, one person in any one crash and, subject to such
488 limits for one person, in the amount of \$50,000 for bodily
489 injury to, or the death of, two or more persons in any one
490 crash; and

491 b. Ten thousand dollars for damage to, or destruction of,
492 property of others in any one crash.

493 3. Beginning January 1, 2023, and continuing thereafter:

494 a. Thirty thousand dollars for bodily injury to, or the
495 death of, one person in any one crash and, subject to such
496 limits for one person, in the amount of \$60,000 for bodily
497 injury to, or the death of, two or more persons in any one
498 crash; and

499 b. Ten thousand dollars for ~~\$10,000 because of~~ damage to,
500 or destruction of, property of others in any one crash.

501 (b) The requirements of paragraph (a) ~~this section~~ may be
502 met by one of the methods established in s. 324.031; by self-
503 insuring as authorized by s. 768.28(16); or by maintaining



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504 medical payments coverage under s. 627.7265 and a motor vehicle
505 liability insurance policy that ~~an insurance policy providing~~
506 ~~coverage for property damage liability in the amount of at least~~
507 ~~\$10,000 because of damage to, or destruction of, property of~~
508 ~~others in any one accident arising out of the use of the motor~~
509 ~~vehicle. The requirements of this section may also be met by~~
510 having a policy which provides combined property damage
511 liability and bodily injury liability coverage for any one crash
512 arising out of the ownership, maintenance, or use of a motor
513 vehicle which conforms to the requirements of s. 324.151 in the
514 amount of:

515 1. At least \$50,000 for every owner or operator subject to
516 the financial responsibility required in subparagraph (1)(a)1.

517 2. At least \$60,000 for every owner or operator subject to
518 the financial responsibility required in subparagraph (1)(a)2.

519 3. At least \$70,000 for every owner or operator subject to
520 the financial responsibility required in subparagraph (1)(a)3.

521 ~~\$30,000 for combined property damage liability and bodily injury~~
522 ~~liability for any one crash arising out of the use of the motor~~
523 ~~vehicle. The policy, with respect to coverage for property~~
524 ~~damage liability, must meet the applicable requirements of s.~~
525 ~~324.151, subject to the usual policy exclusions that have been~~
526 ~~approved in policy forms by the Office of Insurance Regulation.~~
527 ~~No insurer shall have any duty to defend uncovered claims~~
528 ~~irrespective of their joinder with covered claims.~~

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

530 (a) "Motor vehicle" means any self-propelled vehicle that
531 has four or more wheels and that is of a type designed and
532 required to be licensed for use on the highways of this state,



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533 and any trailer or semitrailer designed for use with such
534 vehicle. The term does not include the following:

535 1. A mobile home as defined in s. 320.01.

536 2. A motor vehicle that is used in mass transit and
537 designed to transport more than five passengers, exclusive of
538 the operator of the motor vehicle, and that is owned by a
539 municipality, transit authority, or political subdivision of the
540 state.

541 3. A school bus as defined in s. 1006.25, which shall
542 maintain security as required under s. 316.615.

543 4. A commercial motor vehicle as defined in s. 207.002 or
544 s. 320.01, which shall maintain security as required under ss.
545 324.031 and 627.7415.

546 5. A nonpublic sector bus, which shall maintain security as
547 required under ss. 324.031 and 627.742.

548 ~~6.4. A vehicle providing for-hire passenger transportation~~
549 ~~vehicle, which that is subject to the provisions of s. 324.031.~~
550 ~~A taxicab shall maintain security as required under s. 324.032~~
551 ~~s. 324.032(1).~~

552 ~~7.5. A personal delivery device as defined in s. 316.003.~~

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

557 (3) Each nonresident owner or registrant of a motor vehicle
558 that, whether operated or not, has been physically present
559 within this state for more than 90 days during the preceding 365
560 days shall maintain security as required by subsection (1). The
561 security must be ~~that is~~ in effect continuously throughout the



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562 period the motor vehicle remains within this state.

563 (4) An ~~The~~ owner or registrant of a motor vehicle who is
564 ~~exempt from the requirements of this section if she or he is a~~
565 member of the United States Armed Forces and is called to or on
566 active duty outside the United States in an emergency situation
567 is exempt from this section while he or she. ~~The exemption~~
568 ~~provided by this subsection applies only as long as the member~~
569 ~~of the Armed Forces is on such active duty.~~ This exemption
570 ~~outside the United States and applies only while the vehicle~~
571 covered by the security is not operated by any person. Upon
572 receipt of a written request by the insured to whom the
573 exemption provided in this subsection applies, the insurer shall
574 cancel the coverages and return any unearned premium or suspend
575 the security required by this section. Notwithstanding s.
576 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
577 registration or operator's license of an ~~any~~ owner or registrant
578 of a motor vehicle during the time she or he qualifies for the
579 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
580 of a motor vehicle who qualifies for the ~~an~~ exemption under this
581 subsection shall immediately notify the department before ~~prior~~
582 ~~to~~ and at the end of the expiration of the exemption.

583 Section 14. Subsections (1) and (2) of section 324.0221,
584 Florida Statutes, are amended to read:

585 324.0221 Reports by insurers to the department; suspension
586 of driver license and vehicle registrations; reinstatement.-

587 (1) (a) Each insurer that has issued a policy providing
588 medical payments coverage or ~~personal injury protection coverage~~
589 ~~or property damage~~ liability coverage shall report the
590 cancellation or nonrenewal thereof to the department within 10



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591 days after the processing date or effective date of each
592 cancellation or nonrenewal. Upon the issuance of a policy
593 providing medical payments coverage or ~~personal injury~~
594 ~~protection coverage~~ or ~~property damage~~ liability coverage to a
595 named insured not previously insured by the insurer during that
596 calendar year, the insurer shall report the issuance of the new
597 policy to the department within 10 days. The report must ~~shall~~
598 be in the form ~~and format~~ and contain any information required
599 by the department and must be provided in a format that is
600 compatible with the data processing capabilities of the
601 department. Failure by an insurer to file proper reports with
602 the department as required by this subsection constitutes a
603 violation of the Florida Insurance Code. These records may ~~shall~~
604 be used by the department only for enforcement and regulatory
605 purposes, including the generation by the department of data
606 regarding compliance by owners of motor vehicles with the
607 requirements for financial responsibility coverage.

608 (b) With respect to an insurance policy providing medical
609 payments coverage or ~~personal injury protection coverage~~ or
610 ~~property damage~~ liability coverage, each insurer shall notify
611 the named insured, or the first-named insured in the case of a
612 commercial fleet policy, in writing that any cancellation or
613 nonrenewal of the policy will be reported by the insurer to the
614 department. The notice must also inform the named insured that
615 failure to maintain medical payments coverage, bodily injury
616 liability ~~personal injury protection~~ coverage, and property
617 damage liability coverage on a motor vehicle when required by
618 law may result in the loss of registration and driving
619 privileges in this state and inform the named insured of the



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620 amount of the reinstatement fees required by this section. This
621 notice is for informational purposes only, and an insurer is not
622 civilly liable for failing to provide this notice.

623 (2) The department shall suspend, after due notice and an
624 opportunity to be heard, the registration and driver license of
625 any owner or registrant of a motor vehicle for ~~with respect to~~
626 which security is required under s. 324.022, s. 324.032, s.
627 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

632 (b) Notification by the insurer to the department, in a
633 form approved by the department, of cancellation or termination
634 of the required security.

635 Section 15. Section 324.023, Florida Statutes, is amended
636 to read:

637 324.023 Financial responsibility for bodily injury or
638 death.—In addition to any other financial responsibility
639 required by law, every owner or operator of a motor vehicle that
640 is required to be registered in this state, or that is located
641 within this state, and who, regardless of adjudication of guilt,
642 has been found guilty of or entered a plea of guilty or nolo
643 contendere to a charge of driving under the influence under s.
644 316.193 after October 1, 2007, shall, by one of the methods
645 established in s. 324.031(1) (a) or (b) ~~s. 324.031(1) or (2)~~,
646 establish and maintain the ability to respond in damages for
647 liability on account of accidents arising out of the use of a
648 motor vehicle in the amount of \$100,000 because of bodily injury



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649 to, or death of, one person in any one crash and, subject to
650 such limits for one person, in the amount of \$300,000 because of
651 bodily injury to, or death of, two or more persons in any one
652 crash and in the amount of \$50,000 because of property damage in
653 any one crash. If the owner or operator chooses to establish and
654 maintain such ability by furnishing a certificate of deposit
655 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
656 deposit must be at least \$350,000. Such higher limits must be
657 carried for a minimum period of 3 years. If the owner or
658 operator has not been convicted of driving under the influence
659 or a felony traffic offense for a period of 3 years from the
660 date of reinstatement of driving privileges for a violation of
661 s. 316.193, the owner or operator shall be exempt from this
662 section.

663 Section 16. Section 324.031, Florida Statutes, is amended
664 to read:

665 324.031 Manner of proving financial responsibility.-

666 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~
667 ~~or any other for-hire passenger transportation vehicle may prove~~
668 ~~financial responsibility by providing satisfactory evidence of~~
669 ~~holding a motor vehicle liability policy as defined in s.~~
670 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
671 ~~carrier which is a member of the Florida Insurance Guaranty~~
672 ~~Association. The operator or owner of a motor vehicle other than~~
673 ~~a for-hire passenger transportation vehicle any other vehicle~~
674 may prove his or her financial responsibility by:

675 ~~(a) (1)~~ (a) Furnishing satisfactory evidence of holding a motor
676 vehicle liability policy as defined in ss. 324.021(8) and
677 324.151;



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678 (b)~~(2)~~ Furnishing a certificate of self-insurance showing a
679 deposit of cash in accordance with s. 324.161; or

680 (c)~~(3)~~ Furnishing a certificate of self-insurance issued by
681 the department in accordance with s. 324.171.

682 (2) (a) Any person~~, including any firm, partnership,~~
683 ~~association, corporation, or other person, other than a natural~~
684 ~~person,~~ electing to use the method of proof specified in
685 paragraph (1) (b) subsection (2) shall furnish a certificate of
686 deposit equal to the number of vehicles owned times:

687 1. Fifty thousand dollars, to a maximum of \$200,000, from
688 January 1, 2019, through December 31, 2020.

689 2. Sixty thousand dollars, to a maximum of \$240,000, from
690 January 1, 2021, through December 31, 2022.

691 3. Seventy thousand dollars, \$30,000, to a maximum of
692 \$280,000, from January 1, 2023, and thereafter. \$120,000;

693 (b) In addition, any such person~~, other than a natural~~
694 ~~person,~~ shall maintain insurance providing coverage conforming
695 to the requirements of s. 324.151 in excess of the amount of the
696 certificate of deposit, with limits of at least:

697 1. One hundred twenty-five thousand dollars for bodily
698 injury to, or the death of, one person in any one crash and,
699 subject to such limits for one person, in the amount of \$250,000
700 for bodily injury to, or the death of, two or more persons in
701 any one crash, and \$50,000 for damage to, or destruction of,
702 property of others in any one crash; or \$10,000/20,000/10,000 or
703 \$30,000 combined single limits, and such excess insurance shall
704 provide minimum limits of \$125,000/250,000/50,000 or \$300,000
705 combined single limits. These increased limits shall not affect
706 the requirements for proving financial responsibility under s.



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707 ~~324.032(1).~~

708 2. Three hundred thousand dollars for combined bodily
709 injury liability and property damage liability for any one
710 crash.

711 Section 17. Section 324.032, Florida Statutes, is amended
712 to read:

713 324.032 ~~Manner of proving~~ Financial responsibility ~~for~~
714 ~~for-hire passenger transportation vehicles. Notwithstanding the~~
715 ~~provisions of s. 324.031:~~

716 (1) An owner or lessee of a for-hire passenger
717 transportation vehicle that is required to be registered in this
718 state shall establish and continuously maintain the ability to
719 respond in damages for liability on account of accidents arising
720 out of the ownership, maintenance, or use of the for-hire
721 passenger transportation vehicle, in the amount of:

722 (a) One hundred twenty-five thousand dollars for bodily
723 injury to, or the death of, one person in any one crash and,
724 subject to such limits for one person, in the amount of \$250,000
725 for bodily injury to, or the death of, two or more persons in
726 any one crash; and ~~A person who is either the owner or a lessee~~
727 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
728 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
729 ~~for-hire passenger transportation vehicles may prove financial~~
730 ~~responsibility by furnishing satisfactory evidence of holding a~~
731 ~~motor vehicle liability policy, but with minimum limits of~~
732 ~~\$125,000/250,000/50,000.~~

733 (b) Fifty thousand dollars for damage to, or destruction
734 of, property of others in any one crash ~~A person who is either~~
735 ~~the owner or a lessee required to maintain insurance under s.~~



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736 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
737 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
738 ~~financial responsibility by furnishing satisfactory evidence of~~
739 ~~holding a motor vehicle liability policy as defined in s.~~
740 ~~324.031.~~

741 (2) Except as provided in subsection (3), the requirements
742 of this section must be met by the owner or lessee providing
743 satisfactory evidence of holding a motor vehicle liability
744 policy conforming to the requirements of s. 324.151 which is
745 issued by an insurance carrier that is a member of the Florida
746 Insurance Guaranty Association.

747 ~~(3)(2) An owner or a lessee who is required to maintain~~
748 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~
749 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
750 ~~transportation vehicles may provide financial responsibility by~~
751 ~~complying with the provisions of s. 324.171, such compliance to~~
752 ~~be demonstrated by maintaining at its principal place of~~
753 ~~business an audited financial statement, prepared in accordance~~
754 ~~with generally accepted accounting principles, and providing to~~
755 ~~the department a certification issued by a certified public~~
756 ~~accountant that the applicant's net worth is at least equal to~~
757 ~~the requirements of s. 324.171 as determined by the Office of~~
758 ~~Insurance Regulation of the Financial Services Commission,~~
759 ~~including claims liabilities in an amount certified as adequate~~
760 ~~by a Fellow of the Casualty Actuarial Society.~~

761
762 Upon request by the department, the applicant shall ~~must~~ provide
763 the department at the applicant's principal place of business in
764 this state access to the applicant's underlying financial



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765 information and financial statements that provide the basis of
766 the certified public accountant's certification. The applicant
767 shall reimburse the requesting department for all reasonable
768 costs incurred by it in reviewing the supporting information.
769 The maximum amount of self-insurance permissible under this
770 subsection is \$300,000 and must be stated on a per-occurrence
771 basis, and the applicant shall maintain adequate excess
772 insurance issued by an authorized or eligible insurer licensed
773 or approved by the Office of Insurance Regulation. All risks
774 self-insured shall remain with the owner or lessee providing it,
775 and the risks are not transferable to any other person, unless a
776 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
777 obtained.

778 Section 18. Paragraph (b) of subsection (2) of section
779 324.051, Florida Statutes, is amended to read:

780 324.051 Reports of crashes; suspensions of licenses and
781 registrations.—

782 (2)

783 (b) This subsection does ~~shall~~ not apply:

784 1. To such operator or owner if such operator or owner had
785 in effect at the time of such crash or traffic conviction a
786 motor vehicle ~~an automobile~~ liability policy with respect to all
787 of the registered motor vehicles owned by such operator or
788 owner.

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



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794 3. To such operator or owner if the liability of such
795 operator or owner for damages resulting from such crash is, in
796 the judgment of the department, covered by any other form of
797 liability insurance or bond.

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

801
802 No such policy or bond shall be effective under this subsection
803 unless it contains limits of not less than those specified in s.
804 324.021(7).

805 Section 19. Section 324.071, Florida Statutes, is amended
806 to read:

807 324.071 Reinstatement; renewal of license; reinstatement
808 fee.—~~An~~ ~~Any~~ operator or owner whose license or registration has
809 been suspended pursuant to s. 324.051(2), s. 324.072, s.
810 324.081, or s. 324.121 may effect its reinstatement upon
811 compliance with ~~the provisions of~~ s. 324.051(2) (a)3. or 4., or
812 s. 324.081(2) and (3), as the case may be, and with one of the
813 provisions of s. 324.031 and upon payment to the department of a
814 nonrefundable reinstatement fee of \$15. Only one such fee may
815 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
816 number of licenses and registrations to be then reinstated or
817 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
818 a department trust fund. If ~~When~~ the reinstatement of any
819 license or registration is effected by compliance with s.
820 324.051(2) (a)3. or 4., the department may ~~shall~~ not renew the
821 license or registration within ~~a period of~~ 3 years after ~~from~~
822 such reinstatement, nor may ~~shall~~ any other license or



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823 registration be issued in the name of such person, unless the
824 operator continues ~~is continuing~~ to comply with ~~one of the~~
825 ~~provisions of s. 324.031.~~

826 Section 20. Subsection (1) of section 324.091, Florida
827 Statutes, is amended to read:

828 324.091 Notice to department; notice to insurer.—

829 (1) Each owner and operator involved in a crash or
830 conviction case within the purview of this chapter shall furnish
831 evidence of automobile liability insurance or motor vehicle
832 liability insurance within 14 days after the date of the mailing
833 of notice of crash by the department in the form and manner as
834 it may designate. Upon receipt of evidence that a ~~an automobile~~
835 ~~liability policy or~~ motor vehicle liability policy was in effect
836 at the time of the crash or conviction case, the department
837 shall forward to the insurer such information for verification
838 in a method as determined by the department. The insurer shall
839 respond to the department within 20 days after the notice as to
840 whether or not such information is valid. If the department
841 determines that a ~~an automobile liability policy or~~ motor
842 vehicle liability policy was not in effect and did not provide
843 coverage for both the owner and the operator, it must ~~shall~~ take
844 action as it is authorized to do under this chapter.

845 Section 21. Section 324.151, Florida Statutes, is amended
846 to read:

847 324.151 Motor vehicle liability policies; required
848 provisions.—

849 (1) A motor vehicle liability policy that serves as ~~to be~~
850 proof of financial responsibility under s. 324.031(1) must
851 ~~shall~~ be issued to owners or operators of motor vehicles under



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852 the following provisions:

853 (a) A motor vehicle ~~An owner's~~ liability insurance policy
854 issued to an owner of a motor vehicle registered in this state
855 must ~~shall~~ designate by explicit description or by appropriate
856 reference all motor vehicles for ~~with respect to~~ which coverage
857 is thereby granted. The policy must ~~and shall~~ insure the person
858 or persons ~~owner~~ named therein and any other person as operator
859 using such motor vehicle or motor vehicles with the express or
860 implied permission of such owner against loss from the liability
861 imposed by law for damage arising out of the ownership,
862 maintenance, or use of any ~~such~~ motor vehicle or motor vehicles
863 within the United States or the Dominion of Canada, subject to
864 limits, exclusive of interest and costs with respect to each
865 such motor vehicle as is provided for under s. 324.021(7).
866 Insurers may make available, with respect to property damage
867 liability coverage, a deductible amount not to exceed \$500. In
868 the event of a property damage loss covered by a policy
869 containing a property damage deductible provision, the insurer
870 shall pay to the third-party claimant the amount of any property
871 damage liability settlement or judgment, subject to policy
872 limits, as if no deductible existed.

873 (b) An operator's motor vehicle liability policy of
874 insurance must ~~shall~~ insure the person or persons named therein
875 against loss from the liability imposed ~~upon him or her~~ by law
876 for damages arising out of the use by the person of any motor
877 vehicle not owned by him or her, with the same territorial
878 limits and subject to the same limits of liability as referred
879 to above with respect to an owner's policy of liability
880 insurance.



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881 (c) All such motor vehicle liability policies must ~~shall~~
882 state the name and address of the named insured, the coverage
883 afforded by the policy, the premium charged therefor, the policy
884 period, the limits of liability, and must ~~shall~~ contain an
885 agreement or be endorsed that insurance is provided in
886 accordance with the coverage defined in this chapter ~~as respects~~
887 ~~bodily injury and death or property damage or both~~ and is
888 subject to all provisions of this chapter. The said policies
889 must ~~shall~~ also contain a provision that the satisfaction by an
890 insured of a judgment for such injury or damage may ~~shall~~ not be
891 a condition precedent to the right or duty of the insurance
892 carrier to make payment on account of such injury or damage, and
893 must ~~shall~~ also contain a provision that bankruptcy or
894 insolvency of the insured or of the insured's estate may ~~shall~~
895 not relieve the insurance carrier of any of its obligations
896 under the said policy.

897 (2) ~~The provisions of~~ This section is ~~shall~~ not be
898 applicable to any automobile liability policy unless and until
899 it is furnished as proof of financial responsibility for the
900 future pursuant to s. 324.031, and then only from and after the
901 date the said policy is so furnished.

902 Section 22. Section 324.161, Florida Statutes, is amended
903 to read:

904 324.161 Proof of financial responsibility; deposit.—If a
905 person elects to prove his or her financial responsibility under
906 the method of proof specified in s. 324.031(1) (b), he or she
907 must obtain proof of a certificate of deposit annually, in the
908 amount required under s. 324.031(2), from a financial
909 institution insured by the Federal Deposit Insurance Corporation



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910 or the National Credit Union Administration. Proof of such
911 certificate of deposit ~~Annually, before any certificate of~~
912 ~~insurance may be issued to a person, including any firm,~~
913 ~~partnership, association, corporation, or other person, other~~
914 ~~than a natural person, proof of a certificate of deposit of~~
915 ~~\$30,000 issued and held by a financial institution~~ must be
916 submitted to the department annually. A power of attorney will
917 be issued to and held by the department and may be executed upon
918 a judgment issued against such person making the deposit, for
919 damages for ~~because of~~ bodily injury to or death of any person
920 or for damages for ~~because of~~ injury to or destruction of
921 property resulting from the use or operation of any motor
922 vehicle occurring after such deposit was made. Money so
923 deposited is ~~shall~~ not be subject to attachment or execution
924 unless such attachment or execution arises ~~shall arise~~ out of a
925 lawsuit ~~suit~~ for such damages as ~~aforsaid~~.

926 Section 23. Subsections (1) and (2) of section 324.171,
927 Florida Statutes, are amended to read:

928 324.171 Self-insurer.-

929 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
930 a certificate of self-insurance from the department. ~~which may,~~
931 ~~in its discretion and~~ Upon application of such a person, the
932 department may issue a said certificate of self-insurance if the
933 applicant ~~when such person~~ has satisfied the requirements of
934 this section ~~to qualify as a self-insurer under this section:~~

935 (a) A private individual with private passenger vehicles
936 must ~~shall~~ possess a net unencumbered worth: ~~of~~

937 1. Beginning January 1, 2019, through December 31, 2020, of
938 at least \$80,000.



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939 2. Beginning January 1, 2021, through December 31, 2022, of
940 at least \$100,000.

941 3. Beginning January 1, 2023, and thereafter, of at least
942 \$120,000 ~~\$40,000~~.

943 (b) A person, including any firm, partnership, association,
944 corporation, or other person, other than a natural person, must
945 shall:

946 1. Possess a net unencumbered worth: ~~of~~

947 a. Beginning January 1, 2019, through December 31, 2020, of
948 at least \$80,000 for the first motor vehicle and \$40,000 for
949 each additional motor vehicle.

950 b. Beginning January 1, 2021, through December 31, 2022, of
951 at least \$100,000 for the first motor vehicle and \$50,000 for
952 each additional motor vehicle.

953 c. Beginning January 1, 2023, and thereafter, of at least
954 \$120,000 ~~\$40,000~~ for the first motor vehicle and \$60,000 ~~\$20,000~~
955 for each additional motor vehicle; or

956 2. Maintain sufficient net worth, in an amount determined
957 by the department, to be financially responsible for potential
958 losses. The department shall annually determine the minimum net
959 worth sufficient to satisfy this subparagraph ~~as determined~~
960 annually by the department, pursuant to rules adopted
961 ~~promulgated~~ by the department, with the assistance of the Office
962 of Insurance Regulation of the Financial Services Commission, ~~to~~
963 ~~be financially responsible for potential losses~~. The rules must
964 ~~consider any shall take into consideration~~ excess insurance
965 carried by the applicant. The department's determination must
966 ~~shall~~ be based upon reasonable actuarial principles considering
967 the frequency, severity, and loss development of claims incurred



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968 by casualty insurers writing coverage on the type of motor
969 vehicles for which a certificate of self-insurance is desired.

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

973 (2) The self-insurance certificate must ~~shall~~ provide
974 limits of liability insurance in the amounts specified under s.
975 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
976 ~~protection coverage under s. 627.733(3)(b).~~

977 Section 24. Section 324.251, Florida Statutes, is amended
978 to read:

979 324.251 Short title.—This chapter may be cited as the
980 “Financial Responsibility Law of 2018 1955” and is ~~shall become~~
981 effective at 12:01 a.m., January 1, 2019 ~~October 1, 1955~~.

982 Section 25. Subsection (4) of section 400.9905, Florida
983 Statutes, is amended to read:

984 400.9905 Definitions.—

985 (4) “Clinic” means an entity where health care services are
986 provided to individuals and which tenders charges for
987 reimbursement for such services, including a mobile clinic and a
988 portable equipment provider. As used in this part, the term does
989 not include and the licensure requirements of this part do not
990 apply to:

991 (a) Entities licensed or registered by the state under
992 chapter 395; entities licensed or registered by the state and
993 providing only health care services within the scope of services
994 authorized under their respective licenses under ss. 383.30-
995 383.335, chapter 390, chapter 394, chapter 397, this chapter
996 except part X, chapter 429, chapter 463, chapter 465, chapter



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997 466, chapter 478, part I of chapter 483, chapter 484, or chapter
998 651; end-stage renal disease providers authorized under 42
999 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
1000 part 485, subpart B or subpart H; or any entity that provides
1001 neonatal or pediatric hospital-based health care services or
1002 other health care services by licensed practitioners solely
1003 within a hospital licensed under chapter 395.

1004 (b) Entities that own, directly or indirectly, entities
1005 licensed or registered by the state pursuant to chapter 395;
1006 entities that own, directly or indirectly, entities licensed or
1007 registered by the state and providing only health care services
1008 within the scope of services authorized pursuant to their
1009 respective licenses under ss. 383.30-383.335, chapter 390,
1010 chapter 394, chapter 397, this chapter except part X, chapter
1011 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1012 of chapter 483, chapter 484, or chapter 651; end-stage renal
1013 disease providers authorized under 42 C.F.R. part 405, subpart
1014 U; providers certified under 42 C.F.R. part 485, subpart B or
1015 subpart H; or any entity that provides neonatal or pediatric
1016 hospital-based health care services by licensed practitioners
1017 solely within a hospital licensed under chapter 395.

1018 (c) Entities that are owned, directly or indirectly, by an
1019 entity licensed or registered by the state pursuant to chapter
1020 395; entities that are owned, directly or indirectly, by an
1021 entity licensed or registered by the state and providing only
1022 health care services within the scope of services authorized
1023 pursuant to their respective licenses under ss. 383.30-383.335,
1024 chapter 390, chapter 394, chapter 397, this chapter except part
1025 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter



1026 478, part I of chapter 483, chapter 484, or chapter 651; end-
1027 stage renal disease providers authorized under 42 C.F.R. part
1028 405, subpart U; providers certified under 42 C.F.R. part 485,
1029 subpart B or subpart H; or any entity that provides neonatal or
1030 pediatric hospital-based health care services by licensed
1031 practitioners solely within a hospital under chapter 395.

1032 (d) Entities that are under common ownership, directly or
1033 indirectly, with an entity licensed or registered by the state
1034 pursuant to chapter 395; entities that are under common
1035 ownership, directly or indirectly, with an entity licensed or
1036 registered by the state and providing only health care services
1037 within the scope of services authorized pursuant to their
1038 respective licenses under ss. 383.30-383.335, chapter 390,
1039 chapter 394, chapter 397, this chapter except part X, chapter
1040 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1041 of chapter 483, chapter 484, or chapter 651; end-stage renal
1042 disease providers authorized under 42 C.F.R. part 405, subpart
1043 U; providers certified under 42 C.F.R. part 485, subpart B or
1044 subpart H; or any entity that provides neonatal or pediatric
1045 hospital-based health care services by licensed practitioners
1046 solely within a hospital licensed under chapter 395.

1047 (e) An entity that is exempt from federal taxation under 26
1048 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1049 under 26 U.S.C. s. 409 that has a board of trustees at least
1050 two-thirds of which are Florida-licensed health care
1051 practitioners and provides only physical therapy services under
1052 physician orders, any community college or university clinic,
1053 and any entity owned or operated by the federal or state
1054 government, including agencies, subdivisions, or municipalities



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1055 thereof.

1056 (f) A sole proprietorship, group practice, partnership, or
1057 corporation that provides health care services by physicians
1058 covered by s. 627.419, that is directly supervised by one or
1059 more of such physicians, and that is wholly owned by one or more
1060 of those physicians or by a physician and the spouse, parent,
1061 child, or sibling of that physician.

1062 (g) A sole proprietorship, group practice, partnership, or
1063 corporation that provides health care services by licensed
1064 health care practitioners under chapter 457, chapter 458,
1065 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1066 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1067 chapter 490, chapter 491, or part I, part III, part X, part
1068 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1069 wholly owned by one or more licensed health care practitioners,
1070 or the licensed health care practitioners set forth in this
1071 paragraph and the spouse, parent, child, or sibling of a
1072 licensed health care practitioner if one of the owners who is a
1073 licensed health care practitioner is supervising the business
1074 activities and is legally responsible for the entity's
1075 compliance with all federal and state laws. However, a health
1076 care practitioner may not supervise services beyond the scope of
1077 the practitioner's license, except that, for the purposes of
1078 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1079 which provides only services authorized pursuant to s.
1080 456.053(3)(b) may be supervised by a licensee specified in s.
1081 456.053(3)(b).

1082 (h) Clinical facilities affiliated with an accredited
1083 medical school at which training is provided for medical



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1084 students, residents, or fellows.

1085 (i) Entities that provide only oncology or radiation
1086 therapy services by physicians licensed under chapter 458 or
1087 chapter 459 or entities that provide oncology or radiation
1088 therapy services by physicians licensed under chapter 458 or
1089 chapter 459 which are owned by a corporation whose shares are
1090 publicly traded on a recognized stock exchange.

1091 (j) Clinical facilities affiliated with a college of
1092 chiropractic accredited by the Council on Chiropractic Education
1093 at which training is provided for chiropractic students.

1094 (k) Entities that provide licensed practitioners to staff
1095 emergency departments or to deliver anesthesia services in
1096 facilities licensed under chapter 395 and that derive at least
1097 90 percent of their gross annual revenues from the provision of
1098 such services. Entities claiming an exemption from licensure
1099 under this paragraph must provide documentation demonstrating
1100 compliance.

1101 (l) Orthotic, prosthetic, pediatric cardiology, or
1102 perinatology clinical facilities or anesthesia clinical
1103 facilities that are not otherwise exempt under paragraph (a) or
1104 paragraph (k) and that are a publicly traded corporation or are
1105 wholly owned, directly or indirectly, by a publicly traded
1106 corporation. As used in this paragraph, a publicly traded
1107 corporation is a corporation that issues securities traded on an
1108 exchange registered with the United States Securities and
1109 Exchange Commission as a national securities exchange.

1110 (m) Entities that are owned by a corporation that has \$250
1111 million or more in total annual sales of health care services
1112 provided by licensed health care practitioners where one or more



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1113 of the persons responsible for the operations of the entity is a
1114 health care practitioner who is licensed in this state and who
1115 is responsible for supervising the business activities of the
1116 entity and is responsible for the entity's compliance with state
1117 law for purposes of this part.

1118 (n) Entities that employ 50 or more licensed health care
1119 practitioners licensed under chapter 458 or chapter 459 where
1120 the billing for medical services is under a single tax
1121 identification number. The application for exemption under this
1122 subsection must include ~~shall contain information that includes:~~
1123 the name, residence, and business address and telephone ~~phone~~
1124 number of the entity that owns the practice; a complete list of
1125 the names and contact information of all the officers and
1126 directors of the corporation; the name, residence address,
1127 business address, and medical license number of each licensed
1128 Florida health care practitioner employed by the entity; the
1129 corporate tax identification number of the entity seeking an
1130 exemption; a listing of health care services to be provided by
1131 the entity at the health care clinics owned or operated by the
1132 entity; and a certified statement prepared by an independent
1133 certified public accountant which states that the entity and the
1134 health care clinics owned or operated by the entity have not
1135 received payment for health care services under medical payments
1136 ~~personal injury protection~~ insurance coverage for the preceding
1137 year. If the agency determines that an entity that ~~which~~ is
1138 exempt under this subsection has received payments for medical
1139 services under medical payments ~~personal injury protection~~
1140 insurance coverage, the agency may deny or revoke the exemption
1141 from licensure under this subsection.



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1142
1143 Notwithstanding this subsection, an entity shall be deemed a
1144 clinic and must be licensed under this part in order to receive
1145 medical payments coverage reimbursement under s. 627.7265 ~~the~~
1146 ~~Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~
1147 ~~exempted under s. 627.736(5)(h).~~

1148 Section 26. Subsection (6) of section 400.991, Florida
1149 Statutes, is amended to read:

1150 400.991 License requirements; background screenings;
1151 prohibitions.-

1152 (6) All agency forms for licensure application or exemption
1153 from licensure under this part must contain the following
1154 statement:

1155
1156 INSURANCE FRAUD NOTICE.-A person commits a fraudulent
1157 insurance act, as defined in s. 626.989, Florida
1158 Statutes, if the person ~~who~~ knowingly submits a false,
1159 misleading, or fraudulent application or other
1160 document when applying for licensure as a health care
1161 clinic, seeking an exemption from licensure as a
1162 health care clinic, or demonstrating compliance with
1163 part X of chapter 400, Florida Statutes, with the
1164 intent to use the license, exemption from licensure,
1165 or demonstration of compliance to provide services or
1166 seek reimbursement under a motor vehicle liability
1167 insurance policy's medical payments coverage ~~the~~
1168 ~~Florida Motor Vehicle No-Fault Law, commits a~~
1169 ~~fraudulent insurance act, as defined in s. 626.989,~~
1170 ~~Florida Statutes.~~ A person who presents a claim for



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1171 benefits under medical payments coverage, personal
1172 ~~injury protection benefits~~ knowing that the payee
1173 knowingly submitted such health care clinic
1174 application or document, commits insurance fraud, as
1175 defined in s. 817.234, Florida Statutes.
1176 Section 27. Paragraph (g) of subsection (1) of section
1177 400.9935, Florida Statutes, is amended to read:
1178 400.9935 Clinic responsibilities.—
1179 (1) Each clinic shall appoint a medical director or clinic
1180 director who shall agree in writing to accept legal
1181 responsibility for the following activities on behalf of the
1182 clinic. The medical director or the clinic director shall:
1183 (g) Conduct systematic reviews of clinic billings to ensure
1184 that the billings are not fraudulent or unlawful. Upon discovery
1185 of an unlawful charge, the medical director or clinic director
1186 shall take immediate corrective action. If the clinic performs
1187 only the technical component of magnetic resonance imaging,
1188 static radiographs, computed tomography, or positron emission
1189 tomography, and provides the professional interpretation of such
1190 services, in a fixed facility that is accredited by a national
1191 accrediting organization that is approved by the Centers for
1192 Medicare and Medicaid Services for magnetic resonance imaging
1193 and advanced diagnostic imaging services and if, in the
1194 preceding quarter, the percentage of scans performed by that
1195 clinic which was billed to motor vehicle ~~all personal injury~~
1196 ~~protection~~ insurance carriers under medical payments coverage
1197 was less than 15 percent, the chief financial officer of the
1198 clinic may, in a written acknowledgment provided to the agency,
1199 assume the responsibility for the conduct of the systematic



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1200 reviews of clinic billings to ensure that the billings are not
1201 fraudulent or unlawful.

1202 Section 28. Subsection (28) of section 409.901, Florida
1203 Statutes, is amended to read:

1204 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1205 409.901-409.920, except as otherwise specifically provided, the
1206 term:

1207 (28) "Third-party benefit" means any benefit that is or may
1208 be available at any time through contract, court award,
1209 judgment, settlement, agreement, or any arrangement between a
1210 third party and any person or entity, including, without
1211 limitation, a Medicaid recipient, a provider, another third
1212 party, an insurer, or the agency, for any Medicaid-covered
1213 injury, illness, goods, or services, including costs of medical
1214 services related thereto, for bodily ~~personal~~ injury or for
1215 death of the recipient, but specifically excluding ~~policies of~~
1216 life insurance policies on the recipient, unless available under
1217 terms of the policy to pay medical expenses before ~~prior to~~
1218 death. The term includes, without limitation, collateral, as
1219 defined in this section, health insurance, any benefit under a
1220 health maintenance organization, a preferred provider
1221 arrangement, a prepaid health clinic, liability insurance,
1222 uninsured motorist insurance, medical payments coverage ~~or~~
1223 ~~personal injury protection coverage~~, medical benefits under
1224 workers' compensation, and any obligation under law or equity to
1225 provide medical support.

1226 Section 29. Paragraph (f) of subsection (11) of section
1227 409.910, Florida Statutes, is amended to read:

1228 409.910 Responsibility for payments on behalf of Medicaid-



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1229 eligible persons when other parties are liable.-

1230 (11) The agency may, as a matter of right, in order to
1231 enforce its rights under this section, institute, intervene in,
1232 or join any legal or administrative proceeding in its own name
1233 in one or more of the following capacities: individually, as
1234 subrogee of the recipient, as assignee of the recipient, or as
1235 lienholder of the collateral.

1236 (f) Notwithstanding any provision in this section to the
1237 contrary, in the event of an action in tort against a third
1238 party in which the recipient or his or her legal representative
1239 is a party which results in a judgment, award, or settlement
1240 from a third party, the amount recovered shall be distributed as
1241 follows:

1242 1. After attorney ~~attorney's~~ fees and taxable costs as
1243 defined by the Florida Rules of Civil Procedure, one-half of the
1244 remaining recovery shall be paid to the agency up to the total
1245 amount of medical assistance provided by Medicaid.

1246 2. The remaining amount of the recovery shall be paid to
1247 the recipient.

1248 3. For purposes of calculating the agency's recovery of
1249 medical assistance benefits paid, the fee for services of an
1250 attorney retained by the recipient or his or her legal
1251 representative shall be calculated at 25 percent of the
1252 judgment, award, or settlement.

1253 4. Notwithstanding any other provision of this section to
1254 the contrary, the agency shall be entitled to all medical
1255 coverage benefits up to the total amount of medical assistance
1256 provided by Medicaid. For purposes of this paragraph, the term
1257 "medical coverage" means any benefits under health insurance, a



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1258 health maintenance organization, a preferred provider
1259 arrangement, or a prepaid health clinic, and the portion of
1260 benefits designated for medical payments under ~~coverage for~~
1261 workers' compensation coverage, motor vehicle insurance
1262 coverage, personal injury protection, and casualty coverage.

1263 Section 30. Paragraph (k) of subsection (2) of section
1264 456.057, Florida Statutes, is amended to read:

1265 456.057 Ownership and control of patient records; report or
1266 copies of records to be furnished; disclosure of information.—

1267 (2) As used in this section, the terms "records owner,"
1268 "health care practitioner," and "health care practitioner's
1269 employer" do not include any of the following persons or
1270 entities; furthermore, the following persons or entities are not
1271 authorized to acquire or own medical records, but are authorized
1272 under the confidentiality and disclosure requirements of this
1273 section to maintain those documents required by the part or
1274 chapter under which they are licensed or regulated:

1275 (k) Persons or entities practicing under s. 627.7265 ~~s.~~
1276 ~~627.736(7)~~.

1277 Section 31. Paragraphs (ee) and (ff) of subsection (1) of
1278 section 456.072, Florida Statutes, are amended to read:

1279 456.072 Grounds for discipline; penalties; enforcement.—

1280 (1) The following acts shall constitute grounds for which
1281 the disciplinary actions specified in subsection (2) may be
1282 taken:

1283 (ee) With respect to making a medical payments coverage
1284 ~~personal injury protection~~ claim under s. 627.7265 ~~as required~~
1285 ~~by s. 627.736,~~ intentionally submitting a claim, statement, or
1286 bill that has been upcoded. As used in this paragraph, the term



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1287 "upcoded" means an action that submits a billing code that would
1288 result in payment greater in amount than would be paid using a
1289 billing code that accurately describes the services performed.
1290 The term does not include an otherwise lawful bill by a magnetic
1291 resonance imaging facility, which globally combines both
1292 technical and professional components, if the amount of the
1293 global bill is not more than the components if billed
1294 separately; however, payment of such a bill constitutes payment
1295 in full for all components of such service "upcoded" as defined
1296 in s. 627.732.

1297 (ff) With respect to making a medical payments coverage
1298 personal injury protection claim as required under s. 627.7265
1299 by s. 627.736, intentionally submitting a claim, statement, or
1300 bill for payment of services that were not rendered.

1301 Section 32. Paragraphs (i) and (o) of subsection (1) of
1302 section 626.9541, Florida Statutes, are amended to read:

1303 626.9541 Unfair methods of competition and unfair or
1304 deceptive acts or practices defined.—

1305 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1306 ACTS.—The following are defined as unfair methods of competition
1307 and unfair or deceptive acts or practices:

1308 (i) *Unfair claim settlement practices.*—

1309 1. Attempting to settle claims on the basis of an
1310 application, when serving as a binder or intended to become a
1311 part of the policy, or any other material document which was
1312 altered without notice to, or knowledge or consent of, the
1313 insured;

1314 2. A material misrepresentation made to an insured or any
1315 other person having an interest in the proceeds payable under



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1316 such contract or policy, for the purpose and with the intent of
1317 effecting settlement of such claims, loss, or damage under such
1318 contract or policy on less favorable terms than those provided
1319 in, and contemplated by, such contract or policy; ~~or~~

1320 3. Committing or performing with such frequency as to
1321 indicate a general business practice any of the following:

1322 a. Failing to adopt and implement standards for the proper
1323 investigation of claims;

1324 b. Misrepresenting pertinent facts or insurance policy
1325 provisions relating to coverages at issue;

1326 c. Failing to acknowledge and act promptly upon
1327 communications with respect to claims;

1328 d. Denying claims without conducting reasonable
1329 investigations based upon available information;

1330 e. Failing to affirm or deny full or partial coverage of
1331 claims, and, as to partial coverage, the dollar amount or extent
1332 of coverage, or failing to provide a written statement that the
1333 claim is being investigated, upon the written request of the
1334 insured within 30 days after proof-of-loss statements have been
1335 completed;

1336 f. Failing to promptly provide a reasonable explanation in
1337 writing to the insured of the basis in the insurance policy, in
1338 relation to the facts or applicable law, for denial of a claim
1339 or for the offer of a compromise settlement;

1340 g. Failing to promptly notify the insured of any additional
1341 information necessary for the processing of a claim; or

1342 h. Failing to clearly explain the nature of the requested
1343 information and the reasons why such information is necessary.

1344 ~~i. Failing to pay personal injury protection insurance~~



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1345 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1346 ~~office may order the insurer to pay restitution to a~~
1347 ~~policyholder, medical provider, or other claimant, including~~
1348 ~~interest at a rate consistent with the amount set forth in s.~~
1349 ~~55.03(1), for the time period within which an insurer fails to~~
1350 ~~pay claims as required by law. Restitution is in addition to any~~
1351 ~~other penalties allowed by law, including, but not limited to,~~
1352 ~~the suspension of the insurer's certificate of authority.~~

1353 4. Failing to pay undisputed amounts of partial or full
1354 benefits owed under first-party property insurance policies
1355 within 90 days after an insurer receives notice of a residential
1356 property insurance claim, determines the amounts of partial or
1357 full benefits, and agrees to coverage, unless payment of the
1358 undisputed benefits is prevented by an act of God, prevented by
1359 the impossibility of performance, or due to actions by the
1360 insured or claimant that constitute fraud, lack of cooperation,
1361 or intentional misrepresentation regarding the claim for which
1362 benefits are owed.

1363 (o) *Illegal dealings in premiums; excess or reduced charges*
1364 *for insurance.—*

1365 1. Knowingly collecting any sum as a premium or charge for
1366 insurance, which is not then provided, or is not in due course
1367 to be provided, subject to acceptance of the risk by the
1368 insurer, by an insurance policy issued by an insurer as
1369 permitted by this code.

1370 2. Knowingly collecting as a premium or charge for
1371 insurance any sum in excess of or less than the premium or
1372 charge applicable to such insurance, in accordance with the
1373 applicable classifications and rates as filed with and approved



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1374 by the office, and as specified in the policy; or, in cases when
1375 classifications, premiums, or rates are not required by this
1376 code to be so filed and approved, premiums and charges collected
1377 from a Florida resident in excess of or less than those
1378 specified in the policy and as fixed by the insurer.

1379 Notwithstanding any other provision of law, this provision shall
1380 not be deemed to prohibit the charging and collection, by
1381 surplus lines agents licensed under part VIII of this chapter,
1382 of the amount of applicable state and federal taxes, or fees as
1383 authorized by s. 626.916(4), in addition to the premium required
1384 by the insurer or the charging and collection, by licensed
1385 agents, of the exact amount of any discount or other such fee
1386 charged by a credit card facility in connection with the use of
1387 a credit card, as authorized by subparagraph (q)3., in addition
1388 to the premium required by the insurer. This subparagraph shall
1389 not be construed to prohibit collection of a premium for a
1390 universal life or a variable or indeterminate value insurance
1391 policy made in accordance with the terms of the contract.

1392 3.a. Imposing or requesting an additional premium for
1393 bodily injury liability coverage, property damage liability
1394 coverage ~~a policy of motor vehicle liability, personal injury~~
1395 ~~protection,~~ medical payment coverage, or collision coverage in a
1396 motor vehicle liability insurance policy ~~insurance or any~~
1397 ~~combination thereof~~ or refusing to renew the policy solely
1398 because the insured was involved in a motor vehicle accident
1399 unless the insurer's file contains information from which the
1400 insurer in good faith determines that the insured was
1401 substantially at fault in the accident.

1402 b. An insurer which imposes and collects such a surcharge



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1403 or which refuses to renew such policy shall, in conjunction with
1404 the notice of premium due or notice of nonrenewal, notify the
1405 named insured that he or she is entitled to reimbursement of
1406 such amount or renewal of the policy under the conditions listed
1407 below and will subsequently reimburse him or her or renew the
1408 policy, if the named insured demonstrates that the operator
1409 involved in the accident was:

1410 (I) Lawfully parked;

1411 (II) Reimbursed by, or on behalf of, a person responsible
1412 for the accident or has a judgment against such person;

1413 (III) Struck in the rear by another vehicle headed in the
1414 same direction and was not convicted of a moving traffic
1415 violation in connection with the accident;

1416 (IV) Hit by a "hit-and-run" driver, if the accident was
1417 reported to the proper authorities within 24 hours after
1418 discovering the accident;

1419 (V) Not convicted of a moving traffic violation in
1420 connection with the accident, but the operator of the other
1421 automobile involved in such accident was convicted of a moving
1422 traffic violation;

1423 (VI) Finally adjudicated not to be liable by a court of
1424 competent jurisdiction;

1425 (VII) In receipt of a traffic citation which was dismissed
1426 or nolle prossed; or

1427 (VIII) Not at fault as evidenced by a written statement
1428 from the insured establishing facts demonstrating lack of fault
1429 which are not rebutted by information in the insurer's file from
1430 which the insurer in good faith determines that the insured was
1431 substantially at fault.



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1432 c. In addition to the other provisions of this
1433 subparagraph, an insurer may not fail to renew a policy if the
1434 insured has had only one accident in which he or she was at
1435 fault within the current 3-year period. However, an insurer may
1436 nonrenew a policy for reasons other than accidents in accordance
1437 with s. 627.728. This subparagraph does not prohibit nonrenewal
1438 of a policy under which the insured has had three or more
1439 accidents, regardless of fault, during the most recent 3-year
1440 period.

1441 4. Imposing or requesting an additional premium for, or
1442 refusing to renew, a policy for motor vehicle insurance solely
1443 because the insured committed a noncriminal traffic infraction
1444 as described in s. 318.14 unless the infraction is:

1445 a. A second infraction committed within an 18-month period,
1446 or a third or subsequent infraction committed within a 36-month
1447 period.

1448 b. A violation of s. 316.183, when such violation is a
1449 result of exceeding the lawful speed limit by more than 15 miles
1450 per hour.

1451 5. Upon the request of the insured, the insurer and
1452 licensed agent shall supply to the insured the complete proof of
1453 fault or other criteria which justifies the additional charge or
1454 cancellation.

1455 6. No insurer shall impose or request an additional premium
1456 for motor vehicle insurance, cancel or refuse to issue a policy,
1457 or refuse to renew a policy because the insured or the applicant
1458 is a handicapped or physically disabled person, so long as such
1459 handicap or physical disability does not substantially impair
1460 such person's mechanically assisted driving ability.



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1461 7. No insurer may cancel or otherwise terminate any
1462 insurance contract or coverage, or require execution of a
1463 consent to rate endorsement, during the stated policy term for
1464 the purpose of offering to issue, or issuing, a similar or
1465 identical contract or coverage to the same insured with the same
1466 exposure at a higher premium rate or continuing an existing
1467 contract or coverage with the same exposure at an increased
1468 premium.

1469 8. No insurer may issue a nonrenewal notice on any
1470 insurance contract or coverage, or require execution of a
1471 consent to rate endorsement, for the purpose of offering to
1472 issue, or issuing, a similar or identical contract or coverage
1473 to the same insured at a higher premium rate or continuing an
1474 existing contract or coverage at an increased premium without
1475 meeting any applicable notice requirements.

1476 9. No insurer shall, with respect to premiums charged for
1477 motor vehicle insurance, unfairly discriminate solely on the
1478 basis of age, sex, marital status, or scholastic achievement.

1479 10. Imposing or requesting an additional premium for motor
1480 vehicle comprehensive or uninsured motorist coverage solely
1481 because the insured was involved in a motor vehicle accident or
1482 was convicted of a moving traffic violation.

1483 11. No insurer shall cancel or issue a nonrenewal notice on
1484 any insurance policy or contract without complying with any
1485 applicable cancellation or nonrenewal provision required under
1486 the Florida Insurance Code.

1487 12. No insurer shall impose or request an additional
1488 premium, cancel a policy, or issue a nonrenewal notice on any
1489 insurance policy or contract because of any traffic infraction



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1490 when adjudication has been withheld and no points have been
1491 assessed pursuant to s. 318.14(9) and (10). However, this
1492 subparagraph does not apply to traffic infractions involving
1493 accidents in which the insurer has incurred a loss due to the
1494 fault of the insured.

1495 Section 33. Paragraph (a) of subsection (1) of section
1496 626.989, Florida Statutes, is amended to read:

1497 626.989 Investigation by department or Division of
1498 Investigative and Forensic Services; compliance; immunity;
1499 confidential information; reports to division; division
1500 investigator's power of arrest.—

1501 (1) For the purposes of this section:

1502 (a) A person commits a "fraudulent insurance act" if the
1503 person:

1504 1. Knowingly and with intent to defraud presents, causes to
1505 be presented, or prepares with knowledge or belief that it will
1506 be presented, to or by an insurer, self-insurer, self-insurance
1507 fund, servicing corporation, purported insurer, broker, or any
1508 agent thereof, any written statement as part of, or in support
1509 of, an application for the issuance of, or the rating of, any
1510 insurance policy, or a claim for payment or other benefit
1511 pursuant to any insurance policy, which the person knows to
1512 contain materially false information concerning any fact
1513 material thereto or if the person conceals, for the purpose of
1514 misleading another, information concerning any fact material
1515 thereto.

1516 2. Knowingly submits:

1517 a. A false, misleading, or fraudulent application or other
1518 document when applying for licensure as a health care clinic,



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1519 seeking an exemption from licensure as a health care clinic, or
1520 demonstrating compliance with part X of chapter 400 with an
1521 intent to use the license, exemption from licensure, or
1522 demonstration of compliance to provide services or seek
1523 reimbursement under a motor vehicle liability insurance policy's
1524 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
1525 ~~Law.~~

1526 b. A claim for payment or other benefit under medical
1527 payments coverage ~~pursuant to a personal injury protection~~
1528 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
1529 the person knows that the payee knowingly submitted a false,
1530 misleading, or fraudulent application or other document when
1531 applying for licensure as a health care clinic, seeking an
1532 exemption from licensure as a health care clinic, or
1533 demonstrating compliance with part X of chapter 400.

1534 Section 34. Subsection (1) of section 627.06501, Florida
1535 Statutes, is amended to read:

1536 627.06501 Insurance discounts for certain persons
1537 completing driver improvement course.-

1538 (1) Any rate, rating schedule, or rating manual for the
1539 liability, medical payments ~~personal injury protection~~, and
1540 collision coverages of a motor vehicle insurance policy filed
1541 with the office may provide for an appropriate reduction in
1542 premium charges as to such coverages if ~~when~~ the principal
1543 operator on the covered vehicle has successfully completed a
1544 driver improvement course approved and certified by the
1545 Department of Highway Safety and Motor Vehicles which is
1546 effective in reducing crash or violation rates, or both, as
1547 determined pursuant to s. 318.1451(5). Any discount, not to



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1548 exceed 10 percent, used by an insurer is presumed to be
1549 appropriate unless credible data demonstrates otherwise.

1550 Section 35. Subsection (1) of section 627.0652, Florida
1551 Statutes, is amended to read:

1552 627.0652 Insurance discounts for certain persons completing
1553 safety course.—

1554 (1) Any rates, rating schedules, or rating manuals for the
1555 liability, medical payments ~~personal injury protection~~, and
1556 collision coverages of a motor vehicle insurance policy filed
1557 with the office must ~~shall~~ provide for an appropriate reduction
1558 in premium charges as to such coverages if ~~when~~ the principal
1559 operator on the covered vehicle is an insured 55 years of age or
1560 older who has successfully completed a motor vehicle accident
1561 prevention course approved by the Department of Highway Safety
1562 and Motor Vehicles. Any discount used by an insurer is presumed
1563 to be appropriate unless credible data demonstrates otherwise.

1564 Section 36. Subsections (1), (3), and (6) of section
1565 627.0653, Florida Statutes, are amended to read:

1566 627.0653 Insurance discounts for specified motor vehicle
1567 equipment.—

1568 (1) Any rates, rating schedules, or rating manuals for the
1569 liability, medical payments ~~personal injury protection~~, and
1570 collision coverages of a motor vehicle insurance policy filed
1571 with the office must ~~shall~~ provide a premium discount if the
1572 insured vehicle is equipped with factory-installed, four-wheel
1573 antilock brakes.

1574 (3) Any rates, rating schedules, or rating manuals for
1575 ~~personal injury protection coverage and medical payments~~
1576 ~~coverage, if offered,~~ of a motor vehicle insurance policy filed



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1577 with the office must ~~shall~~ provide a premium discount if the
1578 insured vehicle is equipped with one or more air bags that ~~which~~
1579 are factory installed.

1580 (6) The Office of Insurance Regulation may approve a
1581 premium discount to any rates, rating schedules, or rating
1582 manuals for the liability, medical payments ~~personal injury~~
1583 ~~protection~~, and collision coverages of a motor vehicle insurance
1584 policy filed with the office if the insured vehicle is equipped
1585 with autonomous driving technology or electronic vehicle
1586 collision avoidance technology that is factory installed or a
1587 retrofitted system and that complies with National Highway
1588 Traffic Safety Administration standards.

1589 Section 37. Section 627.4132, Florida Statutes, is amended
1590 to read:

1591 627.4132 Stacking of coverages prohibited.—If an insured or
1592 named insured is protected by any type of motor vehicle
1593 insurance policy for bodily injury and property damage
1594 ~~liability, personal injury protection, or other coverage~~, the
1595 policy must ~~shall~~ provide that the insured or named insured is
1596 protected only to the extent of the coverage she or he has on
1597 the vehicle involved in the accident. However, if none of the
1598 insured's or named insured's vehicles are ~~is~~ involved in the
1599 accident, coverage is available only to the extent of coverage
1600 on any one of the vehicles with applicable coverage. Coverage on
1601 any other vehicles may ~~shall~~ not be added to or stacked upon
1602 that coverage. This section does not apply:

1603 (1) To uninsured motorist coverage that ~~which~~ is separately
1604 governed by s. 627.727.

1605 (2) To reduce the coverage available by reason of insurance



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1606 policies insuring different named insureds.

1607 Section 38. Section 627.7263, Florida Statutes, is amended
1608 to read:

1609 627.7263 Rental and leasing driver's insurance to be
1610 primary; exception.—

1611 (1) The valid and collectible liability insurance and
1612 medical payments coverage ~~or personal injury protection~~
1613 ~~insurance providing coverage~~ for the lessor of a motor vehicle
1614 for rent or lease is primary unless otherwise stated in at least
1615 10-point type on the face of the rental or lease agreement. Such
1616 insurance is primary for the limits of liability ~~and personal~~
1617 ~~injury protection~~ coverage as required by s. 324.021(7) and
1618 medical payments coverage as required under s. 627.7265 ~~ss.~~
1619 ~~324.021(7) and 627.736.~~

1620 (2) If the lessee's coverage is to be primary, the rental
1621 or lease agreement must contain the following language, in at
1622 least 10-point type:

1623
1624 "The valid and collectible liability insurance and
1625 medical payments coverage ~~personal injury protection~~
1626 ~~insurance~~ of an ~~any~~ authorized rental or leasing
1627 driver is primary for the limits of liability ~~and~~
1628 ~~personal injury protection~~ coverage and medical
1629 payments coverage required under ss. 324.021(7) and
1630 627.7265 ~~by ss. 324.021(7) and 627.736~~, Florida
1631 Statutes."

1632 Section 39. Section 627.7265, Florida Statutes, is created
1633 to read:

1634 627.7265 Motor vehicle insurance; medical payments



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1635 coverage.-

1636 (1) MEDICAL PAYMENTS COVERAGE REQUIRED.-A motor vehicle
1637 liability insurance policy that is furnished as proof of
1638 financial responsibility pursuant to s. 324.031 must include
1639 medical payments coverage as provided in this section. The
1640 medical payments coverage must protect the named insured,
1641 resident relatives, persons operating the insured motor vehicle,
1642 passengers in the insured motor vehicle, and persons who are
1643 struck by the insured motor vehicle and suffer bodily injury
1644 while not an occupant of a self-propelled motor vehicle, to a
1645 limit of at least \$15,000 per person for medical expense
1646 incurred due to bodily injury, sickness, or disease arising out
1647 of the ownership, maintenance, or use of a motor vehicle. The
1648 medical payments coverage must also provide each such person
1649 with a death benefit of at least \$5,000. This section may not be
1650 construed to limit any other coverage made available by an
1651 insurer. An insurer may not offer medical payments coverage with
1652 a deductible to an applicant or policyholder.

1653 (2) REQUIRED BENEFITS.-Medical payments coverage must
1654 provide coverage for all of the following if medically necessary
1655 and the individual initially receives such treatment within 14
1656 days after the motor vehicle accident:

1657 (a) Emergency transport and treatment by a provider
1658 licensed under chapter 401.

1659 (b) Emergency services and care provided by a hospital
1660 licensed under chapter 395.

1661 (c) Emergency services and care as defined in s. 395.002,
1662 provided in a facility licensed under chapter 395 and rendered
1663 by a physician or dentist, and related hospital inpatient



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1664 services rendered by a physician or dentist.

1665 (d) Hospital inpatient services, other than emergency
1666 services and care.

1667 (e) Hospital outpatient services, other than emergency
1668 services and care.

1669 (f) Physician services and care provided by a physician
1670 licensed under chapter 458 or chapter 459 or a chiropractic
1671 physician licensed under chapter 460, or dental services and
1672 care provided by a dentist licensed under chapter 466.

1673 (3) AUTHORIZED EXCLUSIONS.—Notwithstanding any other
1674 requirement in this section, an insurer may exclude medical
1675 payment benefits:

1676 (a) For injury sustained by the named insured or a resident
1677 relative while occupying another motor vehicle owned by the
1678 named insured and not insured under the policy, unless such
1679 vehicle qualifies as a newly acquired vehicle or temporary
1680 substitute vehicle.

1681 (b) For injury sustained by any person operating the
1682 insured motor vehicle without the express or implied consent of
1683 the insured.

1684 (c) For any person who intentionally causes injury to
1685 himself or herself.

1686 (d) For any person injured while committing a felony.

1687 (4) PAYMENT OF BENEFITS.—

1688 (a) Benefits due from an insurer under medical payments
1689 coverage are primary to any health insurance benefit of a person
1690 injured in a motor vehicle accident and apply to any coinsurance
1691 or deductible amount required by the injured person's health
1692 insurance policy, except that:



1693 1. Benefits received under any workers' compensation law
1694 must be credited against medical payments coverage benefits, and
1695 are due and payable as losses accrue, upon reasonable proof of
1696 such losses and the amount of expenses and losses incurred which
1697 are covered by the policy issued under this section.

1698 2. When the Agency for Health Care Administration provides,
1699 pays for, or becomes liable for medical assistance under the
1700 Medicaid program which is related to injury, sickness, disease,
1701 or death arising out of the ownership, maintenance, or use of a
1702 motor vehicle, medical payments benefits are subject to the
1703 provisions of the Medicaid program, and, within 30 days after
1704 receiving notice that the Medicaid program paid such benefits,
1705 the insurer must repay the full amount of the benefits to the
1706 Medicaid program.

1707 (b) A medical payments insurance policy may include a
1708 provision allowing subrogation for medical payments benefits
1709 paid, if the expenses giving rise to the payments were caused by
1710 wrongful act or omission of another.

1711 (c) Upon receiving notice of an accident that is
1712 potentially covered by medical payments coverage benefits, the
1713 insurer must reserve \$2,500 of medical payments coverage
1714 benefits for payment to physicians licensed under chapter 458 or
1715 chapter 459 or dentists licensed under chapter 466 who provide
1716 emergency services and care, as defined in s. 395.002, or who
1717 provide hospital inpatient care. The amount required to be held
1718 in reserve may be used only to pay claims from such physicians
1719 or dentists until 30 days after the date the insurer receives
1720 notice of the accident. After the 30-day period, any amount of
1721 the reserve for which the insurer has not received notice of



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1722 such claims may be used by the insurer to pay other claims. This
1723 paragraph does not require an insurer to establish a claim
1724 reserve for insurance accounting purposes.

1725 (5) CHARGES FOR CARE OF INJURED PERSONS.—

1726 (a) A physician, hospital, clinic, or other person or
1727 institution lawfully providing medical care to an injured person
1728 for a bodily injury covered by medical payments coverage may
1729 charge the insurer and injured party only a reasonable amount
1730 pursuant to this section. However, such charges may not exceed
1731 the amount the person or institution customarily charges for
1732 like medical care. In determining whether a charge for a
1733 particular service, treatment, supply, or prescription is
1734 reasonable, consideration may be given to evidence of usual and
1735 customary charges and payments accepted by the provider involved
1736 in the dispute; reimbursement levels in the community and
1737 various federal and state medical fee schedules applicable to
1738 motor vehicle and other insurance coverages; and other
1739 information relevant to the reasonableness of the reimbursement
1740 for the service, treatment, supply, or prescription.

1741 1. The insurer may limit reimbursement to the following
1742 schedule of maximum charges:

1743 a. For emergency transport and treatment by providers
1744 licensed under chapter 401, 200 percent of Medicare.

1745 b. For emergency services and care provided by a hospital
1746 licensed under chapter 395, 75 percent of the hospital's usual
1747 and customary charges.

1748 c. For emergency services and care, as defined in s.
1749 395.002, provided in a facility licensed under chapter 395 and
1750 rendered by a physician or dentist, and related hospital



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1751 inpatient services rendered by a physician or dentist, the usual
1752 and customary charges in the community.

1753 d. For hospital inpatient services other than emergency
1754 services and care, 200 percent of the Medicare Part A
1755 prospective payment applicable to the specific hospital
1756 providing the inpatient services.

1757 e. For hospital outpatient services other than emergency
1758 services and care, 200 percent of the Medicare Part A Ambulatory
1759 Payment Classification for the specific hospital providing the
1760 outpatient services.

1761 f. For all other medical services, supplies, and care, 200
1762 percent of the allowable amount under:

1763 (I) The participating physician fee schedule of Medicare
1764 Part B, except as provided in sub-sub-subparagraphs (II) and
1765 (III).

1766 (II) Medicare Part B, in the case of services, supplies,
1767 and care provided by ambulatory surgical centers and clinical
1768 laboratories.

1769 (III) The Durable Medical Equipment Prosthetics/Orthotics
1770 and Supplies fee schedule of Medicare Part B, in the case of
1771 durable medical equipment.

1772
1773 However, if such services, supplies, or care is not reimbursable
1774 under Medicare Part B as provided in this sub-subparagraph, the
1775 insurer may limit reimbursement to 80 percent of the maximum
1776 reimbursable allowance under workers' compensation. Services,
1777 supplies, or care that is not reimbursable under Medicare or
1778 workers' compensation is not required to be reimbursed by the
1779 insurer.



1780 2. For purposes of subparagraph 1., the applicable fee
1781 schedule or payment limitation under Medicare is the fee
1782 schedule or payment limitation in effect on March 1 of the
1783 service year in which the services, supplies, or care is
1784 rendered and for the area in which the services, supplies, or
1785 care is rendered. The applicable fee schedule or payment
1786 limitation applies to services, supplies, or care rendered
1787 during that service year notwithstanding any subsequent change
1788 made to the fee schedule or payment limitation; however, it may
1789 not be less than the allowable amount under the applicable
1790 schedule of Medicare Part B for 2007 for medical services,
1791 supplies, and care subject to Medicare Part B. For purposes of
1792 this subparagraph, the term "service year" means the period from
1793 March 1 through the end of February of the following year.

1794 3. For purposes of subparagraph 1., the applicable fee
1795 schedule or payment limitation under workers' compensation is
1796 determined under s. 440.13 and rules adopted thereunder which
1797 are in effect at the time such services, supplies, or care is
1798 provided.

1799 4. Subparagraph 1. does not authorize the insurer to apply
1800 any limitation on the number of treatments or other utilization
1801 limits that apply under Medicare or workers' compensation. An
1802 insurer that applies the allowable payment limitations of
1803 subparagraph 1. must reimburse a provider who lawfully provided
1804 medical care under the scope of his or her license, regardless
1805 of whether the provider is entitled to reimbursement under
1806 Medicare or workers' compensation due to restrictions or
1807 limitations on the types or discipline of health care providers
1808 who may be reimbursed for particular procedures or procedure



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1809 codes. However, subparagraph 1. does not prohibit an insurer
1810 from using the Medicare coding policies and payment
1811 methodologies of the federal Centers for Medicare and Medicaid
1812 Services, including applicable modifiers, to determine the
1813 appropriate amount of reimbursement for medical services,
1814 supplies, or care, if the coding policy or payment methodology
1815 does not constitute a utilization limit.

1816 5. If an insurer limits payment as authorized by
1817 subparagraph 1., the person providing such medical care may not
1818 bill or attempt to collect from the insured any amount in excess
1819 of such limits, except for amounts that are not covered by the
1820 insured's medical payments benefits due to the maximum policy
1821 limits.

1822 6. An insurer may limit payment as authorized by this
1823 paragraph only if the insurance policy includes a notice at the
1824 time of issuance or renewal that the insurer may limit payment
1825 pursuant to the schedule of charges specified in this paragraph.
1826 A policy form approved by the office satisfies this requirement.
1827 If a provider submits a charge for an amount less than the
1828 amount allowed under subparagraph 1., the insurer may pay the
1829 amount of the charge submitted.

1830 (b)1. An insurer or insured is not required to pay a claim
1831 or charges:

1832 a. For any service or treatment that was not lawful at the
1833 time rendered;

1834 b. To any person who knowingly submits a false or
1835 misleading statement relating to the claim or charges; or

1836 c. For any treatment or service that is upcoded or that is
1837 unbundled when the treatment or services should be bundled. To



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1838 facilitate prompt payment of lawful services, an insurer may
1839 change codes that it determines have been improperly or
1840 incorrectly upcoded or unbundled and may make payment based on
1841 the changed codes, without affecting the right of the provider
1842 to dispute the change by the insurer, if, before doing so, the
1843 insurer contacts the health care provider and discusses the
1844 reasons for the insurer's change and the health care provider's
1845 reason for the coding, or makes a reasonable good faith effort
1846 to do so, as documented in the insurer's file.

1847 2. The Department of Health, in consultation with the
1848 appropriate professional licensing boards, shall adopt by rule a
1849 list of diagnostic tests deemed not to be medically necessary
1850 for use in the treatment of persons sustaining bodily injury
1851 covered by medical payments benefits under this section. The
1852 list must be revised from time to time as determined by the
1853 Department of Health in consultation with the respective
1854 professional licensing boards. Inclusion of a test on the list
1855 must be based on a lack of demonstrated medical value and a
1856 level of general acceptance by the relevant provider community
1857 and may not be dependent on results based entirely upon
1858 subjective patient response. Notwithstanding its inclusion on a
1859 fee schedule in this subsection, an insurer or insured is not
1860 required to pay any charges or reimburse claims for an invalid
1861 diagnostic test as determined by the Department of Health.

1862 (c) With respect to any medical care other than medical
1863 services billed by a hospital or other provider for emergency
1864 services and care, as defined in s. 395.002, or inpatient
1865 services rendered at a hospital-owned facility, the statement of
1866 charges must be furnished to the insurer by the provider.



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1867 (d) All statements and bills for medical services rendered
1868 by a physician, hospital, clinic, or other person or institution
1869 must be submitted to the insurer on a properly completed Centers
1870 for Medicare and Medicaid Services Form CMS-1500, a UB-92 form,
1871 or any other standard form approved by the office and adopted by
1872 the commission for purposes of this paragraph. All billings for
1873 such services rendered by providers must, to the extent
1874 applicable, comply with the Form CMS-1500 instructions, the
1875 codes established by the American Medical Association's Current
1876 Procedural Terminology Editorial Panel, and the Healthcare
1877 Common Procedure Coding System (HCPCS) and must follow the
1878 Physicians' Current Procedural Terminology (CPT), the HCPCS in
1879 effect for the year in which services are rendered, and the
1880 International Classification of Diseases adopted by the United
1881 States Department of Health and Human Services in effect for the
1882 year in which services are rendered. The guidance for
1883 determining compliance with applicable CPT and HCPCS coding must
1884 be provided by the CPT or the HCPCS in effect for the year in
1885 which services were rendered, the Office of the Inspector
1886 General, Physicians Compliance Guidelines, and other
1887 authoritative treatises designated by rule by the Agency for
1888 Health Care Administration. A statement of medical services may
1889 not include charges for medical services of a person or entity
1890 that performed such services without possessing the valid
1891 licenses required to perform such services.

1892 (6) CIVIL ACTION FOR INSURANCE FRAUD.—An insurer has a
1893 cause of action against any person convicted of, or who,
1894 regardless of adjudication of guilt, pleads guilty or nolo
1895 contendere to, insurance fraud under s. 817.234, patient



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1896 brokering under s. 817.505, or kickbacks under s. 456.054,
1897 associated with a claim for medical payments coverage benefits
1898 in accordance with this section. An insurer prevailing in an
1899 action brought under this subsection may recover compensatory,
1900 consequential, and punitive damages subject to the requirements
1901 and limitations of part II of chapter 768 and attorney fees and
1902 costs incurred in litigating a cause of action against any
1903 person convicted of, or who, regardless of adjudication of
1904 guilt, pleads guilty or nolo contendere to, insurance fraud
1905 under s. 817.234, patient brokering under s. 817.505, or
1906 kickbacks under s. 456.054, associated with a claim for medical
1907 payments coverage benefits in accordance with this section.

1908 (7) FRAUD ADVISORY NOTICE.—Upon receiving notice of a claim
1909 under this section, an insurer shall provide a notice to the
1910 insured or to a person for whom a claim for reimbursement for
1911 diagnosis or treatment of injuries has been filed, advising
1912 that:

1913 (a) Pursuant to s. 626.9892, the department may pay rewards
1914 of up to \$25,000 to persons who provide information leading to
1915 the arrest and conviction of persons committing crimes
1916 investigated by the Division of Investigative and Forensic
1917 Services arising from violations of s. 440.105, s. 624.15, s.
1918 626.9541, s. 626.989, or s. 817.234.

1919 (b) Solicitation of a person injured in a motor vehicle
1920 crash for purposes of filing medical payments coverage or tort
1921 claims could be a violation of s. 817.234, s. 817.505, or the
1922 rules regulating The Florida Bar and should be immediately
1923 reported to the Division of Investigative and Forensic Services
1924 if such conduct has taken place.



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1925 (8) NONREIMBURSABLE CLAIMS.—Claims generated as a result of
1926 activities that are unlawful pursuant to s. 817.505 are not
1927 reimbursable.

1928 (9) SECURE ELECTRONIC DATA TRANSFER.—A notice,
1929 documentation, transmission, or communication of any kind
1930 required or authorized under this section may be transmitted
1931 electronically if it is transmitted by secure electronic data
1932 transfer that is consistent with state and federal privacy and
1933 security laws.

1934 Section 40. Subsections (1) and (7) of section 627.727,
1935 Florida Statutes, are amended, and present subsections (8), (9),
1936 and (10) of that section are redesignated as subsections (7),
1937 (8), and (9), respectively, to read:

1938 627.727 Motor vehicle insurance; uninsured and underinsured
1939 vehicle coverage; insolvent insurer protection.—

1940 (1) A ~~Ne~~ motor vehicle liability insurance policy that
1941 ~~which~~ provides bodily injury liability coverage may not shall be
1942 delivered or issued for delivery in this state with respect to
1943 any specifically insured or identified motor vehicle registered
1944 or principally garaged in this state, unless uninsured motor
1945 vehicle coverage is provided therein or supplemental thereto for
1946 the protection of persons insured thereunder who are legally
1947 entitled to recover damages from owners or operators of
1948 uninsured motor vehicles because of bodily injury, sickness, or
1949 disease, including death, resulting therefrom. However, the
1950 coverage required under this section is not applicable if when,
1951 or to the extent that, an insured named in the policy makes a
1952 written rejection of the coverage on behalf of all insureds
1953 under the policy. If when a motor vehicle is leased for ~~a period~~



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1954 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1955 of the lease contract, provides liability coverage on the leased
1956 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
1957 privilege to reject uninsured motorist coverage or to select
1958 lower limits than the bodily injury liability limits, regardless
1959 of whether the lessor is qualified as a self-insurer pursuant to
1960 s. 324.171. Unless an insured, or lessee having the privilege of
1961 rejecting uninsured motorist coverage, requests such coverage or
1962 requests higher uninsured motorist limits in writing, the
1963 coverage or such higher uninsured motorist limits need not be
1964 provided in or supplemental to any other policy which renews,
1965 extends, changes, supersedes, or replaces an existing policy
1966 with the same bodily injury liability limits when an insured or
1967 lessee had rejected the coverage. When an insured or lessee has
1968 initially selected limits of uninsured motorist coverage lower
1969 than her or his bodily injury liability limits, higher limits of
1970 uninsured motorist coverage need not be provided in or
1971 supplemental to any other policy that ~~which~~ renews, extends,
1972 changes, supersedes, or replaces an existing policy with the
1973 same bodily injury liability limits unless an insured requests
1974 higher uninsured motorist coverage in writing. The rejection or
1975 selection of lower limits must ~~shall~~ be made on a form approved
1976 by the office. The form must ~~shall~~ fully advise the applicant of
1977 the nature of the coverage and must ~~shall~~ state that the
1978 coverage is equal to bodily injury liability limits unless lower
1979 limits are requested or the coverage is rejected. The heading of
1980 the form must ~~shall~~ be in 12-point bold type and must ~~shall~~
1981 state: "You are electing not to purchase certain valuable
1982 coverage that ~~which~~ protects you and your family or you are



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1983 purchasing uninsured motorist limits less than your bodily
1984 injury liability limits when you sign this form. Please read
1985 carefully." If this form is signed by a named insured, it will
1986 be conclusively presumed that there was an informed, knowing
1987 rejection of coverage or election of lower limits on behalf of
1988 all insureds. The insurer shall notify the named insured at
1989 least annually of her or his options as to the coverage required
1990 by this section. Such notice must ~~shall~~ be part of, and attached
1991 to, the notice of premium, must ~~shall~~ provide for a means to
1992 allow the insured to request such coverage, and must ~~shall~~ be
1993 given in a manner approved by the office. Receipt of this notice
1994 does not constitute an affirmative waiver of the insured's right
1995 to uninsured motorist coverage if ~~where~~ the insured has not
1996 signed a selection or rejection form. The coverage described
1997 under this section must ~~shall~~ be over and above, but may ~~shall~~
1998 not duplicate, the benefits available to an insured under any
1999 workers' compensation law, ~~personal injury protection benefits,~~
2000 disability benefits law, or similar law; under any automobile
2001 medical payments ~~expense~~ coverage; under any motor vehicle
2002 liability insurance coverage; or from the owner or operator of
2003 the uninsured motor vehicle or any other person or organization
2004 jointly or severally liable together with such owner or operator
2005 for the accident; and such coverage must ~~shall~~ cover the
2006 difference, if any, between the sum of such benefits and the
2007 damages sustained, up to the maximum amount of such coverage
2008 provided under this section. The amount of coverage available
2009 under this section may ~~shall~~ not be reduced by a setoff against
2010 any coverage, including liability insurance. Such coverage does
2011 ~~shall~~ not inure directly or indirectly to the benefit of any



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2012 workers' compensation or disability benefits carrier or any
2013 person or organization qualifying as a self-insurer under any
2014 workers' compensation or disability benefits law or similar law.

2015 ~~(7) The legal liability of an uninsured motorist coverage~~
2016 ~~insurer does not include damages in tort for pain, suffering,~~
2017 ~~mental anguish, and inconvenience unless the injury or disease~~
2018 ~~is described in one or more of paragraphs (a) - (d) of s.~~
2019 ~~627.737(2).~~

2020 Section 41. Subsection (1) and paragraphs (a) and (b) of
2021 subsection (2) of section 627.7275, Florida Statutes, are
2022 amended to read:

2023 627.7275 Motor vehicle liability.—

2024 (1) A motor vehicle insurance policy ~~providing personal~~
2025 ~~injury protection as set forth in s. 627.736 may not be~~
2026 delivered or issued for delivery in this state for a with
2027 ~~respect to any~~ specifically insured or identified motor vehicle
2028 registered or principally garaged in this state must provide
2029 bodily injury liability coverage and unless the policy also
2030 ~~provides coverage for~~ property damage liability coverage as
2031 required under ~~by~~ s. 324.022, and medical payments coverage as
2032 required under s. 627.7265.

2033 (2) (a) Insurers writing motor vehicle insurance in this
2034 state shall make available, subject to the insurers' usual
2035 underwriting restrictions:

2036 1. Coverage under policies as described in subsection (1)
2037 to an applicant for private passenger motor vehicle insurance
2038 coverage who is seeking the coverage in order to reinstate the
2039 applicant's driving privileges in this state if the driving
2040 privileges were revoked or suspended pursuant to s. 316.646 or



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2041 s. 324.0221 due to the failure of the applicant to maintain
2042 required security.

2043 2. Coverage under policies as described in subsection (1),
2044 which includes bodily injury ~~also provides~~ liability coverage
2045 and property damage liability coverage ~~for bodily injury, death,~~
2046 ~~and property damage arising out of the ownership, maintenance,~~
2047 ~~or use of the motor vehicle~~ in an amount not less than the
2048 minimum limits required under ~~described in~~ s. 324.021(7) or s.
2049 324.023 and which conforms to the requirements of s. 324.151, to
2050 an applicant for private passenger motor vehicle insurance
2051 coverage who is seeking the coverage in order to reinstate the
2052 applicant's driving privileges in this state after such
2053 privileges were revoked or suspended under s. 316.193 or s.
2054 322.26(2) for driving under the influence.

2055 (b) The policies described in paragraph (a) must ~~shall~~ be
2056 issued for at least 6 months and, as to the minimum coverages
2057 required under this section, may not be canceled by the insured
2058 for any reason or by the insurer after 60 days, during which
2059 period the insurer is completing the underwriting of the policy.
2060 After the insurer has completed underwriting the policy, the
2061 insurer shall notify the Department of Highway Safety and Motor
2062 Vehicles that the policy is in full force and effect and is not
2063 cancelable for the remainder of the policy period. A premium
2064 must ~~shall~~ be collected and the coverage is in effect for the
2065 60-day period during which the insurer is completing the
2066 underwriting of the policy, whether or not the person's driver
2067 license, motor vehicle tag, and motor vehicle registration are
2068 in effect. Once the noncancelable provisions of the policy
2069 become effective, the bodily injury liability and property



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2070 damage liability coverages for bodily injury, property damage,
2071 and personal injury protection may not be reduced below the
2072 minimum limits required under s. 324.021 or s. 324.023 during
2073 the policy period, and the medical payments coverage may not be
2074 reduced below the minimum limit required under s. 627.7265.

2075 Section 42. Paragraph (a) of subsection (1) of section
2076 627.728, Florida Statutes, is amended to read:

2077 627.728 Cancellations; nonrenewals.—

2078 (1) As used in this section, the term:

2079 (a) "Policy" means the bodily injury and property damage
2080 liability, ~~personal injury protection~~, medical payments,
2081 comprehensive, collision, and uninsured motorist coverage
2082 portions of a policy of motor vehicle insurance delivered or
2083 issued for delivery in this state:

2084 1. Insuring a natural person as named insured or one or
2085 more related individuals who are residents ~~resident~~ of the same
2086 household; and

2087 2. Insuring only a motor vehicle of the private passenger
2088 type or station wagon type which is not used as a public or
2089 livery conveyance for passengers or rented to others; or
2090 insuring any other four-wheel motor vehicle having a load
2091 capacity of 1,500 pounds or less which is not used in the
2092 occupation, profession, or business of the insured other than
2093 farming; other than any policy issued under an automobile
2094 insurance assigned risk plan or covering garage, automobile
2095 sales agency, repair shop, service station, or public parking
2096 place operation hazards.

2097
2098 The term "policy" does not include a binder as defined in s.



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2099 627.420 unless the duration of the binder period exceeds 60
2100 days.

2101 Section 43. Subsection (1), paragraph (a) of subsection
2102 (5), and subsections (6) and (7) of section 627.7295, Florida
2103 Statutes, are amended to read:

2104 627.7295 Motor vehicle insurance contracts.—

2105 (1) As used in this section, the term:

2106 (a) "Policy" means a motor vehicle insurance policy that
2107 provides bodily injury liability ~~personal injury protection~~
2108 coverage, property damage liability coverage, and medical
2109 payments coverage ~~or both~~.

2110 (b) "Binder" means a binder that provides motor vehicle
2111 bodily injury liability coverage, ~~personal injury protection and~~
2112 property damage liability coverage, and medical payments
2113 coverage.

2114 (5) (a) A licensed general lines agent may charge a per-
2115 policy fee up to ~~not to exceed~~ \$10 to cover the administrative
2116 costs of the agent associated with selling the motor vehicle
2117 insurance policy if the policy covers only bodily injury
2118 liability coverage, ~~personal injury protection coverage as~~
2119 ~~provided by s. 627.736 and~~ property damage liability coverage,
2120 and medical payments coverage as provided by s. 627.7275 and if
2121 no other insurance is sold or issued in conjunction with or
2122 collateral to the policy. The fee is not ~~considered~~ part of the
2123 premium.

2124 (6) If a motor vehicle owner's driver license, license
2125 plate, and registration have previously been suspended pursuant
2126 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2127 only as provided in s. 627.7275.



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2128 (7) A policy of private passenger motor vehicle insurance
2129 or a binder for such a policy may be initially issued in this
2130 state only if, before the effective date of such binder or
2131 policy, the insurer or agent has collected ~~from the insured an~~
2132 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
2133 agent, or premium finance company may not, directly or
2134 indirectly, take any action that results ~~resulting~~ in the
2135 insured paying ~~having paid~~ from the insured's own funds an
2136 amount less than the 2 months' premium required by this
2137 subsection. This subsection applies without regard to whether
2138 the premium is financed by a premium finance company or is paid
2139 pursuant to a periodic payment plan of an insurer or an
2140 insurance agent.

2141 (a) This subsection does not apply:

2142 1. If an insured or member of the insured's family is
2143 renewing or replacing a policy or a binder for such policy
2144 written by the same insurer or a member of the same insurer
2145 group. ~~This subsection does not apply~~

2146 2. To an insurer that issues private passenger motor
2147 vehicle coverage primarily to active duty or former military
2148 personnel or their dependents. ~~This subsection does not apply~~

2149 3. If all policy payments are paid pursuant to a payroll
2150 deduction plan, an automatic electronic funds transfer payment
2151 plan from the policyholder, or a recurring credit card or debit
2152 card agreement with the insurer.

2153 (b) This subsection and subsection (4) do not apply if:

2154 1. All policy payments to an insurer are paid pursuant to
2155 an automatic electronic funds transfer payment plan from an
2156 agent, a managing general agent, or a premium finance company



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2157 and if the policy includes, at a minimum, bodily injury
2158 liability coverage, ~~personal injury protection pursuant to ss.~~
2159 ~~627.730-627.7405; motor vehicle property damage liability~~
2160 coverage, and medical payments coverage pursuant to s. 627.7275;
2161 ~~or and bodily injury liability in at least the amount of \$10,000~~
2162 ~~because of bodily injury to, or death of, one person in any one~~
2163 ~~accident and in the amount of \$20,000 because of bodily injury~~
2164 ~~to, or death of, two or more persons in any one accident. This~~
2165 ~~subsection and subsection (4) do not apply if~~

2166 2. An insured has had a policy in effect for at least 6
2167 months, the insured's agent is terminated by the insurer that
2168 issued the policy, and the insured obtains coverage on the
2169 policy's renewal date with a new company through the terminated
2170 agent.

2171 Section 44. Subsections (1) and (2) of section 627.7415,
2172 Florida Statutes, are amended to read:

2173 627.7415 Commercial motor vehicles; additional liability
2174 insurance coverage.—Commercial motor vehicles, as defined in s.
2175 207.002 or s. 320.01, operated upon the roads and highways of
2176 this state shall be insured with the ~~following~~ minimum levels of
2177 combined bodily liability insurance and property damage
2178 liability insurance under subsections (1) and (2) in addition to
2179 any other insurance requirements.÷

2180 (1) ~~Fifty thousand dollars per occurrence~~ For a commercial
2181 motor vehicle with a gross vehicle weight of 26,000 pounds or
2182 more, but less than 35,000 pounds:

2183 (a) Beginning January 1, 2019, through December 31, 2020,
2184 no less than \$50,000 per occurrence.

2185 (b) Beginning January 1, 2021, through December 31, 2022,



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2186 no less than \$60,000 per occurrence.

2187 (c) Beginning January 1, 2023, and thereafter, no less than
2188 \$70,000 per occurrence.

2189 ~~(2) One hundred thousand dollars per occurrence~~ For a
2190 commercial motor vehicle with a gross vehicle weight of 35,000
2191 pounds or more, but less than 44,000 pounds:

2192 (a) Beginning January 1, 2019, through December 31, 2020,
2193 no less than \$100,000 per occurrence.

2194 (b) Beginning January 1, 2021, through December 31, 2022,
2195 no less than \$120,000 per occurrence.

2196 (c) Beginning January 1, 2023, and thereafter, no less than
2197 \$140,000 per occurrence.

2198
2199 A violation of this section is a noncriminal traffic infraction,
2200 punishable as a nonmoving violation as provided in chapter 318.

2201 Section 45. Section 627.8405, Florida Statutes, is amended
2202 to read:

2203 627.8405 Prohibited acts; financing companies.—~~A~~ ~~No~~ premium
2204 finance company ~~shall~~, in a premium finance agreement or other
2205 agreement, may not finance the cost of or otherwise provide for
2206 the collection or remittance of dues, assessments, fees, or
2207 other periodic payments of money for the cost of:

2208 (1) A membership in an automobile club. The term
2209 "automobile club" means a legal entity that ~~which~~, in
2210 consideration of dues, assessments, or periodic payments of
2211 money, promises its members or subscribers to assist them in
2212 matters relating to the ownership, operation, use, or
2213 maintenance of a motor vehicle; however, the term ~~this~~
2214 ~~definition of "automobile club"~~ does not include persons,



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2215 associations, or corporations ~~which are~~ organized and operated
2216 solely for the purpose of conducting, sponsoring, or sanctioning
2217 motor vehicle races, exhibitions, or contests upon racetracks,
2218 or upon racecourses established and marked as such for the
2219 duration of such particular events. The term ~~words~~ "motor
2220 vehicle" used herein has ~~have~~ the same meaning as defined in
2221 chapter 320.

2222 (2) An accidental death and dismemberment policy sold in
2223 combination with a policy providing only medical payments
2224 coverage, bodily injury liability coverage, ~~personal injury~~
2225 ~~protection~~ and property damage liability coverage ~~only policy~~.

2226 (3) Any product not regulated under ~~the provisions of~~ this
2227 insurance code.

2228
2229 This section also applies to premium financing by any insurance
2230 agent or insurance company under part XVI. The commission shall
2231 adopt rules to assure disclosure, at the time of sale, of
2232 coverages financed ~~with personal injury protection~~ and shall
2233 prescribe the form of such disclosure.

2234 Section 46. Subsection (1) of section 627.915, Florida
2235 Statutes, is amended to read:

2236 627.915 Insurer experience reporting.-

2237 (1) Each insurer transacting private passenger automobile
2238 insurance in this state shall report certain information
2239 annually to the office. The information will be due on or before
2240 July 1 of each year. The information must ~~shall~~ be divided into
2241 the following categories: bodily injury liability; property
2242 damage liability; uninsured motorist; ~~personal injury protection~~
2243 ~~benefits~~; and medical payments; and comprehensive and collision. The



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2244 information given must ~~shall~~ be on direct insurance writings in
2245 the state alone and ~~shall~~ represent total limits data. The
2246 information set forth in paragraphs (a)-(f) is applicable to
2247 voluntary private passenger and Joint Underwriting Association
2248 private passenger writings and must ~~shall~~ be reported for each
2249 of the latest 3 calendar-accident years, with an evaluation date
2250 of March 31 of the current year. The information set forth in
2251 paragraphs (g)-(j) is applicable to voluntary private passenger
2252 writings and must ~~shall~~ be reported on a calendar-accident year
2253 basis ultimately seven times at seven different stages of
2254 development.

2255 (a) Premiums earned for the latest 3 calendar-accident
2256 years.

2257 (b) Loss development factors and the historic development
2258 of those factors.

2259 (c) Policyholder dividends incurred.

2260 (d) Expenses for other acquisition and general expense.

2261 (e) Expenses for agents' commissions and taxes, licenses,
2262 and fees.

2263 (f) Profit and contingency factors as utilized in the
2264 insurer's automobile rate filings for the applicable years.

2265 (g) Losses paid.

2266 (h) Losses unpaid.

2267 (i) Loss adjustment expenses paid.

2268 (j) Loss adjustment expenses unpaid.

2269 Section 47. Subsections (2) and (3) of section 628.909,
2270 Florida Statutes, are amended to read:

2271 628.909 Applicability of other laws.—

2272 (2) The following provisions of the Florida Insurance Code



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2273 apply to captive insurance companies who are not industrial
2274 insured captive insurance companies to the extent that such
2275 provisions are not inconsistent with this part:

2276 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2277 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2278 (b) Chapter 625, part II.

2279 (c) Chapter 626, part IX.

2280 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~
2281 ~~provided.~~

2282 ~~(e) Chapter 628.~~

2283 (3) The following provisions of the Florida Insurance Code
2284 ~~shall~~ apply to industrial insured captive insurance companies to
2285 the extent that such provisions are not inconsistent with this
2286 part:

2287 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2288 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2289 (b) Chapter 625, part II, if the industrial insured captive
2290 insurance company is incorporated in this state.

2291 (c) Chapter 626, part IX.

2292 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
2293 ~~provided.~~

2294 ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~
2295 ~~628.6018.~~

2296 Section 48. Subsections (2), (6), and (7) of section
2297 705.184, Florida Statutes, are amended to read:

2298 705.184 Derelict or abandoned motor vehicles on the
2299 premises of public-use airports.—

2300 (2) The airport director or the director's designee shall
2301 contact the Department of Highway Safety and Motor Vehicles to



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2302 notify that department that the airport has possession of the
2303 abandoned or derelict motor vehicle and to determine the name
2304 and address of the owner of the motor vehicle, the insurance
2305 company insuring the motor vehicle, ~~notwithstanding the~~
2306 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2307 the motor vehicle. Within 7 business days after receipt of the
2308 information, the director or the director's designee shall send
2309 notice by certified mail, return receipt requested, to the owner
2310 of the motor vehicle, the insurance company insuring the motor
2311 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2312 persons of record claiming a lien against the motor vehicle. The
2313 notice must ~~shall~~ state the fact of possession of the motor
2314 vehicle, that charges for reasonable towing, storage, and
2315 parking fees, if any, have accrued and the amount thereof, that
2316 a lien as provided in subsection (6) will be claimed, that the
2317 lien is subject to enforcement pursuant to law, that the owner
2318 or lienholder, if any, has the right to a hearing as set forth
2319 in subsection (4), and that any motor vehicle which, at the end
2320 of 30 calendar days after receipt of the notice, has not been
2321 removed from the airport upon payment in full of all accrued
2322 charges for reasonable towing, storage, and parking fees, if
2323 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2324 (d), or (e), including, but not limited to, the motor vehicle
2325 being sold free of all prior liens after 35 calendar days after
2326 the time the motor vehicle is stored if any prior liens on the
2327 motor vehicle are more than 5 years of age or after 50 calendar
2328 days after the time the motor vehicle is stored if any prior
2329 liens on the motor vehicle are 5 years of age or less.

2330 (6) The airport pursuant to this section or, if used, a



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2331 licensed independent wrecker company pursuant to s. 713.78 shall
2332 have a lien on an abandoned or derelict motor vehicle for all
2333 reasonable towing, storage, and accrued parking fees, if any,
2334 except that no storage fee may ~~shall~~ be charged if the motor
2335 vehicle is stored less than 6 hours. As a prerequisite to
2336 perfecting a lien under this section, the airport director or
2337 the director's designee must serve a notice in accordance with
2338 subsection (2) on the owner of the motor vehicle, the insurance
2339 company insuring the motor vehicle, ~~notwithstanding the~~
2340 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2341 lien against the motor vehicle. If attempts to notify the owner,
2342 the insurance company insuring the motor vehicle,
2343 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2344 not successful, the requirement of notice by mail shall be
2345 considered met. Serving of the notice does not dispense with
2346 recording the claim of lien.

2347 (7) (a) For the purpose of perfecting its lien under this
2348 section, the airport shall record a claim of lien which states
2349 ~~shall state:~~

2350 1. The name and address of the airport.

2351 2. The name of the owner of the motor vehicle, the
2352 insurance company insuring the motor vehicle, ~~notwithstanding~~
2353 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2354 a lien against the motor vehicle.

2355 3. The costs incurred from reasonable towing, storage, and
2356 parking fees, if any.

2357 4. A description of the motor vehicle sufficient for
2358 identification.

2359 (b) The claim of lien must ~~shall~~ be signed and sworn to or



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2360 affirmed by the airport director or the director's designee.

2361 (c) The claim of lien is ~~shall be~~ sufficient if it is in
2362 substantially the following form:

2363

2364 CLAIM OF LIEN

2365 State of

2366 County of

2367 Before me, the undersigned notary public, personally appeared
2368, who was duly sworn and says that he/she is the
2369 of, whose address is.....; and that the
2370 following described motor vehicle:

2371 ...(Description of motor vehicle)...

2372 owned by, whose address is, has accrued
2373 \$..... in fees for a reasonable tow, for storage, and for
2374 parking, if applicable; that the lienor served its notice to the
2375 owner, the insurance company insuring the motor vehicle
2376 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
2377 and all persons of record claiming a lien against the motor
2378 vehicle on, ...(year)...., by.....

2379 ...(Signature)...

2380 Sworn to (or affirmed) and subscribed before me this day of
2381, ...(year)...., by ...(name of person making statement)....

2382 ...(Signature of Notary Public).....(Print, Type, or Stamp

2383 Commissioned name of Notary Public)...

2384 Personally Known....OR Produced....as identification.

2385

2386 However, the negligent inclusion or omission of any information
2387 in this claim of lien which does not prejudice the owner does
2388 not constitute a default that operates to defeat an otherwise



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2389 valid lien.

2390 (d) The claim of lien must ~~shall~~ be served on the owner of
2391 the motor vehicle, the insurance company insuring the motor
2392 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2393 persons of record claiming a lien against the motor vehicle. If
2394 attempts to notify the owner, the insurance company insuring the
2395 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
2396 lienholders are not successful, the requirement of notice by
2397 mail shall be considered met. The claim of lien must ~~shall~~ be so
2398 served before recordation.

2399 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2400 of court in the county where the airport is located. The
2401 recording of the claim of lien shall be constructive notice to
2402 all persons of the contents and effect of such claim. The lien
2403 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2404 ~~take~~ priority as of that time.

2405 Section 49. Subsection (4) of section 713.78, Florida
2406 Statutes, is amended to read:

2407 713.78 Liens for recovering, towing, or storing vehicles
2408 and vessels.—

2409 (4) (a) Any person regularly engaged in the business of
2410 recovering, towing, or storing vehicles or vessels who comes
2411 into possession of a vehicle or vessel pursuant to subsection
2412 (2), and who claims a lien for recovery, towing, or storage
2413 services, shall give notice to the registered owner, the
2414 insurance company insuring the vehicle ~~notwithstanding the~~
2415 ~~provisions of s. 627.736,~~ and to all persons claiming a lien
2416 thereon, as disclosed by the records in the Department of
2417 Highway Safety and Motor Vehicles or as disclosed by the records



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2418 of any corresponding agency in any other state in which the
2419 vehicle is identified through a records check of the National
2420 Motor Vehicle Title Information System or an equivalent
2421 commercially available system as being titled or registered.

2422 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
2423 removal of a vehicle or vessel or if a ~~whenever any~~ towing
2424 service, garage, repair shop, or automotive service, storage, or
2425 parking place notifies the law enforcement agency of possession
2426 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2427 enforcement agency of the jurisdiction where the vehicle or
2428 vessel is stored shall contact the Department of Highway Safety
2429 and Motor Vehicles, or the appropriate agency of the state of
2430 registration, if known, within 24 hours through the medium of
2431 electronic communications, giving the full description of the
2432 vehicle or vessel. Upon receipt of the full description of the
2433 vehicle or vessel, the department shall search its files to
2434 determine the owner's name, the insurance company insuring the
2435 vehicle or vessel, and whether any person has filed a lien upon
2436 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2437 notify the applicable law enforcement agency within 72 hours.
2438 The person in charge of the towing service, garage, repair shop,
2439 or automotive service, storage, or parking place shall obtain
2440 such information from the applicable law enforcement agency
2441 within 5 days after the date of storage and shall give notice
2442 pursuant to paragraph (a). The department may release the
2443 insurance company information to the requestor ~~notwithstanding~~
2444 ~~the provisions of s. 627.736.~~

2445 (c) Notice by certified mail must ~~shall~~ be sent within 7
2446 business days after the date of storage of the vehicle or vessel



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2447 to the registered owner, the insurance company insuring the
2448 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
2449 persons of record claiming a lien against the vehicle or vessel.
2450 The notice must ~~It shall~~ state the fact of possession of the
2451 vehicle or vessel, that a lien as provided in subsection (2) is
2452 claimed, that charges have accrued and the amount thereof, that
2453 the lien is subject to enforcement pursuant to law, ~~and~~ that the
2454 owner or lienholder, if any, has the right to a hearing as set
2455 forth in subsection (5), and that any vehicle or vessel which
2456 remains unclaimed, or for which the charges for recovery,
2457 towing, or storage services remain unpaid, may be sold free of
2458 all prior liens after 35 days if the vehicle or vessel is more
2459 than 3 years of age or after 50 days if the vehicle or vessel is
2460 3 years of age or less.

2461 (d) If attempts to locate the name and address of the owner
2462 or lienholder prove unsuccessful, the towing-storage operator
2463 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,
2464 of the initial tow or storage, notify the public agency of
2465 jurisdiction where the vehicle or vessel is stored in writing by
2466 certified mail or acknowledged hand delivery that the towing-
2467 storage company has been unable to locate the name and address
2468 of the owner or lienholder and a physical search of the vehicle
2469 or vessel has disclosed no ownership information and a good
2470 faith effort has been made, including records checks of the
2471 Department of Highway Safety and Motor Vehicles database and the
2472 National Motor Vehicle Title Information System or an equivalent
2473 commercially available system. As used in ~~For purposes of~~ this
2474 paragraph and subsection (9), the term "good faith effort" means
2475 that the following checks have been performed by the company to



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- 2476 establish prior state of registration and for title:
- 2477 1. Check of the Department of Highway Safety and Motor
- 2478 Vehicles database for the owner and any lienholder.
- 2479 2. Check of the electronic National Motor Vehicle Title
- 2480 Information System or an equivalent commercially available
- 2481 system to determine the state of registration when there is not
- 2482 a current registration record for the vehicle on file with the
- 2483 Department of Highway Safety and Motor Vehicles.
- 2484 3. Check of vehicle or vessel for any type of tag, tag
- 2485 record, temporary tag, or regular tag.
- 2486 4. Check of law enforcement report for tag number or other
- 2487 information identifying the vehicle or vessel, if the vehicle or
- 2488 vessel was towed at the request of a law enforcement officer.
- 2489 5. Check of trip sheet or tow ticket of tow truck operator
- 2490 to see if a tag was on vehicle or vessel at beginning of tow, if
- 2491 private tow.
- 2492 6. If there is no address of the owner on the impound
- 2493 report, check of law enforcement report to see if an out-of-
- 2494 state address is indicated from driver license information.
- 2495 7. Check of vehicle or vessel for inspection sticker or
- 2496 other stickers and decals that may indicate a state of possible
- 2497 registration.
- 2498 8. Check of the interior of the vehicle or vessel for any
- 2499 papers that may be in the glove box, trunk, or other areas for a
- 2500 state of registration.
- 2501 9. Check of vehicle for vehicle identification number.
- 2502 10. Check of vessel for vessel registration number.
- 2503 11. Check of vessel hull for a hull identification number
- 2504 which should be carved, burned, stamped, embossed, or otherwise



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2505 permanently affixed to the outboard side of the transom or, if
2506 there is no transom, to the outmost seaboard side at the end of
2507 the hull that bears the rudder or other steering mechanism.

2508 Section 50. Paragraph (a) of subsection (1), paragraph (c)
2509 of subsection (7), paragraphs (a), (b), and (c) of subsection
2510 (8), and subsections (9) and (10) of section 817.234, Florida
2511 Statutes, are amended to read:

2512 817.234 False and fraudulent insurance claims.—

2513 (1)(a) A person commits insurance fraud punishable as
2514 provided in subsection (11) if that person, with the intent to
2515 injure, defraud, or deceive any insurer:

2516 1. Presents or causes to be presented any written or oral
2517 statement as part of, or in support of, a claim for payment or
2518 other benefit pursuant to an insurance policy or a health
2519 maintenance organization subscriber or provider contract,
2520 knowing that such statement contains ~~any~~ false, incomplete, or
2521 misleading information concerning any fact or thing material to
2522 such claim;

2523 2. Prepares or makes any written or oral statement that is
2524 intended to be presented to an ~~any~~ insurer in connection with,
2525 or in support of, any claim for payment or other benefit
2526 pursuant to an insurance policy or a health maintenance
2527 organization subscriber or provider contract, knowing that such
2528 statement contains ~~any~~ false, incomplete, or misleading
2529 information concerning any fact or thing material to such claim;

2530 3.a. Knowingly presents, causes to be presented, or
2531 prepares or makes with knowledge or belief that it will be
2532 presented to an ~~any~~ insurer, purported insurer, servicing
2533 corporation, insurance broker, or insurance agent, or any



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2534 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2535 information or a written or oral statement as part of, or in
2536 support of, an application for the issuance of, or the rating
2537 of, any insurance policy, or a health maintenance organization
2538 subscriber or provider contract; or

2539 b. Knowingly conceals information concerning any fact
2540 material to such application; or

2541 4. Knowingly presents, causes to be presented, or prepares
2542 or makes with knowledge or belief that it will be presented to
2543 any insurer a claim for payment or other benefit under medical
2544 payments coverage in a motor vehicle ~~a personal injury~~
2545 ~~protection~~ insurance policy if the person knows that the payee
2546 knowingly submitted a false, misleading, or fraudulent
2547 application or other document when applying for licensure as a
2548 health care clinic, seeking an exemption from licensure as a
2549 health care clinic, or demonstrating compliance with part X of
2550 chapter 400.

2551 (7)

2552 ~~(c) An insurer, or any person acting at the direction of or~~
2553 ~~on behalf of an insurer, may not change an opinion in a mental~~
2554 ~~or physical report prepared under s. 627.736(7) or direct the~~
2555 ~~physician preparing the report to change such opinion; however,~~
2556 ~~this provision does not preclude the insurer from calling to the~~
2557 ~~attention of the physician errors of fact in the report based~~
2558 ~~upon information in the claim file. Any person who violates this~~
2559 ~~paragraph commits a felony of the third degree, punishable as~~
2560 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2561 (8) (a) It is unlawful for any person intending to defraud
2562 any other person to solicit or cause to be solicited any



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2563 business from a person involved in a motor vehicle accident for
2564 the purpose of making, adjusting, or settling motor vehicle tort
2565 claims or claims for benefits under medical payments coverage in
2566 a motor vehicle insurance policy ~~personal injury protection~~
2567 ~~benefits required by s. 627.736~~. Any person who violates ~~the~~
2568 ~~provisions of~~ this paragraph commits a felony of the second
2569 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2570 775.084. A person who is convicted of a violation of this
2571 subsection shall be sentenced to a minimum term of imprisonment
2572 of 2 years.

2573 (b) A person may not solicit or cause to be solicited any
2574 business from a person involved in a motor vehicle accident by
2575 any means of communication other than advertising directed to
2576 the public for the purpose of making motor vehicle tort claims
2577 or claims for benefits under medical payments coverage in a
2578 motor vehicle insurance policy ~~personal injury protection~~
2579 ~~benefits required by s. 627.736~~, within 60 days after the
2580 occurrence of the motor vehicle accident. Any person who
2581 violates this paragraph commits a felony of the third degree,
2582 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2583 (c) A lawyer, health care practitioner as defined in s.
2584 456.001, or owner or medical director of a clinic required to be
2585 licensed pursuant to s. 400.9905 may not, at any time after 60
2586 days have elapsed from the occurrence of a motor vehicle
2587 accident, solicit or cause to be solicited any business from a
2588 person involved in a motor vehicle accident by means of in
2589 person or telephone contact at the person's residence, for the
2590 purpose of making motor vehicle tort claims or claims for
2591 benefits under medical payments coverage in a motor vehicle



2592 ~~insurance policy personal injury protection benefits required by~~
2593 ~~s. 627.736.~~ Any person who violates this paragraph commits a
2594 felony of the third degree, punishable as provided in s.
2595 775.082, s. 775.083, or s. 775.084.

2596 (9) A person may not organize, plan, or knowingly
2597 participate in an intentional motor vehicle crash or a scheme to
2598 create documentation of a motor vehicle crash that did not occur
2599 for the purpose of making motor vehicle tort claims or claims
2600 for benefits under medical payments coverage in a motor vehicle
2601 insurance policy ~~personal injury protection benefits as required~~
2602 ~~by s. 627.736.~~ Any person who violates this subsection commits a
2603 felony of the second degree, punishable as provided in s.
2604 775.082, s. 775.083, or s. 775.084. A person who is convicted of
2605 a violation of this subsection shall be sentenced to a minimum
2606 term of imprisonment of 2 years.

2607 (10) A licensed health care practitioner who is found
2608 guilty of insurance fraud under this section for an act relating
2609 to a motor vehicle ~~personal injury protection~~ insurance policy
2610 loses his or her license to practice for 5 years and may not
2611 receive reimbursement under medical payments coverage in a motor
2612 vehicle insurance policy ~~for personal injury protection benefits~~
2613 for 10 years.

2614 Section 51. Applicability and construction; notice to
2615 policyholders.—

2616 (1) As used in this section, the term "minimum security
2617 requirements" means security that enables a person to respond in
2618 damages for liability on account of crashes arising out of the
2619 ownership, maintenance, or use of a motor vehicle in the amounts
2620 required by s. 324.021(7), Florida Statutes.



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2621 (2) Effective January 1, 2019:
2622 (a) Motor vehicle insurance policies issued or renewed on
2623 or after that date may not include personal injury protection.
2624 (b) All persons subject to s. 324.022, s. 324.032, s.
2625 627.7415, or s. 627.742, Florida Statutes, must maintain at
2626 least minimum security requirements.
2627 (c) Any new or renewal motor vehicle insurance policy
2628 delivered or issued for delivery in this state must provide
2629 coverage that complies with minimum security requirements.
2630 (d) Any new or renewal motor vehicle insurance policy
2631 furnished to an owner or operator of a motor vehicle as proof of
2632 financial responsibility pursuant to s. 324.022 or s. 324.031,
2633 Florida Statutes, must provide medical payments coverage that
2634 complies with s. 627.7265, Florida Statutes.
2635 (e) An existing motor vehicle insurance policy issued
2636 before that date which provides personal injury protection and
2637 property damage liability coverage that meets the requirements
2638 of s. 324.022, Florida Statutes, on December 31, 2018, but which
2639 does not meet minimum security requirements on or after January
2640 1, 2019, is deemed to meet the security requirements of s.
2641 324.022, Florida Statutes, and the medical payments coverage
2642 requirements of s. 627.7265, Florida Statutes, until such policy
2643 is renewed, nonrenewed, or canceled on or after January 1, 2019.
2644 (3) Each insurer shall allow each insured who has a new or
2645 renewal policy providing personal injury protection, which
2646 becomes effective before January 1, 2019, and whose policy does
2647 not meet minimum security requirements on or after January 1,
2648 2019, to change coverages so as to eliminate personal injury
2649 protection and obtain coverage providing minimum security



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2650 requirements, which shall be effective on or after January 1,
2651 2019. The insurer is not required to provide coverage complying
2652 with minimum security requirements in such policies if the
2653 insured does not pay the required premium, if any, by January 1,
2654 2019, or such later date as the insurer may allow. Any reduction
2655 in the premium must be refunded by the insurer. The insurer may
2656 not impose on the insured an additional fee or charge that
2657 applies solely to a change in coverage; however, the insurer may
2658 charge an additional required premium that is actuarially
2659 indicated.

2660 (4) By September 1, 2018, each motor vehicle insurer shall
2661 provide notice of this section to each motor vehicle
2662 policyholder who is subject to this section. The notice is
2663 subject to approval by the Office of Insurance Regulation and
2664 must clearly inform the policyholder that:

2665 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2666 effective January 1, 2019, and that on or after that date, the
2667 insured is no longer required to maintain personal injury
2668 protection insurance coverage, that personal injury protection
2669 coverage is no longer available for purchase in this state, and
2670 that all new or renewal policies issued on or after that date do
2671 not contain such coverage.

2672 (b) Effective January 1, 2019, a person subject to the
2673 financial responsibility requirements of s. 324.022, Florida
2674 Statutes, must maintain minimum security requirements that
2675 enable the person to respond in damages for liability on account
2676 of accidents arising out of the use of a motor vehicle in the
2677 following amounts:

2678 1. Beginning January 1, 2019, and continuing through



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2679 December 31, 2020:

2680 a. Twenty thousand dollars for bodily injury to, or the
2681 death of, one person in any one crash and, subject to such
2682 limits for one person, in the amount of \$40,000 for bodily
2683 injury to, or the death of, two or more persons in any one
2684 crash; and

2685 b. Ten thousand dollars for damage to, or destruction of,
2686 the property of others in any one crash.

2687 2. Beginning January 1, 2021, and continuing through
2688 December 31, 2022:

2689 a. Twenty-five thousand dollars for bodily injury to, or
2690 the death of, one person in any one crash and, subject to such
2691 limits for one person, in the amount of \$50,000 for bodily
2692 injury to, or the death of, two or more persons in any one
2693 crash; and

2694 b. Ten thousand dollars for damage to, or destruction of,
2695 the property of others in any one crash.

2696 3. Beginning January 1, 2023, and continuing thereafter:

2697 a. Thirty thousand dollars for bodily injury to, or the
2698 death of, one person in any one crash and, subject to such
2699 limits for one person, in the amount of \$60,000 for bodily
2700 injury to, or the death of, two or more persons in any one
2701 crash; and

2702 b. Ten thousand dollars for damage to, or destruction of,
2703 the property of others in any one crash.

2704 (c) Personal injury protection insurance paid covered
2705 medical expenses for injuries sustained in a motor vehicle crash
2706 by the policyholder, passengers, and relatives residing in the
2707 policyholder's household.



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2708 (d) Bodily injury liability coverage protects the insured,
2709 up to the coverage limits, against loss if the insured is
2710 legally responsible for the death of or bodily injury to others
2711 in a motor vehicle accident.

2712 (e) Effective January 1, 2019, a person who purchases a
2713 motor vehicle liability insurance policy as proof of financial
2714 responsibility must maintain medical payments coverage that
2715 complies with s. 627.7265, Florida Statutes. Medical payments
2716 coverage pays covered medical expenses, up to the limits of such
2717 coverage, for injuries sustained in a motor vehicle crash by the
2718 policyholder, passengers, and relatives residing in the
2719 policyholder's household, as provided in s. 627.7265, Florida
2720 Statutes. Medical payments coverage also provides a death
2721 benefit of at least \$5,000. Medical payments coverage provides
2722 reimbursement for the following if medically necessary and if an
2723 individual initially receives such treatment within 14 days
2724 after the motor vehicle accident:

2725 1. Emergency transportation and treatment.
2726 2. Emergency services and care provided by a hospital.
2727 3. Emergency services and care provided by a licensed
2728 physician or licensed dentist in a hospital, ambulatory surgical
2729 center, or mobile surgical facility licensed under chapter 395,
2730 Florida Statutes, and related hospital inpatient care.

2731 4. Hospital inpatient services, other than emergency
2732 services and care.

2733 5. Hospital outpatient services, other than emergency
2734 services and care.

2735 6. Physician services and care provided by a physician
2736 licensed under chapter 458 or chapter 459, Florida Statutes, or



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2737 by a chiropractic physician licensed under chapter 460, Florida
2738 Statutes, or dental services and care provided by a dentist
2739 licensed under chapter 466, Florida Statutes.

2740 (f) The policyholder may obtain underinsured motorist
2741 coverage, which provides benefits, up to the limits of such
2742 coverage, to a policyholder or other insured entitled to recover
2743 damages for bodily injury, sickness, disease, or death resulting
2744 from a motor vehicle accident with an uninsured or underinsured
2745 owner or operator of a motor vehicle.

2746 (g) If the policyholder's new or renewal motor vehicle
2747 insurance policy is effective before January 1, 2019, and
2748 contains personal injury protection and property damage
2749 liability coverage as required by state law before January 1,
2750 2019, but does not meet minimum security requirements on or
2751 after January 1, 2019, the policy is deemed to meet minimum
2752 security requirements until it is renewed, nonrenewed, or
2753 canceled on or after January 1, 2019.

2754 (h) A policyholder whose new or renewal policy becomes
2755 effective before January 1, 2019, but does not meet minimum
2756 security requirements on or after January 1, 2019, may change
2757 coverages under the policy so as to eliminate personal injury
2758 protection and to obtain coverage providing minimum security
2759 requirements, including bodily injury liability coverage, which
2760 are effective on or after January 1, 2019.

2761 (i) If the policyholder has any questions, he or she should
2762 contact the person named at the telephone number provided in the
2763 notice.

2764 (5) This section takes effect upon this act becoming a law.
2765 Section 52. Application of suspensions for failure to



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2766 maintain security; reinstatement.-All suspensions for failure to
2767 maintain required security as required by law in effect before
2768 January 1, 2019, remain in full force and effect after January
2769 1, 2019. A driver may reinstate a suspended driver license or
2770 registration as provided under s. 324.0221, Florida Statutes.

2771 Section 53. For the 2018-2019 fiscal year, the sum of
2772 \$83,651 in nonrecurring funds is appropriated from the Insurance
2773 Regulatory Trust Fund to the Office of Insurance Regulation for
2774 the purpose of implementing this act.

2775 Section 54. Except as otherwise expressly provided in this
2776 act and except for this section, which shall take effect upon
2777 this act becoming a law, this act shall take effect January 1,
2778 2019.

2780 ===== T I T L E A M E N D M E N T =====

2781 And the title is amended as follows:

2782 Delete everything before the enacting clause
2783 and insert:

2784 A bill to be entitled
2785 An act relating to motor vehicle insurance; repealing
2786 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,
2787 627.734, 627.736, 627.737, 627.739, 627.7401,
2788 627.7403, and 627.7405, F.S., which comprise the
2789 Florida Motor Vehicle No-Fault Law; repealing s.
2790 627.7407, F.S., relating to application of the Florida
2791 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;
2792 revising a requirement for proof of security on a
2793 motor vehicle and the applicability of the
2794 requirement; amending s. 318.18, F.S.; conforming a



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2795 provision to changes made by the act; amending s.
2796 320.02, F.S.; revising the motor vehicle insurance
2797 coverages that an applicant must show to register
2798 certain vehicles with the Department of Highway Safety
2799 and Motor Vehicles; deleting a requirement that
2800 specified information be included on a certain
2801 insurance proof-of-purchase card; revising
2802 construction; amending s. 320.0609, F.S.; conforming a
2803 provision to changes made by the act; amending s.
2804 320.27, F.S.; defining the term "garage liability
2805 insurance"; revising garage liability insurance
2806 requirements for motor vehicle dealer applicants;
2807 conforming a provision to changes made by the act;
2808 amending s. 320.771, F.S.; revising garage liability
2809 insurance requirements for recreational vehicle dealer
2810 license applicants; amending ss. 322.251 and 322.34,
2811 F.S.; conforming provisions to changes made by the
2812 act; amending s. 324.011, F.S.; revising legislative
2813 intent; amending s. 324.021, F.S.; revising
2814 definitions of the terms "motor vehicle" and "proof of
2815 financial responsibility"; revising, at specified
2816 timeframes, minimum coverage requirements for proof of
2817 financial responsibility for specified motor vehicles;
2818 defining the term "for-hire passenger transportation
2819 vehicle"; conforming provisions to changes made by the
2820 act; amending s. 324.022, F.S.; revising, at specified
2821 timeframes, minimum liability coverage requirements
2822 for motor vehicle owners or operators; revising
2823 authorized methods for meeting such requirements;



2824 revising the vehicles that are excluded from the
2825 definition of the term "motor vehicle" and providing
2826 security requirements for certain excluded vehicles;
2827 conforming provisions to changes made by the act;
2828 conforming cross-references; amending s. 324.0221,
2829 F.S.; revising applicability of certain insurer
2830 reporting and notice requirements as to policies
2831 providing certain coverages; conforming provisions to
2832 changes made by the act; amending s. 324.023, F.S.;
2833 conforming cross-references; amending s. 324.031,
2834 F.S.; revising applicability of a provision
2835 authorizing certain methods of proving financial
2836 responsibility; revising, at specified timeframes, the
2837 amount of a certificate of deposit required for a
2838 specified method of proof of financial responsibility;
2839 revising excess liability coverage requirements for a
2840 person electing to use such method; amending s.
2841 324.032, F.S.; revising financial responsibility
2842 requirements for owners or lessees of for-hire
2843 passenger transportation vehicles and the
2844 applicability of such requirements; revising a
2845 requirement for a motor vehicle liability policy
2846 obtained to comply with such requirements; amending
2847 ss. 324.051, 324.071, 324.091, and 324.151, F.S.;
2848 making technical changes; amending s. 324.161, F.S.;
2849 revising requirements for a certificate of deposit
2850 that is required if a person elects a certain method
2851 of providing financial responsibility; amending s.
2852 324.171, F.S.; revising, at specified timeframes, the



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2853 minimum net worth requirements to qualify certain
2854 persons as self-insurers; conforming provisions to
2855 changes made by the act; amending s. 324.251, F.S.;
2856 revising the short title and an effective date;
2857 amending s. 400.9905, F.S.; revising the definition of
2858 the term "clinic"; amending ss. 400.991 and 400.9935,
2859 F.S.; conforming provisions to changes made by the
2860 act; amending s. 409.901, F.S.; revising the
2861 definition of the term "third-party benefit"; amending
2862 s. 409.910, F.S.; revising the definition of the term
2863 "medical coverage"; making technical changes; amending
2864 s. 456.057, F.S.; conforming a cross-reference;
2865 amending s. 456.072, F.S.; revising specified grounds
2866 for discipline for certain health professions;
2867 amending s. 626.9541, F.S.; conforming a provision to
2868 changes made by the act; revising the type of
2869 insurance coverage applicable to a certain prohibited
2870 act; conforming a cross-reference; amending s.
2871 626.989, F.S.; revising the definition of the term
2872 "fraudulent insurance act"; amending s. 627.06501,
2873 F.S.; revising coverages that may provide for a
2874 reduction in motor vehicle insurance policy premium
2875 charges under certain circumstances; amending s.
2876 627.0652, F.S.; revising coverages that must provide a
2877 premium charge reduction under certain circumstances;
2878 amending s. 627.0653, F.S.; revising coverages subject
2879 to premium discounts for specified motor vehicle
2880 equipment; amending s. 627.4132, F.S.; revising the
2881 coverages of a motor vehicle policy which are subject



2882 to a stacking prohibition; amending s. 627.7263, F.S.;
2883 revising provisions relating to designation of primary
2884 coverages for rental and leasing driver's insurance;
2885 conforming provisions to changes made by the act;
2886 creating s. 627.7265, F.S.; requiring specified motor
2887 vehicle liability insurance policies to include
2888 medical payments coverage; specifying persons such
2889 coverage must protect; specifying the minimum medical
2890 expense coverage and minimum death benefit required
2891 under such coverage; providing construction relating
2892 to limits on certain other coverages; prohibiting
2893 insurers from offering such coverage to an applicant
2894 or policyholder with a deductible; specifying medical
2895 services and care required under such coverage;
2896 authorizing insurers to exclude medical payment
2897 benefits under certain circumstances; providing that
2898 medical payments benefits are primary to certain
2899 health insurance benefits and apply to the coinsurance
2900 or deductible amounts required by certain health
2901 insurance policies, except under certain
2902 circumstances; providing that a medical payments
2903 insurance policy, under certain circumstances, may
2904 include a subrogation provision for medical payments
2905 benefits paid; requiring insurers, upon receiving a
2906 certain notice, to hold a specified reserve for
2907 certain purposes for a specified time; providing that
2908 the reserve requirement does not require insurers to
2909 establish a claim reserve for accounting purposes;
2910 specifying requirements, procedures, limitations, and



2911 prohibitions relating to charges and billing for care
2912 of bodily injuries under medical payments coverage;
2913 defining the term "service year"; requiring the
2914 Department of Health to adopt a certain rule;
2915 providing insurers a civil cause of action against
2916 certain persons who are convicted of or plead guilty
2917 or nolo contendere to certain acts of insurance fraud
2918 associated with claims for medical payments coverage
2919 benefits; requiring insurers receiving notice of a
2920 claim to provide a specified fraud advisory notice to
2921 certain persons; providing that claims generated as a
2922 result of certain patient brokering activities are
2923 nonreimbursable; authorizing notices, documentation,
2924 transmissions, or communications to be transferred
2925 electronically in a secure manner; amending s.
2926 627.727, F.S.; conforming provisions to changes made
2927 by the act; amending s. 627.7275, F.S.; revising
2928 applicability and required coverages for a motor
2929 vehicle insurance policy; conforming provisions to
2930 changes made by the act; amending s. 627.728, F.S.;
2931 conforming a provision to changes made by the act;
2932 amending s. 627.7295, F.S.; revising the definitions
2933 of the terms "policy" and "binder"; revising the
2934 coverages of a motor vehicle insurance policy for
2935 which a licensed general lines agent may charge a
2936 specified fee; revising applicability; conforming a
2937 cross-reference; amending s. 627.7415, F.S.; revising,
2938 at specified intervals, the minimum levels of certain
2939 liability insurance required for commercial motor



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2940 vehicles; amending s. 627.8405, F.S.; revising
2941 coverages in a policy sold in combination with an
2942 accidental death and dismemberment policy, which a
2943 premium finance company may not finance; revising
2944 rulemaking authority of the commission; amending ss.
2945 627.915, 628.909, 705.184, and 713.78, F.S.;
2946 conforming provisions to changes made by the act;
2947 amending s. 817.234, F.S.; revising coverages that are
2948 the basis of specified prohibited false and fraudulent
2949 insurance claims; conforming a provision to changes
2950 made by the act; conforming a cross-reference;
2951 providing applicability and construction relating to
2952 changes made by the act; defining the term "minimum
2953 security requirements"; providing requirements and
2954 procedures relating to motor vehicle insurance
2955 policies that include personal injury protection as of
2956 a specified date; requiring an insurer to provide, by
2957 a specified date, a specified notice to policyholders
2958 relating to requirements under the act; providing for
2959 construction relating to suspensions for failure to
2960 maintain required security in effect before a
2961 specified date; providing an appropriation; providing
2962 effective dates.