



352738

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

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

1 **Senate Substitute for Amendment (244072) (with title**
2 **amendment)**

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

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9 Vehicle No-Fault Law, are repealed.

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 Section 627.7407, Florida Statutes, is repealed.



352738

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

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

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

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

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

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

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

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



352738

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

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

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

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

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



352738

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

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

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

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



352738

98 policy, insurance policy binder, or certificate of insurance or
99 a photocopy of any of these; an affidavit containing the name of
100 the insured's insurance company, the insured's policy number,
101 and the make and year of the vehicle insured; or such other
102 proof as may be prescribed by the department constitutes ~~shall~~
103 ~~constitute~~ sufficient proof of purchase. If an affidavit is
104 provided as proof, it must be in substantially the following
105 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, if~~
110 ~~required, Bodily Injury Liability~~)... Insurance currently in
111 effect with ...(Name of insurance company)... under ...(policy
112 number)... covering ...(make, year, and vehicle identification
113 number of vehicle).... ...(Signature of Insured)...

114
115 Such affidavit must include the following warning:

116
117 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
118 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
119 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
120 SUBJECT TO PROSECUTION.

121
122 If an application is made through a licensed motor vehicle
123 dealer as required under s. 319.23, the original or a photocopy
124 ~~photostatic copy~~ of such card, insurance policy, insurance
125 policy binder, or certificate of insurance or the original
126 affidavit from the insured must ~~shall~~ be forwarded by the dealer



352738

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

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

154 Section 6. Paragraph (b) of subsection (1) of section
155 320.0609, Florida Statutes, is amended to read:



352738

156 320.0609 Transfer and exchange of registration license
157 plates; transfer fee.—

158 (1)

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

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

167 320.27 Motor vehicle dealers.—

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

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

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

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

179 3. Beginning January 1, 2023 and thereafter, at least
180 \$70,000.

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



352738

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



352738

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



352738

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

266 Section 8. Paragraph (j) of subsection (3) of section
267 320.771, Florida Statutes, is amended to read:

268 320.771 License required of recreational vehicle dealers.—

269 (3) APPLICATION.—The application for such license shall be
270 in the form prescribed by the department and subject to such
271 rules as may be prescribed by it. The application shall be



352738

272 verified by oath or affirmation and shall contain:

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

280

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

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

288 322.251 Notice of cancellation, suspension, revocation, or
289 disqualification of license.—

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



352738

301 of the cancellation, suspension, revocation, or disqualification
302 of the licensee's driving privilege.

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

314 Section 10. Paragraph (a) of subsection (8) of section
315 322.34, Florida Statutes, is amended to read:

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

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

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

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

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



352738

330 4. Whether the driver is the registered owner or coowner of
331 the vehicle.

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

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

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

357 324.021 Definitions; minimum insurance required.—The
358 following words and phrases when used in this chapter shall, for



359 the purpose of this chapter, have the meanings respectively
360 ascribed to them in this section, except in those instances
361 where the context clearly indicates a different meaning:

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

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

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

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

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

386 ~~(b) subject to such limits for one person, in the amount of~~
387 \$40,000 for ~~\$20,000 because of~~ bodily injury to, or the death



352738

388 of, two or more persons in any one crash; and
389 b. Ten thousand dollars for damage to, or destruction of,
390 property of others in any one crash.
391 2. Beginning January 1, 2021, and continuing through
392 December 31, 2022, in the amount of:
393 a. Twenty-five thousand dollars for bodily injury to, or
394 the death of, one person in any one crash and, subject to such
395 limits for one person, in the amount of \$50,000 for bodily
396 injury to, or the death of, two or more persons in any one
397 crash; and
398 b. Ten thousand dollars for damage to, or destruction of,
399 property of others in any one crash.
400 3. Beginning January 1, 2023, and continuing thereafter, in
401 the amount of:
402 a. Thirty thousand dollars for bodily injury to, or the
403 death of, one person in any one crash and, subject to such
404 limits for one person, in the amount of \$60,000 for bodily
405 injury to, or the death of, two or more persons in any one
406 crash; and
407 b. ~~(e)~~ Ten thousand dollars for damage ~~in the amount of~~
408 ~~\$10,000 because of injury to, or destruction of, property of~~
409 ~~others in any one crash.~~; ~~and~~
410 (b) ~~(d)~~ With respect to commercial motor vehicles ~~and~~
411 ~~nonpublic sector buses, in the amounts specified in s. 627.7415~~
412 ~~ss. 627.7415 and 627.742, respectively.~~
413 (c) With respect to nonpublic sector buses, in the amounts
414 specified in s. 627.742.
415 (d) With respect to for-hire passenger transportation
416 vehicles, in the amounts specified in s. 324.032.



352738

417 (9) OWNER; OWNER/LESSOR.—

418 (c) *Application*.—

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

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

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

442 2. Furthermore, with respect to commercial motor vehicles
443 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
444 liability in subparagraphs (b)2. and 3. do not apply if, at the
445 time of the incident, the commercial motor vehicle is being used



352738

446 in the transportation of materials found to be hazardous for the
447 purposes of the Hazardous Materials Transportation Authorization
448 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
449 required pursuant to such act to carry placards warning others
450 of the hazardous cargo, unless at the time of lease or rental
451 either:

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

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

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

464 Section 13. Section 324.022, Florida Statutes, is amended
465 to read:

466 324.022 Financial responsibility requirements ~~for property~~
467 ~~damage.—~~

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

473 1. Beginning January 1, 2019, and continuing through
474 December 31, 2020:



352738

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

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

482 2. Beginning January 1, 2021, and continuing through
483 December 31, 2022:

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

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

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

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

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

499 (b) The requirements of paragraph (a) ~~this section~~ may be
500 met by one of the methods established in s. 324.031; by self-
501 insuring as authorized by s. 768.28(16); or by maintaining a
502 motor vehicle liability insurance policy that ~~an insurance~~
503 policy providing coverage for property damage liability in the



352738

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

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

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

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

518 ~~\$30,000 for combined property damage liability and bodily injury~~
519 ~~liability for any one crash arising out of the use of the motor~~
520 ~~vehicle. The policy, with respect to coverage for property~~
521 ~~damage liability, must meet the applicable requirements of s.~~
522 ~~324.151, subject to the usual policy exclusions that have been~~
523 ~~approved in policy forms by the Office of Insurance Regulation.~~
524 ~~No insurer shall have any duty to defend uncovered claims~~
525 ~~irrespective of their joinder with covered claims.~~

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

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

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



352738

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

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

540 4. A commercial motor vehicle as defined in s. 207.002 or
541 s. 320.01, which shall maintain security as required under ss.
542 324.031 and 627.7415.

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

545 ~~6.4. A vehicle providing for-hire passenger transportation~~
546 ~~vehicle, which that is subject to the provisions of s. 324.031.~~
547 ~~A taxicab shall maintain security as required under s. 324.032~~
548 ~~s. 324.032(1).~~

549 ~~7.5. A personal delivery device as defined in s. 316.003.~~

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

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

560 (4) An ~~The~~ owner or registrant of a motor vehicle who is
561 ~~exempt from the requirements of this section if she or he is a~~



352738

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

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

582 324.0221 Reports by insurers to the department; suspension
583 of driver license and vehicle registrations; reinstatement.—

584 (1) (a) Each insurer that has issued a policy providing
585 ~~personal injury protection coverage or property damage~~ liability
586 coverage shall report the cancellation or nonrenewal thereof to
587 the department within 10 days after the processing date or
588 effective date of each cancellation or nonrenewal. Upon the
589 issuance of a policy providing ~~personal injury protection~~
590 ~~coverage or property damage~~ liability coverage to a named



352738

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

604 (b) With respect to an insurance policy providing ~~personal~~
605 ~~injury protection coverage or property damage~~ liability
606 coverage, each insurer shall notify the named insured, or the
607 first-named insured in the case of a commercial fleet policy, in
608 writing that any cancellation or nonrenewal of the policy will
609 be reported by the insurer to the department. The notice must
610 also inform the named insured that failure to maintain bodily
611 injury liability ~~personal injury protection~~ coverage and
612 property damage liability coverage on a motor vehicle when
613 required by law may result in the loss of registration and
614 driving privileges in this state and inform the named insured of
615 the amount of the reinstatement fees required by this section.
616 This notice is for informational purposes only, and an insurer
617 is not civilly liable for failing to provide this notice.

618 (2) The department shall suspend, after due notice and an
619 opportunity to be heard, the registration and driver license of



352738

620 any owner or registrant of a motor vehicle for ~~with respect to~~
621 which security is required under s. 324.022, s. 324.032, s.
622 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

627 (b) Notification by the insurer to the department, in a
628 form approved by the department, of cancellation or termination
629 of the required security.

630 Section 15. Section 324.023, Florida Statutes, is amended
631 to read:

632 324.023 Financial responsibility for bodily injury or
633 death.—In addition to any other financial responsibility
634 required by law, every owner or operator of a motor vehicle that
635 is required to be registered in this state, or that is located
636 within this state, and who, regardless of adjudication of guilt,
637 has been found guilty of or entered a plea of guilty or nolo
638 contendere to a charge of driving under the influence under s.
639 316.193 after October 1, 2007, shall, by one of the methods
640 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
641 establish and maintain the ability to respond in damages for
642 liability on account of accidents arising out of the use of a
643 motor vehicle in the amount of \$100,000 because of bodily injury
644 to, or death of, one person in any one crash and, subject to
645 such limits for one person, in the amount of \$300,000 because of
646 bodily injury to, or death of, two or more persons in any one
647 crash and in the amount of \$50,000 because of property damage in
648 any one crash. If the owner or operator chooses to establish and



352738

649 maintain such ability by furnishing a certificate of deposit
650 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
651 deposit must be at least \$350,000. Such higher limits must be
652 carried for a minimum period of 3 years. If the owner or
653 operator has not been convicted of driving under the influence
654 or a felony traffic offense for a period of 3 years from the
655 date of reinstatement of driving privileges for a violation of
656 s. 316.193, the owner or operator shall be exempt from this
657 section.

658 Section 16. Section 324.031, Florida Statutes, is amended
659 to read:

660 324.031 Manner of proving financial responsibility.-

661 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~
662 ~~or any other for-hire passenger transportation vehicle may prove~~
663 ~~financial responsibility by providing satisfactory evidence of~~
664 ~~holding a motor vehicle liability policy as defined in s.~~
665 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
666 ~~carrier which is a member of the Florida Insurance Guaranty~~
667 ~~Association. The operator or owner of a motor vehicle other than~~
668 ~~a for-hire passenger transportation vehicle any other vehicle~~
669 may prove his or her financial responsibility by:

670 ~~(a)(1)~~ Furnishing satisfactory evidence of holding a motor
671 vehicle liability policy as defined in ss. 324.021(8) and
672 324.151;

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

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

677 ~~(2)(a) Any person, including any firm, partnership,~~



352738

678 ~~association, corporation, or other person, other than a natural~~
679 ~~person,~~ electing to use the method of proof specified in
680 paragraph (1)(b) subsection (2) shall furnish a certificate of
681 deposit equal to the number of vehicles owned times:

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

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

686 3. Seventy thousand dollars, ~~\$30,000,~~ to a maximum of
687 \$280,000, from January 1, 2023, and thereafter. ~~\$120,000;~~

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

692 1. One hundred twenty-five thousand dollars for bodily
693 injury to, or the death of, one person in any one crash and,
694 subject to such limits for one person, in the amount of \$250,000
695 for bodily injury to, or the death of, two or more persons in
696 any one crash, and \$50,000 for damage to, or destruction of,
697 property of others in any one crash; or ~~\$10,000/20,000/10,000 or~~
698 ~~\$30,000 combined single limits, and such excess insurance shall~~
699 ~~provide minimum limits of \$125,000/250,000/50,000 or \$300,000~~
700 ~~combined single limits. These increased limits shall not affect~~
701 ~~the requirements for proving financial responsibility under s.~~
702 ~~324.032(1).~~

703 2. Three hundred thousand dollars for combined bodily
704 injury liability and property damage liability for any one
705 crash.

706 Section 17. Section 324.032, Florida Statutes, is amended



352738

707 to read:

708 324.032 ~~Manner of proving~~ Financial responsibility for,
709 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
710 ~~provisions of s. 324.031:~~

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

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

728 (b) Fifty thousand dollars for damage to, or destruction
729 of, property of others in any one crash ~~A person who is either~~
730 ~~the owner or a lessee required to maintain insurance under s.~~
731 ~~324.021(9) (b) and who operates limousines, jitneys, or any other~~
732 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
733 ~~financial responsibility by furnishing satisfactory evidence of~~
734 ~~holding a motor vehicle liability policy as defined in s.~~
735 ~~324.031.~~



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

742 (3)-(2) An owner or a lessee who is required to maintain
743 insurance under s. 324.021(9)(b) and who operates at least 300
744 taxicabs, limousines, jitneys, or any other for-hire passenger
745 transportation vehicles may provide financial responsibility by
746 complying with the provisions of s. 324.171, such compliance to
747 be demonstrated by maintaining at its principal place of
748 business an audited financial statement, prepared in accordance
749 with generally accepted accounting principles, and providing to
750 the department a certification issued by a certified public
751 accountant that the applicant's net worth is at least equal to
752 the requirements of s. 324.171 as determined by the Office of
753 Insurance Regulation of the Financial Services Commission,
754 including claims liabilities in an amount certified as adequate
755 by a Fellow of the Casualty Actuarial Society.

756
757 Upon request by the department, the applicant shall ~~must~~ provide
758 the department at the applicant's principal place of business in
759 this state access to the applicant's underlying financial
760 information and financial statements that provide the basis of
761 the certified public accountant's certification. The applicant
762 shall reimburse the requesting department for all reasonable
763 costs incurred by it in reviewing the supporting information.
764 The maximum amount of self-insurance permissible under this



352738

765 subsection is \$300,000 and must be stated on a per-occurrence
766 basis, and the applicant shall maintain adequate excess
767 insurance issued by an authorized or eligible insurer licensed
768 or approved by the Office of Insurance Regulation. All risks
769 self-insured shall remain with the owner or lessee providing it,
770 and the risks are not transferable to any other person, unless a
771 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
772 obtained.

773 Section 18. Paragraph (b) of subsection (2) of section
774 324.051, Florida Statutes, is amended to read:

775 324.051 Reports of crashes; suspensions of licenses and
776 registrations.—

777 (2)

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

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

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

789 3. To such operator or owner if the liability of such
790 operator or owner for damages resulting from such crash is, in
791 the judgment of the department, covered by any other form of
792 liability insurance or bond.

793 4. To any person who has obtained from the department a



352738

794 certificate of self-insurance, in accordance with s. 324.171, or
795 to any person operating a motor vehicle for such self-insurer.

796

797 No such policy or bond shall be effective under this subsection
798 unless it contains limits of not less than those specified in s.
799 324.021(7).

800 Section 19. Section 324.071, Florida Statutes, is amended
801 to read:

802 324.071 Reinstatement; renewal of license; reinstatement
803 fee.—An ~~Any~~ operator or owner whose license or registration has
804 been suspended pursuant to s. 324.051(2), s. 324.072, s.
805 324.081, or s. 324.121 may effect its reinstatement upon
806 compliance with ~~the provisions of~~ s. 324.051(2) (a)3. or 4., or
807 s. 324.081(2) and (3), as the case may be, and with one of the
808 provisions of s. 324.031 and upon payment to the department of a
809 nonrefundable reinstatement fee of \$15. Only one such fee may
810 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
811 number of licenses and registrations to be then reinstated or
812 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
813 a department trust fund. If ~~When~~ the reinstatement of any
814 license or registration is effected by compliance with s.
815 324.051(2) (a)3. or 4., the department may ~~shall~~ not renew the
816 license or registration within ~~a period of~~ 3 years after ~~from~~
817 such reinstatement, nor may ~~shall~~ any other license or
818 registration be issued in the name of such person, unless the
819 operator continues ~~is continuing~~ to comply with ~~one of the~~
820 ~~provisions of~~ s. 324.031.

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



352738

823 324.091 Notice to department; notice to insurer.-

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

840 Section 21. Section 324.151, Florida Statutes, is amended
841 to read:

842 324.151 Motor vehicle liability policies; required
843 provisions.-

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

848 (a) A motor vehicle ~~An owner's~~ liability insurance policy
849 issued to an owner of a motor vehicle registered in this state
850 must ~~shall~~ designate by explicit description or by appropriate
851 reference all motor vehicles for ~~with respect to~~ which coverage



352738

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

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

876 (c) All such motor vehicle liability policies must ~~shall~~
877 state the name and address of the named insured, the coverage
878 afforded by the policy, the premium charged therefor, the policy
879 period, the limits of liability, and must ~~shall~~ contain an
880 agreement or be endorsed that insurance is provided in



352738

881 accordance with the coverage defined in this chapter ~~as respects~~
882 ~~bodily injury and death or property damage or both~~ and is
883 subject to all provisions of this chapter. The said policies
884 must ~~shall~~ also contain a provision that the satisfaction by an
885 insured of a judgment for such injury or damage may ~~shall~~ not be
886 a condition precedent to the right or duty of the insurance
887 carrier to make payment on account of such injury or damage, and
888 must ~~shall~~ also contain a provision that bankruptcy or
889 insolvency of the insured or of the insured's estate may ~~shall~~
890 not relieve the insurance carrier of any of its obligations
891 under the said policy.

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

897 Section 22. Section 324.161, Florida Statutes, is amended
898 to read:

899 324.161 Proof of financial responsibility; deposit.—If a
900 person elects to prove his or her financial responsibility under
901 the method of proof specified in s. 324.031(1)(b), he or she
902 must obtain proof of a certificate of deposit annually, in the
903 amount required under s. 324.031(2), from a financial
904 institution insured by the Federal Deposit Insurance Corporation
905 or the National Credit Union Administration. Proof of such
906 certificate of deposit ~~Annually, before any certificate of~~
907 ~~insurance may be issued to a person, including any firm,~~
908 ~~partnership, association, corporation, or other person, other~~
909 ~~than a natural person, proof of a certificate of deposit of~~



352738

910 ~~\$30,000 issued and held by a financial institution~~ must be
911 submitted to the department annually. A power of attorney will
912 be issued to and held by the department and may be executed upon
913 a judgment issued against such person making the deposit, for
914 damages for ~~because of~~ bodily injury to or death of any person
915 or for damages for ~~because of~~ injury to or destruction of
916 property resulting from the use or operation of any motor
917 vehicle occurring after such deposit was made. Money so
918 deposited is ~~shall~~ not be subject to attachment or execution
919 unless such attachment or execution arises ~~shall arise~~ out of a
920 lawsuit ~~suit~~ for such damages ~~as aforesaid~~.

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

923 324.171 Self-insurer.—

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

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

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

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

936 3. Beginning January 1, 2023, and thereafter, of at least
937 \$120,000 ~~\$40,000.~~

938 (b) A person, including any firm, partnership, association,



939 corporation, or other person, other than a natural person, must
940 ~~shall~~:

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

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

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

948 c. Beginning January 1, 2023, and thereafter, of at least
949 \$120,000 ~~\$40,000~~ for the first motor vehicle and \$60,000 ~~\$20,000~~
950 for each additional motor vehicle; or

951 2. Maintain sufficient net worth, in an amount determined
952 by the department, to be financially responsible for potential
953 losses. The department shall annually determine the minimum net
954 worth sufficient to satisfy this subparagraph ~~as determined~~
955 ~~annually by the department,~~ pursuant to rules adopted
956 ~~promulgated~~ by the department, with the assistance of the Office
957 of Insurance Regulation of the Financial Services Commission, ~~to~~
958 ~~be financially responsible for potential losses.~~ The rules must
959 ~~consider any shall take into consideration~~ excess insurance
960 carried by the applicant. The department's determination must
961 ~~shall~~ be based upon reasonable actuarial principles considering
962 the frequency, severity, and loss development of claims incurred
963 by casualty insurers writing coverage on the type of motor
964 vehicles for which a certificate of self-insurance is desired.

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



352738

968 (2) The self-insurance certificate must ~~shall~~ provide
969 limits of liability insurance in the amounts specified under s.
970 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
971 ~~protection coverage under s. 627.733(3)(b).~~

972 Section 24. Section 324.251, Florida Statutes, is amended
973 to read:

974 324.251 Short title.—This chapter may be cited as the
975 “Financial Responsibility Law of 2018 1955” and is ~~shall become~~
976 effective at 12:01 a.m., January 1, 2019 ~~October 1, 1955.~~

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

979 400.9905 Definitions.—

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

986 (a) Entities licensed or registered by the state under
987 chapter 395; entities licensed or registered by the state and
988 providing only health care services within the scope of services
989 authorized under their respective licenses under ss. 383.30-
990 383.335, chapter 390, chapter 394, chapter 397, this chapter
991 except part X, chapter 429, chapter 463, chapter 465, chapter
992 466, chapter 478, part I of chapter 483, chapter 484, or chapter
993 651; end-stage renal disease providers authorized under 42
994 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
995 part 485, subpart B or subpart H; or any entity that provides
996 neonatal or pediatric hospital-based health care services or



352738

997 other health care services by licensed practitioners solely
998 within a hospital licensed under chapter 395.

999 (b) Entities that own, directly or indirectly, entities
1000 licensed or registered by the state pursuant to chapter 395;
1001 entities that own, directly or indirectly, entities licensed or
1002 registered by the state and providing only health care services
1003 within the scope of services authorized pursuant to their
1004 respective licenses under ss. 383.30-383.335, chapter 390,
1005 chapter 394, chapter 397, this chapter except part X, chapter
1006 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1007 of chapter 483, chapter 484, or chapter 651; end-stage renal
1008 disease providers authorized under 42 C.F.R. part 405, subpart
1009 U; providers certified under 42 C.F.R. part 485, subpart B or
1010 subpart H; or any entity that provides neonatal or pediatric
1011 hospital-based health care services by licensed practitioners
1012 solely within a hospital licensed under chapter 395.

1013 (c) Entities that are owned, directly or indirectly, by an
1014 entity licensed or registered by the state pursuant to chapter
1015 395; entities that are owned, directly or indirectly, by an
1016 entity licensed or registered by the state and providing only
1017 health care services within the scope of services authorized
1018 pursuant to their respective licenses under ss. 383.30-383.335,
1019 chapter 390, chapter 394, chapter 397, this chapter except part
1020 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1021 478, part I of chapter 483, chapter 484, or chapter 651; end-
1022 stage renal disease providers authorized under 42 C.F.R. part
1023 405, subpart U; providers certified under 42 C.F.R. part 485,
1024 subpart B or subpart H; or any entity that provides neonatal or
1025 pediatric hospital-based health care services by licensed



1026 practitioners solely within a hospital under chapter 395.
1027 (d) Entities that are under common ownership, directly or
1028 indirectly, with an entity licensed or registered by the state
1029 pursuant to chapter 395; entities that are under common
1030 ownership, directly or indirectly, with an entity licensed or
1031 registered by the state and providing only health care services
1032 within the scope of services authorized pursuant to their
1033 respective licenses under ss. 383.30-383.335, chapter 390,
1034 chapter 394, chapter 397, this chapter except part X, chapter
1035 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1036 of chapter 483, chapter 484, or chapter 651; end-stage renal
1037 disease providers authorized under 42 C.F.R. part 405, subpart
1038 U; providers certified under 42 C.F.R. part 485, subpart B or
1039 subpart H; or any entity that provides neonatal or pediatric
1040 hospital-based health care services by licensed practitioners
1041 solely within a hospital licensed under chapter 395.
1042 (e) An entity that is exempt from federal taxation under 26
1043 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1044 under 26 U.S.C. s. 409 that has a board of trustees at least
1045 two-thirds of which are Florida-licensed health care
1046 practitioners and provides only physical therapy services under
1047 physician orders, any community college or university clinic,
1048 and any entity owned or operated by the federal or state
1049 government, including agencies, subdivisions, or municipalities
1050 thereof.
1051 (f) A sole proprietorship, group practice, partnership, or
1052 corporation that provides health care services by physicians
1053 covered by s. 627.419, that is directly supervised by one or
1054 more of such physicians, and that is wholly owned by one or more



352738

1055 of those physicians or by a physician and the spouse, parent,
1056 child, or sibling of that physician.

1057 (g) A sole proprietorship, group practice, partnership, or
1058 corporation that provides health care services by licensed
1059 health care practitioners under chapter 457, chapter 458,
1060 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1061 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1062 chapter 490, chapter 491, or part I, part III, part X, part
1063 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1064 wholly owned by one or more licensed health care practitioners,
1065 or the licensed health care practitioners set forth in this
1066 paragraph and the spouse, parent, child, or sibling of a
1067 licensed health care practitioner if one of the owners who is a
1068 licensed health care practitioner is supervising the business
1069 activities and is legally responsible for the entity's
1070 compliance with all federal and state laws. However, a health
1071 care practitioner may not supervise services beyond the scope of
1072 the practitioner's license, except that, for the purposes of
1073 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1074 which provides only services authorized pursuant to s.
1075 456.053(3)(b) may be supervised by a licensee specified in s.
1076 456.053(3)(b).

1077 (h) Clinical facilities affiliated with an accredited
1078 medical school at which training is provided for medical
1079 students, residents, or fellows.

1080 (i) Entities that provide only oncology or radiation
1081 therapy services by physicians licensed under chapter 458 or
1082 chapter 459 or entities that provide oncology or radiation
1083 therapy services by physicians licensed under chapter 458 or



1084 chapter 459 which are owned by a corporation whose shares are
1085 publicly traded on a recognized stock exchange.

1086 (j) Clinical facilities affiliated with a college of
1087 chiropractic accredited by the Council on Chiropractic Education
1088 at which training is provided for chiropractic students.

1089 (k) Entities that provide licensed practitioners to staff
1090 emergency departments or to deliver anesthesia services in
1091 facilities licensed under chapter 395 and that derive at least
1092 90 percent of their gross annual revenues from the provision of
1093 such services. Entities claiming an exemption from licensure
1094 under this paragraph must provide documentation demonstrating
1095 compliance.

1096 (l) Orthotic, prosthetic, pediatric cardiology, or
1097 perinatology clinical facilities or anesthesia clinical
1098 facilities that are not otherwise exempt under paragraph (a) or
1099 paragraph (k) and that are a publicly traded corporation or are
1100 wholly owned, directly or indirectly, by a publicly traded
1101 corporation. As used in this paragraph, a publicly traded
1102 corporation is a corporation that issues securities traded on an
1103 exchange registered with the United States Securities and
1104 Exchange Commission as a national securities exchange.

1105 (m) Entities that are owned by a corporation that has \$250
1106 million or more in total annual sales of health care services
1107 provided by licensed health care practitioners where one or more
1108 of the persons responsible for the operations of the entity is a
1109 health care practitioner who is licensed in this state and who
1110 is responsible for supervising the business activities of the
1111 entity and is responsible for the entity's compliance with state
1112 law for purposes of this part.



352738

1113 (n) Entities that employ 50 or more licensed health care
1114 practitioners licensed under chapter 458 or chapter 459 where
1115 the billing for medical services is under a single tax
1116 identification number. The application for exemption under this
1117 subsection must include ~~shall contain information that includes:~~
1118 the name, residence, and business address and telephone ~~phone~~
1119 number of the entity that owns the practice; a complete list of
1120 the names and contact information of all the officers and
1121 directors of the corporation; the name, residence address,
1122 business address, and medical license number of each licensed
1123 Florida health care practitioner employed by the entity; the
1124 corporate tax identification number of the entity seeking an
1125 exemption; a listing of health care services to be provided by
1126 the entity at the health care clinics owned or operated by the
1127 entity; and a certified statement prepared by an independent
1128 certified public accountant which states that the entity and the
1129 health care clinics owned or operated by the entity have not
1130 received payment for health care services under motor vehicle
1131 ~~personal injury protection~~ insurance coverage for the preceding
1132 year. If the agency determines that an entity that ~~which~~ is
1133 exempt under this subsection has received payments for medical
1134 services under motor vehicle ~~personal injury protection~~
1135 insurance coverage, the agency may deny or revoke the exemption
1136 from licensure under this subsection.

1137
1138 Notwithstanding this subsection, an entity shall be deemed a
1139 clinic and must be licensed under this part in order to receive
1140 reimbursement under a motor vehicle insurance policy ~~the Florida~~
1141 ~~Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~



352738

1142 ~~exempted under s. 627.736(5)(h).~~

1143 Section 26. Subsection (6) of section 400.991, Florida
1144 Statutes, is amended to read:

1145 400.991 License requirements; background screenings;
1146 prohibitions.-

1147 (6) All agency forms for licensure application or exemption
1148 from licensure under this part must contain the following
1149 statement:

1150
1151 INSURANCE FRAUD NOTICE.-A person commits a fraudulent
1152 insurance act, as defined in s. 626.989, Florida
1153 Statutes, if the person ~~who~~ knowingly submits a false,
1154 misleading, or fraudulent application or other
1155 document when applying for licensure as a health care
1156 clinic, seeking an exemption from licensure as a
1157 health care clinic, or demonstrating compliance with
1158 part X of chapter 400, Florida Statutes, with the
1159 intent to use the license, exemption from licensure,
1160 or demonstration of compliance to provide services or
1161 seek reimbursement under a motor vehicle liability
1162 insurance policy ~~the Florida Motor Vehicle No-Fault~~
1163 Law, ~~commits a fraudulent insurance act, as defined in~~
1164 s. 626.989, Florida Statutes. A person who presents a
1165 claim for benefits under a motor vehicle insurance
1166 policy, ~~personal injury protection benefits~~ knowing
1167 that the payee knowingly submitted such health care
1168 clinic application or document, commits insurance
1169 fraud, as defined in s. 817.234, Florida Statutes.
1170 Section 27. Paragraph (g) of subsection (1) of section



352738

1171 400.9935, Florida Statutes, is amended to read:

1172 400.9935 Clinic responsibilities.—

1173 (1) Each clinic shall appoint a medical director or clinic
1174 director who shall agree in writing to accept legal
1175 responsibility for the following activities on behalf of the
1176 clinic. The medical director or the clinic director shall:

1177 (g) Conduct systematic reviews of clinic billings to ensure
1178 that the billings are not fraudulent or unlawful. Upon discovery
1179 of an unlawful charge, the medical director or clinic director
1180 shall take immediate corrective action. If the clinic performs
1181 only the technical component of magnetic resonance imaging,
1182 static radiographs, computed tomography, or positron emission
1183 tomography, and provides the professional interpretation of such
1184 services, in a fixed facility that is accredited by a national
1185 accrediting organization that is approved by the Centers for
1186 Medicare and Medicaid Services for magnetic resonance imaging
1187 and advanced diagnostic imaging services and if, in the
1188 preceding quarter, the percentage of scans performed by that
1189 clinic which was billed to motor vehicle ~~all personal injury~~
1190 ~~protection~~ insurance carriers was less than 15 percent, the
1191 chief financial officer of the clinic may, in a written
1192 acknowledgment provided to the agency, assume the responsibility
1193 for the conduct of the systematic reviews of clinic billings to
1194 ensure that the billings are not fraudulent or unlawful.

1195 Section 28. Subsection (28) of section 409.901, Florida
1196 Statutes, is amended to read:

1197 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1198 409.901-409.920, except as otherwise specifically provided, the
1199 term:



352738

1200 (28) "Third-party benefit" means any benefit that is or may
1201 be available at any time through contract, court award,
1202 judgment, settlement, agreement, or any arrangement between a
1203 third party and any person or entity, including, without
1204 limitation, a Medicaid recipient, a provider, another third
1205 party, an insurer, or the agency, for any Medicaid-covered
1206 injury, illness, goods, or services, including costs of medical
1207 services related thereto, for bodily ~~personal~~ injury or for
1208 death of the recipient, but specifically excluding ~~policies of~~
1209 life insurance policies on the recipient, unless available under
1210 terms of the policy to pay medical expenses before ~~prior to~~
1211 death. The term includes, without limitation, collateral, as
1212 defined in this section, health insurance, any benefit under a
1213 health maintenance organization, a preferred provider
1214 arrangement, a prepaid health clinic, liability insurance,
1215 uninsured motorist insurance ~~or personal injury protection~~
1216 ~~coverage~~, medical benefits under workers' compensation, and any
1217 obligation under law or equity to provide medical support.

1218 Section 29. Paragraph (f) of subsection (11) of section
1219 409.910, Florida Statutes, is amended to read:

1220 409.910 Responsibility for payments on behalf of Medicaid-
1221 eligible persons when other parties are liable.-

1222 (11) The agency may, as a matter of right, in order to
1223 enforce its rights under this section, institute, intervene in,
1224 or join any legal or administrative proceeding in its own name
1225 in one or more of the following capacities: individually, as
1226 subrogee of the recipient, as assignee of the recipient, or as
1227 lienholder of the collateral.

1228 (f) Notwithstanding any provision in this section to the



352738

1229 contrary, in the event of an action in tort against a third
1230 party in which the recipient or his or her legal representative
1231 is a party which results in a judgment, award, or settlement
1232 from a third party, the amount recovered shall be distributed as
1233 follows:

1234 1. After attorney ~~attorney's~~ fees and taxable costs as
1235 defined by the Florida Rules of Civil Procedure, one-half of the
1236 remaining recovery shall be paid to the agency up to the total
1237 amount of medical assistance provided by Medicaid.

1238 2. The remaining amount of the recovery shall be paid to
1239 the recipient.

1240 3. For purposes of calculating the agency's recovery of
1241 medical assistance benefits paid, the fee for services of an
1242 attorney retained by the recipient or his or her legal
1243 representative shall be calculated at 25 percent of the
1244 judgment, award, or settlement.

1245 4. Notwithstanding any other provision of this section to
1246 the contrary, the agency shall be entitled to all medical
1247 coverage benefits up to the total amount of medical assistance
1248 provided by Medicaid. For purposes of this paragraph, the term
1249 "medical coverage" means any benefits under health insurance, a
1250 health maintenance organization, a preferred provider
1251 arrangement, or a prepaid health clinic, and the portion of
1252 benefits designated for medical payments under ~~coverage for~~
1253 workers' compensation coverage, motor vehicle insurance
1254 coverage, personal injury protection, and casualty coverage.

1255 Section 30. Paragraph (k) of subsection (2) of section
1256 456.057, Florida Statutes, is amended to read:

1257 456.057 Ownership and control of patient records; report or



352738

1258 copies of records to be furnished; disclosure of information.-

1259 (2) As used in this section, the terms "records owner,"
1260 "health care practitioner," and "health care practitioner's
1261 employer" do not include any of the following persons or
1262 entities; furthermore, the following persons or entities are not
1263 authorized to acquire or own medical records, but are authorized
1264 under the confidentiality and disclosure requirements of this
1265 section to maintain those documents required by the part or
1266 chapter under which they are licensed or regulated:

1267 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1268 Section 31. Paragraphs (ee) and (ff) of subsection (1) of
1269 section 456.072, Florida Statutes, are amended to read:

1270 456.072 Grounds for discipline; penalties; enforcement.-

1271 (1) The following acts shall constitute grounds for which
1272 the disciplinary actions specified in subsection (2) may be
1273 taken:

1274 (ee) With respect to making a motor vehicle insurance
1275 personal injury protection claim as required by s. 627.736,
1276 intentionally submitting a claim, statement, or bill that has
1277 been upcoded. As used in this paragraph, the term "upcoded"
1278 means an action that submits a billing code that would result in
1279 payment greater in amount than would be paid using a billing
1280 code that accurately describes the services performed. The term
1281 does not include an otherwise lawful bill by a magnetic
1282 resonance imaging facility, which globally combines both
1283 technical and professional components, if the amount of the
1284 global bill is not more than the components if billed
1285 separately; however, payment of such a bill constitutes payment
1286 in full for all components of such service ~~"upcoded" as defined~~



352738

1287 ~~in s. 627.732.~~

1288 (ff) With respect to making a motor vehicle insurance
1289 ~~personal injury protection claim as required by s. 627.736,~~
1290 intentionally submitting a claim, statement, or bill for payment
1291 of services that were not rendered.

1292 Section 32. Paragraphs (i) and (o) of subsection (1) of
1293 section 626.9541, Florida Statutes, are amended to read:

1294 626.9541 Unfair methods of competition and unfair or
1295 deceptive acts or practices defined.—

1296 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1297 ACTS.—The following are defined as unfair methods of competition
1298 and unfair or deceptive acts or practices:

1299 (i) *Unfair claim settlement practices.*—

1300 1. Attempting to settle claims on the basis of an
1301 application, when serving as a binder or intended to become a
1302 part of the policy, or any other material document which was
1303 altered without notice to, or knowledge or consent of, the
1304 insured;

1305 2. A material misrepresentation made to an insured or any
1306 other person having an interest in the proceeds payable under
1307 such contract or policy, for the purpose and with the intent of
1308 effecting settlement of such claims, loss, or damage under such
1309 contract or policy on less favorable terms than those provided
1310 in, and contemplated by, such contract or policy; ~~or~~

1311 3. Committing or performing with such frequency as to
1312 indicate a general business practice any of the following:

1313 a. Failing to adopt and implement standards for the proper
1314 investigation of claims;

1315 b. Misrepresenting pertinent facts or insurance policy



352738

1316 provisions relating to coverages at issue;
1317 c. Failing to acknowledge and act promptly upon
1318 communications with respect to claims;
1319 d. Denying claims without conducting reasonable
1320 investigations based upon available information;
1321 e. Failing to affirm or deny full or partial coverage of
1322 claims, and, as to partial coverage, the dollar amount or extent
1323 of coverage, or failing to provide a written statement that the
1324 claim is being investigated, upon the written request of the
1325 insured within 30 days after proof-of-loss statements have been
1326 completed;
1327 f. Failing to promptly provide a reasonable explanation in
1328 writing to the insured of the basis in the insurance policy, in
1329 relation to the facts or applicable law, for denial of a claim
1330 or for the offer of a compromise settlement;
1331 g. Failing to promptly notify the insured of any additional
1332 information necessary for the processing of a claim; or
1333 h. Failing to clearly explain the nature of the requested
1334 information and the reasons why such information is necessary.
1335 ~~i. Failing to pay personal injury protection insurance~~
1336 ~~claims within the time periods required by s. 627.736(4) (b). The~~
1337 ~~office may order the insurer to pay restitution to a~~
1338 ~~policyholder, medical provider, or other claimant, including~~
1339 ~~interest at a rate consistent with the amount set forth in s.~~
1340 ~~55.03(1), for the time period within which an insurer fails to~~
1341 ~~pay claims as required by law. Restitution is in addition to any~~
1342 ~~other penalties allowed by law, including, but not limited to,~~
1343 ~~the suspension of the insurer's certificate of authority.~~
1344 4. Failing to pay undisputed amounts of partial or full



352738

1345 benefits owed under first-party property insurance policies
1346 within 90 days after an insurer receives notice of a residential
1347 property insurance claim, determines the amounts of partial or
1348 full benefits, and agrees to coverage, unless payment of the
1349 undisputed benefits is prevented by an act of God, prevented by
1350 the impossibility of performance, or due to actions by the
1351 insured or claimant that constitute fraud, lack of cooperation,
1352 or intentional misrepresentation regarding the claim for which
1353 benefits are owed.

1354 (o) *Illegal dealings in premiums; excess or reduced charges*
1355 *for insurance.*—

1356 1. Knowingly collecting any sum as a premium or charge for
1357 insurance, which is not then provided, or is not in due course
1358 to be provided, subject to acceptance of the risk by the
1359 insurer, by an insurance policy issued by an insurer as
1360 permitted by this code.

1361 2. Knowingly collecting as a premium or charge for
1362 insurance any sum in excess of or less than the premium or
1363 charge applicable to such insurance, in accordance with the
1364 applicable classifications and rates as filed with and approved
1365 by the office, and as specified in the policy; or, in cases when
1366 classifications, premiums, or rates are not required by this
1367 code to be so filed and approved, premiums and charges collected
1368 from a Florida resident in excess of or less than those
1369 specified in the policy and as fixed by the insurer.

1370 Notwithstanding any other provision of law, this provision shall
1371 not be deemed to prohibit the charging and collection, by
1372 surplus lines agents licensed under part VIII of this chapter,
1373 of the amount of applicable state and federal taxes, or fees as



352738

1374 authorized by s. 626.916(4), in addition to the premium required
1375 by the insurer or the charging and collection, by licensed
1376 agents, of the exact amount of any discount or other such fee
1377 charged by a credit card facility in connection with the use of
1378 a credit card, as authorized by subparagraph (q)3., in addition
1379 to the premium required by the insurer. This subparagraph shall
1380 not be construed to prohibit collection of a premium for a
1381 universal life or a variable or indeterminate value insurance
1382 policy made in accordance with the terms of the contract.

1383 3.a. Imposing or requesting an additional premium for
1384 bodily injury liability coverage, property damage liability
1385 coverage a policy of motor vehicle liability, personal injury
1386 protection, medical payments coverage payment, or collision
1387 coverage in a motor vehicle liability insurance policy insurance
1388 or any combination thereof or refusing to renew the policy
1389 solely because the insured was involved in a motor vehicle
1390 accident unless the insurer's file contains information from
1391 which the insurer in good faith determines that the insured was
1392 substantially at fault in the accident.

1393 b. An insurer which imposes and collects such a surcharge
1394 or which refuses to renew such policy shall, in conjunction with
1395 the notice of premium due or notice of nonrenewal, notify the
1396 named insured that he or she is entitled to reimbursement of
1397 such amount or renewal of the policy under the conditions listed
1398 below and will subsequently reimburse him or her or renew the
1399 policy, if the named insured demonstrates that the operator
1400 involved in the accident was:

1401 (I) Lawfully parked;

1402 (II) Reimbursed by, or on behalf of, a person responsible



352738

1403 for the accident or has a judgment against such person;
1404 (III) Struck in the rear by another vehicle headed in the
1405 same direction and was not convicted of a moving traffic
1406 violation in connection with the accident;
1407 (IV) Hit by a "hit-and-run" driver, if the accident was
1408 reported to the proper authorities within 24 hours after
1409 discovering the accident;
1410 (V) Not convicted of a moving traffic violation in
1411 connection with the accident, but the operator of the other
1412 automobile involved in such accident was convicted of a moving
1413 traffic violation;
1414 (VI) Finally adjudicated not to be liable by a court of
1415 competent jurisdiction;
1416 (VII) In receipt of a traffic citation which was dismissed
1417 or nolle prossed; or
1418 (VIII) Not at fault as evidenced by a written statement
1419 from the insured establishing facts demonstrating lack of fault
1420 which are not rebutted by information in the insurer's file from
1421 which the insurer in good faith determines that the insured was
1422 substantially at fault.
1423 c. In addition to the other provisions of this
1424 subparagraph, an insurer may not fail to renew a policy if the
1425 insured has had only one accident in which he or she was at
1426 fault within the current 3-year period. However, an insurer may
1427 nonrenew a policy for reasons other than accidents in accordance
1428 with s. 627.728. This subparagraph does not prohibit nonrenewal
1429 of a policy under which the insured has had three or more
1430 accidents, regardless of fault, during the most recent 3-year
1431 period.



352738

1432 4. Imposing or requesting an additional premium for, or
1433 refusing to renew, a policy for motor vehicle insurance solely
1434 because the insured committed a noncriminal traffic infraction
1435 as described in s. 318.14 unless the infraction is:

1436 a. A second infraction committed within an 18-month period,
1437 or a third or subsequent infraction committed within a 36-month
1438 period.

1439 b. A violation of s. 316.183, when such violation is a
1440 result of exceeding the lawful speed limit by more than 15 miles
1441 per hour.

1442 5. Upon the request of the insured, the insurer and
1443 licensed agent shall supply to the insured the complete proof of
1444 fault or other criteria which justifies the additional charge or
1445 cancellation.

1446 6. No insurer shall impose or request an additional premium
1447 for motor vehicle insurance, cancel or refuse to issue a policy,
1448 or refuse to renew a policy because the insured or the applicant
1449 is a handicapped or physically disabled person, so long as such
1450 handicap or physical disability does not substantially impair
1451 such person's mechanically assisted driving ability.

1452 7. No insurer may cancel or otherwise terminate any
1453 insurance contract or coverage, or require execution of a
1454 consent to rate endorsement, during the stated policy term for
1455 the purpose of offering to issue, or issuing, a similar or
1456 identical contract or coverage to the same insured with the same
1457 exposure at a higher premium rate or continuing an existing
1458 contract or coverage with the same exposure at an increased
1459 premium.

1460 8. No insurer may issue a nonrenewal notice on any



352738

1461 insurance contract or coverage, or require execution of a
1462 consent to rate endorsement, for the purpose of offering to
1463 issue, or issuing, a similar or identical contract or coverage
1464 to the same insured at a higher premium rate or continuing an
1465 existing contract or coverage at an increased premium without
1466 meeting any applicable notice requirements.

1467 9. No insurer shall, with respect to premiums charged for
1468 motor vehicle insurance, unfairly discriminate solely on the
1469 basis of age, sex, marital status, or scholastic achievement.

1470 10. Imposing or requesting an additional premium for motor
1471 vehicle comprehensive or uninsured motorist coverage solely
1472 because the insured was involved in a motor vehicle accident or
1473 was convicted of a moving traffic violation.

1474 11. No insurer shall cancel or issue a nonrenewal notice on
1475 any insurance policy or contract without complying with any
1476 applicable cancellation or nonrenewal provision required under
1477 the Florida Insurance Code.

1478 12. No insurer shall impose or request an additional
1479 premium, cancel a policy, or issue a nonrenewal notice on any
1480 insurance policy or contract because of any traffic infraction
1481 when adjudication has been withheld and no points have been
1482 assessed pursuant to s. 318.14(9) and (10). However, this
1483 subparagraph does not apply to traffic infractions involving
1484 accidents in which the insurer has incurred a loss due to the
1485 fault of the insured.

1486 Section 33. Paragraph (a) of subsection (1) of section
1487 626.989, Florida Statutes, is amended to read:

1488 626.989 Investigation by department or Division of
1489 Investigative and Forensic Services; compliance; immunity;



352738

1490 confidential information; reports to division; division
1491 investigator's power of arrest.-

1492 (1) For the purposes of this section:

1493 (a) A person commits a "fraudulent insurance act" if the
1494 person:

1495 1. Knowingly and with intent to defraud presents, causes to
1496 be presented, or prepares with knowledge or belief that it will
1497 be presented, to or by an insurer, self-insurer, self-insurance
1498 fund, servicing corporation, purported insurer, broker, or any
1499 agent thereof, any written statement as part of, or in support
1500 of, an application for the issuance of, or the rating of, any
1501 insurance policy, or a claim for payment or other benefit
1502 pursuant to any insurance policy, which the person knows to
1503 contain materially false information concerning any fact
1504 material thereto or if the person conceals, for the purpose of
1505 misleading another, information concerning any fact material
1506 thereto.

1507 2. Knowingly submits:

1508 a. A false, misleading, or fraudulent application or other
1509 document when applying for licensure as a health care clinic,
1510 seeking an exemption from licensure as a health care clinic, or
1511 demonstrating compliance with part X of chapter 400 with an
1512 intent to use the license, exemption from licensure, or
1513 demonstration of compliance to provide services or seek
1514 reimbursement under a motor vehicle liability insurance policy
1515 ~~the Florida Motor Vehicle No-Fault Law.~~

1516 b. A claim for payment or other benefit under a motor
1517 vehicle pursuant to a personal injury protection insurance
1518 policy under the Florida Motor Vehicle No-Fault Law if the



352738

1519 person knows that the payee knowingly submitted a false,
1520 misleading, or fraudulent application or other document when
1521 applying for licensure as a health care clinic, seeking an
1522 exemption from licensure as a health care clinic, or
1523 demonstrating compliance with part X of chapter 400.

1524 Section 34. Subsection (1) of section 627.06501, Florida
1525 Statutes, is amended to read:

1526 627.06501 Insurance discounts for certain persons
1527 completing driver improvement course.—

1528 (1) Any rate, rating schedule, or rating manual for the
1529 bodily injury and property damage liability coverage, ~~personal~~
1530 ~~injury protection, and collision coverages~~ of a motor vehicle
1531 insurance policy filed with the office may provide for an
1532 appropriate reduction in premium charges as to such coverages if
1533 ~~when~~ the principal operator on the covered vehicle has
1534 successfully completed a driver improvement course approved and
1535 certified by the Department of Highway Safety and Motor Vehicles
1536 which is effective in reducing crash or violation rates, or
1537 both, as determined pursuant to s. 318.1451(5). Any discount,
1538 not to exceed 10 percent, used by an insurer is presumed to be
1539 appropriate unless credible data demonstrates otherwise.

1540 Section 35. Subsection (1) of section 627.0652, Florida
1541 Statutes, is amended to read:

1542 627.0652 Insurance discounts for certain persons completing
1543 safety course.—

1544 (1) Any rates, rating schedules, or rating manuals for the
1545 bodily injury and property damage liability coverage, ~~personal~~
1546 ~~injury protection, and collision coverages~~ of a motor vehicle
1547 insurance policy filed with the office must ~~shall~~ provide for an



352738

1548 appropriate reduction in premium charges as to such coverages if
1549 ~~when~~ the principal operator on the covered vehicle is an insured
1550 55 years of age or older who has successfully completed a motor
1551 vehicle accident prevention course approved by the Department of
1552 Highway Safety and Motor Vehicles. Any discount used by an
1553 insurer is presumed to be appropriate unless credible data
1554 demonstrates otherwise.

1555 Section 36. Subsections (1), (3), and (6) of section
1556 627.0653, Florida Statutes, are amended to read:

1557 627.0653 Insurance discounts for specified motor vehicle
1558 equipment.—

1559 (1) Any rates, rating schedules, or rating manuals for the
1560 bodily injury and property damage liability coverage, ~~personal~~
1561 ~~injury protection, and collision coverages~~ of a motor vehicle
1562 insurance policy filed with the office must ~~shall~~ provide a
1563 premium discount if the insured vehicle is equipped with
1564 factory-installed, four-wheel antilock brakes.

1565 (3) Any rates, rating schedules, or rating manuals for the
1566 bodily injury liability ~~personal injury protection~~ coverage and
1567 medical payments coverage, if offered, of a motor vehicle
1568 insurance policy filed with the office must ~~shall~~ provide a
1569 premium discount if the insured vehicle is equipped with one or
1570 more air bags that ~~which~~ are factory installed.

1571 (6) The Office of Insurance Regulation may approve a
1572 premium discount to any rates, rating schedules, or rating
1573 manuals for the bodily injury and property damage liability
1574 coverage, ~~personal injury protection, and collision coverages~~ of
1575 a motor vehicle insurance policy filed with the office if the
1576 insured vehicle is equipped with autonomous driving technology



352738

1577 or electronic vehicle collision avoidance technology that is
1578 factory installed or a retrofitted system and that complies with
1579 National Highway Traffic Safety Administration standards.

1580 Section 37. Section 627.4132, Florida Statutes, is amended
1581 to read:

1582 627.4132 Stacking of coverages prohibited.—If an insured or
1583 named insured is protected by any type of motor vehicle
1584 insurance policy for bodily injury and property damage
1585 ~~liability, personal injury protection, or other coverage~~, the
1586 policy must ~~shall~~ provide that the insured or named insured is
1587 protected only to the extent of the coverage she or he has on
1588 the vehicle involved in the accident. However, if none of the
1589 insured's or named insured's vehicles are ~~is~~ involved in the
1590 accident, coverage is available only to the extent of coverage
1591 on any one of the vehicles with applicable coverage. Coverage on
1592 any other vehicles may ~~shall~~ not be added to or stacked upon
1593 that coverage. This section does not apply:

1594 (1) To uninsured motorist coverage that ~~which~~ is separately
1595 governed by s. 627.727.

1596 (2) To reduce the coverage available by reason of insurance
1597 policies insuring different named insureds.

1598 Section 38. Section 627.7263, Florida Statutes, is amended
1599 to read:

1600 627.7263 Rental and leasing driver's insurance to be
1601 primary; exception.—

1602 (1) The valid and collectible bodily injury and property
1603 damage liability insurance ~~or personal injury protection~~
1604 ~~insurance~~ providing coverage for the lessor of a motor vehicle
1605 for rent or lease is primary unless otherwise stated in at least



352738

1606 10-point type on the face of the rental or lease agreement. Such
1607 insurance is primary for the limits of liability ~~and personal~~
1608 ~~injury protection~~ coverage as required by s. 324.021(7) ~~ss.~~
1609 ~~324.021(7) and 627.736.~~

1610 (2) If the lessee's coverage is to be primary, the rental
1611 or lease agreement must contain the following language, in at
1612 least 10-point type:

1613
1614 "The valid and collectible bodily injury and property
1615 damage liability insurance ~~and personal injury~~
1616 ~~protection insurance~~ of an ~~any~~ authorized rental or
1617 leasing driver is primary for the limits of liability
1618 ~~and personal injury protection~~ coverage required under
1619 s. 324.021(7) ~~by ss. 324.021(7) and 627.736,~~ Florida
1620 Statutes."

1621 Section 39. Subsections (1) and (7) of section 627.727,
1622 Florida Statutes, are amended, and present subsections (8), (9),
1623 and (10) of that section are redesignated as subsections (7),
1624 (8), and (9), respectively, to read:

1625 627.727 Motor vehicle insurance; uninsured and underinsured
1626 vehicle coverage; insolvent insurer protection.—

1627 (1) A ~~No~~ motor vehicle liability insurance policy that
1628 ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be
1629 delivered or issued for delivery in this state with respect to
1630 any specifically insured or identified motor vehicle registered
1631 or principally garaged in this state, unless uninsured motor
1632 vehicle coverage is provided therein or supplemental thereto for
1633 the protection of persons insured thereunder who are legally
1634 entitled to recover damages from owners or operators of



352738

1635 uninsured motor vehicles because of bodily injury, sickness, or
1636 disease, including death, resulting therefrom. However, the
1637 coverage required under this section is not applicable if ~~when~~,
1638 or to the extent that, an insured named in the policy makes a
1639 written rejection of the coverage on behalf of all insureds
1640 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~
1641 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1642 of the lease contract, provides liability coverage on the leased
1643 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
1644 privilege to reject uninsured motorist coverage or to select
1645 lower limits than the bodily injury liability limits, regardless
1646 of whether the lessor is qualified as a self-insurer pursuant to
1647 s. 324.171. Unless an insured, or lessee having the privilege of
1648 rejecting uninsured motorist coverage, requests such coverage or
1649 requests higher uninsured motorist limits in writing, the
1650 coverage or such higher uninsured motorist limits need not be
1651 provided in or supplemental to any other policy which renews,
1652 extends, changes, supersedes, or replaces an existing policy
1653 with the same bodily injury liability limits when an insured or
1654 lessee had rejected the coverage. When an insured or lessee has
1655 initially selected limits of uninsured motorist coverage lower
1656 than her or his bodily injury liability limits, higher limits of
1657 uninsured motorist coverage need not be provided in or
1658 supplemental to any other policy that ~~which~~ renews, extends,
1659 changes, supersedes, or replaces an existing policy with the
1660 same bodily injury liability limits unless an insured requests
1661 higher uninsured motorist coverage in writing. The rejection or
1662 selection of lower limits must ~~shall~~ be made on a form approved
1663 by the office. The form must ~~shall~~ fully advise the applicant of



352738

1664 the nature of the coverage and must ~~shall~~ state that the
1665 coverage is equal to bodily injury liability limits unless lower
1666 limits are requested or the coverage is rejected. The heading of
1667 the form must ~~shall~~ be in 12-point bold type and must ~~shall~~
1668 state: "You are electing not to purchase certain valuable
1669 coverage that ~~which~~ protects you and your family or you are
1670 purchasing uninsured motorist limits less than your bodily
1671 injury liability limits when you sign this form. Please read
1672 carefully." If this form is signed by a named insured, it will
1673 be conclusively presumed that there was an informed, knowing
1674 rejection of coverage or election of lower limits on behalf of
1675 all insureds. The insurer shall notify the named insured at
1676 least annually of her or his options as to the coverage required
1677 by this section. Such notice must ~~shall~~ be part of, and attached
1678 to, the notice of premium, must ~~shall~~ provide for a means to
1679 allow the insured to request such coverage, and must ~~shall~~ be
1680 given in a manner approved by the office. Receipt of this notice
1681 does not constitute an affirmative waiver of the insured's right
1682 to uninsured motorist coverage if ~~where~~ the insured has not
1683 signed a selection or rejection form. The coverage described
1684 under this section must ~~shall~~ be over and above, but may ~~shall~~
1685 not duplicate, the benefits available to an insured under any
1686 workers' compensation law, ~~personal injury protection benefits,~~
1687 disability benefits law, or similar law; under any automobile
1688 medical payments ~~expense~~ coverage; under any motor vehicle
1689 liability insurance coverage; or from the owner or operator of
1690 the uninsured motor vehicle or any other person or organization
1691 jointly or severally liable together with such owner or operator
1692 for the accident; and such coverage must ~~shall~~ cover the



352738

1693 difference, if any, between the sum of such benefits and the
1694 damages sustained, up to the maximum amount of such coverage
1695 provided under this section. The amount of coverage available
1696 under this section may ~~shall~~ not be reduced by a setoff against
1697 any coverage, including liability insurance. Such coverage does
1698 ~~shall~~ not inure directly or indirectly to the benefit of any
1699 workers' compensation or disability benefits carrier or any
1700 person or organization qualifying as a self-insurer under any
1701 workers' compensation or disability benefits law or similar law.

1702 ~~(7) The legal liability of an uninsured motorist coverage~~
1703 ~~insurer does not include damages in tort for pain, suffering,~~
1704 ~~mental anguish, and inconvenience unless the injury or disease~~
1705 ~~is described in one or more of paragraphs (a) (d) of s.~~
1706 ~~627.737(2).~~

1707 Section 40. Section 627.7275, Florida Statutes, is amended
1708 to read:

1709 627.7275 Motor vehicle liability; bad faith actions;
1710 insurer liability; requirements and construction.-

1711 (1) A motor vehicle insurance policy ~~providing personal~~
1712 ~~injury protection as set forth in s. 627.736 may not be~~
1713 delivered or issued for delivery in this state for a with
1714 ~~respect to any~~ specifically insured or identified motor vehicle
1715 registered or principally garaged in this state must provide
1716 bodily injury liability coverage and unless the policy also
1717 ~~provides coverage for~~ property damage liability coverage as
1718 required under ~~by~~ s. 324.022.

1719 (2) (a) Insurers writing motor vehicle insurance in this
1720 state shall make available, subject to the insurers' usual
1721 underwriting restrictions:



352738

1722 1. Coverage under policies as described in subsection (1)
1723 to an applicant for private passenger motor vehicle insurance
1724 coverage who is seeking the coverage in order to reinstate the
1725 applicant's driving privileges in this state if the driving
1726 privileges were revoked or suspended pursuant to s. 316.646 or
1727 s. 324.0221 due to the failure of the applicant to maintain
1728 required security.

1729 2. Coverage under policies as described in subsection (1),
1730 which includes bodily injury ~~also provides~~ liability coverage
1731 and property damage liability coverage ~~for bodily injury, death,~~
1732 ~~and property damage arising out of the ownership, maintenance,~~
1733 ~~or use of the motor vehicle~~ in an amount not less than the
1734 minimum limits required under ~~described in~~ s. 324.021(7) or s.
1735 324.023 and which conforms to the requirements of s. 324.151, to
1736 an applicant for private passenger motor vehicle insurance
1737 coverage who is seeking the coverage in order to reinstate the
1738 applicant's driving privileges in this state after such
1739 privileges were revoked or suspended under s. 316.193 or s.
1740 322.26(2) for driving under the influence.

1741 (b) The policies described in paragraph (a) must ~~shall~~ be
1742 issued for at least 6 months and, as to the minimum coverages
1743 required under this section, may not be canceled by the insured
1744 for any reason or by the insurer after 60 days, during which
1745 period the insurer is completing the underwriting of the policy.
1746 After the insurer has completed underwriting the policy, the
1747 insurer shall notify the Department of Highway Safety and Motor
1748 Vehicles that the policy is in full force and effect and is not
1749 cancelable for the remainder of the policy period. A premium
1750 must ~~shall~~ be collected and the coverage is in effect for the



352738

1751 60-day period during which the insurer is completing the
1752 underwriting of the policy, whether or not the person's driver
1753 license, motor vehicle tag, and motor vehicle registration are
1754 in effect. Once the noncancelable provisions of the policy
1755 become effective, the bodily injury liability and property
1756 damage liability coverages ~~for bodily injury, property damage,~~
1757 ~~and personal injury protection~~ may not be reduced below the
1758 minimum limits required under s. 324.021 or s. 324.023 during
1759 the policy period.

1760 (c) This subsection controls to the extent of any conflict
1761 with any other section.

1762 (d) An insurer issuing a policy subject to this section may
1763 cancel the policy if, during the policy term, the named insured,
1764 or any other operator who resides in the same household or
1765 customarily operates an automobile insured under the policy, has
1766 his or her driver license suspended or revoked.

1767 (e) This subsection does not require an insurer to offer a
1768 policy of insurance to an applicant if such offer would be
1769 inconsistent with the insurer's underwriting guidelines and
1770 procedures.

1771 (3) (a) As a condition precedent to a statutory or common
1772 law action for a bad faith failure to settle a motor vehicle
1773 liability claim, the insured, claimant, or the representative of
1774 the insured or claimant must provide the insurer with a written
1775 notice of loss. If the motor vehicle liability insurer complies
1776 with a request for a disclosure statement described in s.
1777 627.4137, and, within 45 days after receipt of the written
1778 notice of loss, offers to pay the claimant the lesser of the
1779 amount the claimant is willing to accept or the limits of the



352738

1780 motor vehicle liability coverage applicable to the claimant's
1781 claim in exchange for full release of the insureds from any
1782 liability arising from the incident and the notice of loss, the
1783 insurer does not violate the duty to attempt in good faith to
1784 settle the claim and is not liable for a bad faith failure to
1785 settle under this section or under the common law.

1786 (b) In evaluating whether the insurer attempted in good
1787 faith to settle the claim when, under the totality of the
1788 circumstances, it could have and should have done so had it
1789 acted fairly and honestly toward its insured and with due regard
1790 for his or her interests, the trier of fact must also consider
1791 whether the insured, claimant, or representative of the insured
1792 or claimant made good faith efforts to cooperate with the
1793 insurer in the investigation of the claim.

1794 (c) If two or more third-party claimants in a motor vehicle
1795 liability claim make competing claims arising out of a single
1796 occurrence which in total exceed the available policy limits of
1797 one or more of the insured parties who may be liable to the
1798 third-party claimants, an insurer is not liable beyond the
1799 available policy limits for failure to pay all or any portion of
1800 the available policy limits to one or more of the third-party
1801 claimants, if, within 90 days after receiving notice of the
1802 competing claims in excess of the available policy limits, the
1803 insurer files an interpleader action under the Florida Rules of
1804 Civil Procedure. The claims of the competing third-party
1805 claimants are entitled to a prorated share of the policy limits
1806 as determined by the trier of fact. An insurer's interpleader
1807 action does not alter or amend the insurer's obligation to
1808 defend its insured.



352738

1809 Section 41. Paragraph (a) of subsection (1) of section
1810 627.728, Florida Statutes, is amended to read:

1811 627.728 Cancellations; nonrenewals.—

1812 (1) As used in this section, the term:

1813 (a) "Policy" means the bodily injury and property damage
1814 liability, ~~personal injury protection~~, medical payments,
1815 comprehensive, collision, and uninsured motorist coverage
1816 portions of a policy of motor vehicle insurance delivered or
1817 issued for delivery in this state:

1818 1. Insuring a natural person as named insured or one or
1819 more related individuals who are residents ~~resident~~ of the same
1820 household; and

1821 2. Insuring only a motor vehicle of the private passenger
1822 type or station wagon type which is not used as a public or
1823 livery conveyance for passengers or rented to others; or
1824 insuring any other four-wheel motor vehicle having a load
1825 capacity of 1,500 pounds or less which is not used in the
1826 occupation, profession, or business of the insured other than
1827 farming; other than any policy issued under an automobile
1828 insurance assigned risk plan or covering garage, automobile
1829 sales agency, repair shop, service station, or public parking
1830 place operation hazards.

1831
1832 The term "policy" does not include a binder as defined in s.
1833 627.420 unless the duration of the binder period exceeds 60
1834 days.

1835 Section 42. Subsection (1), paragraph (a) of subsection
1836 (5), and subsections (6) and (7) of section 627.7295, Florida
1837 Statutes, are amended to read:



352738

1838 627.7295 Motor vehicle insurance contracts.-

1839 (1) As used in this section, the term:

1840 (a) "Policy" means a motor vehicle insurance policy that
1841 provides bodily injury liability ~~personal injury protection~~
1842 coverage, property damage liability coverage, or both.

1843 (b) "Binder" means a binder that provides motor vehicle
1844 bodily injury liability coverage, ~~personal injury protection~~ and
1845 property damage liability coverage.

1846 (5) (a) A licensed general lines agent may charge a per-
1847 policy fee up to ~~not to exceed~~ \$10 to cover the administrative
1848 costs of the agent associated with selling the motor vehicle
1849 insurance policy if the policy covers only bodily injury
1850 liability coverage ~~personal injury protection coverage as~~
1851 ~~provided by s. 627.736~~ and property damage liability coverage as
1852 provided by s. 627.7275 and if no other insurance is sold or
1853 issued in conjunction with or collateral to the policy. The fee
1854 is not ~~considered~~ part of the premium.

1855 (6) If a motor vehicle owner's driver license, license
1856 plate, and registration have previously been suspended pursuant
1857 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
1858 only as provided in s. 627.7275.

1859 (7) A policy of private passenger motor vehicle insurance
1860 or a binder for such a policy may be initially issued in this
1861 state only if, before the effective date of such binder or
1862 policy, the insurer or agent has collected ~~from the insured an~~
1863 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
1864 agent, or premium finance company may not, directly or
1865 indirectly, take any action that results ~~resulting~~ in the
1866 insured paying ~~having paid~~ from the insured's own funds an



352738

1867 amount less than the 2 months' premium required by this
1868 subsection. This subsection applies without regard to whether
1869 the premium is financed by a premium finance company or is paid
1870 pursuant to a periodic payment plan of an insurer or an
1871 insurance agent.

1872 (a) This subsection does not apply:

1873 1. If an insured or member of the insured's family is
1874 renewing or replacing a policy or a binder for such policy
1875 written by the same insurer or a member of the same insurer
1876 group. ~~This subsection does not apply~~

1877 2. To an insurer that issues private passenger motor
1878 vehicle coverage primarily to active duty or former military
1879 personnel or their dependents. ~~This subsection does not apply~~

1880 3. If all policy payments are paid pursuant to a payroll
1881 deduction plan, an automatic electronic funds transfer payment
1882 plan from the policyholder, or a recurring credit card or debit
1883 card agreement with the insurer.

1884 (b) This subsection and subsection (4) do not apply if:

1885 1. All policy payments to an insurer are paid pursuant to
1886 an automatic electronic funds transfer payment plan from an
1887 agent, a managing general agent, or a premium finance company
1888 and if the policy includes, at a minimum, bodily injury
1889 liability coverage and ~~personal injury protection pursuant to~~
1890 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~
1891 coverage pursuant to s. 627.7275; or ~~and bodily injury liability~~
1892 ~~in at least the amount of \$10,000 because of bodily injury to,~~
1893 ~~or death of, one person in any one accident and in the amount of~~
1894 ~~\$20,000 because of bodily injury to, or death of, two or more~~
1895 ~~persons in any one accident. This subsection and subsection (4)~~



352738

1896 ~~do not apply if~~

1897 2. An insured has had a policy in effect for at least 6
1898 months, the insured's agent is terminated by the insurer that
1899 issued the policy, and the insured obtains coverage on the
1900 policy's renewal date with a new company through the terminated
1901 agent.

1902 Section 43. Subsections (1) and (2) of section 627.7415,
1903 Florida Statutes, are amended to read:

1904 627.7415 Commercial motor vehicles; additional liability
1905 insurance coverage.—Commercial motor vehicles, as defined in s.
1906 207.002 or s. 320.01, operated upon the roads and highways of
1907 this state shall be insured with the ~~following~~ minimum levels of
1908 combined bodily liability insurance and property damage
1909 liability insurance under subsections (1) and (2) in addition to
1910 any other insurance requirements.÷

1911 (1) ~~Fifty thousand dollars per occurrence~~ For a commercial
1912 motor vehicle with a gross vehicle weight of 26,000 pounds or
1913 more, but less than 35,000 pounds:

1914 (a) Beginning January 1, 2019, through December 31, 2020,
1915 no less than \$50,000 per occurrence.

1916 (b) Beginning January 1, 2021, through December 31, 2022,
1917 no less than \$60,000 per occurrence.

1918 (c) Beginning January 1, 2023, and thereafter, no less than
1919 \$70,000 per occurrence.

1920 (2) ~~One hundred thousand dollars per occurrence~~ For a
1921 commercial motor vehicle with a gross vehicle weight of 35,000
1922 pounds or more, but less than 44,000 pounds:

1923 (a) Beginning January 1, 2019, through December 31, 2020,
1924 no less than \$100,000 per occurrence.



352738

1925 (b) Beginning January 1, 2021, through December 31, 2022,
1926 no less than \$120,000 per occurrence.

1927 (c) Beginning January 1, 2023, and thereafter, no less than
1928 \$140,000 per occurrence.

1929

1930 A violation of this section is a noncriminal traffic infraction,
1931 punishable as a nonmoving violation as provided in chapter 318.

1932 Section 44. Section 627.8405, Florida Statutes, is amended
1933 to read:

1934 627.8405 Prohibited acts; financing companies.—~~A No~~ premium
1935 finance company ~~shall~~, in a premium finance agreement or other
1936 agreement, may not finance the cost of or otherwise provide for
1937 the collection or remittance of dues, assessments, fees, or
1938 other periodic payments of money for the cost of:

1939 (1) A membership in an automobile club. The term
1940 "automobile club" means a legal entity that ~~which~~, in
1941 consideration of dues, assessments, or periodic payments of
1942 money, promises its members or subscribers to assist them in
1943 matters relating to the ownership, operation, use, or
1944 maintenance of a motor vehicle; however, the term ~~this~~
1945 ~~definition of "automobile club"~~ does not include persons,
1946 associations, or corporations ~~which are~~ organized and operated
1947 solely for the purpose of conducting, sponsoring, or sanctioning
1948 motor vehicle races, exhibitions, or contests upon racetracks,
1949 or upon racecourses established and marked as such for the
1950 duration of such particular events. The term ~~words~~ "motor
1951 vehicle" used herein has ~~have~~ the same meaning as defined in
1952 chapter 320.

1953 (2) An accidental death and dismemberment policy sold in



352738

1954 combination with a policy providing only bodily injury liability
1955 coverage ~~personal injury protection~~ and property damage
1956 liability coverage only policy.

1957 (3) Any product not regulated under ~~the provisions of this~~
1958 insurance code.

1959
1960 This section also applies to premium financing by any insurance
1961 agent or insurance company under part XVI. The commission shall
1962 adopt rules to assure disclosure, at the time of sale, of
1963 coverages financed ~~with personal injury protection~~ and shall
1964 prescribe the form of such disclosure.

1965 Section 45. Subsection (1) of section 627.915, Florida
1966 Statutes, is amended to read:

1967 627.915 Insurer experience reporting.-

1968 (1) Each insurer transacting private passenger automobile
1969 insurance in this state shall report certain information
1970 annually to the office. The information will be due on or before
1971 July 1 of each year. The information must ~~shall~~ be divided into
1972 the following categories: bodily injury liability; property
1973 damage liability; uninsured motorist; ~~personal injury protection~~
1974 ~~benefits~~; medical payments; and comprehensive and collision. The
1975 information given must ~~shall~~ be on direct insurance writings in
1976 the state alone and ~~shall~~ represent total limits data. The
1977 information set forth in paragraphs (a)-(f) is applicable to
1978 voluntary private passenger and Joint Underwriting Association
1979 private passenger writings and must ~~shall~~ be reported for each
1980 of the latest 3 calendar-accident years, with an evaluation date
1981 of March 31 of the current year. The information set forth in
1982 paragraphs (g)-(j) is applicable to voluntary private passenger



352738

1983 writings and must ~~shall~~ be reported on a calendar-accident year
1984 basis ultimately seven times at seven different stages of
1985 development.

1986 (a) Premiums earned for the latest 3 calendar-accident
1987 years.

1988 (b) Loss development factors and the historic development
1989 of those factors.

1990 (c) Policyholder dividends incurred.

1991 (d) Expenses for other acquisition and general expense.

1992 (e) Expenses for agents' commissions and taxes, licenses,
1993 and fees.

1994 (f) Profit and contingency factors as utilized in the
1995 insurer's automobile rate filings for the applicable years.

1996 (g) Losses paid.

1997 (h) Losses unpaid.

1998 (i) Loss adjustment expenses paid.

1999 (j) Loss adjustment expenses unpaid.

2000 Section 46. Subsections (2) and (3) of section 628.909,
2001 Florida Statutes, are amended to read:

2002 628.909 Applicability of other laws.—

2003 (2) The following provisions of the Florida Insurance Code
2004 apply to captive insurance companies who are not industrial
2005 insured captive insurance companies to the extent that such
2006 provisions are not inconsistent with this part:

2007 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2008 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2009 (b) Chapter 625, part II.

2010 (c) Chapter 626, part IX.

2011 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~



352738

2012 ~~provided.~~

2013 ~~(e)~~ Chapter 628.

2014 (3) The following provisions of the Florida Insurance Code
2015 ~~shall~~ apply to industrial insured captive insurance companies to
2016 the extent that such provisions are not inconsistent with this
2017 part:

2018 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2019 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2020 (b) Chapter 625, part II, if the industrial insured captive
2021 insurance company is incorporated in this state.

2022 (c) Chapter 626, part IX.

2023 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
2024 ~~provided.~~

2025 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
2026 628.6018.

2027 Section 47. Subsections (2), (6), and (7) of section
2028 705.184, Florida Statutes, are amended to read:

2029 705.184 Derelict or abandoned motor vehicles on the
2030 premises of public-use airports.-

2031 (2) The airport director or the director's designee shall
2032 contact the Department of Highway Safety and Motor Vehicles to
2033 notify that department that the airport has possession of the
2034 abandoned or derelict motor vehicle and to determine the name
2035 and address of the owner of the motor vehicle, the insurance
2036 company insuring the motor vehicle, ~~notwithstanding the~~
2037 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2038 the motor vehicle. Within 7 business days after receipt of the
2039 information, the director or the director's designee shall send
2040 notice by certified mail, return receipt requested, to the owner



352738

2041 of the motor vehicle, the insurance company insuring the motor
2042 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2043 persons of record claiming a lien against the motor vehicle. The
2044 notice must ~~shall~~ state the fact of possession of the motor
2045 vehicle, that charges for reasonable towing, storage, and
2046 parking fees, if any, have accrued and the amount thereof, that
2047 a lien as provided in subsection (6) will be claimed, that the
2048 lien is subject to enforcement pursuant to law, that the owner
2049 or lienholder, if any, has the right to a hearing as set forth
2050 in subsection (4), and that any motor vehicle which, at the end
2051 of 30 calendar days after receipt of the notice, has not been
2052 removed from the airport upon payment in full of all accrued
2053 charges for reasonable towing, storage, and parking fees, if
2054 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2055 (d), or (e), including, but not limited to, the motor vehicle
2056 being sold free of all prior liens after 35 calendar days after
2057 the time the motor vehicle is stored if any prior liens on the
2058 motor vehicle are more than 5 years of age or after 50 calendar
2059 days after the time the motor vehicle is stored if any prior
2060 liens on the motor vehicle are 5 years of age or less.

2061 (6) The airport pursuant to this section or, if used, a
2062 licensed independent wrecker company pursuant to s. 713.78 shall
2063 have a lien on an abandoned or derelict motor vehicle for all
2064 reasonable towing, storage, and accrued parking fees, if any,
2065 except that no storage fee may ~~shall~~ be charged if the motor
2066 vehicle is stored less than 6 hours. As a prerequisite to
2067 perfecting a lien under this section, the airport director or
2068 the director's designee must serve a notice in accordance with
2069 subsection (2) on the owner of the motor vehicle, the insurance



352738

2070 company insuring the motor vehicle, ~~notwithstanding the~~
2071 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2072 lien against the motor vehicle. If attempts to notify the owner,
2073 the insurance company insuring the motor vehicle,
2074 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2075 not successful, the requirement of notice by mail shall be
2076 considered met. Serving of the notice does not dispense with
2077 recording the claim of lien.

2078 (7) (a) For the purpose of perfecting its lien under this
2079 section, the airport shall record a claim of lien which states
2080 ~~shall state:~~

2081 1. The name and address of the airport.

2082 2. The name of the owner of the motor vehicle, the
2083 insurance company insuring the motor vehicle, ~~notwithstanding~~
2084 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2085 a lien against the motor vehicle.

2086 3. The costs incurred from reasonable towing, storage, and
2087 parking fees, if any.

2088 4. A description of the motor vehicle sufficient for
2089 identification.

2090 (b) The claim of lien must ~~shall~~ be signed and sworn to or
2091 affirmed by the airport director or the director's designee.

2092 (c) The claim of lien is ~~shall be~~ sufficient if it is in
2093 substantially the following form:

2094

2095 CLAIM OF LIEN

2096 State of

2097 County of

2098 Before me, the undersigned notary public, personally appeared



2099 , who was duly sworn and says that he/she is the
2100 of , whose address is.....; and that the
2101 following described motor vehicle:
2102 ...(Description of motor vehicle)..
2103 owned by , whose address is , has accrued
2104 \$..... in fees for a reasonable tow, for storage, and for
2105 parking, if applicable; that the lienor served its notice to the
2106 owner, the insurance company insuring the motor vehicle
2107 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
2108 and all persons of record claiming a lien against the motor
2109 vehicle on, ...(year)..., by.....

2110 ...(Signature)..
2111 Sworn to (or affirmed) and subscribed before me this day of
2112, ...(year)..., by ...(name of person making statement)....
2113 ...(Signature of Notary Public).....(Print, Type, or Stamp
2114 Commissioned name of Notary Public)..
2115 Personally Known...OR Produced...as identification.

2116
2117 However, the negligent inclusion or omission of any information
2118 in this claim of lien which does not prejudice the owner does
2119 not constitute a default that operates to defeat an otherwise
2120 valid lien.

2121 (d) The claim of lien must ~~shall~~ be served on the owner of
2122 the motor vehicle, the insurance company insuring the motor
2123 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2124 persons of record claiming a lien against the motor vehicle. If
2125 attempts to notify the owner, the insurance company insuring the
2126 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
2127 lienholders are not successful, the requirement of notice by



352738

2128 mail shall be considered met. The claim of lien must ~~shall~~ be so
2129 served before recordation.

2130 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2131 of court in the county where the airport is located. The
2132 recording of the claim of lien shall be constructive notice to
2133 all persons of the contents and effect of such claim. The lien
2134 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2135 ~~take~~ priority as of that time.

2136 Section 48. Subsection (4) of section 713.78, Florida
2137 Statutes, is amended to read:

2138 713.78 Liens for recovering, towing, or storing vehicles
2139 and vessels.-

2140 (4) (a) Any person regularly engaged in the business of
2141 recovering, towing, or storing vehicles or vessels who comes
2142 into possession of a vehicle or vessel pursuant to subsection
2143 (2), and who claims a lien for recovery, towing, or storage
2144 services, shall give notice to the registered owner, the
2145 insurance company insuring the vehicle ~~notwithstanding the~~
2146 ~~provisions of s. 627.736~~, and to all persons claiming a lien
2147 thereon, as disclosed by the records in the Department of
2148 Highway Safety and Motor Vehicles or as disclosed by the records
2149 of any corresponding agency in any other state in which the
2150 vehicle is identified through a records check of the National
2151 Motor Vehicle Title Information System or an equivalent
2152 commercially available system as being titled or registered.

2153 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
2154 removal of a vehicle or vessel or if a ~~whenever any~~ towing
2155 service, garage, repair shop, or automotive service, storage, or
2156 parking place notifies the law enforcement agency of possession



352738

2157 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2158 enforcement agency of the jurisdiction where the vehicle or
2159 vessel is stored shall contact the Department of Highway Safety
2160 and Motor Vehicles, or the appropriate agency of the state of
2161 registration, if known, within 24 hours through the medium of
2162 electronic communications, giving the full description of the
2163 vehicle or vessel. Upon receipt of the full description of the
2164 vehicle or vessel, the department shall search its files to
2165 determine the owner's name, the insurance company insuring the
2166 vehicle or vessel, and whether any person has filed a lien upon
2167 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2168 notify the applicable law enforcement agency within 72 hours.
2169 The person in charge of the towing service, garage, repair shop,
2170 or automotive service, storage, or parking place shall obtain
2171 such information from the applicable law enforcement agency
2172 within 5 days after the date of storage and shall give notice
2173 pursuant to paragraph (a). The department may release the
2174 insurance company information to the requestor ~~notwithstanding~~
2175 ~~the provisions of s. 627.736.~~

2176 (c) Notice by certified mail must ~~shall~~ be sent within 7
2177 business days after the date of storage of the vehicle or vessel
2178 to the registered owner, the insurance company insuring the
2179 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
2180 persons of record claiming a lien against the vehicle or vessel.
2181 The notice must ~~It shall~~ state the fact of possession of the
2182 vehicle or vessel, that a lien as provided in subsection (2) is
2183 claimed, that charges have accrued and the amount thereof, that
2184 the lien is subject to enforcement pursuant to law, ~~and~~ that the
2185 owner or lienholder, if any, has the right to a hearing as set



352738

2186 forth in subsection (5), and that any vehicle or vessel which
2187 remains unclaimed, or for which the charges for recovery,
2188 towing, or storage services remain unpaid, may be sold free of
2189 all prior liens after 35 days if the vehicle or vessel is more
2190 than 3 years of age or after 50 days if the vehicle or vessel is
2191 3 years of age or less.

2192 (d) If attempts to locate the name and address of the owner
2193 or lienholder prove unsuccessful, the towing-storage operator
2194 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,
2195 of the initial tow or storage, notify the public agency of
2196 jurisdiction where the vehicle or vessel is stored in writing by
2197 certified mail or acknowledged hand delivery that the towing-
2198 storage company has been unable to locate the name and address
2199 of the owner or lienholder and a physical search of the vehicle
2200 or vessel has disclosed no ownership information and a good
2201 faith effort has been made, including records checks of the
2202 Department of Highway Safety and Motor Vehicles database and the
2203 National Motor Vehicle Title Information System or an equivalent
2204 commercially available system. As used in ~~For purposes of~~ this
2205 paragraph and subsection (9), the term "good faith effort" means
2206 that the following checks have been performed by the company to
2207 establish prior state of registration and for title:

2208 1. Check of the Department of Highway Safety and Motor
2209 Vehicles database for the owner and any lienholder.

2210 2. Check of the electronic National Motor Vehicle Title
2211 Information System or an equivalent commercially available
2212 system to determine the state of registration when there is not
2213 a current registration record for the vehicle on file with the
2214 Department of Highway Safety and Motor Vehicles.



352738

- 2215 3. Check of vehicle or vessel for any type of tag, tag
2216 record, temporary tag, or regular tag.
- 2217 4. Check of law enforcement report for tag number or other
2218 information identifying the vehicle or vessel, if the vehicle or
2219 vessel was towed at the request of a law enforcement officer.
- 2220 5. Check of trip sheet or tow ticket of tow truck operator
2221 to see if a tag was on vehicle or vessel at beginning of tow, if
2222 private tow.
- 2223 6. If there is no address of the owner on the impound
2224 report, check of law enforcement report to see if an out-of-
2225 state address is indicated from driver license information.
- 2226 7. Check of vehicle or vessel for inspection sticker or
2227 other stickers and decals that may indicate a state of possible
2228 registration.
- 2229 8. Check of the interior of the vehicle or vessel for any
2230 papers that may be in the glove box, trunk, or other areas for a
2231 state of registration.
- 2232 9. Check of vehicle for vehicle identification number.
- 2233 10. Check of vessel for vessel registration number.
- 2234 11. Check of vessel hull for a hull identification number
2235 which should be carved, burned, stamped, embossed, or otherwise
2236 permanently affixed to the outboard side of the transom or, if
2237 there is no transom, to the outmost seaboard side at the end of
2238 the hull that bears the rudder or other steering mechanism.
- 2239 Section 49. Paragraph (a) of subsection (1), paragraph (c)
2240 of subsection (7), paragraphs (a), (b), and (c) of subsection
2241 (8), and subsections (9) and (10) of section 817.234, Florida
2242 Statutes, are amended to read:
- 2243 817.234 False and fraudulent insurance claims.—



352738

2244 (1) (a) A person commits insurance fraud punishable as
2245 provided in subsection (11) if that person, with the intent to
2246 injure, defraud, or deceive any insurer:

2247 1. Presents or causes to be presented any written or oral
2248 statement as part of, or in support of, a claim for payment or
2249 other benefit pursuant to an insurance policy or a health
2250 maintenance organization subscriber or provider contract,
2251 knowing that such statement contains ~~any~~ false, incomplete, or
2252 misleading information concerning any fact or thing material to
2253 such claim;

2254 2. Prepares or makes any written or oral statement that is
2255 intended to be presented to an ~~any~~ insurer in connection with,
2256 or in support of, any claim for payment or other benefit
2257 pursuant to an insurance policy or a health maintenance
2258 organization subscriber or provider contract, knowing that such
2259 statement contains ~~any~~ false, incomplete, or misleading
2260 information concerning any fact or thing material to such claim;

2261 3.a. Knowingly presents, causes to be presented, or
2262 prepares or makes with knowledge or belief that it will be
2263 presented to an ~~any~~ insurer, purported insurer, servicing
2264 corporation, insurance broker, or insurance agent, or any
2265 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2266 information or a written or oral statement as part of, or in
2267 support of, an application for the issuance of, or the rating
2268 of, any insurance policy, or a health maintenance organization
2269 subscriber or provider contract; or

2270 b. Knowingly conceals information concerning any fact
2271 material to such application; or

2272 4. Knowingly presents, causes to be presented, or prepares



352738

2273 or makes with knowledge or belief that it will be presented to
2274 any insurer a claim for payment or other benefit under a motor
2275 vehicle ~~a personal injury protection~~ insurance policy if the
2276 person knows that the payee knowingly submitted a false,
2277 misleading, or fraudulent application or other document when
2278 applying for licensure as a health care clinic, seeking an
2279 exemption from licensure as a health care clinic, or
2280 demonstrating compliance with part X of chapter 400.

2281 (7)

2282 ~~(c) An insurer, or any person acting at the direction of or~~
2283 ~~on behalf of an insurer, may not change an opinion in a mental~~
2284 ~~or physical report prepared under s. 627.736(7) or direct the~~
2285 ~~physician preparing the report to change such opinion; however,~~
2286 ~~this provision does not preclude the insurer from calling to the~~
2287 ~~attention of the physician errors of fact in the report based~~
2288 ~~upon information in the claim file. Any person who violates this~~
2289 ~~paragraph commits a felony of the third degree, punishable as~~
2290 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2291 (8) (a) It is unlawful for any person intending to defraud
2292 any other person to solicit or cause to be solicited any
2293 business from a person involved in a motor vehicle accident for
2294 the purpose of making, adjusting, or settling motor vehicle tort
2295 claims or claims for benefits under a motor vehicle insurance
2296 policy ~~personal injury protection benefits required by s.~~
2297 ~~627.736. Any person who violates the provisions of this~~
2298 paragraph commits a felony of the second degree, punishable as
2299 provided in s. 775.082, s. 775.083, or s. 775.084. A person who
2300 is convicted of a violation of this subsection shall be
2301 sentenced to a minimum term of imprisonment of 2 years.



352738

2302 (b) A person may not solicit or cause to be solicited any
2303 business from a person involved in a motor vehicle accident by
2304 any means of communication other than advertising directed to
2305 the public for the purpose of making motor vehicle tort claims
2306 or claims for benefits under a motor vehicle insurance policy
2307 ~~personal injury protection benefits required by s. 627.736,~~
2308 within 60 days after the occurrence of the motor vehicle
2309 accident. Any person who violates this paragraph commits a
2310 felony of the third degree, punishable as provided in s.
2311 775.082, s. 775.083, or s. 775.084.

2312 (c) A lawyer, health care practitioner as defined in s.
2313 456.001, or owner or medical director of a clinic required to be
2314 licensed pursuant to s. 400.9905 may not, at any time after 60
2315 days have elapsed from the occurrence of a motor vehicle
2316 accident, solicit or cause to be solicited any business from a
2317 person involved in a motor vehicle accident by means of in
2318 person or telephone contact at the person's residence, for the
2319 purpose of making motor vehicle tort claims or claims for
2320 benefits under a motor vehicle insurance policy ~~personal injury~~
2321 ~~protection benefits required by s. 627.736.~~ Any person who
2322 violates this paragraph commits a felony of the third degree,
2323 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2324 (9) A person may not organize, plan, or knowingly
2325 participate in an intentional motor vehicle crash or a scheme to
2326 create documentation of a motor vehicle crash that did not occur
2327 for the purpose of making motor vehicle tort claims or claims
2328 for benefits under a motor vehicle insurance policy ~~personal~~
2329 ~~injury protection benefits as required by s. 627.736.~~ Any person
2330 who violates this subsection commits a felony of the second



352738

2331 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2332 775.084. A person who is convicted of a violation of this
2333 subsection shall be sentenced to a minimum term of imprisonment
2334 of 2 years.

2335 (10) A licensed health care practitioner who is found
2336 guilty of insurance fraud under this section for an act relating
2337 to a motor vehicle personal injury protection insurance policy
2338 loses his or her license to practice for 5 years and may not
2339 receive reimbursement under a motor vehicle insurance policy ~~for~~
2340 personal injury protection benefits for 10 years.

2341 Section 50. Applicability and construction; notice to
2342 policyholders.-

2343 (1) As used in this section, the term "minimum security
2344 requirements" means security that enables a person to respond in
2345 damages for liability on account of crashes arising out of the
2346 ownership, maintenance, or use of a motor vehicle in the amounts
2347 required by s. 324.021(7), Florida Statutes.

2348 (2) Effective January 1, 2019:

2349 (a) Motor vehicle insurance policies issued or renewed on
2350 or after that date may not include personal injury protection.

2351 (b) All persons subject to s. 324.022, s. 324.032, s.
2352 627.7415, or s. 627.742, Florida Statutes, must maintain at
2353 least minimum security requirements.

2354 (c) Any new or renewal motor vehicle insurance policy
2355 delivered or issued for delivery in this state must provide
2356 coverage that complies with minimum security requirements.

2357 (d) An existing motor vehicle insurance policy issued
2358 before that date which provides personal injury protection and
2359 property damage liability coverage that meets the requirements



352738

2360 of s. 324.022, Florida Statutes, on December 31, 2018, but which
2361 does not meet minimum security requirements on or after January
2362 1, 2019, is deemed to meet the security requirements of s.
2363 324.022, Florida Statutes, until such policy is renewed,
2364 nonrenewed, or canceled on or after January 1, 2019.

2365 (3) Each insurer shall allow each insured who has a new or
2366 renewal policy providing personal injury protection, which
2367 becomes effective before January 1, 2019, and whose policy does
2368 not meet minimum security requirements on or after January 1,
2369 2019, to change coverages so as to eliminate personal injury
2370 protection and obtain coverage providing minimum security
2371 requirements, which shall be effective on or after January 1,
2372 2019. The insurer is not required to provide coverage complying
2373 with minimum security requirements in such policies if the
2374 insured does not pay the required premium, if any, by January 1,
2375 2019, or such later date as the insurer may allow. Any reduction
2376 in the premium must be refunded by the insurer. The insurer may
2377 not impose on the insured an additional fee or charge that
2378 applies solely to a change in coverage; however, the insurer may
2379 charge an additional required premium that is actuarially
2380 indicated.

2381 (4) By September 1, 2018, each motor vehicle insurer shall
2382 provide notice of this section to each motor vehicle
2383 policyholder who is subject to this section. The notice is
2384 subject to approval by the Office of Insurance Regulation and
2385 must clearly inform the policyholder that:

2386 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2387 effective January 1, 2019, and that on or after that date, the
2388 insured is no longer required to maintain personal injury



352738

2389 protection insurance coverage, that personal injury protection
2390 coverage is no longer available for purchase in this state, and
2391 that all new or renewal policies issued on or after that date do
2392 not contain such coverage.

2393 (b) Effective January 1, 2019, a person subject to the
2394 financial responsibility requirements of s. 324.022, Florida
2395 Statutes, must maintain minimum security requirements that
2396 enable the person to respond in damages for liability on account
2397 of accidents arising out of the use of a motor vehicle in the
2398 following amounts:

2399 1. Beginning January 1, 2019, and continuing through
2400 December 31, 2020:

2401 a. Twenty thousand dollars for bodily injury to, or the
2402 death of, one person in any one crash and, subject to such
2403 limits for one person, in the amount of \$40,000 for bodily
2404 injury to, or the death of, two or more persons in any one
2405 crash; and

2406 b. Ten thousand dollars for damage to, or destruction of,
2407 the property of others in any one crash.

2408 2. Beginning January 1, 2021, and continuing through
2409 December 31, 2022:

2410 a. Twenty-five thousand dollars for bodily injury to, or
2411 the death of, one person in any one crash and, subject to such
2412 limits for one person, in the amount of \$50,000 for bodily
2413 injury to, or the death of, two or more persons in any one
2414 crash; and

2415 b. Ten thousand dollars for damage to, or destruction of,
2416 the property of others in any one crash.

2417 3. Beginning January 1, 2023, and continuing thereafter:



352738

2418 a. Thirty thousand dollars for bodily injury to, or the
2419 death of, one person in any one crash and, subject to such
2420 limits for one person, in the amount of \$60,000 for bodily
2421 injury to, or the death of, two or more persons in any one
2422 crash; and

2423 b. Ten thousand dollars for damage to, or destruction of,
2424 the property of others in any one crash.

2425 (c) Personal injury protection insurance paid covered
2426 medical expenses for injuries sustained in a motor vehicle crash
2427 by the policyholder, passengers, and relatives residing in the
2428 policyholder's household.

2429 (d) Bodily injury liability coverage protects the insured,
2430 up to the coverage limits, against loss if the insured is
2431 legally responsible for the death of or bodily injury to others
2432 in a motor vehicle accident.

2433 (e) The policyholder may obtain underinsured motorist
2434 coverage, which provides benefits, up to the limits of such
2435 coverage, to a policyholder or other insured entitled to recover
2436 damages for bodily injury, sickness, disease, or death resulting
2437 from a motor vehicle accident with an uninsured or underinsured
2438 owner or operator of a motor vehicle.

2439 (f) If the policyholder's new or renewal motor vehicle
2440 insurance policy is effective before January 1, 2019, and
2441 contains personal injury protection and property damage
2442 liability coverage as required by state law before January 1,
2443 2019, but does not meet minimum security requirements on or
2444 after January 1, 2019, the policy is deemed to meet minimum
2445 security requirements until it is renewed, nonrenewed, or
2446 canceled on or after January 1, 2019.



352738

2447 (g) A policyholder whose new or renewal policy becomes
2448 effective before January 1, 2019, but does not meet minimum
2449 security requirements on or after January 1, 2019, may change
2450 coverages under the policy so as to eliminate personal injury
2451 protection and to obtain coverage providing minimum security
2452 requirements, including bodily injury liability coverage, which
2453 are effective on or after January 1, 2019.

2454 (h) If the policyholder has any questions, he or she should
2455 contact the person named at the telephone number provided in the
2456 notice.

2457 (5) This section takes effect upon this act becoming a law.

2458 Section 51. Application of suspensions for failure to
2459 maintain security; reinstatement.—All suspensions for failure to
2460 maintain required security as required by law in effect before
2461 January 1, 2019, remain in full force and effect after January
2462 1, 2019. A driver may reinstate a suspended driver license or
2463 registration as provided under s. 324.0221, Florida Statutes.

2464 Section 52. Except as otherwise expressly provided in this
2465 act and except for this section, which shall take effect upon
2466 this act becoming a law, this act shall take effect January 1,
2467 2019.

2468
2469 ===== T I T L E A M E N D M E N T =====

2470 And the title is amended as follows:

2471 Delete everything before the enacting clause
2472 and insert:

2473 A bill to be entitled
2474 An act relating to motor vehicle insurance; repealing
2475 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,



2476 627.734, 627.736, 627.737, 627.739, 627.7401,
2477 627.7403, and 627.7405, F.S., which comprise the
2478 Florida Motor Vehicle No-Fault Law; repealing s.
2479 627.7407, F.S., relating to application of the Florida
2480 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;
2481 revising a requirement for proof of security on a
2482 motor vehicle and the applicability of the
2483 requirement; amending s. 318.18, F.S.; conforming a
2484 provision to changes made by the act; amending s.
2485 320.02, F.S.; revising the motor vehicle insurance
2486 coverages that an applicant must show to register
2487 certain vehicles with the Department of Highway Safety
2488 and Motor Vehicles; deleting a requirement that
2489 specified information be included on a certain
2490 insurance proof-of-purchase card; revising
2491 construction; conforming provisions to changes made by
2492 the act; amending s. 320.0609, F.S.; conforming a
2493 provision to changes made by the act; amending s.
2494 320.27, F.S.; defining the term "garage liability
2495 insurance"; revising garage liability insurance
2496 requirements for motor vehicle dealer applicants;
2497 conforming a provision to changes made by the act;
2498 amending s. 320.771, F.S.; revising garage liability
2499 insurance requirements for recreational vehicle dealer
2500 license applicants; amending ss. 322.251 and 322.34,
2501 F.S.; conforming provisions to changes made by the
2502 act; amending s. 324.011, F.S.; revising legislative
2503 intent; amending s. 324.021, F.S.; revising
2504 definitions of the terms "motor vehicle" and "proof of



352738

2505 financial responsibility"; revising, at specified
2506 timeframes, minimum coverage requirements for proof of
2507 financial responsibility for specified motor vehicles;
2508 defining the term "for-hire passenger transportation
2509 vehicle"; conforming provisions to changes made by the
2510 act; amending s. 324.022, F.S.; revising, at specified
2511 timeframes, minimum liability coverage requirements
2512 for motor vehicle owners or operators; revising
2513 authorized methods for meeting such requirements;
2514 revising the vehicles that are excluded from the
2515 definition of the term "motor vehicle" and providing
2516 security requirements for certain excluded vehicles;
2517 conforming provisions to changes made by the act;
2518 conforming cross-references; amending s. 324.0221,
2519 F.S.; revising applicability of certain insurer
2520 reporting and notice requirements as to policies
2521 providing certain liability coverages; conforming
2522 provisions to changes made by the act; amending s.
2523 324.023, F.S.; conforming cross-references; amending
2524 s. 324.031, F.S.; revising applicability of a
2525 provision authorizing certain methods of proving
2526 financial responsibility; revising, at specified
2527 timeframes, the amount of a certificate of deposit
2528 required for a specified method of proof of financial
2529 responsibility; revising excess liability coverage
2530 requirements for a person electing to use such method;
2531 amending s. 324.032, F.S.; revising financial
2532 responsibility requirements for owners or lessees of
2533 for-hire passenger transportation vehicles and the



2534 applicability of such requirements; revising a
2535 requirement for a motor vehicle liability policy
2536 obtained to comply with such requirements; amending
2537 ss. 324.051, 324.071, 324.091, and 324.151, F.S.;
2538 making technical changes; amending s. 324.161, F.S.;
2539 revising requirements for a certificate of deposit
2540 that is required if a person elects a certain method
2541 of providing financial responsibility; amending s.
2542 324.171, F.S.; revising, at specified timeframes, the
2543 minimum net worth requirements to qualify certain
2544 persons as self-insurers; conforming provisions to
2545 changes made by the act; amending s. 324.251, F.S.;
2546 revising the short title and an effective date;
2547 amending s. 400.9905, F.S.; revising the definition of
2548 the term "clinic" relating to reimbursements for
2549 health care services under motor vehicle insurance
2550 coverage; amending s. 400.991, F.S.; conforming a
2551 provision to changes made by the act; amending s.
2552 400.9935, F.S.; revising a condition relating to
2553 certain clinic billings to apply to motor vehicle
2554 insurance carriers rather than to personal injury
2555 protection insurance carriers; amending s. 409.901,
2556 F.S.; revising the definition of the term "third-party
2557 benefit"; amending s. 409.910, F.S.; revising the
2558 definition of the term "medical coverage"; making
2559 technical changes; amending s. 456.057, F.S.;
2560 conforming a provision to changes made by the act;
2561 amending s. 456.072, F.S.; revising specified grounds
2562 for discipline for certain health professions relating



352738

2563 to motor vehicle insurance claims rather than personal
2564 injury protection claims; defining the term "upcoded";
2565 amending s. 626.9541, F.S.; conforming a provision to
2566 changes made by the act; revising the type of
2567 insurance coverage applicable to a certain prohibited
2568 act; conforming a cross-reference; amending s.
2569 626.989, F.S.; revising the definition of the term
2570 "fraudulent insurance act" to include certain acts
2571 under a motor vehicle insurance policy rather than
2572 under the Florida Motor Vehicle No-Fault Law; amending
2573 s. 627.06501, F.S.; revising coverages that may
2574 provide for a reduction in motor vehicle insurance
2575 policy premium charges under certain circumstances;
2576 amending s. 627.0652, F.S.; revising coverages that
2577 must provide a premium charge reduction under certain
2578 circumstances; amending s. 627.0653, F.S.; revising
2579 coverages subject to premium discounts for specified
2580 motor vehicle equipment; amending s. 627.4132, F.S.;
2581 revising the coverages of a motor vehicle policy which
2582 are subject to a stacking prohibition; amending s.
2583 627.7263, F.S.; revising provisions relating to the
2584 designation of primary insurance for rental and
2585 leasing driver's insurance; conforming provisions to
2586 changes made by the act; amending s. 627.727, F.S.;
2587 conforming provisions to changes made by the act;
2588 amending s. 627.7275, F.S.; revising applicability and
2589 required coverages for a motor vehicle insurance
2590 policy; requiring insureds or claimants, or their
2591 representatives, to provide insurers with a written



352738

2592 notice of loss before bringing certain bad faith
2593 actions; providing that if an insurer complies with
2594 certain conditions, it does not violate a certain good
2595 faith duty and is not liable for a certain bad faith
2596 failure; requiring the trier of fact, in making
2597 certain evaluations, to consider whether the insurer
2598 or claimant made certain good faith efforts to
2599 cooperate with the insurer's investigation; providing
2600 a limitation on an insurer's liability relating to
2601 multiple third-party claimants under certain
2602 circumstances, if the insurer files an interpleader
2603 action within a specified timeframe; providing
2604 construction relating to the interpleader action;
2605 conforming provisions to changes made by the act;
2606 amending s. 627.728, F.S.; conforming a provision to
2607 changes made by the act; amending s. 627.7295, F.S.;
2608 revising the definitions of the terms "policy" and
2609 "binder"; revising the coverages of a motor vehicle
2610 insurance policy for which a licensed general lines
2611 agent may charge a specified fee; revising
2612 applicability; conforming a cross-reference; amending
2613 s. 627.7415, F.S.; revising, at specified intervals,
2614 the minimum levels of certain liability insurance
2615 required for commercial motor vehicles; amending s.
2616 627.8405, F.S.; revising coverages in a policy sold in
2617 combination with an accidental death and dismemberment
2618 policy, which a premium finance company may not
2619 finance; revising rulemaking authority of the
2620 commission; amending ss. 627.915, 628.909, 705.184,



352738

2621 and 713.78, F.S.; conforming provisions to changes
2622 made by the act; amending s. 817.234, F.S.; revising
2623 specified prohibited false and fraudulent insurance
2624 claims for benefits to those under a motor vehicle
2625 insurance policy rather than a personal injury
2626 protection insurance policy; conforming a provision to
2627 changes made by the act; conforming a cross-reference;
2628 providing applicability and construction relating to
2629 changes made by the act; defining the term "minimum
2630 security requirements"; providing requirements and
2631 procedures relating to motor vehicle insurance
2632 policies that include personal injury protection as of
2633 a specified date; requiring an insurer to provide, by
2634 a specified date, a specified notice to policyholders
2635 relating to requirements under the act; providing for
2636 construction relating to suspensions for failure to
2637 maintain required security in effect before a
2638 specified date; providing effective dates.