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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
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Appropriations Subcommittee on Health and Human Services (Lee)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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Vehicle No-Fault Law, are repealed.

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 Section 627.7407, Florida Statutes, is repealed.

Section 3. Subsection (1) of section 316.646, Florida



244072

11 Statutes, is amended to read:

12 316.646 Security required; proof of security and display  
13 thereof.—

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

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

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

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

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

36 318.18 Amount of penalties.—The penalties required for a  
37 noncriminal disposition pursuant to s. 318.14 or a criminal  
38 offense listed in s. 318.17 are as follows:

39 (2) Thirty dollars for all nonmoving traffic violations



244072

40 and:

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

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

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

61 3. If a person who is cited for a violation of s. 316.646  
62 can show proof of security as required by s. 324.021(7) ~~s.~~  
63 ~~627.733~~, issued to the person and valid at the time of arrest,  
64 the clerk of the court may dismiss the case and may assess a  
65 dismissal fee of up to \$10. A person who finds it impossible or  
66 impractical to obtain proof of security must submit an affidavit  
67 detailing the reasons for the impracticality. The reasons may  
68 include, but are not limited to, the fact that the vehicle has



244072

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

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

75 320.02 Registration required; application for registration;  
76 forms.—

77 (5) (a) Proof that bodily injury liability coverage and  
78 property damage liability coverage ~~personal injury protection~~  
79 ~~benefits~~ have been purchased if required under s. 324.022, s.  
80 324.032, or s. 627.742, that medical payments coverage has been  
81 purchased if required under s. 627.7265 ~~s. 627.733, that~~  
82 ~~property damage liability coverage has been purchased as~~  
83 ~~required under s. 324.022, that bodily injury liability or death~~  
84 coverage has been purchased if required under s. 324.023, and  
85 that combined bodily liability insurance and property damage  
86 liability insurance have been purchased if required under s.  
87 627.7415 must ~~shall~~ be provided in the manner prescribed by law  
88 by the applicant at the time of application for registration of  
89 any motor vehicle that is subject to such requirements. The  
90 issuing agent may not ~~shall refuse to~~ issue registration if such  
91 proof of purchase is not provided. Insurers shall furnish  
92 uniform proof-of-purchase cards in a paper or electronic format  
93 in a form prescribed by the department and include the name of  
94 the insured's insurance company, the coverage identification  
95 number, and the make, year, and vehicle identification number of  
96 the vehicle insured. The card must contain a statement notifying  
97 the applicant of the penalty specified under s. 316.646(4). The



244072

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

106  
107 Under penalty of perjury, I ...(Name of insured)... do hereby  
108 certify that I have ...(bodily injury liability and Personal  
109 ~~Injury Protection~~, property damage liability coverage, and  
110 medical payments coverage, and, if required, Bodily Injury  
111 Liability)... Insurance currently in effect with ...(Name of  
112 insurance company)... under ...(policy number)... covering  
113 ...(make, year, and vehicle identification number of  
114 vehicle).... ...(Signature of Insured)...

115  
116 Such affidavit must include the following warning:

117  
118 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
119 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
120 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
121 SUBJECT TO PROSECUTION.

122  
123 If an application is made through a licensed motor vehicle  
124 dealer as required under s. 319.23, the original or a photocopy  
125 ~~photostatic copy~~ of such card, insurance policy, insurance  
126 policy binder, or certificate of insurance or the original



244072

127 affidavit from the insured must ~~shall~~ be forwarded by the dealer  
128 to the tax collector of the county or the Department of Highway  
129 Safety and Motor Vehicles for processing. By executing the  
130 ~~aforsaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not  
131 ~~will be~~ liable in damages for any inadequacy, insufficiency, or  
132 falsification of any statement contained therein. ~~A card must~~  
133 ~~also indicate the existence of any bodily injury liability~~  
134 ~~insurance voluntarily purchased.~~

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

155 Section 6. Paragraph (b) of subsection (1) of section



244072

156 320.0609, Florida Statutes, is amended to read:

157 320.0609 Transfer and exchange of registration license  
158 plates; transfer fee.—

159 (1)

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

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

168 320.27 Motor vehicle dealers.—

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

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

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

178 2. Beginning January 1, 2021, and thereafter, at least  
179 \$60,000.

180 (3) APPLICATION AND FEE.—The ~~application for the license~~  
181 application must shall be in such form as may be prescribed by  
182 the department and is shall be subject to such rules ~~with~~  
183 ~~respect thereto~~ as may be so prescribed by the department it.  
184 Such application must shall be verified by oath or affirmation



244072

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





244072

214 motor vehicle that the applicant is franchised to sell must  
215 ~~shall~~ be included, or an independent (nonfranchised) motor  
216 vehicle dealer. The application must ~~shall~~ contain other  
217 relevant information as may be required by the department. The  
218 applicant must furnish, including evidence, in a form approved  
219 by the department, that the applicant is insured under a garage  
220 liability insurance policy or a general liability insurance  
221 policy coupled with a business automobile policy having the  
222 garage liability insurance coverage required by this subsection,  
223 ~~which shall include, at a minimum, \$25,000 combined single-limit~~  
224 ~~liability coverage including bodily injury and property damage~~  
225 ~~protection and \$10,000 personal injury protection.~~ However, a  
226 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.  
227 is exempt from the requirements for garage liability insurance  
228 and medical payments coverage insurance ~~and personal injury~~  
229 ~~protection insurance~~ on those vehicles that cannot be legally  
230 operated on roads, highways, or streets in this state. Franchise  
231 dealers must submit a garage liability insurance policy, and all  
232 other dealers must submit a garage liability insurance policy or  
233 a general liability insurance policy coupled with a business  
234 automobile policy. Such policy must ~~shall~~ be for the license  
235 period, and evidence of a new or continued policy must ~~shall~~ be  
236 delivered to the department at the beginning of each license  
237 period. Upon making an initial application, the applicant shall  
238 pay to the department a fee of \$300 in addition to any other  
239 fees required by law. Applicants may choose to extend the  
240 licensure period for 1 additional year for a total of 2 years.  
241 An initial applicant shall pay to the department a fee of \$300  
242 for the first year and \$75 for the second year, in addition to



244072

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

265 Section 8. Paragraph (j) of subsection (3) of section  
266 320.771, Florida Statutes, is amended to read:

267 320.771 License required of recreational vehicle dealers.-

268 (3) APPLICATION.-The application for such license shall be  
269 in the form prescribed by the department and subject to such  
270 rules as may be prescribed by it. The application shall be  
271 verified by oath or affirmation and shall contain:



244072

272 (j) A statement that the applicant is insured under a  
273 garage liability insurance policy in accordance with s.  
274 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~  
275 ~~combined single limit liability coverage, including bodily~~  
276 ~~injury and property damage protection, and \$10,000 personal~~  
277 ~~injury protection~~, if the applicant is to be licensed as a  
278 dealer in, or intends to sell, recreational vehicles.

279

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

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

287 322.251 Notice of cancellation, suspension, revocation, or  
288 disqualification of license.-

289 (1) All orders of cancellation, suspension, revocation, or  
290 disqualification issued under ~~the provisions of~~ this chapter,  
291 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~  
292 be given either by personal delivery thereof to the licensee  
293 whose license is being canceled, suspended, revoked, or  
294 disqualified or by deposit in the United States mail in an  
295 envelope, first class, postage prepaid, addressed to the  
296 licensee at his or her last known mailing address furnished to  
297 the department. Such mailing by the department constitutes  
298 notification, and any failure by the person to receive the  
299 mailed order will not affect or stay the effective date or term  
300 of the cancellation, suspension, revocation, or disqualification



244072

301 of the licensee's driving privilege.

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

313 Section 10. Paragraph (a) of subsection (8) of section  
314 322.34, Florida Statutes, is amended to read:

315 322.34 Driving while license suspended, revoked, canceled,  
316 or disqualified.—

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

320 1. Whether the person's driver license is suspended or  
321 revoked.

322 2. Whether the person's driver license has remained  
323 suspended or revoked since a conviction for the offense of  
324 driving with a suspended or revoked license.

325 3. Whether the suspension or revocation was made under s.  
326 316.646 ~~or s. 627.733~~, relating to failure to maintain required  
327 security, or under s. 322.264, relating to habitual traffic  
328 offenders.

329 4. Whether the driver is the registered owner or coowner of



244072

330 the vehicle.

331 Section 11. Section 324.011, Florida Statutes, is amended  
332 to read:

333 324.011 Legislative intent and purpose of chapter.—It is  
334 the Legislature's intent of this chapter to ensure that the  
335 privilege of owning or operating a motor vehicle in this state  
336 be exercised ~~recognize the existing privilege to own or operate~~  
337 ~~a motor vehicle on the public streets and highways of this state~~  
338 ~~when such vehicles are used with due consideration for others'~~  
339 safety ~~others~~ and their property, ~~and~~ to promote safety, and to  
340 provide financial security requirements for ~~such~~ owners and ~~or~~  
341 operators whose responsibility it is to recompense others for  
342 injury to person or property caused by the operation of a motor  
343 vehicle. Therefore, this chapter requires that every owner or  
344 operator of a motor vehicle required to be registered in this  
345 state establish, maintain, and ~~it is required herein that the~~  
346 ~~operator of a motor vehicle involved in a crash or convicted of~~  
347 ~~certain traffic offenses meeting the operative provisions of s.~~  
348 ~~324.051(2) shall respond for such damages and show proof of~~  
349 financial ability to respond for damages arising out of the  
350 ownership, maintenance, or use of a motor vehicle in future  
351 accidents as a requisite to owning or operating a motor vehicle  
352 in this state ~~his or her future exercise of such privileges.~~

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

356 324.021 Definitions; minimum insurance required.—The  
357 following words and phrases when used in this chapter shall, for  
358 the purpose of this chapter, have the meanings respectively



244072

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

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

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

378 (a) With respect to a motor vehicle that is not a  
379 commercial motor vehicle, nonpublic sector bus, or for-hire  
380 passenger transportation vehicle:

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

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

385 ~~(b)~~ subject to such limits for one person, in the amount of  
386 \$40,000 for \$20,000 because of bodily injury to, or the death  
387 of, two or more persons in any one crash; and



244072

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

390 2. Beginning January 1, 2021, and thereafter, in the amount  
391 of:

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

397 b. ~~(e)~~ Ten thousand dollars for damage ~~In the amount of~~  
398 ~~\$10,000 because of injury to, or destruction of, property of~~  
399 ~~others in any one crash.; and~~

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

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

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

407 (9) OWNER; OWNER/LESSOR.—

408 (c) *Application.*—

409 1. The limits on liability in subparagraphs (b)2. and 3. do  
410 not apply to an owner of motor vehicles that are used for  
411 commercial activity in the owner's ordinary course of business,  
412 other than a rental company that rents or leases motor vehicles.  
413 For purposes of this paragraph, the term "rental company"  
414 includes only an entity that is engaged in the business of  
415 renting or leasing motor vehicles to the general public and that  
416 rents or leases a majority of its motor vehicles to persons with



244072

417 no direct or indirect affiliation with the rental company. The  
418 term also includes a motor vehicle dealer that provides  
419 temporary replacement vehicles to its customers for up to 10  
420 days. The term "rental company" also includes:

421 a. A related rental or leasing company that is a subsidiary  
422 of the same parent company as that of the renting or leasing  
423 company that rented or leased the vehicle.

424 b. The holder of a motor vehicle title or an equity  
425 interest in a motor vehicle title if the title or equity  
426 interest is held pursuant to or to facilitate an asset-backed  
427 securitization of a fleet of motor vehicles used solely in the  
428 business of renting or leasing motor vehicles to the general  
429 public and under the dominion and control of a rental company,  
430 as described in this subparagraph, in the operation of such  
431 rental company's business.

432 2. Furthermore, with respect to commercial motor vehicles  
433 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on  
434 liability in subparagraphs (b)2. and 3. do not apply if, at the  
435 time of the incident, the commercial motor vehicle is being used  
436 in the transportation of materials found to be hazardous for the  
437 purposes of the Hazardous Materials Transportation Authorization  
438 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is  
439 required pursuant to such act to carry placards warning others  
440 of the hazardous cargo, unless at the time of lease or rental  
441 either:

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





244072

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

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

454           Section 13. Section 324.022, Florida Statutes, is amended  
455 to read:

456           324.022 Financial responsibility requirements ~~for property~~  
457 ~~damage.—~~

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

463           1. Beginning January 1, 2019, and continuing through  
464 December 31, 2020:

465           a. Twenty thousand dollars for bodily injury to, or the  
466 death of, one person in any one crash and, subject to such  
467 limits for one person, in the amount of \$40,000 for bodily  
468 injury to, or the death of, two or more persons in any one  
469 crash; and

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

472           2. Beginning January 1, 2021, and thereafter:

473           a. Twenty-five thousand dollars for bodily injury to, or  
474 the death of, one person in any one crash and, subject to such



244072

475 limits for one person, in the amount of \$50,000 for bodily  
476 injury to, or the death of, two or more persons in any one  
477 crash; and

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

480 (b) The requirements of paragraph (a) this section may be  
481 met by one of the methods established in s. 324.031; by self-  
482 insuring as authorized by s. 768.28(16); or by maintaining  
483 medical payments coverage under s. 627.7265 and a motor vehicle  
484 liability insurance policy that an insurance policy providing  
485 coverage for property damage liability in the amount of at least  
486 \$10,000 because of damage to, or destruction of, property of  
487 others in any one accident arising out of the use of the motor  
488 vehicle. The requirements of this section may also be met by  
489 having a policy which provides combined property damage  
490 liability and bodily injury liability coverage for any one crash  
491 arising out of the ownership, maintenance, or use of a motor  
492 vehicle which conforms to the requirements of s. 324.151 in the  
493 amount of:

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

496 2. At least \$60,000 for every owner or operator subject to  
497 the financial responsibility required in subparagraph (1)(a)2.  
498 ~~\$30,000 for combined property damage liability and bodily injury~~  
499 ~~liability for any one crash arising out of the use of the motor~~  
500 ~~vehicle. The policy, with respect to coverage for property~~  
501 ~~damage liability, must meet the applicable requirements of s.~~  
502 ~~324.151, subject to the usual policy exclusions that have been~~  
503 ~~approved in policy forms by the Office of Insurance Regulation.~~



244072

504 ~~No insurer shall have any duty to defend uncovered claims~~  
505 ~~irrespective of their joinder with covered claims.~~

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

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

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

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

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

520 4. A commercial motor vehicle as defined in s. 207.002 or  
521 s. 320.01, which shall maintain security as required under ss.  
522 324.031 and 627.7415.

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

525 ~~6.4. A vehicle providing for-hire passenger transportation~~  
526 ~~vehicle, which that is subject to the provisions of s. 324.031.~~  
527 ~~A taxicab shall maintain security as required under s. 324.032~~  
528 ~~s. 324.032(1).~~

529 ~~7.5. A personal delivery device as defined in s. 316.003.~~

530 (b) "Owner" means the person who holds legal title to a  
531 motor vehicle or the debtor or lessee who has the right to  
532 possession of a motor vehicle that is the subject of a security



244072

533 agreement or lease with an option to purchase.

534 (3) Each nonresident owner or registrant of a motor vehicle  
535 that, whether operated or not, has been physically present  
536 within this state for more than 90 days during the preceding 365  
537 days shall maintain security as required by subsection (1). The  
538 security must be that is in effect continuously throughout the  
539 period the motor vehicle remains within this state.

540 (4) An ~~The~~ owner or registrant of a motor vehicle who is  
541 ~~exempt from the requirements of this section if she or he is a~~  
542 member of the United States Armed Forces and is called to or on  
543 active duty outside the United States in an emergency situation  
544 is exempt from this section while he or she. ~~The exemption~~  
545 ~~provided by this subsection applies only as long as the member~~  
546 ~~of the Armed Forces is on such active duty.~~ This exemption  
547 outside the United States and applies only while the vehicle  
548 covered by the security is not operated by any person. Upon  
549 receipt of a written request by the insured to whom the  
550 exemption provided in this subsection applies, the insurer shall  
551 cancel the coverages and return any unearned premium or suspend  
552 the security required by this section. Notwithstanding s.  
553 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the  
554 registration or operator's license of an ~~any~~ owner or registrant  
555 of a motor vehicle during the time she or he qualifies for the  
556 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant  
557 of a motor vehicle who qualifies for the ~~an~~ exemption under this  
558 subsection shall immediately notify the department before ~~prior~~  
559 ~~to~~ and at the end of the expiration of the exemption.

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



244072

562           324.0221 Reports by insurers to the department; suspension  
563 of driver license and vehicle registrations; reinstatement.—

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

585           (b) With respect to an insurance policy providing medical  
586 payments coverage or personal injury protection coverage ~~or~~  
587 ~~property damage~~ liability coverage, each insurer shall notify  
588 the named insured, or the first-named insured in the case of a  
589 commercial fleet policy, in writing that any cancellation or  
590 nonrenewal of the policy will be reported by the insurer to the



244072

591 department. The notice must also inform the named insured that  
592 failure to maintain medical payments coverage, bodily injury  
593 liability ~~personal injury protection~~ coverage, and property  
594 damage liability coverage on a motor vehicle when required by  
595 law may result in the loss of registration and driving  
596 privileges in this state and inform the named insured of the  
597 amount of the reinstatement fees required by this section. This  
598 notice is for informational purposes only, and an insurer is not  
599 civilly liable for failing to provide this notice.

600 (2) The department shall suspend, after due notice and an  
601 opportunity to be heard, the registration and driver license of  
602 any owner or registrant of a motor vehicle for ~~with respect to~~  
603 which security is required under s. 324.022, s. 324.032, s.  
604 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

609 (b) Notification by the insurer to the department, in a  
610 form approved by the department, of cancellation or termination  
611 of the required security.

612 Section 15. Section 324.023, Florida Statutes, is amended  
613 to read:

614 324.023 Financial responsibility for bodily injury or  
615 death.—In addition to any other financial responsibility  
616 required by law, every owner or operator of a motor vehicle that  
617 is required to be registered in this state, or that is located  
618 within this state, and who, regardless of adjudication of guilt,  
619 has been found guilty of or entered a plea of guilty or nolo



244072

620 | contendere to a charge of driving under the influence under s.  
621 | 316.193 after October 1, 2007, shall, by one of the methods  
622 | established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,  
623 | establish and maintain the ability to respond in damages for  
624 | liability on account of accidents arising out of the use of a  
625 | motor vehicle in the amount of \$100,000 because of bodily injury  
626 | to, or death of, one person in any one crash and, subject to  
627 | such limits for one person, in the amount of \$300,000 because of  
628 | bodily injury to, or death of, two or more persons in any one  
629 | crash and in the amount of \$50,000 because of property damage in  
630 | any one crash. If the owner or operator chooses to establish and  
631 | maintain such ability by furnishing a certificate of deposit  
632 | pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of  
633 | deposit must be at least \$350,000. Such higher limits must be  
634 | carried for a minimum period of 3 years. If the owner or  
635 | operator has not been convicted of driving under the influence  
636 | or a felony traffic offense for a period of 3 years from the  
637 | date of reinstatement of driving privileges for a violation of  
638 | s. 316.193, the owner or operator shall be exempt from this  
639 | section.

640 |       Section 16. Section 324.031, Florida Statutes, is amended  
641 | to read:

642 |       324.031 Manner of proving financial responsibility.-

643 |       (1) ~~The owner or operator of a taxicab, limousine, jitney,~~  
644 | ~~or any other for-hire passenger transportation vehicle may prove~~  
645 | ~~financial responsibility by providing satisfactory evidence of~~  
646 | ~~holding a motor vehicle liability policy as defined in s.~~  
647 | ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~  
648 | ~~carrier which is a member of the Florida Insurance Guaranty~~



244072

649 ~~Association.~~ The operator or owner of a motor vehicle other than  
650 a for-hire passenger transportation vehicle ~~any other vehicle~~  
651 may prove his or her financial responsibility by:

652 (a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor  
653 vehicle liability policy as defined in ss. 324.021(8) and  
654 324.151;

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

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

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

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

666 2. Sixty thousand dollars ~~\$30,000,~~ to a maximum of  
667 \$240,000, from January 1, 2021, and thereafter. ~~\$120,000;~~

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

672 1. One hundred twenty-five thousand dollars for bodily  
673 injury to, or the death of, one person in any one crash and,  
674 subject to such limits for one person, in the amount of \$250,000  
675 for bodily injury to, or the death of, two or more persons in  
676 any one crash, and \$50,000 for damage to, or destruction of,  
677 property of others in any one crash; or ~~\$10,000/20,000/10,000 or~~





244072

678 ~~\$30,000 combined single limits, and such excess insurance shall~~  
679 ~~provide minimum limits of \$125,000/250,000/50,000 or \$300,000~~  
680 ~~combined single limits. These increased limits shall not affect~~  
681 ~~the requirements for proving financial responsibility under s.~~  
682 ~~324.032(1).~~

683 2. Three hundred thousand dollars for combined bodily  
684 injury liability and property damage liability for any one  
685 crash.

686 Section 17. Section 324.032, Florida Statutes, is amended  
687 to read:

688 324.032 ~~Manner of proving~~ Financial responsibility ~~for~~  
689 ~~for-hire passenger transportation vehicles. Notwithstanding the~~  
690 ~~provisions of s. 324.031:~~

691 (1) An owner or lessee of a for-hire passenger  
692 transportation vehicle that is required to be registered in this  
693 state shall establish and continuously maintain the ability to  
694 respond in damages for liability on account of accidents arising  
695 out of the ownership, maintenance, or use of the for-hire  
696 passenger transportation vehicle, in the amount of:

697 (a) 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 ~~A person who is either the owner or a lessee~~  
702 ~~required to maintain insurance under s. 627.733(1)(b) and who~~  
703 ~~operates one or more taxicabs, limousines, jitneys, or any other~~  
704 ~~for-hire passenger transportation vehicles may prove financial~~  
705 ~~responsibility by furnishing satisfactory evidence of holding a~~  
706 ~~motor vehicle liability policy, but with minimum limits of~~



244072

707 ~~\$125,000/250,000/50,000.~~

708       (b) Fifty thousand dollars for damage to, or destruction  
709 of, property of others in any one crash ~~A person who is either~~  
710 ~~the owner or a lessee required to maintain insurance under s.~~  
711 ~~324.021(9) (b) and who operates limousines, jitneys, or any other~~  
712 ~~for-hire passenger vehicles, other than taxicabs, may prove~~  
713 ~~financial responsibility by furnishing satisfactory evidence of~~  
714 ~~holding a motor vehicle liability policy as defined in s.~~  
715 ~~324.031.~~

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

722       (3) ~~(2)~~ ~~An owner or a lessee who is required to maintain~~  
723 ~~insurance under s. 324.021(9) (b) and who operates at least 300~~  
724 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~  
725 ~~transportation vehicles may provide financial responsibility by~~  
726 ~~complying with the provisions of s. 324.171, such compliance to~~  
727 ~~be demonstrated by maintaining at its principal place of~~  
728 ~~business an audited financial statement, prepared in accordance~~  
729 ~~with generally accepted accounting principles, and providing to~~  
730 ~~the department a certification issued by a certified public~~  
731 ~~accountant that the applicant's net worth is at least equal to~~  
732 ~~the requirements of s. 324.171 as determined by the Office of~~  
733 ~~Insurance Regulation of the Financial Services Commission,~~  
734 ~~including claims liabilities in an amount certified as adequate~~  
735 ~~by a Fellow of the Casualty Actuarial Society.~~



244072

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

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

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

(2)

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

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

2. To such operator, if not the owner of such motor



244072

765 vehicle, if there was in effect at the time of such crash or  
766 traffic conviction a motor vehicle ~~an automobile~~ liability  
767 policy or bond with respect to his or her operation of motor  
768 vehicles not owned by him or her.

769 3. To such operator or owner if the liability of such  
770 operator or owner for damages resulting from such crash is, in  
771 the judgment of the department, covered by any other form of  
772 liability insurance or bond.

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

776  
777 No such policy or bond shall be effective under this subsection  
778 unless it contains limits of not less than those specified in s.  
779 324.021(7).

780 Section 19. Section 324.071, Florida Statutes, is amended  
781 to read:

782 324.071 Reinstatement; renewal of license; reinstatement  
783 fee.—~~An~~ Any operator or owner whose license or registration has  
784 been suspended pursuant to s. 324.051(2), s. 324.072, s.  
785 324.081, or s. 324.121 may effect its reinstatement upon  
786 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or  
787 s. 324.081(2) and (3), as the case may be, and with one of the  
788 provisions of s. 324.031 and upon payment to the department of a  
789 nonrefundable reinstatement fee of \$15. Only one such fee may  
790 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the  
791 number of licenses and registrations to be then reinstated or  
792 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to  
793 a department trust fund. ~~If~~ When the reinstatement of any



244072

794 license or registration is effected by compliance with s.  
795 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the  
796 license or registration within ~~a period of~~ 3 years after ~~from~~  
797 such reinstatement, nor may ~~shall~~ any other license or  
798 registration be issued in the name of such person, unless the  
799 operator continues ~~is continuing~~ to comply with ~~one of the~~  
800 ~~provisions of~~ s. 324.031.

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

803 324.091 Notice to department; notice to insurer.-

804 (1) Each owner and operator involved in a crash or  
805 conviction case within the purview of this chapter shall furnish  
806 evidence of automobile liability insurance or motor vehicle  
807 liability insurance within 14 days after the date of the mailing  
808 of notice of crash by the department in the form and manner as  
809 it may designate. Upon receipt of evidence that a ~~an automobile~~  
810 ~~liability policy or~~ motor vehicle liability policy was in effect  
811 at the time of the crash or conviction case, the department  
812 shall forward to the insurer such information for verification  
813 in a method as determined by the department. The insurer shall  
814 respond to the department within 20 days after the notice as to  
815 whether or not such information is valid. If the department  
816 determines that a ~~an automobile liability policy or~~ motor  
817 vehicle liability policy was not in effect and did not provide  
818 coverage for both the owner and the operator, it must ~~shall~~ take  
819 action as it is authorized to do under this chapter.

820 Section 21. Section 324.151, Florida Statutes, is amended  
821 to read:

822 324.151 Motor vehicle liability policies; required



244072

823 provisions.-

824 (1) A motor vehicle liability policy that serves as to be  
825 proof of financial responsibility under s. 324.031(1) must  
826 ~~shall~~ be issued to owners or operators of motor vehicles under  
827 the following provisions:

828 (a) A motor vehicle ~~An owner's~~ liability insurance policy  
829 issued to an owner of a motor vehicle registered in this state  
830 must ~~shall~~ designate by explicit description or by appropriate  
831 reference all motor vehicles for ~~with respect to~~ which coverage  
832 is thereby granted. The policy must ~~and shall~~ insure the person  
833 or persons ~~owner~~ named therein and any other person as operator  
834 using such motor vehicle or motor vehicles with the express or  
835 implied permission of such owner against loss from the liability  
836 imposed by law for damage arising out of the ownership,  
837 maintenance, or use of any ~~such~~ motor vehicle or motor vehicles  
838 within the United States or the Dominion of Canada, subject to  
839 limits, exclusive of interest and costs with respect to each  
840 such motor vehicle as is provided for under s. 324.021(7).  
841 Insurers may make available, with respect to property damage  
842 liability coverage, a deductible amount not to exceed \$500. In  
843 the event of a property damage loss covered by a policy  
844 containing a property damage deductible provision, the insurer  
845 shall pay to the third-party claimant the amount of any property  
846 damage liability settlement or judgment, subject to policy  
847 limits, as if no deductible existed.

848 (b) An operator's motor vehicle liability policy of  
849 insurance must ~~shall~~ insure the person or persons named therein  
850 against loss from the liability imposed ~~upon him or her~~ by law  
851 for damages arising out of the use by the person of any motor



244072

852 vehicle not owned by him or her, with the same territorial  
853 limits and subject to the same limits of liability as referred  
854 to above with respect to an owner's policy of liability  
855 insurance.

856 (c) All such motor vehicle liability policies must ~~shall~~  
857 state the name and address of the named insured, the coverage  
858 afforded by the policy, the premium charged therefor, the policy  
859 period, the limits of liability, and must ~~shall~~ contain an  
860 agreement or be endorsed that insurance is provided in  
861 accordance with the coverage defined in this chapter ~~as respects~~  
862 ~~bodily injury and death or property damage or both~~ and is  
863 subject to all provisions of this chapter. The ~~Said~~ policies  
864 must ~~shall~~ also contain a provision that the satisfaction by an  
865 insured of a judgment for such injury or damage may ~~shall~~ not be  
866 a condition precedent to the right or duty of the insurance  
867 carrier to make payment on account of such injury or damage, and  
868 must ~~shall~~ also contain a provision that bankruptcy or  
869 insolvency of the insured or of the insured's estate may ~~shall~~  
870 not relieve the insurance carrier of any of its obligations  
871 under the ~~said~~ policy.

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

877 Section 22. Section 324.161, Florida Statutes, is amended  
878 to read:

879 324.161 Proof of financial responsibility; deposit.—If a  
880 person elects to prove his or her financial responsibility under



244072

881 the method of proof specified in s. 324.031(1)(b), he or she  
882 must obtain proof of a certificate of deposit annually, in the  
883 amount required under s. 324.031(2), from a financial  
884 institution insured by the Federal Deposit Insurance Corporation  
885 or the National Credit Union Administration. Proof of such  
886 certificate of deposit ~~Annually, before any certificate of~~  
887 ~~insurance may be issued to a person, including any firm,~~  
888 ~~partnership, association, corporation, or other person, other~~  
889 ~~than a natural person, proof of a certificate of deposit of~~  
890 ~~\$30,000 issued and held by a financial institution must be~~  
891 submitted to the department annually. A power of attorney will  
892 be issued to and held by the department and may be executed upon  
893 a judgment issued against such person making the deposit, for  
894 damages for ~~because of~~ bodily injury to or death of any person  
895 or for damages for ~~because of~~ injury to or destruction of  
896 property resulting from the use or operation of any motor  
897 vehicle occurring after such deposit was made. Money so  
898 deposited is ~~shall~~ not be subject to attachment or execution  
899 unless such attachment or execution arises ~~shall arise~~ out of a  
900 lawsuit ~~suit~~ for such damages ~~as aforesaid~~.

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

903 324.171 Self-insurer.—

904 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining  
905 a certificate of self-insurance from the department. ~~which may,~~  
906 ~~in its discretion and~~ Upon application of such a person, the  
907 department may issue a ~~said~~ certificate of self-insurance if the  
908 applicant ~~when such person~~ has satisfied the requirements of  
909 this section ~~to qualify as a self-insurer under this section:~~





910 (a) A private individual with private passenger vehicles  
911 must ~~shall~~ possess a net unencumbered worth: ~~of~~  
912 1. Beginning January 1, 2019, through December 31, 2020, of  
913 at least \$80,000.  
914 2. Beginning January 1, 2021, and thereafter, of at least  
915 \$100,000 ~~\$40,000.~~  
916 (b) A person, including any firm, partnership, association,  
917 corporation, or other person, other than a natural person, must  
918 ~~shall~~:  
919 1. Possess a net unencumbered worth: ~~of~~  
920 a. Beginning January 1, 2019, through December 31, 2020, of  
921 at least \$80,000 for the first motor vehicle and \$40,000 for  
922 each additional motor vehicle.  
923 b. Beginning January 1, 2021, and thereafter, of at least  
924 \$100,000 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~  
925 for each additional motor vehicle; or  
926 2. Maintain sufficient net worth, in an amount determined  
927 by the department, to be financially responsible for potential  
928 losses. The department shall annually determine the minimum net  
929 worth sufficient to satisfy this subparagraph ~~as determined~~  
930 ~~annually by the department,~~ pursuant to rules adopted  
931 ~~promulgated~~ by the department, with the assistance of the Office  
932 of Insurance Regulation of the Financial Services Commission, ~~to~~  
933 ~~be financially responsible for potential losses.~~ The rules must  
934 consider any ~~shall take into consideration~~ excess insurance  
935 carried by the applicant. The department's determination must  
936 ~~shall~~ be based upon reasonable actuarial principles considering  
937 the frequency, severity, and loss development of claims incurred  
938 by casualty insurers writing coverage on the type of motor



244072

939 vehicles for which a certificate of self-insurance is desired.

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

943 (2) The self-insurance certificate must ~~shall~~ provide  
944 limits of liability insurance in the amounts specified under s.  
945 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~  
946 ~~protection coverage under s. 627.733(3)(b).~~

947 Section 24. Section 324.251, Florida Statutes, is amended  
948 to read:

949 324.251 Short title.—This chapter may be cited as the  
950 “Financial Responsibility Law of 2018 1955” and is ~~shall become~~  
951 effective at 12:01 a.m., January 1, 2019 ~~October 1, 1955~~.

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

954 400.9905 Definitions.—

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

961 1. ~~(a)~~ Entities licensed or registered by the state under  
962 chapter 395; entities licensed or registered by the state and  
963 providing only health care services within the scope of services  
964 authorized under their respective licenses under ss. 383.30-  
965 383.335, chapter 390, chapter 394, chapter 397, this chapter  
966 except part X, chapter 429, chapter 463, chapter 465, chapter  
967 466, chapter 478, part I of chapter 483, chapter 484, or chapter



244072

968 651; end-stage renal disease providers authorized under 42  
969 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.  
970 part 485, subpart B or subpart H; or any entity that provides  
971 neonatal or pediatric hospital-based health care services or  
972 other health care services by licensed practitioners solely  
973 within a hospital licensed under chapter 395.

974 2.~~(b)~~ Entities that own, directly or indirectly, entities  
975 licensed or registered by the state pursuant to chapter 395;  
976 entities that own, directly or indirectly, entities licensed or  
977 registered by the state and providing only health care services  
978 within the scope of services authorized pursuant to their  
979 respective licenses under ss. 383.30-383.335, chapter 390,  
980 chapter 394, chapter 397, this chapter except part X, chapter  
981 429, chapter 463, chapter 465, chapter 466, chapter 478, part I  
982 of chapter 483, chapter 484, or chapter 651; end-stage renal  
983 disease providers authorized under 42 C.F.R. part 405, subpart  
984 U; providers certified under 42 C.F.R. part 485, subpart B or  
985 subpart H; or any entity that provides neonatal or pediatric  
986 hospital-based health care services by licensed practitioners  
987 solely within a hospital licensed under chapter 395.

988 3.~~(c)~~ Entities that are owned, directly or indirectly, by  
989 an entity licensed or registered by the state pursuant to  
990 chapter 395; entities that are owned, directly or indirectly, by  
991 an entity licensed or registered by the state and providing only  
992 health care services within the scope of services authorized  
993 pursuant to their respective licenses under ss. 383.30-383.335,  
994 chapter 390, chapter 394, chapter 397, this chapter except part  
995 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter  
996 478, part I of chapter 483, chapter 484, or chapter 651; end-



244072

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

1002 ~~4.(d)~~ Entities that are under common ownership, directly or  
1003 indirectly, with an entity licensed or registered by the state  
1004 pursuant to chapter 395; entities that are under common  
1005 ownership, directly or indirectly, with an entity licensed or  
1006 registered by the state and providing only health care services  
1007 within the scope of services authorized pursuant to their  
1008 respective licenses under ss. 383.30-383.335, chapter 390,  
1009 chapter 394, chapter 397, this chapter except part X, chapter  
1010 429, chapter 463, chapter 465, chapter 466, chapter 478, part I  
1011 of chapter 483, chapter 484, or chapter 651; end-stage renal  
1012 disease providers authorized under 42 C.F.R. part 405, subpart  
1013 U; providers certified under 42 C.F.R. part 485, subpart B or  
1014 subpart H; or any entity that provides neonatal or pediatric  
1015 hospital-based health care services by licensed practitioners  
1016 solely within a hospital licensed under chapter 395.

1017 ~~5.(e)~~ An entity that is exempt from federal taxation under  
1018 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan  
1019 under 26 U.S.C. s. 409 that has a board of trustees at least  
1020 two-thirds of which are Florida-licensed health care  
1021 practitioners and provides only physical therapy services under  
1022 physician orders, any community college or university clinic,  
1023 and any entity owned or operated by the federal or state  
1024 government, including agencies, subdivisions, or municipalities  
1025 thereof.



1026           ~~6.(f)~~ A sole proprietorship, group practice, partnership,  
1027 or corporation that provides health care services by physicians  
1028 covered by s. 627.419, that is directly supervised by one or  
1029 more of such physicians, and that is wholly owned by one or more  
1030 of those physicians or by a physician and the spouse, parent,  
1031 child, or sibling of that physician.

1032           ~~7.(g)~~ A sole proprietorship, group practice, partnership,  
1033 or corporation that provides health care services by licensed  
1034 health care practitioners under chapter 457, chapter 458,  
1035 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
1036 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
1037 chapter 490, chapter 491, or part I, part III, part X, part  
1038 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
1039 wholly owned by one or more licensed health care practitioners,  
1040 or the licensed health care practitioners set forth in this  
1041 paragraph and the spouse, parent, child, or sibling of a  
1042 licensed health care practitioner if one of the owners who is a  
1043 licensed health care practitioner is supervising the business  
1044 activities and is legally responsible for the entity's  
1045 compliance with all federal and state laws. However, a health  
1046 care practitioner may not supervise services beyond the scope of  
1047 the practitioner's license, except that, for the purposes of  
1048 this part, a clinic owned by a licensee in s. 456.053(3)(b)  
1049 which provides only services authorized pursuant to s.  
1050 456.053(3)(b) may be supervised by a licensee specified in s.  
1051 456.053(3)(b).

1052           ~~8.(h)~~ Clinical facilities affiliated with an accredited  
1053 medical school at which training is provided for medical  
1054 students, residents, or fellows.



244072

1055            9.~~(i)~~ Entities that provide only oncology or radiation  
1056 therapy services by physicians licensed under chapter 458 or  
1057 chapter 459 or entities that provide oncology or radiation  
1058 therapy services by physicians licensed under chapter 458 or  
1059 chapter 459 which are owned by a corporation whose shares are  
1060 publicly traded on a recognized stock exchange.

1061            10.~~(j)~~ Clinical facilities affiliated with a college of  
1062 chiropractic accredited by the Council on Chiropractic Education  
1063 at which training is provided for chiropractic students.

1064            11.~~(k)~~ Entities that provide licensed practitioners to  
1065 staff emergency departments or to deliver anesthesia services in  
1066 facilities licensed under chapter 395 and that derive at least  
1067 90 percent of their gross annual revenues from the provision of  
1068 such services. Entities claiming an exemption from licensure  
1069 under this paragraph must provide documentation demonstrating  
1070 compliance.

1071            12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or  
1072 perinatology clinical facilities or anesthesia clinical  
1073 facilities that are not otherwise exempt under paragraph (a) or  
1074 paragraph (k) and that are a publicly traded corporation or are  
1075 wholly owned, directly or indirectly, by a publicly traded  
1076 corporation. As used in this paragraph, a publicly traded  
1077 corporation is a corporation that issues securities traded on an  
1078 exchange registered with the United States Securities and  
1079 Exchange Commission as a national securities exchange.

1080            13.~~(m)~~ Entities that are owned by a corporation that has  
1081 \$250 million or more in total annual sales of health care  
1082 services provided by licensed health care practitioners where  
1083 one or more of the persons responsible for the operations of the



244072

1084 entity is a health care practitioner who is licensed in this  
1085 state and who is responsible for supervising the business  
1086 activities of the entity and is responsible for the entity's  
1087 compliance with state law for purposes of this part.

1088 14.~~(n)~~ Entities that employ 50 or more licensed health care  
1089 practitioners licensed under chapter 458 or chapter 459 where  
1090 the billing for medical services is under a single tax  
1091 identification number. The application for exemption under this  
1092 subsection must include ~~shall contain information that includes:~~  
1093 the name, residence, and business address and telephone ~~phone~~  
1094 number of the entity that owns the practice; a complete list of  
1095 the names and contact information of all the officers and  
1096 directors of the corporation; the name, residence address,  
1097 business address, and medical license number of each licensed  
1098 Florida health care practitioner employed by the entity; the  
1099 corporate tax identification number of the entity seeking an  
1100 exemption; a listing of health care services to be provided by  
1101 the entity at the health care clinics owned or operated by the  
1102 entity; and a certified statement prepared by an independent  
1103 certified public accountant which states that the entity and the  
1104 health care clinics owned or operated by the entity have not  
1105 received payment for health care services under medical payments  
1106 ~~personal injury protection~~ insurance coverage for the preceding  
1107 year. If the agency determines that an entity that ~~which~~ is  
1108 exempt under this subsection has received payments for medical  
1109 services under medical payments ~~personal injury protection~~  
1110 insurance coverage, the agency may deny or revoke the exemption  
1111 from licensure under this subsection.

1112 (b) Notwithstanding this subsection, an entity shall be



244072

1113 deemed a clinic and must be licensed under this part in order to  
1114 receive medical payments coverage reimbursement under s.  
1115 627.7265 unless the entity is: ~~the Florida Motor Vehicle No-~~  
1116 ~~Fault Law, ss. 627.730-627.7405, unless exempted under s.~~  
1117 ~~627.736(5) (h).~~

1118 1. Wholly owned by a physician licensed under chapter 458  
1119 or chapter 459, or by the physician and the spouse, parent,  
1120 child, or sibling of the physician;

1121 2. Wholly owned by a dentist licensed under chapter 466, or  
1122 by the dentist and the spouse, parent, child, or sibling of the  
1123 dentist;

1124 3. Wholly owned by a chiropractic physician licensed under  
1125 chapter 460, or by the chiropractic physician and the spouse,  
1126 parent, child, or sibling of the chiropractic physician;

1127 4. A hospital or ambulatory surgical center licensed under  
1128 chapter 395;

1129 5. An entity that wholly owns or is wholly owned, directly  
1130 or indirectly, by a hospital or hospitals licensed under chapter  
1131 395;

1132 6. Is a clinical facility affiliated with an accredited  
1133 medical school at which training is provided for medical  
1134 students, residents, or fellows;

1135 7. Is certified under 42 C.F.R. part 485, subpart H; or

1136 8. Is owned by a publicly traded corporation, either  
1137 directly or indirectly through its subsidiaries, which has \$250  
1138 million or more in total annual sales of health care services  
1139 provided by licensed health care practitioners, if one or more  
1140 of the persons responsible for the operations of the entity are  
1141 health care practitioners who are licensed in this state and are





244072

1142 responsible for supervising the business activities of the  
1143 entity and the entity's compliance with state law for purposes  
1144 of this section.

1145 Section 26. Subsection (6) of section 400.991, Florida  
1146 Statutes, is amended to read:

1147 400.991 License requirements; background screenings;  
1148 prohibitions.-

1149 (6) All agency forms for licensure application or exemption  
1150 from licensure under this part must contain the following  
1151 statement:

1152  
1153 INSURANCE FRAUD NOTICE.-A person commits a fraudulent  
1154 insurance act, as defined in s. 626.989, Florida  
1155 Statutes, if the person who knowingly submits a false,  
1156 misleading, or fraudulent application or other  
1157 document when applying for licensure as a health care  
1158 clinic, seeking an exemption from licensure as a  
1159 health care clinic, or demonstrating compliance with  
1160 part X of chapter 400, Florida Statutes, with the  
1161 intent to use the license, exemption from licensure,  
1162 or demonstration of compliance to provide services or  
1163 seek reimbursement under a motor vehicle liability  
1164 insurance policy's medical payments coverage the  
1165 Florida Motor Vehicle No-Fault Law, commits a  
1166 fraudulent insurance act, as defined in s. 626.989,  
1167 Florida Statutes. A person who presents a claim for  
1168 benefits under medical payments coverage, personal  
1169 injury protection benefits knowing that the payee  
1170 knowingly submitted such health care clinic



244072

1171 application or document, commits insurance fraud, as  
1172 defined in s. 817.234, Florida Statutes.

1173 Section 27. Paragraph (g) of subsection (1) of section  
1174 400.9935, Florida Statutes, is amended to read:

1175 400.9935 Clinic responsibilities.—

1176 (1) Each clinic shall appoint a medical director or clinic  
1177 director who shall agree in writing to accept legal  
1178 responsibility for the following activities on behalf of the  
1179 clinic. The medical director or the clinic director shall:

1180 (g) Conduct systematic reviews of clinic billings to ensure  
1181 that the billings are not fraudulent or unlawful. Upon discovery  
1182 of an unlawful charge, the medical director or clinic director  
1183 shall take immediate corrective action. If the clinic performs  
1184 only the technical component of magnetic resonance imaging,  
1185 static radiographs, computed tomography, or positron emission  
1186 tomography, and provides the professional interpretation of such  
1187 services, in a fixed facility that is accredited by a national  
1188 accrediting organization that is approved by the Centers for  
1189 Medicare and Medicaid Services for magnetic resonance imaging  
1190 and advanced diagnostic imaging services and if, in the  
1191 preceding quarter, the percentage of scans performed by that  
1192 clinic which was billed to motor vehicle ~~all personal injury~~  
1193 ~~protection~~ insurance carriers under medical payments coverage  
1194 was less than 15 percent, the chief financial officer of the  
1195 clinic may, in a written acknowledgment provided to the agency,  
1196 assume the responsibility for the conduct of the systematic  
1197 reviews of clinic billings to ensure that the billings are not  
1198 fraudulent or unlawful.

1199 Section 28. Subsection (28) of section 409.901, Florida



244072

1200 Statutes, is amended to read:

1201 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
1202 409.901-409.920, except as otherwise specifically provided, the  
1203 term:

1204 (28) "Third-party benefit" means any benefit that is or may  
1205 be available at any time through contract, court award,  
1206 judgment, settlement, agreement, or any arrangement between a  
1207 third party and any person or entity, including, without  
1208 limitation, a Medicaid recipient, a provider, another third  
1209 party, an insurer, or the agency, for any Medicaid-covered  
1210 injury, illness, goods, or services, including costs of medical  
1211 services related thereto, for bodily ~~personal~~ injury or for  
1212 death of the recipient, but specifically excluding ~~policies of~~  
1213 life insurance policies on the recipient, unless available under  
1214 terms of the policy to pay medical expenses before ~~prior to~~  
1215 death. The term includes, without limitation, collateral, as  
1216 defined in this section, health insurance, any benefit under a  
1217 health maintenance organization, a preferred provider  
1218 arrangement, a prepaid health clinic, liability insurance,  
1219 uninsured motorist insurance, medical payments coverage ~~or~~  
1220 ~~personal injury protection coverage~~, medical benefits under  
1221 workers' compensation, and any obligation under law or equity to  
1222 provide medical support.

1223 Section 29. Paragraph (f) of subsection (11) of section  
1224 409.910, Florida Statutes, is amended to read:

1225 409.910 Responsibility for payments on behalf of Medicaid-  
1226 eligible persons when other parties are liable.—

1227 (11) The agency may, as a matter of right, in order to  
1228 enforce its rights under this section, institute, intervene in,



244072

1229 or join any legal or administrative proceeding in its own name  
1230 in one or more of the following capacities: individually, as  
1231 subrogee of the recipient, as assignee of the recipient, or as  
1232 lienholder of the collateral.

1233 (f) Notwithstanding any provision in this section to the  
1234 contrary, in the event of an action in tort against a third  
1235 party in which the recipient or his or her legal representative  
1236 is a party which results in a judgment, award, or settlement  
1237 from a third party, the amount recovered shall be distributed as  
1238 follows:

1239 1. After attorney ~~attorney's~~ fees and taxable costs as  
1240 defined by the Florida Rules of Civil Procedure, one-half of the  
1241 remaining recovery shall be paid to the agency up to the total  
1242 amount of medical assistance provided by Medicaid.

1243 2. The remaining amount of the recovery shall be paid to  
1244 the recipient.

1245 3. For purposes of calculating the agency's recovery of  
1246 medical assistance benefits paid, the fee for services of an  
1247 attorney retained by the recipient or his or her legal  
1248 representative shall be calculated at 25 percent of the  
1249 judgment, award, or settlement.

1250 4. Notwithstanding any other provision of this section to  
1251 the contrary, the agency shall be entitled to all medical  
1252 coverage benefits up to the total amount of medical assistance  
1253 provided by Medicaid. For purposes of this paragraph, the term  
1254 "medical coverage" means any benefits under health insurance, a  
1255 health maintenance organization, a preferred provider  
1256 arrangement, or a prepaid health clinic, and the portion of  
1257 benefits designated for medical payments under ~~coverage for~~



244072

1258 workers' compensation coverage, motor vehicle insurance  
1259 coverage, personal injury protection, and casualty coverage.

1260 Section 30. Paragraph (k) of subsection (2) of section  
1261 456.057, Florida Statutes, is amended to read:

1262 456.057 Ownership and control of patient records; report or  
1263 copies of records to be furnished; disclosure of information.-

1264 (2) As used in this section, the terms "records owner,"  
1265 "health care practitioner," and "health care practitioner's  
1266 employer" do not include any of the following persons or  
1267 entities; furthermore, the following persons or entities are not  
1268 authorized to acquire or own medical records, but are authorized  
1269 under the confidentiality and disclosure requirements of this  
1270 section to maintain those documents required by the part or  
1271 chapter under which they are licensed or regulated:

1272 (k) Persons or entities practicing under s. 627.7265 ~~s.~~  
1273 ~~627.736(7)~~.

1274 Section 31. Paragraphs (ee) and (ff) of subsection (1) of  
1275 section 456.072, Florida Statutes, are amended to read:

1276 456.072 Grounds for discipline; penalties; enforcement.-

1277 (1) The following acts shall constitute grounds for which  
1278 the disciplinary actions specified in subsection (2) may be  
1279 taken:

1280 (ee) With respect to making a medical payments coverage  
1281 personal injury protection claim under s. 627.7265 as required  
1282 by s. 627.736, intentionally submitting a claim, statement, or  
1283 bill that has been upcoded. As used in this paragraph, the term  
1284 "upcoded" means an action that submits a billing code that would  
1285 result in payment greater in amount than would be paid using a  
1286 billing code that accurately describes the services performed.



244072

1287 The term does not include an otherwise lawful bill by a magnetic  
1288 resonance imaging facility, which globally combines both  
1289 technical and professional components, if the amount of the  
1290 global bill is not more than the components if billed  
1291 separately; however, payment of such a bill constitutes payment  
1292 in full for all components of such service ~~“upcoded” as defined~~  
1293 ~~in s. 627.732.~~

1294 (ff) With respect to making a medical payments coverage  
1295 ~~personal injury protection~~ claim as required under s. 627.7265  
1296 ~~by s. 627.736~~, intentionally submitting a claim, statement, or  
1297 bill for payment of services that were not rendered.

1298 Section 32. Paragraphs (i) and (o) of subsection (1) of  
1299 section 626.9541, Florida Statutes, are amended to read:

1300 626.9541 Unfair methods of competition and unfair or  
1301 deceptive acts or practices defined.—

1302 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
1303 ACTS.—The following are defined as unfair methods of competition  
1304 and unfair or deceptive acts or practices:

1305 (i) *Unfair claim settlement practices.*—

1306 1. Attempting to settle claims on the basis of an  
1307 application, when serving as a binder or intended to become a  
1308 part of the policy, or any other material document which was  
1309 altered without notice to, or knowledge or consent of, the  
1310 insured;

1311 2. A material misrepresentation made to an insured or any  
1312 other person having an interest in the proceeds payable under  
1313 such contract or policy, for the purpose and with the intent of  
1314 effecting settlement of such claims, loss, or damage under such  
1315 contract or policy on less favorable terms than those provided



244072

1316 in, and contemplated by, such contract or policy; ~~or~~  
1317 3. Committing or performing with such frequency as to  
1318 indicate a general business practice any of the following:  
1319 a. Failing to adopt and implement standards for the proper  
1320 investigation of claims;  
1321 b. Misrepresenting pertinent facts or insurance policy  
1322 provisions relating to coverages at issue;  
1323 c. Failing to acknowledge and act promptly upon  
1324 communications with respect to claims;  
1325 d. Denying claims without conducting reasonable  
1326 investigations based upon available information;  
1327 e. Failing to affirm or deny full or partial coverage of  
1328 claims, and, as to partial coverage, the dollar amount or extent  
1329 of coverage, or failing to provide a written statement that the  
1330 claim is being investigated, upon the written request of the  
1331 insured within 30 days after proof-of-loss statements have been  
1332 completed;  
1333 f. Failing to promptly provide a reasonable explanation in  
1334 writing to the insured of the basis in the insurance policy, in  
1335 relation to the facts or applicable law, for denial of a claim  
1336 or for the offer of a compromise settlement;  
1337 g. Failing to promptly notify the insured of any additional  
1338 information necessary for the processing of a claim; or  
1339 h. Failing to clearly explain the nature of the requested  
1340 information and the reasons why such information is necessary.  
1341 ~~i. Failing to pay personal injury protection insurance~~  
1342 ~~claims within the time periods required by s. 627.736(4) (b). The~~  
1343 ~~office may order the insurer to pay restitution to a~~  
1344 ~~policyholder, medical provider, or other claimant, including~~



244072

1345 ~~interest at a rate consistent with the amount set forth in s.~~  
1346 ~~55.03(1), for the time period within which an insurer fails to~~  
1347 ~~pay claims as required by law. Restitution is in addition to any~~  
1348 ~~other penalties allowed by law, including, but not limited to,~~  
1349 ~~the suspension of the insurer's certificate of authority.~~

1350 4. Failing to pay undisputed amounts of partial or full  
1351 benefits owed under first-party property insurance policies  
1352 within 90 days after an insurer receives notice of a residential  
1353 property insurance claim, determines the amounts of partial or  
1354 full benefits, and agrees to coverage, unless payment of the  
1355 undisputed benefits is prevented by an act of God, prevented by  
1356 the impossibility of performance, or due to actions by the  
1357 insured or claimant that constitute fraud, lack of cooperation,  
1358 or intentional misrepresentation regarding the claim for which  
1359 benefits are owed.

1360 (o) *Illegal dealings in premiums; excess or reduced charges*  
1361 *for insurance.-*

1362 1. Knowingly collecting any sum as a premium or charge for  
1363 insurance, which is not then provided, or is not in due course  
1364 to be provided, subject to acceptance of the risk by the  
1365 insurer, by an insurance policy issued by an insurer as  
1366 permitted by this code.

1367 2. Knowingly collecting as a premium or charge for  
1368 insurance any sum in excess of or less than the premium or  
1369 charge applicable to such insurance, in accordance with the  
1370 applicable classifications and rates as filed with and approved  
1371 by the office, and as specified in the policy; or, in cases when  
1372 classifications, premiums, or rates are not required by this  
1373 code to be so filed and approved, premiums and charges collected





1374 from a Florida resident in excess of or less than those  
1375 specified in the policy and as fixed by the insurer.  
1376 Notwithstanding any other provision of law, this provision shall  
1377 not be deemed to prohibit the charging and collection, by  
1378 surplus lines agents licensed under part VIII of this chapter,  
1379 of the amount of applicable state and federal taxes, or fees as  
1380 authorized by s. 626.916(4), in addition to the premium required  
1381 by the insurer or the charging and collection, by licensed  
1382 agents, of the exact amount of any discount or other such fee  
1383 charged by a credit card facility in connection with the use of  
1384 a credit card, as authorized by subparagraph (q)3., in addition  
1385 to the premium required by the insurer. This subparagraph shall  
1386 not be construed to prohibit collection of a premium for a  
1387 universal life or a variable or indeterminate value insurance  
1388 policy made in accordance with the terms of the contract.

1389 3.a. Imposing or requesting an additional premium for  
1390 bodily injury liability coverage, property damage liability  
1391 coverage ~~a policy of motor vehicle liability, personal injury~~  
1392 ~~protection,~~ medical payment coverage, or collision coverage in a  
1393 motor vehicle liability insurance policy ~~insurance or any~~  
1394 ~~combination thereof~~ or refusing to renew the policy solely  
1395 because the insured was involved in a motor vehicle accident  
1396 unless the insurer's file contains information from which the  
1397 insurer in good faith determines that the insured was  
1398 substantially at fault in the accident.

1399 b. An insurer which imposes and collects such a surcharge  
1400 or which refuses to renew such policy shall, in conjunction with  
1401 the notice of premium due or notice of nonrenewal, notify the  
1402 named insured that he or she is entitled to reimbursement of



244072

1403 such amount or renewal of the policy under the conditions listed  
1404 below and will subsequently reimburse him or her or renew the  
1405 policy, if the named insured demonstrates that the operator  
1406 involved in the accident was:

1407 (I) Lawfully parked;

1408 (II) Reimbursed by, or on behalf of, a person responsible  
1409 for the accident or has a judgment against such person;

1410 (III) Struck in the rear by another vehicle headed in the  
1411 same direction and was not convicted of a moving traffic  
1412 violation in connection with the accident;

1413 (IV) Hit by a "hit-and-run" driver, if the accident was  
1414 reported to the proper authorities within 24 hours after  
1415 discovering the accident;

1416 (V) Not convicted of a moving traffic violation in  
1417 connection with the accident, but the operator of the other  
1418 automobile involved in such accident was convicted of a moving  
1419 traffic violation;

1420 (VI) Finally adjudicated not to be liable by a court of  
1421 competent jurisdiction;

1422 (VII) In receipt of a traffic citation which was dismissed  
1423 or nolle prossed; or

1424 (VIII) Not at fault as evidenced by a written statement  
1425 from the insured establishing facts demonstrating lack of fault  
1426 which are not rebutted by information in the insurer's file from  
1427 which the insurer in good faith determines that the insured was  
1428 substantially at fault.

1429 c. In addition to the other provisions of this  
1430 subparagraph, an insurer may not fail to renew a policy if the  
1431 insured has had only one accident in which he or she was at



244072

1432 fault within the current 3-year period. However, an insurer may  
1433 nonrenew a policy for reasons other than accidents in accordance  
1434 with s. 627.728. This subparagraph does not prohibit nonrenewal  
1435 of a policy under which the insured has had three or more  
1436 accidents, regardless of fault, during the most recent 3-year  
1437 period.

1438 4. Imposing or requesting an additional premium for, or  
1439 refusing to renew, a policy for motor vehicle insurance solely  
1440 because the insured committed a noncriminal traffic infraction  
1441 as described in s. 318.14 unless the infraction is:

1442 a. A second infraction committed within an 18-month period,  
1443 or a third or subsequent infraction committed within a 36-month  
1444 period.

1445 b. A violation of s. 316.183, when such violation is a  
1446 result of exceeding the lawful speed limit by more than 15 miles  
1447 per hour.

1448 5. Upon the request of the insured, the insurer and  
1449 licensed agent shall supply to the insured the complete proof of  
1450 fault or other criteria which justifies the additional charge or  
1451 cancellation.

1452 6. No insurer shall impose or request an additional premium  
1453 for motor vehicle insurance, cancel or refuse to issue a policy,  
1454 or refuse to renew a policy because the insured or the applicant  
1455 is a handicapped or physically disabled person, so long as such  
1456 handicap or physical disability does not substantially impair  
1457 such person's mechanically assisted driving ability.

1458 7. No insurer may cancel or otherwise terminate any  
1459 insurance contract or coverage, or require execution of a  
1460 consent to rate endorsement, during the stated policy term for



244072

1461 the purpose of offering to issue, or issuing, a similar or  
1462 identical contract or coverage to the same insured with the same  
1463 exposure at a higher premium rate or continuing an existing  
1464 contract or coverage with the same exposure at an increased  
1465 premium.

1466 8. No insurer may issue a nonrenewal notice on any  
1467 insurance contract or coverage, or require execution of a  
1468 consent to rate endorsement, for the purpose of offering to  
1469 issue, or issuing, a similar or identical contract or coverage  
1470 to the same insured at a higher premium rate or continuing an  
1471 existing contract or coverage at an increased premium without  
1472 meeting any applicable notice requirements.

1473 9. No insurer shall, with respect to premiums charged for  
1474 motor vehicle insurance, unfairly discriminate solely on the  
1475 basis of age, sex, marital status, or scholastic achievement.

1476 10. Imposing or requesting an additional premium for motor  
1477 vehicle comprehensive or uninsured motorist coverage solely  
1478 because the insured was involved in a motor vehicle accident or  
1479 was convicted of a moving traffic violation.

1480 11. No insurer shall cancel or issue a nonrenewal notice on  
1481 any insurance policy or contract without complying with any  
1482 applicable cancellation or nonrenewal provision required under  
1483 the Florida Insurance Code.

1484 12. No insurer shall impose or request an additional  
1485 premium, cancel a policy, or issue a nonrenewal notice on any  
1486 insurance policy or contract because of any traffic infraction  
1487 when adjudication has been withheld and no points have been  
1488 assessed pursuant to s. 318.14(9) and (10). However, this  
1489 subparagraph does not apply to traffic infractions involving



244072

1490 accidents in which the insurer has incurred a loss due to the  
1491 fault of the insured.

1492 Section 33. Paragraph (a) of subsection (1) of section  
1493 626.989, Florida Statutes, is amended to read:

1494 626.989 Investigation by department or Division of  
1495 Investigative and Forensic Services; compliance; immunity;  
1496 confidential information; reports to division; division  
1497 investigator's power of arrest.—

1498 (1) For the purposes of this section:

1499 (a) A person commits a "fraudulent insurance act" if the  
1500 person:

1501 1. Knowingly and with intent to defraud presents, causes to  
1502 be presented, or prepares with knowledge or belief that it will  
1503 be presented, to or by an insurer, self-insurer, self-insurance  
1504 fund, servicing corporation, purported insurer, broker, or any  
1505 agent thereof, any written statement as part of, or in support  
1506 of, an application for the issuance of, or the rating of, any  
1507 insurance policy, or a claim for payment or other benefit  
1508 pursuant to any insurance policy, which the person knows to  
1509 contain materially false information concerning any fact  
1510 material thereto or if the person conceals, for the purpose of  
1511 misleading another, information concerning any fact material  
1512 thereto.

1513 2. Knowingly submits:

1514 a. A false, misleading, or fraudulent application or other  
1515 document when applying for licensure as a health care clinic,  
1516 seeking an exemption from licensure as a health care clinic, or  
1517 demonstrating compliance with part X of chapter 400 with an  
1518 intent to use the license, exemption from licensure, or



244072

1519 demonstration of compliance to provide services or seek  
1520 reimbursement under a motor vehicle liability insurance policy's  
1521 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~  
1522 ~~Law.~~

1523       b. A claim for payment or other benefit under medical  
1524 payments coverage ~~pursuant to a personal injury protection~~  
1525 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if  
1526 the person knows that the payee knowingly submitted a false,  
1527 misleading, or fraudulent application or other document when  
1528 applying for licensure as a health care clinic, seeking an  
1529 exemption from licensure as a health care clinic, or  
1530 demonstrating compliance with part X of chapter 400.

1531       Section 34. Subsection (1) of section 627.06501, Florida  
1532 Statutes, is amended to read:

1533       627.06501 Insurance discounts for certain persons  
1534 completing driver improvement course.—

1535       (1) Any rate, rating schedule, or rating manual for the  
1536 liability, medical payments ~~personal injury protection~~, and  
1537 collision coverages of a motor vehicle insurance policy filed  
1538 with the office may provide for an appropriate reduction in  
1539 premium charges as to such coverages if ~~when~~ the principal  
1540 operator on the covered vehicle has successfully completed a  
1541 driver improvement course approved and certified by the  
1542 Department of Highway Safety and Motor Vehicles which is  
1543 effective in reducing crash or violation rates, or both, as  
1544 determined pursuant to s. 318.1451(5). Any discount, not to  
1545 exceed 10 percent, used by an insurer is presumed to be  
1546 appropriate unless credible data demonstrates otherwise.

1547       Section 35. Subsection (1) of section 627.0652, Florida



244072

1548 Statutes, is amended to read:

1549         627.0652 Insurance discounts for certain persons completing  
1550 safety course.—

1551         (1) Any rates, rating schedules, or rating manuals for the  
1552 liability, medical payments ~~personal injury protection~~, and  
1553 collision coverages of a motor vehicle insurance policy filed  
1554 with the office must ~~shall~~ provide for an appropriate reduction  
1555 in premium charges as to such coverages if ~~when~~ the principal  
1556 operator on the covered vehicle is an insured 55 years of age or  
1557 older who has successfully completed a motor vehicle accident  
1558 prevention course approved by the Department of Highway Safety  
1559 and Motor Vehicles. Any discount used by an insurer is presumed  
1560 to be appropriate unless credible data demonstrates otherwise.

1561         Section 36. Subsections (1), (3), and (6) of section  
1562 627.0653, Florida Statutes, are amended to read:

1563         627.0653 Insurance discounts for specified motor vehicle  
1564 equipment.—

1565         (1) Any rates, rating schedules, or rating manuals for the  
1566 liability, medical payments ~~personal injury protection~~, and  
1567 collision coverages of a motor vehicle insurance policy filed  
1568 with the office must ~~shall~~ provide a premium discount if the  
1569 insured vehicle is equipped with factory-installed, four-wheel  
1570 antilock brakes.

1571         (3) Any rates, rating schedules, or rating manuals for  
1572 ~~personal injury protection coverage and medical payments~~  
1573 ~~coverage, if offered,~~ of a motor vehicle insurance policy filed  
1574 with the office must ~~shall~~ provide a premium discount if the  
1575 insured vehicle is equipped with one or more air bags that ~~which~~  
1576 are factory installed.



244072

1577           (6) The Office of Insurance Regulation may approve a  
1578 premium discount to any rates, rating schedules, or rating  
1579 manuals for the liability, medical payments ~~personal injury~~  
1580 ~~protection~~, and collision coverages of a motor vehicle insurance  
1581 policy filed with the office if the insured vehicle is equipped  
1582 with autonomous driving technology or electronic vehicle  
1583 collision avoidance technology that is factory installed or a  
1584 retrofitted system and that complies with National Highway  
1585 Traffic Safety Administration standards.

1586           Section 37. Section 627.4132, Florida Statutes, is amended  
1587 to read:

1588           627.4132 Stacking of coverages prohibited.—If an insured or  
1589 named insured is protected by any type of motor vehicle  
1590 insurance policy for bodily injury and property damage  
1591 ~~liability, personal injury protection, or other coverage~~, the  
1592 policy must ~~shall~~ provide that the insured or named insured is  
1593 protected only to the extent of the coverage she or he has on  
1594 the vehicle involved in the accident. However, if none of the  
1595 insured's or named insured's vehicles are ~~is~~ involved in the  
1596 accident, coverage is available only to the extent of coverage  
1597 on any one of the vehicles with applicable coverage. Coverage on  
1598 any other vehicles may ~~shall~~ not be added to or stacked upon  
1599 that coverage. This section does not apply:

1600           (1) To uninsured motorist coverage that ~~which~~ is separately  
1601 governed by s. 627.727.

1602           (2) To reduce the coverage available by reason of insurance  
1603 policies insuring different named insureds.

1604           Section 38. Section 627.7263, Florida Statutes, is amended  
1605 to read:





244072

1606           627.7263 Rental and leasing driver's insurance to be  
1607 primary; exception.—

1608           (1) The valid and collectible liability insurance and  
1609 medical payments coverage ~~or personal injury protection~~  
1610 ~~insurance providing coverage~~ for the lessor of a motor vehicle  
1611 for rent or lease is primary unless otherwise stated in at least  
1612 10-point type on the face of the rental or lease agreement. Such  
1613 insurance is primary for the limits of liability ~~and personal~~  
1614 ~~injury protection~~ coverage as required by s. 324.021(7) and  
1615 medical payments coverage as required under s. 627.7265 ~~ss.~~  
1616 ~~324.021(7) and 627.736.~~

1617           (2) If the lessee's coverage is to be primary, the rental  
1618 or lease agreement must contain the following language, in at  
1619 least 10-point type:

1620  
1621           "The valid and collectible liability insurance and  
1622 medical payments coverage ~~personal injury protection~~  
1623 ~~insurance~~ of an ~~any~~ authorized rental or leasing  
1624 driver is primary for the limits of liability ~~and~~  
1625 ~~personal injury protection~~ coverage and medical  
1626 payments coverage required under ss. 324.021(7) and  
1627 627.7265 ~~by ss. 324.021(7) and 627.736,~~ Florida  
1628 Statutes."

1629           Section 39. Section 627.7265, Florida Statutes, is created  
1630 to read:

1631           627.7265 Motor vehicle insurance; medical payments  
1632 coverage.—

1633           (1) MEDICAL PAYMENTS COVERAGE REQUIRED.—A motor vehicle  
1634 liability insurance policy that is furnished as proof of



244072

1635 financial responsibility pursuant to s. 324.031 must include  
1636 medical payments coverage as provided in this section. The  
1637 medical payments coverage must protect the named insured,  
1638 resident relatives, persons operating the insured motor vehicle,  
1639 passengers in the insured motor vehicle, and persons who are  
1640 struck by the insured motor vehicle and suffer bodily injury  
1641 while not an occupant of a self-propelled motor vehicle, to a  
1642 limit of at least \$5,000 per person for medical expense incurred  
1643 due to bodily injury, sickness, or disease arising out of the  
1644 ownership, maintenance, or use of a motor vehicle. The medical  
1645 payments coverage must also provide each such person with a  
1646 death benefit of at least \$5,000. This section may not be  
1647 construed to limit any other coverage made available by an  
1648 insurer. An insurer may not offer medical payments coverage with  
1649 a deductible to an applicant or policyholder.

1650 (2) REQUIRED BENEFITS.—Medical payments coverage must  
1651 provide coverage for all of the following if medically necessary  
1652 and the individual initially receives such treatment within 14  
1653 days after the motor vehicle accident:

1654 (a) Emergency transport and treatment by a provider  
1655 licensed under chapter 401.

1656 (b) Emergency services and care provided by a hospital  
1657 licensed under chapter 395.

1658 (c) Emergency services and care as defined in s. 395.002,  
1659 provided in a facility licensed under chapter 395 and rendered  
1660 by a physician or dentist, and related hospital inpatient  
1661 services rendered by a physician or dentist.

1662 (d) Hospital inpatient services, other than emergency  
1663 services and care.



244072

1664 (e) Hospital outpatient services, other than emergency  
1665 services and care.

1666 (f) Physician services and care provided by a physician  
1667 licensed under chapter 458 or chapter 459 or a chiropractic  
1668 physician licensed under chapter 460; dental services and care  
1669 provided by a dentist licensed under chapter 466; or, to the  
1670 extent permitted by applicable law and under the supervision of  
1671 such physician, osteopathic physician, chiropractic physician,  
1672 or dentist, services and care provided by a physician assistant  
1673 licensed under chapter 458 or chapter 459 or by an advanced  
1674 registered nurse practitioner licensed under chapter 464.

1675 (3) AUTHORIZED EXCLUSIONS.—Notwithstanding any other  
1676 requirement in this section, an insurer may exclude medical  
1677 payment benefits:

1678 (a) For injury sustained by the named insured or a resident  
1679 relative while occupying another motor vehicle owned by the  
1680 named insured and not insured under the policy, unless such  
1681 vehicle qualifies as a newly acquired vehicle or temporary  
1682 substitute vehicle.

1683 (b) For injury sustained by any person operating the  
1684 insured motor vehicle without the express or implied consent of  
1685 the insured.

1686 (c) For any person who intentionally causes injury to  
1687 himself or herself.

1688 (d) For any person injured while committing a felony.

1689 (4) PAYMENT OF BENEFITS.—

1690 (a) Benefits due from an insurer under medical payments  
1691 coverage are primary to any health insurance benefit of a person  
1692 injured in a motor vehicle accident and apply to any coinsurance



244072

1693 or deductible amount required by the injured person's health  
1694 insurance policy, except that:

1695 1. Benefits received under any workers' compensation law  
1696 must be credited against medical payments coverage benefits, and  
1697 are due and payable as losses accrue, upon reasonable proof of  
1698 such losses and the amount of expenses and losses incurred which  
1699 are covered by the policy issued under this section.

1700 2. When the Agency for Health Care Administration provides,  
1701 pays for, or becomes liable for medical assistance under the  
1702 Medicaid program which is related to injury, sickness, disease,  
1703 or death arising out of the ownership, maintenance, or use of a  
1704 motor vehicle, medical payments benefits are subject to the  
1705 provisions of the Medicaid program, and, within 30 days after  
1706 receiving notice that the Medicaid program paid such benefits,  
1707 the insurer must repay the full amount of the benefits to the  
1708 Medicaid program.

1709 (b) A medical payments insurance policy may include a  
1710 provision allowing subrogation for medical payments benefits  
1711 paid, if the expenses giving rise to the payments were caused by  
1712 wrongful act or omission of another.

1713 (c) Upon receiving notice of an accident that is  
1714 potentially covered by medical payments coverage benefits, the  
1715 insurer must reserve \$2,500 of medical payments coverage  
1716 benefits for payment to physicians licensed under chapter 458 or  
1717 chapter 459 or dentists licensed under chapter 466 who provide  
1718 emergency services and care, as defined in s. 395.002, or who  
1719 provide hospital inpatient care. The amount required to be held  
1720 in reserve may be used only to pay claims from such physicians  
1721 or dentists until 30 days after the date the insurer receives



244072

1722 notice of the accident. After the 30-day period, any amount of  
1723 the reserve for which the insurer has not received notice of  
1724 such claims may be used by the insurer to pay other claims. This  
1725 paragraph does not require an insurer to establish a claim  
1726 reserve for insurance accounting purposes.

1727 (5) CHARGES FOR CARE OF INJURED PERSONS.—

1728 (a) A physician, hospital, clinic, or other person or  
1729 institution lawfully providing medical care to an injured person  
1730 for a bodily injury covered by medical payments coverage may  
1731 charge the insurer and injured party only a reasonable amount  
1732 pursuant to this section. However, such charges may not exceed  
1733 the amount the person or institution customarily charges for  
1734 like medical care. In determining whether a charge for a  
1735 particular service, treatment, supply, or prescription is  
1736 reasonable, consideration may be given to evidence of usual and  
1737 customary charges and payments accepted by the provider involved  
1738 in the dispute; reimbursement levels in the community and  
1739 various federal and state medical fee schedules applicable to  
1740 motor vehicle and other insurance coverages; and other  
1741 information relevant to the reasonableness of the reimbursement  
1742 for the service, treatment, supply, or prescription.

1743 1. The insurer may limit reimbursement to the following  
1744 schedule of maximum charges:

1745 a. For emergency transport and treatment by providers  
1746 licensed under chapter 401, 200 percent of Medicare.

1747 b. For emergency services and care provided by a hospital  
1748 licensed under chapter 395, 75 percent of the hospital's usual  
1749 and customary charges.

1750 c. For emergency services and care, as defined in s.



244072

1751 395.002, provided in a facility licensed under chapter 395 and  
1752 rendered by a physician or dentist, and related hospital  
1753 inpatient services rendered by a physician or dentist, the usual  
1754 and customary charges in the community.

1755 d. For hospital inpatient services other than emergency  
1756 services and care, 200 percent of the Medicare Part A  
1757 prospective payment applicable to the specific hospital  
1758 providing the inpatient services.

1759 e. For hospital outpatient services other than emergency  
1760 services and care, 200 percent of the Medicare Part A Ambulatory  
1761 Payment Classification for the specific hospital providing the  
1762 outpatient services.

1763 f. For all other medical services, supplies, and care, 200  
1764 percent of the allowable amount under:

1765 (I) The participating physician fee schedule of Medicare  
1766 Part B, except as provided in sub-sub-subparagraphs (II) and  
1767 (III).

1768 (II) Medicare Part B, in the case of services, supplies,  
1769 and care provided by ambulatory surgical centers and clinical  
1770 laboratories.

1771 (III) The Durable Medical Equipment Prosthetics/Orthotics  
1772 and Supplies fee schedule of Medicare Part B, in the case of  
1773 durable medical equipment.

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



244072

1780 workers' compensation is not required to be reimbursed by the  
1781 insurer.

1782 2. For purposes of subparagraph 1., the applicable fee  
1783 schedule or payment limitation under Medicare is the fee  
1784 schedule or payment limitation in effect on March 1 of the  
1785 service year in which the services, supplies, or care is  
1786 rendered and for the area in which the services, supplies, or  
1787 care is rendered. The applicable fee schedule or payment  
1788 limitation applies to services, supplies, or care rendered  
1789 during that service year notwithstanding any subsequent change  
1790 made to the fee schedule or payment limitation; however, it may  
1791 not be less than the allowable amount under the applicable  
1792 schedule of Medicare Part B for 2007 for medical services,  
1793 supplies, and care subject to Medicare Part B. For purposes of  
1794 this subparagraph, the term "service year" means the period from  
1795 March 1 through the end of February of the following year.

1796 3. For purposes of subparagraph 1., the applicable fee  
1797 schedule or payment limitation under workers' compensation is  
1798 determined under s. 440.13 and rules adopted thereunder which  
1799 are in effect at the time such services, supplies, or care is  
1800 provided.

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



244072

1809 limitations on the types or discipline of health care providers  
1810 who may be reimbursed for particular procedures or procedure  
1811 codes. However, subparagraph 1. does not prohibit an insurer  
1812 from using the Medicare coding policies and payment  
1813 methodologies of the federal Centers for Medicare and Medicaid  
1814 Services, including applicable modifiers, to determine the  
1815 appropriate amount of reimbursement for medical services,  
1816 supplies, or care, if the coding policy or payment methodology  
1817 does not constitute a utilization limit.

1818 5. If an insurer limits payment as authorized by  
1819 subparagraph 1., the person providing such medical care may not  
1820 bill or attempt to collect from the insured any amount in excess  
1821 of such limits, except for amounts that are not covered by the  
1822 insured's medical payments benefits due to the maximum policy  
1823 limits.

1824 6. An insurer may limit payment as authorized by this  
1825 paragraph only if the insurance policy includes a notice at the  
1826 time of issuance or renewal that the insurer may limit payment  
1827 pursuant to the schedule of charges specified in this paragraph.  
1828 A policy form approved by the office satisfies this requirement.  
1829 If a provider submits a charge for an amount less than the  
1830 amount allowed under subparagraph 1., the insurer may pay the  
1831 amount of the charge submitted.

1832 (b)1. An insurer or insured is not required to pay a claim  
1833 or charges:

1834 a. For any service or treatment that was not lawful at the  
1835 time rendered;

1836 b. To any person who knowingly submits a false or  
1837 misleading statement relating to the claim or charges; or





244072

1838 c. For any treatment or service that is upcoded or that is  
1839 unbundled when the treatment or services should be bundled. To  
1840 facilitate prompt payment of lawful services, an insurer may  
1841 change codes that it determines have been improperly or  
1842 incorrectly upcoded or unbundled and may make payment based on  
1843 the changed codes, without affecting the right of the provider  
1844 to dispute the change by the insurer, if, before doing so, the  
1845 insurer contacts the health care provider and discusses the  
1846 reasons for the insurer's change and the health care provider's  
1847 reason for the coding, or makes a reasonable good faith effort  
1848 to do so, as documented in the insurer's file.

1849 2. The Department of Health, in consultation with the  
1850 appropriate professional licensing boards, shall adopt by rule a  
1851 list of diagnostic tests deemed not to be medically necessary  
1852 for use in the treatment of persons sustaining bodily injury  
1853 covered by medical payments benefits under this section. The  
1854 list must be revised from time to time as determined by the  
1855 Department of Health in consultation with the respective  
1856 professional licensing boards. Inclusion of a test on the list  
1857 must be based on a lack of demonstrated medical value and a  
1858 level of general acceptance by the relevant provider community  
1859 and may not be dependent on results based entirely upon  
1860 subjective patient response. Notwithstanding its inclusion on a  
1861 fee schedule in this subsection, an insurer or insured is not  
1862 required to pay any charges or reimburse claims for an invalid  
1863 diagnostic test as determined by the Department of Health.

1864 (c) With respect to any medical care other than medical  
1865 services billed by a hospital or other provider for emergency  
1866 services and care, as defined in s. 395.002, or inpatient



1867 services rendered at a hospital-owned facility, the statement of  
1868 charges must be furnished to the insurer by the provider.

1869 (d) All statements and bills for medical services rendered  
1870 by a physician, hospital, clinic, or other person or institution  
1871 must be submitted to the insurer on a properly completed Centers  
1872 for Medicare and Medicaid Services Form CMS-1500, a UB-92 form,  
1873 or any other standard form approved by the office and adopted by  
1874 the commission for purposes of this paragraph. All billings for  
1875 such services rendered by providers must, to the extent  
1876 applicable, comply with the Form CMS-1500 instructions, the  
1877 codes established by the American Medical Association's Current  
1878 Procedural Terminology Editorial Panel, and the Healthcare  
1879 Common Procedure Coding System (HCPCS) and must follow the  
1880 Physicians' Current Procedural Terminology (CPT), the HCPCS in  
1881 effect for the year in which services are rendered, and the  
1882 International Classification of Diseases adopted by the United  
1883 States Department of Health and Human Services in effect for the  
1884 year in which services are rendered. The guidance for  
1885 determining compliance with applicable CPT and HCPCS coding must  
1886 be provided by the CPT or the HCPCS in effect for the year in  
1887 which services were rendered, the Office of the Inspector  
1888 General, Physicians Compliance Guidelines, and other  
1889 authoritative treatises designated by rule by the Agency for  
1890 Health Care Administration. A statement of medical services may  
1891 not include charges for medical services of a person or entity  
1892 that performed such services without possessing the valid  
1893 licenses required to perform such services.

1894 (6) CIVIL ACTION FOR INSURANCE FRAUD.—An insurer has a  
1895 cause of action against any person convicted of, or who,



244072

1896 regardless of adjudication of guilt, pleads guilty or nolo  
1897 contendere to, insurance fraud under s. 817.234, patient  
1898 brokering under s. 817.505, or kickbacks under s. 456.054,  
1899 associated with a claim for medical payments coverage benefits  
1900 in accordance with this section. An insurer prevailing in an  
1901 action brought under this subsection may recover compensatory,  
1902 consequential, and punitive damages subject to the requirements  
1903 and limitations of part II of chapter 768 and attorney fees and  
1904 costs incurred in litigating a cause of action against any  
1905 person convicted of, or who, regardless of adjudication of  
1906 guilt, pleads guilty or nolo contendere to, insurance fraud  
1907 under s. 817.234, patient brokering under s. 817.505, or  
1908 kickbacks under s. 456.054, associated with a claim for medical  
1909 payments coverage benefits in accordance with this section.

1910 (7) FRAUD ADVISORY NOTICE.—Upon receiving notice of a claim  
1911 under this section, an insurer shall provide a notice to the  
1912 insured or to a person for whom a claim for reimbursement for  
1913 diagnosis or treatment of injuries has been filed, advising  
1914 that:

1915 (a) Pursuant to s. 626.9892, the department may pay rewards  
1916 of up to \$25,000 to persons who provide information leading to  
1917 the arrest and conviction of persons committing crimes  
1918 investigated by the Division of Investigative and Forensic  
1919 Services arising from violations of s. 440.105, s. 624.15, s.  
1920 626.9541, s. 626.989, or s. 817.234.

1921 (b) Solicitation of a person injured in a motor vehicle  
1922 crash for purposes of filing medical payments coverage or tort  
1923 claims could be a violation of s. 817.234, s. 817.505, or the  
1924 rules regulating The Florida Bar and should be immediately



244072

1925 reported to the Division of Investigative and Forensic Services  
1926 if such conduct has taken place.

1927 (8) NONREIMBURSABLE CLAIMS.—Claims generated as a result of  
1928 activities that are unlawful pursuant to s. 817.505 are not  
1929 reimbursable.

1930 (9) SECURE ELECTRONIC DATA TRANSFER.—A notice,  
1931 documentation, transmission, or communication of any kind  
1932 required or authorized under this section may be transmitted  
1933 electronically if it is transmitted by secure electronic data  
1934 transfer that is consistent with state and federal privacy and  
1935 security laws.

1936 Section 40. Subsections (1) and (7) of section 627.727,  
1937 Florida Statutes, are amended, and present subsections (8), (9),  
1938 and (10) of that section are redesignated as subsections (7),  
1939 (8), and (9), respectively, to read:

1940 627.727 Motor vehicle insurance; uninsured and underinsured  
1941 vehicle coverage; insolvent insurer protection.—

1942 (1) A ~~No~~ motor vehicle liability insurance policy that  
1943 which provides bodily injury liability coverage may not ~~shall~~ be  
1944 delivered or issued for delivery in this state with respect to  
1945 any specifically insured or identified motor vehicle registered  
1946 or principally garaged in this state, unless uninsured motor  
1947 vehicle coverage is provided therein or supplemental thereto for  
1948 the protection of persons insured thereunder who are legally  
1949 entitled to recover damages from owners or operators of  
1950 uninsured motor vehicles because of bodily injury, sickness, or  
1951 disease, including death, resulting therefrom. However, the  
1952 coverage required under this section is not applicable if when,  
1953 or to the extent that, an insured named in the policy makes a



244072

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



244072

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



244072

2012 any coverage, including liability insurance. Such coverage does  
2013 ~~shall~~ not inure directly or indirectly to the benefit of any  
2014 workers' compensation or disability benefits carrier or any  
2015 person or organization qualifying as a self-insurer under any  
2016 workers' compensation or disability benefits law or similar law.

2017 ~~(7) The legal liability of an uninsured motorist coverage~~  
2018 ~~insurer does not include damages in tort for pain, suffering,~~  
2019 ~~mental anguish, and inconvenience unless the injury or disease~~  
2020 ~~is described in one or more of paragraphs (a)-(d) of s.~~  
2021 ~~627.737(2).~~

2022 Section 41. Subsection (1) and paragraphs (a) and (b) of  
2023 subsection (2) of section 627.7275, Florida Statutes, are  
2024 amended to read:

2025 627.7275 Motor vehicle liability.—

2026 (1) A motor vehicle insurance policy ~~providing personal~~  
2027 ~~injury protection as set forth in s. 627.736~~ may not be  
2028 delivered or issued for delivery in this state for a with  
2029 ~~respect to any~~ specifically insured or identified motor vehicle  
2030 registered or principally garaged in this state must provide  
2031 bodily injury liability coverage and unless the policy also  
2032 ~~provides coverage for~~ property damage liability coverage as  
2033 required under by s. 324.022, and medical payments coverage as  
2034 required under s. 627.7265.

2035 (2) (a) Insurers writing motor vehicle insurance in this  
2036 state shall make available, subject to the insurers' usual  
2037 underwriting restrictions:

2038 1. Coverage under policies as described in subsection (1)  
2039 to an applicant for private passenger motor vehicle insurance  
2040 coverage who is seeking the coverage in order to reinstate the



244072

2041 applicant's driving privileges in this state if the driving  
2042 privileges were revoked or suspended pursuant to s. 316.646 or  
2043 s. 324.0221 due to the failure of the applicant to maintain  
2044 required security.

2045         2. Coverage under policies as described in subsection (1),  
2046 which includes bodily injury ~~also provides~~ liability coverage  
2047 and property damage liability coverage for bodily injury, death,  
2048 ~~and property damage arising out of the ownership, maintenance,~~  
2049 ~~or use of the motor vehicle~~ in an amount not less than the  
2050 minimum limits required under ~~described in~~ s. 324.021(7) or s.  
2051 324.023 and which conforms to the requirements of s. 324.151, to  
2052 an applicant for private passenger motor vehicle insurance  
2053 coverage who is seeking the coverage in order to reinstate the  
2054 applicant's driving privileges in this state after such  
2055 privileges were revoked or suspended under s. 316.193 or s.  
2056 322.26(2) for driving under the influence.

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





244072

2070 in effect. Once the noncancelable provisions of the policy  
2071 become effective, the bodily injury liability and property  
2072 damage liability coverages ~~for bodily injury, property damage,~~  
2073 ~~and personal injury protection~~ may not be reduced below the  
2074 minimum limits required under s. 324.021 or s. 324.023 during  
2075 the policy period, and the medical payments coverage may not be  
2076 reduced below the minimum limit required under s. 627.7265.

2077 Section 42. Paragraph (a) of subsection (1) of section  
2078 627.728, Florida Statutes, is amended to read:

2079 627.728 Cancellations; nonrenewals.—

2080 (1) As used in this section, the term:

2081 (a) "Policy" means the bodily injury and property damage  
2082 liability, ~~personal injury protection~~, medical payments,  
2083 comprehensive, collision, and uninsured motorist coverage  
2084 portions of a policy of motor vehicle insurance delivered or  
2085 issued for delivery in this state:

2086 1. Insuring a natural person as named insured or one or  
2087 more related individuals who are residents ~~resident~~ of the same  
2088 household; and

2089 2. Insuring only a motor vehicle of the private passenger  
2090 type or station wagon type which is not used as a public or  
2091 livery conveyance for passengers or rented to others; or  
2092 insuring any other four-wheel motor vehicle having a load  
2093 capacity of 1,500 pounds or less which is not used in the  
2094 occupation, profession, or business of the insured other than  
2095 farming; other than any policy issued under an automobile  
2096 insurance assigned risk plan or covering garage, automobile  
2097 sales agency, repair shop, service station, or public parking  
2098 place operation hazards.



244072

2099  
2100 The term "policy" does not include a binder as defined in s.  
2101 627.420 unless the duration of the binder period exceeds 60  
2102 days.

2103 Section 43. Subsection (1), paragraph (a) of subsection  
2104 (5), and subsections (6) and (7) of section 627.7295, Florida  
2105 Statutes, are amended to read:

2106 627.7295 Motor vehicle insurance contracts.—

2107 (1) As used in this section, the term:

2108 (a) "Policy" means a motor vehicle insurance policy that  
2109 provides bodily injury liability ~~personal injury protection~~  
2110 coverage, property damage liability coverage, and medical  
2111 payments coverage ~~or both~~.

2112 (b) "Binder" means a binder that provides motor vehicle  
2113 bodily injury liability coverage, ~~personal injury protection and~~  
2114 property damage liability coverage, and medical payments  
2115 coverage.

2116 (5) (a) A licensed general lines agent may charge a per-  
2117 policy fee up to not to exceed \$10 to cover the administrative  
2118 costs of the agent associated with selling the motor vehicle  
2119 insurance policy if the policy covers only bodily injury  
2120 liability coverage, ~~personal injury protection coverage as~~  
2121 ~~provided by s. 627.736 and~~ property damage liability coverage,  
2122 and medical payments coverage as provided by s. 627.7275 and if  
2123 no other insurance is sold or issued in conjunction with or  
2124 collateral to the policy. The fee is not ~~considered~~ part of the  
2125 premium.

2126 (6) If a motor vehicle owner's driver license, license  
2127 plate, and registration have previously been suspended pursuant



244072

2128 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy  
2129 only as provided in s. 627.7275.

2130 (7) A policy of private passenger motor vehicle insurance  
2131 or a binder for such a policy may be initially issued in this  
2132 state only if, before the effective date of such binder or  
2133 policy, the insurer or agent has collected ~~from the insured an~~  
2134 ~~amount equal to 2 months' premium~~ from the insured. An insurer,  
2135 agent, or premium finance company may not, directly or  
2136 indirectly, take any action that results ~~resulting~~ in the  
2137 insured paying ~~having paid~~ from the insured's own funds an  
2138 amount less than the 2 months' premium required by this  
2139 subsection. This subsection applies without regard to whether  
2140 the premium is financed by a premium finance company or is paid  
2141 pursuant to a periodic payment plan of an insurer or an  
2142 insurance agent.

2143 (a) This subsection does not apply:

2144 1. If an insured or member of the insured's family is  
2145 renewing or replacing a policy or a binder for such policy  
2146 written by the same insurer or a member of the same insurer  
2147 group. ~~This subsection does not apply~~

2148 2. To an insurer that issues private passenger motor  
2149 vehicle coverage primarily to active duty or former military  
2150 personnel or their dependents. ~~This subsection does not apply~~

2151 3. If all policy payments are paid pursuant to a payroll  
2152 deduction plan, an automatic electronic funds transfer payment  
2153 plan from the policyholder, or a recurring credit card or debit  
2154 card agreement with the insurer.

2155 (b) This subsection and subsection (4) do not apply if:

2156 1. All policy payments to an insurer are paid pursuant to



244072

2157 an automatic electronic funds transfer payment plan from an  
2158 agent, a managing general agent, or a premium finance company  
2159 and if the policy includes, at a minimum, bodily injury  
2160 liability coverage, ~~personal injury protection pursuant to ss.~~  
2161 ~~627.730-627.7405; motor vehicle property damage liability~~  
2162 coverage, and medical payments coverage pursuant to s. 627.7275;  
2163 or and bodily injury liability in at least the amount of \$10,000  
2164 ~~because of bodily injury to, or death of, one person in any one~~  
2165 ~~accident and in the amount of \$20,000 because of bodily injury~~  
2166 ~~to, or death of, two or more persons in any one accident. This~~  
2167 ~~subsection and subsection (4) do not apply if~~

2168         2. An insured has had a policy in effect for at least 6  
2169 months, the insured's agent is terminated by the insurer that  
2170 issued the policy, and the insured obtains coverage on the  
2171 policy's renewal date with a new company through the terminated  
2172 agent.

2173         Section 44. Subsections (1) and (2) of section 627.7415,  
2174 Florida Statutes, are amended to read:

2175         627.7415 Commercial motor vehicles; additional liability  
2176 insurance coverage.—Commercial motor vehicles, as defined in s.  
2177 207.002 or s. 320.01, operated upon the roads and highways of  
2178 this state shall be insured with the ~~following~~ minimum levels of  
2179 combined bodily liability insurance and property damage  
2180 liability insurance under subsections (1) and (2) in addition to  
2181 any other insurance requirements. ÷

2182         (1) ~~Fifty thousand dollars per occurrence~~ For a commercial  
2183 motor vehicle with a gross vehicle weight of 26,000 pounds or  
2184 more, but less than 35,000 pounds:

2185         (a) Beginning January 1, 2019, through December 31, 2020,



2186 no less than \$50,000 per occurrence.

2187 (b) Beginning January 1, 2021, and thereafter, no less than  
2188 \$60,000 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, and thereafter, no less than  
2195 \$120,000 per occurrence.

2196

2197 A violation of this section is a noncriminal traffic infraction,  
2198 punishable as a nonmoving violation as provided in chapter 318.

2199 Section 45. Section 627.8405, Florida Statutes, is amended  
2200 to read:

2201 627.8405 Prohibited acts; financing companies.—~~A~~ ~~no~~ premium  
2202 finance company ~~shall~~, in a premium finance agreement or other  
2203 agreement, may not finance the cost of or otherwise provide for  
2204 the collection or remittance of dues, assessments, fees, or  
2205 other periodic payments of money for the cost of:

2206 (1) A membership in an automobile club. The term  
2207 "automobile club" means a legal entity that ~~which~~, in  
2208 consideration of dues, assessments, or periodic payments of  
2209 money, promises its members or subscribers to assist them in  
2210 matters relating to the ownership, operation, use, or  
2211 maintenance of a motor vehicle; however, the term ~~this~~  
2212 ~~definition of "automobile club"~~ does not include persons,  
2213 associations, or corporations ~~which are~~ organized and operated  
2214 solely for the purpose of conducting, sponsoring, or sanctioning



244072

2215 motor vehicle races, exhibitions, or contests upon racetracks,  
2216 or upon racecourses established and marked as such for the  
2217 duration of such particular events. The term ~~words~~ "motor  
2218 vehicle" used herein has ~~have~~ the same meaning as defined in  
2219 chapter 320.

2220 (2) An accidental death and dismemberment policy sold in  
2221 combination with a policy providing only medical payments  
2222 coverage, bodily injury liability coverage, ~~personal injury~~  
2223 protection and property damage liability coverage ~~only policy~~.

2224 (3) Any product not regulated under ~~the provisions of this~~  
2225 insurance code.

2226  
2227 This section also applies to premium financing by any insurance  
2228 agent or insurance company under part XVI. The commission shall  
2229 adopt rules to assure disclosure, at the time of sale, of  
2230 coverages financed ~~with personal injury protection~~ and shall  
2231 prescribe the form of such disclosure.

2232 Section 46. Subsection (1) of section 627.915, Florida  
2233 Statutes, is amended to read:

2234 627.915 Insurer experience reporting.—

2235 (1) Each insurer transacting private passenger automobile  
2236 insurance in this state shall report certain information  
2237 annually to the office. The information will be due on or before  
2238 July 1 of each year. The information must ~~shall~~ be divided into  
2239 the following categories: bodily injury liability; property  
2240 damage liability; uninsured motorist; ~~personal injury protection~~  
2241 ~~benefits~~; medical payments; and comprehensive and collision. The  
2242 information given must ~~shall~~ be on direct insurance writings in  
2243 the state alone and ~~shall~~ represent total limits data. The



244072

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

2253 (a) Premiums earned for the latest 3 calendar-accident  
2254 years.

2255 (b) Loss development factors and the historic development  
2256 of those factors.

2257 (c) Policyholder dividends incurred.

2258 (d) Expenses for other acquisition and general expense.

2259 (e) Expenses for agents' commissions and taxes, licenses,  
2260 and fees.

2261 (f) Profit and contingency factors as utilized in the  
2262 insurer's automobile rate filings for the applicable years.

2263 (g) Losses paid.

2264 (h) Losses unpaid.

2265 (i) Loss adjustment expenses paid.

2266 (j) Loss adjustment expenses unpaid.

2267 Section 47. Subsections (2) and (3) of section 628.909,  
2268 Florida Statutes, are amended to read:

2269 628.909 Applicability of other laws.—

2270 (2) The following provisions of the Florida Insurance Code  
2271 apply to captive insurance companies who are not industrial  
2272 insured captive insurance companies to the extent that such



244072

2273 provisions are not inconsistent with this part:

2274 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
2275 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2276 (b) Chapter 625, part II.

2277 (c) Chapter 626, part IX.

2278 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~  
2279 ~~provided.~~

2280 ~~(e) Chapter 628.~~

2281 (3) The following provisions of the Florida Insurance Code  
2282 shall apply to industrial insured captive insurance companies to  
2283 the extent that such provisions are not inconsistent with this  
2284 part:

2285 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
2286 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2287 (b) Chapter 625, part II, if the industrial insured captive  
2288 insurance company is incorporated in this state.

2289 (c) Chapter 626, part IX.

2290 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~  
2291 ~~provided.~~

2292 ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~  
2293 ~~628.6018.~~

2294 Section 48. Subsections (2), (6), and (7) of section  
2295 705.184, Florida Statutes, are amended to read:

2296 705.184 Derelict or abandoned motor vehicles on the  
2297 premises of public-use airports.-

2298 (2) The airport director or the director's designee shall  
2299 contact the Department of Highway Safety and Motor Vehicles to  
2300 notify that department that the airport has possession of the  
2301 abandoned or derelict motor vehicle and to determine the name





244072

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

2328 (6) The airport pursuant to this section or, if used, a  
2329 licensed independent wrecker company pursuant to s. 713.78 shall  
2330 have a lien on an abandoned or derelict motor vehicle for all



244072

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

2345 (7) (a) For the purpose of perfecting its lien under this  
2346 section, the airport shall record a claim of lien which states  
2347 ~~shall state:~~

2348 1. The name and address of the airport.

2349 2. The name of the owner of the motor vehicle, the  
2350 insurance company insuring the motor vehicle, ~~notwithstanding~~  
2351 ~~the provisions of s. 627.736,~~ and all persons of record claiming  
2352 a lien against the motor vehicle.

2353 3. The costs incurred from reasonable towing, storage, and  
2354 parking fees, if any.

2355 4. A description of the motor vehicle sufficient for  
2356 identification.

2357 (b) The claim of lien must ~~shall~~ be signed and sworn to or  
2358 affirmed by the airport director or the director's designee.

2359 (c) The claim of lien is ~~shall be~~ sufficient if it is in



244072

2360 substantially the following form:

2361

2362 CLAIM OF LIEN

2363 State of .....

2364 County of .....

2365 Before me, the undersigned notary public, personally appeared  
2366 ....., who was duly sworn and says that he/she is the  
2367 ..... of ....., whose address is.....; and that the  
2368 following described motor vehicle:

2369 ...(Description of motor vehicle)...

2370 owned by ....., whose address is ....., has accrued  
2371 \$..... in fees for a reasonable tow, for storage, and for  
2372 parking, if applicable; that the lienor served its notice to the  
2373 owner, the insurance company insuring the motor vehicle  
2374 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~  
2375 and all persons of record claiming a lien against the motor  
2376 vehicle on ....., ...(year)...., by.....

2377 ...(Signature)...

2378 Sworn to (or affirmed) and subscribed before me this .... day of  
2379 ....., ...(year)...., by ...(name of person making statement)....

2380 ...(Signature of Notary Public).....(Print, Type, or Stamp  
2381 Commissioned name of Notary Public)...

2382 Personally Known...OR Produced...as identification.

2383

2384 However, the negligent inclusion or omission of any information  
2385 in this claim of lien which does not prejudice the owner does  
2386 not constitute a default that operates to defeat an otherwise  
2387 valid lien.

2388 (d) The claim of lien must ~~shall~~ be served on the owner of



244072

2389 the motor vehicle, the insurance company insuring the motor  
2390 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
2391 persons of record claiming a lien against the motor vehicle. If  
2392 attempts to notify the owner, the insurance company insuring the  
2393 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or  
2394 lienholders are not successful, the requirement of notice by  
2395 mail shall be considered met. The claim of lien must ~~shall~~ be so  
2396 served before recordation.

2397 (e) The claim of lien must ~~shall~~ be recorded with the clerk  
2398 of court in the county where the airport is located. The  
2399 recording of the claim of lien shall be constructive notice to  
2400 all persons of the contents and effect of such claim. The lien  
2401 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~  
2402 ~~take~~ priority as of that time.

2403 Section 49. Subsection (4) of section 713.78, Florida  
2404 Statutes, is amended to read:

2405 713.78 Liens for recovering, towing, or storing vehicles  
2406 and vessels.-

2407 (4) (a) Any person regularly engaged in the business of  
2408 recovering, towing, or storing vehicles or vessels who comes  
2409 into possession of a vehicle or vessel pursuant to subsection  
2410 (2), and who claims a lien for recovery, towing, or storage  
2411 services, shall give notice to the registered owner, the  
2412 insurance company insuring the vehicle ~~notwithstanding the~~  
2413 ~~provisions of s. 627.736,~~ and to all persons claiming a lien  
2414 thereon, as disclosed by the records in the Department of  
2415 Highway Safety and Motor Vehicles or as disclosed by the records  
2416 of any corresponding agency in any other state in which the  
2417 vehicle is identified through a records check of the National



244072

2418 Motor Vehicle Title Information System or an equivalent  
2419 commercially available system as being titled or registered.

2420 (b) If a ~~Whenever any~~ law enforcement agency authorizes the  
2421 removal of a vehicle or vessel or if a ~~whenever any~~ towing  
2422 service, garage, repair shop, or automotive service, storage, or  
2423 parking place notifies the law enforcement agency of possession  
2424 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
2425 enforcement agency of the jurisdiction where the vehicle or  
2426 vessel is stored shall contact the Department of Highway Safety  
2427 and Motor Vehicles, or the appropriate agency of the state of  
2428 registration, if known, within 24 hours through the medium of  
2429 electronic communications, giving the full description of the  
2430 vehicle or vessel. Upon receipt of the full description of the  
2431 vehicle or vessel, the department shall search its files to  
2432 determine the owner's name, the insurance company insuring the  
2433 vehicle or vessel, and whether any person has filed a lien upon  
2434 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
2435 notify the applicable law enforcement agency within 72 hours.  
2436 The person in charge of the towing service, garage, repair shop,  
2437 or automotive service, storage, or parking place shall obtain  
2438 such information from the applicable law enforcement agency  
2439 within 5 days after the date of storage and shall give notice  
2440 pursuant to paragraph (a). The department may release the  
2441 insurance company information to the requestor ~~notwithstanding~~  
2442 ~~the provisions of s. 627.736.~~

2443 (c) Notice by certified mail must ~~shall~~ be sent within 7  
2444 business days after the date of storage of the vehicle or vessel  
2445 to the registered owner, the insurance company insuring the  
2446 vehicle ~~notwithstanding the provisions of s. 627.736,~~ and all



244072

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

2459 (d) If attempts to locate the name and address of the owner  
2460 or lienholder prove unsuccessful, the towing-storage operator  
2461 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,  
2462 of the initial tow or storage, notify the public agency of  
2463 jurisdiction where the vehicle or vessel is stored in writing by  
2464 certified mail or acknowledged hand delivery that the towing-  
2465 storage company has been unable to locate the name and address  
2466 of the owner or lienholder and a physical search of the vehicle  
2467 or vessel has disclosed no ownership information and a good  
2468 faith effort has been made, including records checks of the  
2469 Department of Highway Safety and Motor Vehicles database and the  
2470 National Motor Vehicle Title Information System or an equivalent  
2471 commercially available system. As used in ~~For purposes of~~ this  
2472 paragraph and subsection (9), the term "good faith effort" means  
2473 that the following checks have been performed by the company to  
2474 establish prior state of registration and for title:

2475 1. Check of the Department of Highway Safety and Motor



244072

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



2505 the hull that bears the rudder or other steering mechanism.

2506 Section 50. Paragraph (a) of subsection (1), paragraph (c)  
2507 of subsection (7), paragraphs (a), (b), and (c) of subsection  
2508 (8), and subsections (9) and (10) of section 817.234, Florida  
2509 Statutes, are amended to read:

2510 817.234 False and fraudulent insurance claims.—

2511 (1) (a) A person commits insurance fraud punishable as  
2512 provided in subsection (11) if that person, with the intent to  
2513 injure, defraud, or deceive any insurer:

2514 1. Presents or causes to be presented any written or oral  
2515 statement as part of, or in support of, a claim for payment or  
2516 other benefit pursuant to an insurance policy or a health  
2517 maintenance organization subscriber or provider contract,  
2518 knowing that such statement contains ~~any~~ false, incomplete, or  
2519 misleading information concerning any fact or thing material to  
2520 such claim;

2521 2. Prepares or makes any written or oral statement that is  
2522 intended to be presented to an ~~any~~ insurer in connection with,  
2523 or in support of, any claim for payment or other benefit  
2524 pursuant to an insurance policy or a health maintenance  
2525 organization subscriber or provider contract, knowing that such  
2526 statement contains ~~any~~ false, incomplete, or misleading  
2527 information concerning any fact or thing material to such claim;

2528 3.a. Knowingly presents, causes to be presented, or  
2529 prepares or makes with knowledge or belief that it will be  
2530 presented to an ~~any~~ insurer, purported insurer, servicing  
2531 corporation, insurance broker, or insurance agent, or any  
2532 employee or agent thereof, ~~any~~ false, incomplete, or misleading  
2533 information or a written or oral statement as part of, or in





244072

2534 support of, an application for the issuance of, or the rating  
2535 of, any insurance policy, or a health maintenance organization  
2536 subscriber or provider contract; or

2537 b. Knowingly conceals information concerning any fact  
2538 material to such application; or

2539 4. Knowingly presents, causes to be presented, or prepares  
2540 or makes with knowledge or belief that it will be presented to  
2541 any insurer a claim for payment or other benefit under medical  
2542 payments coverage in a motor vehicle ~~a personal injury~~  
2543 ~~protection~~ insurance policy if the person knows that the payee  
2544 knowingly submitted a false, misleading, or fraudulent  
2545 application or other document when applying for licensure as a  
2546 health care clinic, seeking an exemption from licensure as a  
2547 health care clinic, or demonstrating compliance with part X of  
2548 chapter 400.

2549 (7)

2550 ~~(c) An insurer, or any person acting at the direction of or~~  
2551 ~~on behalf of an insurer, may not change an opinion in a mental~~  
2552 ~~or physical report prepared under s. 627.736(7) or direct the~~  
2553 ~~physician preparing the report to change such opinion; however,~~  
2554 ~~this provision does not preclude the insurer from calling to the~~  
2555 ~~attention of the physician errors of fact in the report based~~  
2556 ~~upon information in the claim file. Any person who violates this~~  
2557 ~~paragraph commits a felony of the third degree, punishable as~~  
2558 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2559 (8) (a) It is unlawful for any person intending to defraud  
2560 any other person to solicit or cause to be solicited any  
2561 business from a person involved in a motor vehicle accident for  
2562 the purpose of making, adjusting, or settling motor vehicle tort



244072

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

2571 (b) A person may not solicit or cause to be solicited any  
2572 business from a person involved in a motor vehicle accident by  
2573 any means of communication other than advertising directed to  
2574 the public for the purpose of making motor vehicle tort claims  
2575 or claims for benefits under medical payments coverage in a  
2576 motor vehicle insurance policy ~~personal injury protection~~  
2577 ~~benefits required by s. 627.736,~~ within 60 days after the  
2578 occurrence of the motor vehicle accident. Any person who  
2579 violates this paragraph commits a felony of the third degree,  
2580 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2581 (c) A lawyer, health care practitioner as defined in s.  
2582 456.001, or owner or medical director of a clinic required to be  
2583 licensed pursuant to s. 400.9905 may not, at any time after 60  
2584 days have elapsed from the occurrence of a motor vehicle  
2585 accident, solicit or cause to be solicited any business from a  
2586 person involved in a motor vehicle accident by means of in  
2587 person or telephone contact at the person's residence, for the  
2588 purpose of making motor vehicle tort claims or claims for  
2589 benefits under medical payments coverage in a motor vehicle  
2590 insurance policy ~~personal injury protection benefits required by~~  
2591 ~~s. 627.736.~~ Any person who violates this paragraph commits a



244072

2592 felony of the third degree, punishable as provided in s.  
2593 775.082, s. 775.083, or s. 775.084.

2594 (9) A person may not organize, plan, or knowingly  
2595 participate in an intentional motor vehicle crash or a scheme to  
2596 create documentation of a motor vehicle crash that did not occur  
2597 for the purpose of making motor vehicle tort claims or claims  
2598 for benefits under medical payments coverage in a motor vehicle  
2599 insurance policy ~~personal injury protection benefits as required~~  
2600 ~~by s. 627.736~~. Any person who violates this subsection commits a  
2601 felony of the second degree, punishable as provided in s.  
2602 775.082, s. 775.083, or s. 775.084. A person who is convicted of  
2603 a violation of this subsection shall be sentenced to a minimum  
2604 term of imprisonment of 2 years.

2605 (10) A licensed health care practitioner who is found  
2606 guilty of insurance fraud under this section for an act relating  
2607 to a motor vehicle ~~personal injury protection~~ insurance policy  
2608 loses his or her license to practice for 5 years and may not  
2609 receive reimbursement under medical payments coverage in a motor  
2610 vehicle insurance policy ~~for personal injury protection benefits~~  
2611 for 10 years.

2612 Section 51. Applicability and construction; notice to  
2613 policyholders.-

2614 (1) As used in this section, the term "minimum security  
2615 requirements" means security that enables a person to respond in  
2616 damages for liability on account of crashes arising out of the  
2617 ownership, maintenance, or use of a motor vehicle in the amounts  
2618 required by s. 324.021(7), Florida Statutes.

2619 (2) Effective January 1, 2019:

2620 (a) Motor vehicle insurance policies issued or renewed on



244072

2621 or after that date may not include personal injury protection.

2622 (b) All persons subject to s. 324.022, s. 324.032, s.  
2623 627.7415, or s. 627.742, Florida Statutes, must maintain at  
2624 least minimum security requirements.

2625 (c) Any new or renewal motor vehicle insurance policy  
2626 delivered or issued for delivery in this state must provide  
2627 coverage that complies with minimum security requirements.

2628 (d) Any new or renewal motor vehicle insurance policy  
2629 furnished to an owner or operator of a motor vehicle as proof of  
2630 financial responsibility pursuant to s. 324.022 or s. 324.031,  
2631 Florida Statutes, must provide medical payments coverage that  
2632 complies with s. 627.7265, Florida Statutes.

2633 (e) An existing motor vehicle insurance policy issued  
2634 before that date which provides personal injury protection and  
2635 property damage liability coverage that meets the requirements  
2636 of s. 324.022, Florida Statutes, on December 31, 2018, but which  
2637 does not meet minimum security requirements on or after January  
2638 1, 2019, is deemed to meet the security requirements of s.  
2639 324.022, Florida Statutes, and the medical payments coverage  
2640 requirements of s. 627.7265, Florida Statutes, until such policy  
2641 is renewed, nonrenewed, or canceled on or after January 1, 2019.

2642 (3) Each insurer shall allow each insured who has a new or  
2643 renewal policy providing personal injury protection, which  
2644 becomes effective before January 1, 2019, and whose policy does  
2645 not meet minimum security requirements on or after January 1,  
2646 2019, to change coverages so as to eliminate personal injury  
2647 protection and obtain coverage providing minimum security  
2648 requirements, which shall be effective on or after January 1,  
2649 2019. The insurer is not required to provide coverage complying



244072

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

2658 (4) By September 1, 2018, each motor vehicle insurer shall  
2659 provide notice of this section to each motor vehicle  
2660 policyholder who is subject to this section. The notice is  
2661 subject to approval by the Office of Insurance Regulation and  
2662 must clearly inform the policyholder that:

2663 (a) The Florida Motor Vehicle No-Fault Law is repealed,  
2664 effective January 1, 2019, and that on or after that date, the  
2665 insured is no longer required to maintain personal injury  
2666 protection insurance coverage, that personal injury protection  
2667 coverage is no longer available for purchase in this state, and  
2668 that all new or renewal policies issued on or after that date do  
2669 not contain such coverage.

2670 (b) Effective January 1, 2019, a person subject to the  
2671 financial responsibility requirements of s. 324.022, Florida  
2672 Statutes, must maintain minimum security requirements that  
2673 enable the person to respond in damages for liability on account  
2674 of accidents arising out of the use of a motor vehicle in the  
2675 following amounts:

2676 1. Beginning January 1, 2019, and continuing through  
2677 December 31, 2020:

2678 a. Twenty thousand dollars for bodily injury to, or the



244072

2679 death of, one person in any one crash and, subject to such  
2680 limits for one person, in the amount of \$40,000 for bodily  
2681 injury to, or the death of, two or more persons in any one  
2682 crash; and

2683 b. Ten thousand dollars for damage to, or destruction of,  
2684 the property of others in any one crash.

2685 2. Beginning January 1, 2021, and thereafter:

2686 a. Twenty-five thousand dollars for bodily injury to, or  
2687 the death of, one person in any one crash and, subject to such  
2688 limits for one person, in the amount of \$50,000 for bodily  
2689 injury to, or the death of, two or more persons in any one  
2690 crash; and

2691 b. Ten thousand dollars for damage to, or destruction of,  
2692 the property of others in any one crash.

2693 (c) Personal injury protection insurance paid covered  
2694 medical expenses for injuries sustained in a motor vehicle crash  
2695 by the policyholder, passengers, and relatives residing in the  
2696 policyholder's household.

2697 (d) Bodily injury liability coverage protects the insured,  
2698 up to the coverage limits, against loss if the insured is  
2699 legally responsible for the death of or bodily injury to others  
2700 in a motor vehicle accident.

2701 (e) Effective January 1, 2019, a person who purchases a  
2702 motor vehicle liability insurance policy as proof of financial  
2703 responsibility must maintain medical payments coverage that  
2704 complies with s. 627.7265, Florida Statutes. Medical payments  
2705 coverage pays covered medical expenses, up to the limits of such  
2706 coverage, for injuries sustained in a motor vehicle crash by the  
2707 policyholder, passengers, and relatives residing in the



244072

2708 policyholder's household, as provided in s. 627.7265, Florida  
2709 Statutes. Medical payments coverage also provides a death  
2710 benefit of at least \$5,000. Medical payments coverage provides  
2711 reimbursement for the following if medically necessary and if an  
2712 individual initially receives such treatment within 14 days  
2713 after the motor vehicle accident:

- 2714 1. Emergency transportation and treatment.
- 2715 2. Emergency services and care provided by a hospital.
- 2716 3. Emergency services and care provided by a licensed  
2717 physician or licensed dentist in a hospital, ambulatory surgical  
2718 center, or mobile surgical facility licensed under chapter 395,  
2719 Florida Statutes, and related hospital inpatient care.
- 2720 4. Hospital inpatient services, other than emergency  
2721 services and care.
- 2722 5. Hospital outpatient services, other than emergency  
2723 services and care.
- 2724 6. Physician services and care provided by a physician  
2725 licensed under chapter 458 or chapter 459 or a chiropractic  
2726 physician licensed under chapter 460; dental services and care  
2727 provided by a dentist licensed under chapter 466; or, to the  
2728 extent permitted by applicable law and under the supervision of  
2729 such physician, osteopathic physician, chiropractic physician,  
2730 or dentist, services and care provided by a physician assistant  
2731 licensed under chapter 458 or chapter 459 or by an advanced  
2732 registered nurse practitioner licensed under chapter 464.

2733 (f) The policyholder may obtain underinsured motorist  
2734 coverage, which provides benefits, up to the limits of such  
2735 coverage, to a policyholder or other insured entitled to recover  
2736 damages for bodily injury, sickness, disease, or death resulting



244072

2737 from a motor vehicle accident with an uninsured or underinsured  
2738 owner or operator of a motor vehicle.

2739 (g) If the policyholder's new or renewal motor vehicle  
2740 insurance policy is effective before January 1, 2019, and  
2741 contains personal injury protection and property damage  
2742 liability coverage as required by state law before January 1,  
2743 2019, but does not meet minimum security requirements on or  
2744 after January 1, 2019, the policy is deemed to meet minimum  
2745 security requirements until it is renewed, nonrenewed, or  
2746 canceled on or after January 1, 2019.

2747 (h) A policyholder whose new or renewal policy becomes  
2748 effective before January 1, 2019, but does not meet minimum  
2749 security requirements on or after January 1, 2019, may change  
2750 coverages under the policy so as to eliminate personal injury  
2751 protection and to obtain coverage providing minimum security  
2752 requirements, including bodily injury liability coverage, which  
2753 are effective on or after January 1, 2019.

2754 (i) If the policyholder has any questions, he or she should  
2755 contact the person named at the telephone number provided in the  
2756 notice.

2757 (5) This section takes effect upon this act becoming a law.

2758 Section 52. Application of suspensions for failure to  
2759 maintain security; reinstatement.—All suspensions for failure to  
2760 maintain required security as required by law in effect before  
2761 January 1, 2019, remain in full force and effect after January  
2762 1, 2019. A driver may reinstate a suspended driver license or  
2763 registration as provided under s. 324.0221, Florida Statutes.

2764 Section 53. For the 2018-2019 fiscal year, the sum of  
2765 \$83,651 in nonrecurring funds is appropriated from the Insurance





244072

2766 Regulatory Trust Fund to the Office of Insurance Regulation for  
2767 the purpose of implementing this act.

2768 Section 54. Except as otherwise expressly provided in this  
2769 act and except for this section, which shall take effect upon  
2770 this act becoming a law, this act shall take effect January 1,  
2771 2019.

2772  
2773 ===== T I T L E A M E N D M E N T =====

2774 And the title is amended as follows:

2775 Delete everything before the enacting clause  
2776 and insert:

2777 A bill to be entitled  
2778 An act relating to motor vehicle insurance; repealing  
2779 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,  
2780 627.734, 627.736, 627.737, 627.739, 627.7401,  
2781 627.7403, and 627.7405, F.S., which comprise the  
2782 Florida Motor Vehicle No-Fault Law; repealing s.  
2783 627.7407, F.S., relating to application of the Florida  
2784 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;  
2785 revising a requirement for proof of security on a  
2786 motor vehicle and the applicability of the  
2787 requirement; amending s. 318.18, F.S.; conforming a  
2788 provision to changes made by the act; amending s.  
2789 320.02, F.S.; revising the motor vehicle insurance  
2790 coverages that an applicant must show to register  
2791 certain vehicles with the Department of Highway Safety  
2792 and Motor Vehicles; deleting a requirement that  
2793 specified information be included on a certain  
2794 insurance proof-of-purchase card; revising



244072

2795 construction; amending s. 320.0609, F.S.; conforming a  
2796 provision to changes made by the act; amending s.  
2797 320.27, F.S.; defining the term "garage liability  
2798 insurance"; revising garage liability insurance  
2799 requirements for motor vehicle dealer applicants;  
2800 conforming a provision to changes made by the act;  
2801 amending s. 320.771, F.S.; revising garage liability  
2802 insurance requirements for recreational vehicle dealer  
2803 license applicants; amending ss. 322.251 and 322.34,  
2804 F.S.; conforming provisions to changes made by the  
2805 act; amending s. 324.011, F.S.; revising legislative  
2806 intent; amending s. 324.021, F.S.; revising  
2807 definitions of the terms "motor vehicle" and "proof of  
2808 financial responsibility"; revising, at specified  
2809 timeframes, minimum coverage requirements for proof of  
2810 financial responsibility for specified motor vehicles;  
2811 defining the term "for-hire passenger transportation  
2812 vehicle"; conforming provisions to changes made by the  
2813 act; amending s. 324.022, F.S.; revising, at specified  
2814 timeframes, minimum liability coverage requirements  
2815 for motor vehicle owners or operators; revising  
2816 authorized methods for meeting such requirements;  
2817 revising the vehicles that are excluded from the  
2818 definition of the term "motor vehicle" and providing  
2819 security requirements for certain excluded vehicles;  
2820 conforming provisions to changes made by the act;  
2821 conforming cross-references; amending s. 324.0221,  
2822 F.S.; revising applicability of certain insurer  
2823 reporting and notice requirements as to policies



2824 providing certain coverages; conforming provisions to  
2825 changes made by the act; amending s. 324.023, F.S.;  
2826 conforming cross-references; amending s. 324.031,  
2827 F.S.; revising applicability of a provision  
2828 authorizing certain methods of proving financial  
2829 responsibility; revising, at specified timeframes, the  
2830 amount of a certificate of deposit required for a  
2831 specified method of proof of financial responsibility;  
2832 revising excess liability coverage requirements for a  
2833 person electing to use such method; amending s.  
2834 324.032, F.S.; revising financial responsibility  
2835 requirements for owners or lessees of for-hire  
2836 passenger transportation vehicles and the  
2837 applicability of such requirements; revising a  
2838 requirement for a motor vehicle liability policy  
2839 obtained to comply with such requirements; amending  
2840 ss. 324.051, 324.071, 324.091, and 324.151, F.S.;  
2841 making technical changes; amending s. 324.161, F.S.;  
2842 revising requirements for a certificate of deposit  
2843 that is required if a person elects a certain method  
2844 of providing financial responsibility; amending s.  
2845 324.171, F.S.; revising, at specified timeframes, the  
2846 minimum net worth requirements to qualify certain  
2847 persons as self-insurers; conforming provisions to  
2848 changes made by the act; amending s. 324.251, F.S.;  
2849 revising the short title and an effective date;  
2850 amending s. 400.9905, F.S.; revising the definition of  
2851 the term "clinic"; amending ss. 400.991 and 400.9935,  
2852 F.S.; conforming provisions to changes made by the



2853 act; amending s. 409.901, F.S.; revising the  
2854 definition of the term "third-party benefit"; amending  
2855 s. 409.910, F.S.; revising the definition of the term  
2856 "medical coverage"; making technical changes; amending  
2857 s. 456.057, F.S.; conforming a cross-reference;  
2858 amending s. 456.072, F.S.; revising specified grounds  
2859 for discipline for certain health professions;  
2860 amending s. 626.9541, F.S.; conforming a provision to  
2861 changes made by the act; revising the type of  
2862 insurance coverage applicable to a certain prohibited  
2863 act; conforming a cross-reference; amending s.  
2864 626.989, F.S.; revising the definition of the term  
2865 "fraudulent insurance act"; amending s. 627.06501,  
2866 F.S.; revising coverages that may provide for a  
2867 reduction in motor vehicle insurance policy premium  
2868 charges under certain circumstances; amending s.  
2869 627.0652, F.S.; revising coverages that must provide a  
2870 premium charge reduction under certain circumstances;  
2871 amending s. 627.0653, F.S.; revising coverages subject  
2872 to premium discounts for specified motor vehicle  
2873 equipment; amending s. 627.4132, F.S.; revising the  
2874 coverages of a motor vehicle policy which are subject  
2875 to a stacking prohibition; amending s. 627.7263, F.S.;  
2876 revising provisions relating to designation of primary  
2877 coverages for rental and leasing driver's insurance;  
2878 conforming provisions to changes made by the act;  
2879 creating s. 627.7265, F.S.; requiring specified motor  
2880 vehicle liability insurance policies to include  
2881 medical payments coverage; specifying persons such



2882 coverage must protect; specifying the minimum medical  
2883 expense coverage and minimum death benefit required  
2884 under such coverage; providing construction relating  
2885 to limits on certain other coverages; prohibiting  
2886 insurers from offering such coverage to an applicant  
2887 or policyholder with a deductible; specifying medical  
2888 services and care required to be covered under such  
2889 coverage; authorizing insurers to exclude medical  
2890 payment benefits under certain circumstances;  
2891 providing that medical payments benefits are primary  
2892 to certain health insurance benefits and apply to the  
2893 coinsurance or deductible amounts required by certain  
2894 health insurance policies, except under certain  
2895 circumstances; providing that a medical payments  
2896 insurance policy, under certain circumstances, may  
2897 include a subrogation provision for medical payments  
2898 benefits paid; requiring insurers, upon receiving a  
2899 certain notice, to hold a specified reserve for  
2900 certain purposes for a specified time; providing that  
2901 the reserve requirement does not require insurers to  
2902 establish a claim reserve for accounting purposes;  
2903 specifying requirements, procedures, limitations, and  
2904 prohibitions relating to charges and billing for care  
2905 of bodily injuries under medical payments coverage;  
2906 defining the term "service year"; requiring the  
2907 Department of Health to adopt a certain rule;  
2908 providing insurers a civil cause of action against  
2909 certain persons who are convicted of or plead guilty  
2910 or nolo contendere to certain acts of insurance fraud



244072

2911 associated with claims for medical payments coverage  
2912 benefits; requiring insurers receiving notice of a  
2913 claim to provide a specified fraud advisory notice to  
2914 certain persons; providing that claims generated as a  
2915 result of certain patient brokering activities are  
2916 nonreimbursable; authorizing notices, documentation,  
2917 transmissions, or communications to be transferred  
2918 electronically in a secure manner; amending s.  
2919 627.727, F.S.; conforming provisions to changes made  
2920 by the act; amending s. 627.7275, F.S.; revising  
2921 applicability and required coverages for a motor  
2922 vehicle insurance policy; conforming provisions to  
2923 changes made by the act; amending s. 627.728, F.S.;  
2924 conforming a provision to changes made by the act;  
2925 amending s. 627.7295, F.S.; revising the definitions  
2926 of the terms "policy" and "binder"; revising the  
2927 coverages of a motor vehicle insurance policy for  
2928 which a licensed general lines agent may charge a  
2929 specified fee; revising applicability; conforming a  
2930 cross-reference; amending s. 627.7415, F.S.; revising,  
2931 at specified intervals, the minimum levels of certain  
2932 liability insurance required for commercial motor  
2933 vehicles; amending s. 627.8405, F.S.; revising  
2934 coverages in a policy sold in combination with an  
2935 accidental death and dismemberment policy, which a  
2936 premium finance company may not finance; revising  
2937 rulemaking authority of the commission; amending ss.  
2938 627.915, 628.909, 705.184, and 713.78, F.S.;  
2939 conforming provisions to changes made by the act;



244072

2940 amending s. 817.234, F.S.; revising coverages that are  
2941 the basis of specified prohibited false and fraudulent  
2942 insurance claims; conforming a provision to changes  
2943 made by the act; conforming a cross-reference;  
2944 providing applicability and construction relating to  
2945 changes made by the act; defining the term "minimum  
2946 security requirements"; providing requirements and  
2947 procedures relating to motor vehicle insurance  
2948 policies that include personal injury protection as of  
2949 a specified date; requiring an insurer to provide, by  
2950 a specified date, a specified notice to policyholders  
2951 relating to requirements under the act; providing for  
2952 construction relating to suspensions for failure to  
2953 maintain required security in effect before a  
2954 specified date; providing an appropriation; providing  
2955 effective dates.