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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2018	.	
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The Committee on Banking and Insurance (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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627.739, 627.7401, 627.7403, and 627.7405, Florida Statutes, which comprise the Florida Motor Vehicle No-Fault Law, are repealed.

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 Section 627.7407, Florida Statutes, is repealed.

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



543534

11 Statutes, is amended to read:

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

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

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

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

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

36 Section 4. Paragraph (b) of subsection (2) of section  
37 318.18, Florida Statutes, is amended to read:

38 318.18 Amount of penalties.—The penalties required for a  
39 noncriminal disposition pursuant to s. 318.14 or a criminal



543534

40 offense listed in s. 318.17 are as follows:

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

43 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,  
44 and 322.15(1). ~~A~~ Any person who is cited for a violation of s.  
45 320.07(1) shall be charged a delinquent fee pursuant to s.  
46 320.07(4).

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

58 2. If a person who is cited for a violation of s. 322.03,  
59 s. 322.065, or s. 322.15 can show a driver license issued to him  
60 or her and valid at the time of arrest, the clerk of the court  
61 may dismiss the case and may assess a dismissal fee of up to  
62 \$10.

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



543534

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

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

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

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



543534

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

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

117  
118 Such affidavit must include the following warning:

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

124  
125 If an application is made through a licensed motor vehicle  
126 dealer as required under s. 319.23, the original or a photocopy



543534

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

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



543534

156 a presumption of insurance coverage.

157 Section 6. Paragraph (b) of subsection (1) of section  
158 320.0609, Florida Statutes, is amended to read:

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

161 (1)

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

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

170 320.27 Motor vehicle dealers.—

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

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

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

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

182 3. Beginning January 1, 2023 and thereafter, at least  
183 \$70,000.

184 (3) APPLICATION AND FEE.—The ~~application for the license~~



543534

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





543534

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



543534

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

269 Section 8. Paragraph (j) of subsection (3) of section  
270 320.771, Florida Statutes, is amended to read:

271 320.771 License required of recreational vehicle dealers.-



543534

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

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

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

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

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

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



543534

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

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

317 Section 10. Paragraph (a) of subsection (8) of section  
318 322.34, Florida Statutes, is amended to read:

319 322.34 Driving while license suspended, revoked, canceled,  
320 or disqualified.—

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

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

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

329 3. Whether the suspension or revocation was made under s.



543534

330 316.646 ~~or s. 627.733~~, relating to failure to maintain required  
331 security, or under s. 322.264, relating to habitual traffic  
332 offenders.

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

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

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

357 Section 12. Subsections (1) and (7) and paragraph (c) of  
358 subsection (9) of section 324.021, Florida Statutes, are



543534

359 amended, and subsection (12) is added to that section, to read:

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

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

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

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

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

387 a. Twenty thousand dollars for ~~\$10,000 because of~~ bodily



543534

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

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

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

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

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

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

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

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

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

416 (c) With respect to nonpublic sector buses, in the amounts



543534

417 specified in s. 627.742.

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

420 (9) OWNER; OWNER/LESSOR.—

421 (c) *Application.*—

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

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

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

445 2. Furthermore, with respect to commercial motor vehicles





543534

446 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on  
447 liability in subparagraphs (b)2. and 3. do not apply if, at the  
448 time of the incident, the commercial motor vehicle is being used  
449 in the transportation of materials found to be hazardous for the  
450 purposes of the Hazardous Materials Transportation Authorization  
451 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is  
452 required pursuant to such act to carry placards warning others  
453 of the hazardous cargo, unless at the time of lease or rental  
454 either:

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

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

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

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

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

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



543534

475 in the amount of:

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

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

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

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

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

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

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

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

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

502 (b) The requirements of paragraph (a) ~~this section~~ may be  
503 met by one of the methods established in s. 324.031; by self-



543534

504 insuring as authorized by s. 768.28(16); or by maintaining  
505 medical payments coverage under s. 627.7265 and a motor vehicle  
506 liability insurance policy that ~~an insurance policy providing~~  
507 ~~coverage for property damage liability in the amount of at least~~  
508 ~~\$10,000 because of damage to, or destruction of, property of~~  
509 ~~others in any one accident arising out of the use of the motor~~  
510 ~~vehicle. The requirements of this section may also be met by~~  
511 ~~having a policy which provides~~ combined property damage  
512 liability and bodily injury liability coverage for any one crash  
513 arising out of the ownership, maintenance, or use of a motor  
514 vehicle which conforms to the requirements of s. 324.151 in the  
515 amount of:

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

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

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

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

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

531 (a) "Motor vehicle" means any self-propelled vehicle that  
532 has four or more wheels and that is of a type designed and



543534

533 required to be licensed for use on the highways of this state,  
534 and any trailer or semitrailer designed for use with such  
535 vehicle. The term does not include the following:

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

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

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

544 4. A commercial motor vehicle as defined in s. 207.002 or  
545 s. 320.01, which shall maintain security as required under ss.  
546 324.031 and 627.7415.

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

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

553 ~~7.5. A personal delivery device as defined in s. 316.003.~~

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

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



543534

562 security must be that is in effect continuously throughout the  
563 period the motor vehicle remains within this state.

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

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

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

588 (1) (a) Each insurer that has issued a policy providing  
589 medical payments coverage or ~~personal injury protection coverage~~  
590 ~~or property damage~~ liability coverage shall report the



543534

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

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



543534

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

624 (2) The department shall suspend, after due notice and an  
625 opportunity to be heard, the registration and driver license of  
626 any owner or registrant of a motor vehicle for ~~with respect to~~  
627 which security is required under s. 324.022, s. 324.032, s.  
628 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

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

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

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



543534

649 motor vehicle in the amount of \$100,000 because of bodily injury  
650 to, or death of, one person in any one crash and, subject to  
651 such limits for one person, in the amount of \$300,000 because of  
652 bodily injury to, or death of, two or more persons in any one  
653 crash and in the amount of \$50,000 because of property damage in  
654 any one crash. If the owner or operator chooses to establish and  
655 maintain such ability by furnishing a certificate of deposit  
656 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of  
657 deposit must be at least \$350,000. Such higher limits must be  
658 carried for a minimum period of 3 years. If the owner or  
659 operator has not been convicted of driving under the influence  
660 or a felony traffic offense for a period of 3 years from the  
661 date of reinstatement of driving privileges for a violation of  
662 s. 316.193, the owner or operator shall be exempt from this  
663 section.

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

666 324.031 Manner of proving financial responsibility.-

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

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





543534

678 324.151;

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

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

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

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

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

692 3. Seventy thousand dollars, \$30,000, to a maximum of  
693 \$280,000, from January 1, 2023, and thereafter. \$120,000;

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

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



543534

707 ~~the requirements for proving financial responsibility under s.~~  
708 ~~324.032(1).~~

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

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

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

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

723 (a) One hundred twenty-five thousand dollars for bodily  
724 injury to, or the death of, one person in any one crash and,  
725 subject to such limits for one person, in the amount of \$250,000  
726 for bodily injury to, or the death of, two or more persons in  
727 any one crash; and ~~A person who is either the owner or a lessee~~  
728 ~~required to maintain insurance under s. 627.733(1) (b) and who~~  
729 ~~operates one or more taxicabs, limousines, jitneys, or any other~~  
730 ~~for-hire passenger transportation vehicles may prove financial~~  
731 ~~responsibility by furnishing satisfactory evidence of holding a~~  
732 ~~motor vehicle liability policy, but with minimum limits of~~  
733 ~~\$125,000/250,000/50,000.~~

734 (b) Fifty thousand dollars for damage to, or destruction  
735 of, property of others in any one crash ~~A person who is either~~



543534

736 ~~the owner or a lessee required to maintain insurance under s.~~  
737 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~  
738 ~~for-hire passenger vehicles, other than taxicabs, may prove~~  
739 ~~financial responsibility by furnishing satisfactory evidence of~~  
740 ~~holding a motor vehicle liability policy as defined in s.~~  
741 ~~324.031.~~

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

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

762  
763 Upon request by the department, the applicant shall ~~must~~ provide  
764 the department at the applicant's principal place of business in



543534

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

779 Section 18. Paragraph (b) of subsection (2) of section  
780 324.051, Florida Statutes, is amended to read:

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

783 (2)

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

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

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



543534

794 vehicles not owned by him or her.

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

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

802

803 No such policy or bond shall be effective under this subsection  
804 unless it contains limits of not less than those specified in s.  
805 324.021(7).

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

808 324.071 Reinstatement; renewal of license; reinstatement  
809 fee.—~~An~~ Any operator or owner whose license or registration has  
810 been suspended pursuant to s. 324.051(2), s. 324.072, s.  
811 324.081, or s. 324.121 may effect its reinstatement upon  
812 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or  
813 s. 324.081(2) and (3), as the case may be, and with one of the  
814 provisions of s. 324.031 and upon payment to the department of a  
815 nonrefundable reinstatement fee of \$15. Only one such fee may  
816 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the  
817 number of licenses and registrations to be then reinstated or  
818 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to  
819 a department trust fund. ~~If~~ When the reinstatement of any  
820 license or registration is effected by compliance with s.  
821 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the  
822 license or registration within a ~~period of~~ 3 years after ~~from~~



543534

823 such reinstatement, nor may ~~shall~~ any other license or  
824 registration be issued in the name of such person, unless the  
825 operator continues ~~is continuing~~ to comply with ~~one of the~~  
826 ~~provisions of~~ s. 324.031.

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

829 324.091 Notice to department; notice to insurer.—

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

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

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

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



543534

852 ~~shall~~ be issued to owners or operators of motor vehicles under  
853 the following provisions:

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

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



543534

881 insurance.

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

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

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

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





543534

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

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

929 324.171 Self-insurer.—

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

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

938 1. Beginning January 1, 2019, through December 31, 2020, of



543534

939 at least \$80,000.

940 2. Beginning January 1, 2021, through December 31, 2022, of

941 at least \$100,000.

942 3. Beginning January 1, 2023, and thereafter, of at least

943 \$120,000 ~~\$40,000.~~

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

945 corporation, or other person, other than a natural person, must

946 shall:

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

948 a. Beginning January 1, 2019, through December 31, 2020, of

949 at least \$80,000 for the first motor vehicle and \$40,000 for

950 each additional motor vehicle.

951 b. Beginning January 1, 2021, through December 31, 2022, of

952 at least \$100,000 for the first motor vehicle and \$50,000 for

953 each additional motor vehicle.

954 c. Beginning January 1, 2023, and thereafter, of at least

955 \$120,000 ~~\$40,000~~ for the first motor vehicle and \$60,000 ~~\$20,000~~

956 for each additional motor vehicle; or

957 2. Maintain sufficient net worth, in an amount determined

958 by the department, to be financially responsible for potential

959 losses. The department shall annually determine the minimum net

960 worth sufficient to satisfy this subparagraph ~~as determined~~

961 ~~annually by the department,~~ pursuant to rules adopted

962 ~~promulgated~~ by the department, with the assistance of the Office

963 of Insurance Regulation of the Financial Services Commission, ~~to~~

964 ~~be financially responsible for potential losses.~~ The rules must

965 consider any ~~shall take into consideration~~ excess insurance

966 carried by the applicant. The department's determination must

967 ~~shall~~ be based upon reasonable actuarial principles considering



543534

968 the frequency, severity, and loss development of claims incurred  
969 by casualty insurers writing coverage on the type of motor  
970 vehicles for which a certificate of self-insurance is desired.

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

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

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

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

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

985 400.9905 Definitions.—

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

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



543534

997 except part X, chapter 429, chapter 463, chapter 465, chapter  
998 466, chapter 478, part I of chapter 483, chapter 484, or chapter  
999 651; end-stage renal disease providers authorized under 42  
1000 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.  
1001 part 485, subpart B or subpart H; or any entity that provides  
1002 neonatal or pediatric hospital-based health care services or  
1003 other health care services by licensed practitioners solely  
1004 within a hospital licensed under chapter 395.

1005 (b) Entities that own, directly or indirectly, entities  
1006 licensed or registered by the state pursuant to chapter 395;  
1007 entities that own, directly or indirectly, entities licensed or  
1008 registered by the state and providing only health care services  
1009 within the scope of services authorized pursuant to their  
1010 respective licenses under ss. 383.30-383.335, chapter 390,  
1011 chapter 394, chapter 397, this chapter except part X, chapter  
1012 429, chapter 463, chapter 465, chapter 466, chapter 478, part I  
1013 of chapter 483, chapter 484, or chapter 651; end-stage renal  
1014 disease providers authorized under 42 C.F.R. part 405, subpart  
1015 U; providers certified under 42 C.F.R. part 485, subpart B or  
1016 subpart H; or any entity that provides neonatal or pediatric  
1017 hospital-based health care services by licensed practitioners  
1018 solely within a hospital licensed under chapter 395.

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



543534

1026 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter  
1027 478, part I of chapter 483, chapter 484, or chapter 651; end-  
1028 stage renal disease providers authorized under 42 C.F.R. part  
1029 405, subpart U; providers certified under 42 C.F.R. part 485,  
1030 subpart B or subpart H; or any entity that provides neonatal or  
1031 pediatric hospital-based health care services by licensed  
1032 practitioners solely within a hospital under chapter 395.

1033 (d) Entities that are under common ownership, directly or  
1034 indirectly, with an entity licensed or registered by the state  
1035 pursuant to chapter 395; entities that are under common  
1036 ownership, directly or indirectly, with an entity licensed or  
1037 registered by the state and providing only health care services  
1038 within the scope of services authorized pursuant to their  
1039 respective licenses under ss. 383.30-383.335, chapter 390,  
1040 chapter 394, chapter 397, this chapter except part X, chapter  
1041 429, chapter 463, chapter 465, chapter 466, chapter 478, part I  
1042 of chapter 483, chapter 484, or chapter 651; end-stage renal  
1043 disease providers authorized under 42 C.F.R. part 405, subpart  
1044 U; providers certified under 42 C.F.R. part 485, subpart B or  
1045 subpart H; or any entity that provides neonatal or pediatric  
1046 hospital-based health care services by licensed practitioners  
1047 solely within a hospital licensed under chapter 395.

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



543534

1055 government, including agencies, subdivisions, or municipalities  
1056 thereof.

1057 (f) A sole proprietorship, group practice, partnership, or  
1058 corporation that provides health care services by physicians  
1059 covered by s. 627.419, that is directly supervised by one or  
1060 more of such physicians, and that is wholly owned by one or more  
1061 of those physicians or by a physician and the spouse, parent,  
1062 child, or sibling of that physician.

1063 (g) A sole proprietorship, group practice, partnership, or  
1064 corporation that provides health care services by licensed  
1065 health care practitioners under chapter 457, chapter 458,  
1066 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
1067 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
1068 chapter 490, chapter 491, or part I, part III, part X, part  
1069 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
1070 wholly owned by one or more licensed health care practitioners,  
1071 or the licensed health care practitioners set forth in this  
1072 paragraph and the spouse, parent, child, or sibling of a  
1073 licensed health care practitioner if one of the owners who is a  
1074 licensed health care practitioner is supervising the business  
1075 activities and is legally responsible for the entity's  
1076 compliance with all federal and state laws. However, a health  
1077 care practitioner may not supervise services beyond the scope of  
1078 the practitioner's license, except that, for the purposes of  
1079 this part, a clinic owned by a licensee in s. 456.053(3)(b)  
1080 which provides only services authorized pursuant to s.  
1081 456.053(3)(b) may be supervised by a licensee specified in s.  
1082 456.053(3)(b).

1083 (h) Clinical facilities affiliated with an accredited



543534

1084 medical school at which training is provided for medical  
1085 students, residents, or fellows.

1086 (i) Entities that provide only oncology or radiation  
1087 therapy services by physicians licensed under chapter 458 or  
1088 chapter 459 or entities that provide oncology or radiation  
1089 therapy services by physicians licensed under chapter 458 or  
1090 chapter 459 which are owned by a corporation whose shares are  
1091 publicly traded on a recognized stock exchange.

1092 (j) Clinical facilities affiliated with a college of  
1093 chiropractic accredited by the Council on Chiropractic Education  
1094 at which training is provided for chiropractic students.

1095 (k) Entities that provide licensed practitioners to staff  
1096 emergency departments or to deliver anesthesia services in  
1097 facilities licensed under chapter 395 and that derive at least  
1098 90 percent of their gross annual revenues from the provision of  
1099 such services. Entities claiming an exemption from licensure  
1100 under this paragraph must provide documentation demonstrating  
1101 compliance.

1102 (l) Orthotic, prosthetic, pediatric cardiology, or  
1103 perinatology clinical facilities or anesthesia clinical  
1104 facilities that are not otherwise exempt under paragraph (a) or  
1105 paragraph (k) and that are a publicly traded corporation or are  
1106 wholly owned, directly or indirectly, by a publicly traded  
1107 corporation. As used in this paragraph, a publicly traded  
1108 corporation is a corporation that issues securities traded on an  
1109 exchange registered with the United States Securities and  
1110 Exchange Commission as a national securities exchange.

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



543534

1113 provided by licensed health care practitioners where one or more  
1114 of the persons responsible for the operations of the entity is a  
1115 health care practitioner who is licensed in this state and who  
1116 is responsible for supervising the business activities of the  
1117 entity and is responsible for the entity's compliance with state  
1118 law for purposes of this part.

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





543534

1142 from licensure under this subsection.

1143

1144 Notwithstanding this subsection, an entity shall be deemed a  
1145 clinic and must be licensed under this part in order to receive  
1146 medical payments coverage reimbursement under s. 627.7265 ~~the~~  
1147 ~~Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~  
1148 ~~exempted under s. 627.736(5)(h).~~

1149 Section 26. Subsection (6) of section 400.991, Florida  
1150 Statutes, is amended to read:

1151 400.991 License requirements; background screenings;  
1152 prohibitions.-

1153 (6) All agency forms for licensure application or exemption  
1154 from licensure under this part must contain the following  
1155 statement:

1156

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



543534

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



543534

1200 assume the responsibility for the conduct of the systematic  
1201 reviews of clinic billings to ensure that the billings are not  
1202 fraudulent or unlawful.

1203 Section 28. Subsection (28) of section 409.901, Florida  
1204 Statutes, is amended to read:

1205 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
1206 409.901-409.920, except as otherwise specifically provided, the  
1207 term:

1208 (28) "Third-party benefit" means any benefit that is or may  
1209 be available at any time through contract, court award,  
1210 judgment, settlement, agreement, or any arrangement between a  
1211 third party and any person or entity, including, without  
1212 limitation, a Medicaid recipient, a provider, another third  
1213 party, an insurer, or the agency, for any Medicaid-covered  
1214 injury, illness, goods, or services, including costs of medical  
1215 services related thereto, for bodily ~~personal~~ injury or for  
1216 death of the recipient, but specifically excluding ~~policies of~~  
1217 life insurance policies on the recipient, unless available under  
1218 terms of the policy to pay medical expenses before ~~prior to~~  
1219 death. The term includes, without limitation, collateral, as  
1220 defined in this section, health insurance, any benefit under a  
1221 health maintenance organization, a preferred provider  
1222 arrangement, a prepaid health clinic, liability insurance,  
1223 uninsured motorist insurance, medical payments coverage ~~or~~  
1224 ~~personal injury protection coverage~~, medical benefits under  
1225 workers' compensation, and any obligation under law or equity to  
1226 provide medical support.

1227 Section 29. Paragraph (f) of subsection (11) of section  
1228 409.910, Florida Statutes, is amended to read:



543534

1229           409.910 Responsibility for payments on behalf of Medicaid-  
1230 eligible persons when other parties are liable.-

1231           (11) The agency may, as a matter of right, in order to  
1232 enforce its rights under this section, institute, intervene in,  
1233 or join any legal or administrative proceeding in its own name  
1234 in one or more of the following capacities: individually, as  
1235 subrogee of the recipient, as assignee of the recipient, or as  
1236 lienholder of the collateral.

1237           (f) Notwithstanding any provision in this section to the  
1238 contrary, in the event of an action in tort against a third  
1239 party in which the recipient or his or her legal representative  
1240 is a party which results in a judgment, award, or settlement  
1241 from a third party, the amount recovered shall be distributed as  
1242 follows:

1243           1. After attorney ~~attorney's~~ fees and taxable costs as  
1244 defined by the Florida Rules of Civil Procedure, one-half of the  
1245 remaining recovery shall be paid to the agency up to the total  
1246 amount of medical assistance provided by Medicaid.

1247           2. The remaining amount of the recovery shall be paid to  
1248 the recipient.

1249           3. For purposes of calculating the agency's recovery of  
1250 medical assistance benefits paid, the fee for services of an  
1251 attorney retained by the recipient or his or her legal  
1252 representative shall be calculated at 25 percent of the  
1253 judgment, award, or settlement.

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



543534

1258 "medical coverage" means any benefits under health insurance, a  
1259 health maintenance organization, a preferred provider  
1260 arrangement, or a prepaid health clinic, and the portion of  
1261 benefits designated for medical payments under ~~coverage for~~  
1262 workers' compensation coverage, motor vehicle insurance  
1263 coverage, personal injury protection, and casualty coverage.

1264 Section 30. Paragraph (k) of subsection (2) of section  
1265 456.057, Florida Statutes, is amended to read:

1266 456.057 Ownership and control of patient records; report or  
1267 copies of records to be furnished; disclosure of information.—

1268 (2) As used in this section, the terms "records owner,"  
1269 "health care practitioner," and "health care practitioner's  
1270 employer" do not include any of the following persons or  
1271 entities; furthermore, the following persons or entities are not  
1272 authorized to acquire or own medical records, but are authorized  
1273 under the confidentiality and disclosure requirements of this  
1274 section to maintain those documents required by the part or  
1275 chapter under which they are licensed or regulated:

1276 (k) Persons or entities practicing under s. 627.7265 ~~s.~~  
1277 ~~627.736(7)~~.

1278 Section 31. Paragraphs (ee) and (ff) of subsection (1) of  
1279 section 456.072, Florida Statutes, are amended to read:

1280 456.072 Grounds for discipline; penalties; enforcement.—

1281 (1) The following acts shall constitute grounds for which  
1282 the disciplinary actions specified in subsection (2) may be  
1283 taken:

1284 (ee) With respect to making a medical payments coverage  
1285 ~~personal injury protection claim under s. 627.7265 as required~~  
1286 ~~by s. 627.736,~~ intentionally submitting a claim, statement, or



543534

1287 bill that has been upcoded. As used in this paragraph, the term  
1288 "upcoded" means an action that submits a billing code that would  
1289 result in payment greater in amount than would be paid using a  
1290 billing code that accurately describes the services performed.  
1291 The term does not include an otherwise lawful bill by a magnetic  
1292 resonance imaging facility, which globally combines both  
1293 technical and professional components, if the amount of the  
1294 global bill is not more than the components if billed  
1295 separately; however, payment of such a bill constitutes payment  
1296 in full for all components of such service ~~"upcoded" as defined~~  
1297 ~~in s. 627.732.~~

1298 (ff) With respect to making a medical payments coverage  
1299 ~~personal injury protection~~ claim as required under s. 627.7265  
1300 ~~by s. 627.736~~, intentionally submitting a claim, statement, or  
1301 bill for payment of services that were not rendered.

1302 Section 32. Paragraphs (i) and (o) of subsection (1) of  
1303 section 626.9541, Florida Statutes, are amended to read:

1304 626.9541 Unfair methods of competition and unfair or  
1305 deceptive acts or practices defined.—

1306 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
1307 ACTS.—The following are defined as unfair methods of competition  
1308 and unfair or deceptive acts or practices:

1309 (i) *Unfair claim settlement practices*.—

1310 1. Attempting to settle claims on the basis of an  
1311 application, when serving as a binder or intended to become a  
1312 part of the policy, or any other material document which was  
1313 altered without notice to, or knowledge or consent of, the  
1314 insured;

1315 2. A material misrepresentation made to an insured or any



543534

1316 other person having an interest in the proceeds payable under  
1317 such contract or policy, for the purpose and with the intent of  
1318 effecting settlement of such claims, loss, or damage under such  
1319 contract or policy on less favorable terms than those provided  
1320 in, and contemplated by, such contract or policy; ~~or~~

1321 3. Committing or performing with such frequency as to  
1322 indicate a general business practice any of the following:

1323 a. Failing to adopt and implement standards for the proper  
1324 investigation of claims;

1325 b. Misrepresenting pertinent facts or insurance policy  
1326 provisions relating to coverages at issue;

1327 c. Failing to acknowledge and act promptly upon  
1328 communications with respect to claims;

1329 d. Denying claims without conducting reasonable  
1330 investigations based upon available information;

1331 e. Failing to affirm or deny full or partial coverage of  
1332 claims, and, as to partial coverage, the dollar amount or extent  
1333 of coverage, or failing to provide a written statement that the  
1334 claim is being investigated, upon the written request of the  
1335 insured within 30 days after proof-of-loss statements have been  
1336 completed;

1337 f. Failing to promptly provide a reasonable explanation in  
1338 writing to the insured of the basis in the insurance policy, in  
1339 relation to the facts or applicable law, for denial of a claim  
1340 or for the offer of a compromise settlement;

1341 g. Failing to promptly notify the insured of any additional  
1342 information necessary for the processing of a claim; or

1343 h. Failing to clearly explain the nature of the requested  
1344 information and the reasons why such information is necessary.



543534

1345           ~~i. Failing to pay personal injury protection insurance~~  
1346 ~~claims within the time periods required by s. 627.736(4)(b). The~~  
1347 ~~office may order the insurer to pay restitution to a~~  
1348 ~~policyholder, medical provider, or other claimant, including~~  
1349 ~~interest at a rate consistent with the amount set forth in s.~~  
1350 ~~55.03(1), for the time period within which an insurer fails to~~  
1351 ~~pay claims as required by law. Restitution is in addition to any~~  
1352 ~~other penalties allowed by law, including, but not limited to,~~  
1353 ~~the suspension of the insurer's certificate of authority.~~

1354           4. Failing to pay undisputed amounts of partial or full  
1355 benefits owed under first-party property insurance policies  
1356 within 90 days after an insurer receives notice of a residential  
1357 property insurance claim, determines the amounts of partial or  
1358 full benefits, and agrees to coverage, unless payment of the  
1359 undisputed benefits is prevented by an act of God, prevented by  
1360 the impossibility of performance, or due to actions by the  
1361 insured or claimant that constitute fraud, lack of cooperation,  
1362 or intentional misrepresentation regarding the claim for which  
1363 benefits are owed.

1364           (o) *Illegal dealings in premiums; excess or reduced charges*  
1365 *for insurance.—*

1366           1. Knowingly collecting any sum as a premium or charge for  
1367 insurance, which is not then provided, or is not in due course  
1368 to be provided, subject to acceptance of the risk by the  
1369 insurer, by an insurance policy issued by an insurer as  
1370 permitted by this code.

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





543534

1374 applicable classifications and rates as filed with and approved  
1375 by the office, and as specified in the policy; or, in cases when  
1376 classifications, premiums, or rates are not required by this  
1377 code to be so filed and approved, premiums and charges collected  
1378 from a Florida resident in excess of or less than those  
1379 specified in the policy and as fixed by the insurer.

1380 Notwithstanding any other provision of law, this provision shall  
1381 not be deemed to prohibit the charging and collection, by  
1382 surplus lines agents licensed under part VIII of this chapter,  
1383 of the amount of applicable state and federal taxes, or fees as  
1384 authorized by s. 626.916(4), in addition to the premium required  
1385 by the insurer or the charging and collection, by licensed  
1386 agents, of the exact amount of any discount or other such fee  
1387 charged by a credit card facility in connection with the use of  
1388 a credit card, as authorized by subparagraph (q)3., in addition  
1389 to the premium required by the insurer. This subparagraph shall  
1390 not be construed to prohibit collection of a premium for a  
1391 universal life or a variable or indeterminate value insurance  
1392 policy made in accordance with the terms of the contract.

1393 3.a. Imposing or requesting an additional premium for  
1394 bodily injury liability coverage, property damage liability  
1395 coverage ~~a policy of motor vehicle liability, personal injury~~  
1396 ~~protection~~, medical payment coverage, or collision coverage in a  
1397 motor vehicle liability insurance policy ~~insurance or any~~  
1398 ~~combination thereof~~ or refusing to renew the policy solely  
1399 because the insured was involved in a motor vehicle accident  
1400 unless the insurer's file contains information from which the  
1401 insurer in good faith determines that the insured was  
1402 substantially at fault in the accident.



543534

1403           b. An insurer which imposes and collects such a surcharge  
1404 or which refuses to renew such policy shall, in conjunction with  
1405 the notice of premium due or notice of nonrenewal, notify the  
1406 named insured that he or she is entitled to reimbursement of  
1407 such amount or renewal of the policy under the conditions listed  
1408 below and will subsequently reimburse him or her or renew the  
1409 policy, if the named insured demonstrates that the operator  
1410 involved in the accident was:

1411           (I) Lawfully parked;

1412           (II) Reimbursed by, or on behalf of, a person responsible  
1413 for the accident or has a judgment against such person;

1414           (III) Struck in the rear by another vehicle headed in the  
1415 same direction and was not convicted of a moving traffic  
1416 violation in connection with the accident;

1417           (IV) Hit by a "hit-and-run" driver, if the accident was  
1418 reported to the proper authorities within 24 hours after  
1419 discovering the accident;

1420           (V) Not convicted of a moving traffic violation in  
1421 connection with the accident, but the operator of the other  
1422 automobile involved in such accident was convicted of a moving  
1423 traffic violation;

1424           (VI) Finally adjudicated not to be liable by a court of  
1425 competent jurisdiction;

1426           (VII) In receipt of a traffic citation which was dismissed  
1427 or nolle prossed; or

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



543534

1432 substantially at fault.

1433           c. In addition to the other provisions of this  
1434 subparagraph, an insurer may not fail to renew a policy if the  
1435 insured has had only one accident in which he or she was at  
1436 fault within the current 3-year period. However, an insurer may  
1437 nonrenew a policy for reasons other than accidents in accordance  
1438 with s. 627.728. This subparagraph does not prohibit nonrenewal  
1439 of a policy under which the insured has had three or more  
1440 accidents, regardless of fault, during the most recent 3-year  
1441 period.

1442           4. Imposing or requesting an additional premium for, or  
1443 refusing to renew, a policy for motor vehicle insurance solely  
1444 because the insured committed a noncriminal traffic infraction  
1445 as described in s. 318.14 unless the infraction is:

1446           a. A second infraction committed within an 18-month period,  
1447 or a third or subsequent infraction committed within a 36-month  
1448 period.

1449           b. A violation of s. 316.183, when such violation is a  
1450 result of exceeding the lawful speed limit by more than 15 miles  
1451 per hour.

1452           5. Upon the request of the insured, the insurer and  
1453 licensed agent shall supply to the insured the complete proof of  
1454 fault or other criteria which justifies the additional charge or  
1455 cancellation.

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



543534

1461 such person's mechanically assisted driving ability.

1462         7. No insurer may cancel or otherwise terminate any  
1463 insurance contract or coverage, or require execution of a  
1464 consent to rate endorsement, during the stated policy term for  
1465 the purpose of offering to issue, or issuing, a similar or  
1466 identical contract or coverage to the same insured with the same  
1467 exposure at a higher premium rate or continuing an existing  
1468 contract or coverage with the same exposure at an increased  
1469 premium.

1470         8. No insurer may issue a nonrenewal notice on any  
1471 insurance contract or coverage, or require execution of a  
1472 consent to rate endorsement, for the purpose of offering to  
1473 issue, or issuing, a similar or identical contract or coverage  
1474 to the same insured at a higher premium rate or continuing an  
1475 existing contract or coverage at an increased premium without  
1476 meeting any applicable notice requirements.

1477         9. No insurer shall, with respect to premiums charged for  
1478 motor vehicle insurance, unfairly discriminate solely on the  
1479 basis of age, sex, marital status, or scholastic achievement.

1480         10. Imposing or requesting an additional premium for motor  
1481 vehicle comprehensive or uninsured motorist coverage solely  
1482 because the insured was involved in a motor vehicle accident or  
1483 was convicted of a moving traffic violation.

1484         11. No insurer shall cancel or issue a nonrenewal notice on  
1485 any insurance policy or contract without complying with any  
1486 applicable cancellation or nonrenewal provision required under  
1487 the Florida Insurance Code.

1488         12. No insurer shall impose or request an additional  
1489 premium, cancel a policy, or issue a nonrenewal notice on any



543534

1490 insurance policy or contract because of any traffic infraction  
1491 when adjudication has been withheld and no points have been  
1492 assessed pursuant to s. 318.14(9) and (10). However, this  
1493 subparagraph does not apply to traffic infractions involving  
1494 accidents in which the insurer has incurred a loss due to the  
1495 fault of the insured.

1496 Section 33. Paragraph (a) of subsection (1) of section  
1497 626.989, Florida Statutes, is amended to read:

1498 626.989 Investigation by department or Division of  
1499 Investigative and Forensic Services; compliance; immunity;  
1500 confidential information; reports to division; division  
1501 investigator's power of arrest.-

1502 (1) For the purposes of this section:

1503 (a) A person commits a "fraudulent insurance act" if the  
1504 person:

1505 1. Knowingly and with intent to defraud presents, causes to  
1506 be presented, or prepares with knowledge or belief that it will  
1507 be presented, to or by an insurer, self-insurer, self-insurance  
1508 fund, servicing corporation, purported insurer, broker, or any  
1509 agent thereof, any written statement as part of, or in support  
1510 of, an application for the issuance of, or the rating of, any  
1511 insurance policy, or a claim for payment or other benefit  
1512 pursuant to any insurance policy, which the person knows to  
1513 contain materially false information concerning any fact  
1514 material thereto or if the person conceals, for the purpose of  
1515 misleading another, information concerning any fact material  
1516 thereto.

1517 2. Knowingly submits:

1518 a. A false, misleading, or fraudulent application or other



543534

1519 document when applying for licensure as a health care clinic,  
1520 seeking an exemption from licensure as a health care clinic, or  
1521 demonstrating compliance with part X of chapter 400 with an  
1522 intent to use the license, exemption from licensure, or  
1523 demonstration of compliance to provide services or seek  
1524 reimbursement under a motor vehicle liability insurance policy's  
1525 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~  
1526 ~~Law.~~

1527 b. A claim for payment or other benefit under medical  
1528 payments coverage ~~pursuant to a personal injury protection~~  
1529 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if  
1530 the person knows that the payee knowingly submitted a false,  
1531 misleading, or fraudulent application or other document when  
1532 applying for licensure as a health care clinic, seeking an  
1533 exemption from licensure as a health care clinic, or  
1534 demonstrating compliance with part X of chapter 400.

1535 Section 34. Subsection (1) of section 627.06501, Florida  
1536 Statutes, is amended to read:

1537 627.06501 Insurance discounts for certain persons  
1538 completing driver improvement course.—

1539 (1) Any rate, rating schedule, or rating manual for the  
1540 liability, medical payments ~~personal injury protection~~, and  
1541 collision coverages of a motor vehicle insurance policy filed  
1542 with the office may provide for an appropriate reduction in  
1543 premium charges as to such coverages if ~~when~~ the principal  
1544 operator on the covered vehicle has successfully completed a  
1545 driver improvement course approved and certified by the  
1546 Department of Highway Safety and Motor Vehicles which is  
1547 effective in reducing crash or violation rates, or both, as



543534

1548 determined pursuant to s. 318.1451(5). Any discount, not to  
1549 exceed 10 percent, used by an insurer is presumed to be  
1550 appropriate unless credible data demonstrates otherwise.

1551 Section 35. Subsection (1) of section 627.0652, Florida  
1552 Statutes, is amended to read:

1553 627.0652 Insurance discounts for certain persons completing  
1554 safety course.—

1555 (1) Any rates, rating schedules, or rating manuals for the  
1556 liability, medical payments ~~personal injury protection~~, and  
1557 collision coverages of a motor vehicle insurance policy filed  
1558 with the office must ~~shall~~ provide for an appropriate reduction  
1559 in premium charges as to such coverages if when the principal  
1560 operator on the covered vehicle is an insured 55 years of age or  
1561 older who has successfully completed a motor vehicle accident  
1562 prevention course approved by the Department of Highway Safety  
1563 and Motor Vehicles. Any discount used by an insurer is presumed  
1564 to be appropriate unless credible data demonstrates otherwise.

1565 Section 36. Subsections (1), (3), and (6) of section  
1566 627.0653, Florida Statutes, are amended to read:

1567 627.0653 Insurance discounts for specified motor vehicle  
1568 equipment.—

1569 (1) Any rates, rating schedules, or rating manuals for the  
1570 liability, medical payments ~~personal injury protection~~, and  
1571 collision coverages of a motor vehicle insurance policy filed  
1572 with the office must ~~shall~~ provide a premium discount if the  
1573 insured vehicle is equipped with factory-installed, four-wheel  
1574 antilock brakes.

1575 (3) Any rates, rating schedules, or rating manuals for  
1576 ~~personal injury protection coverage and medical payments~~



543534

1577 coverage, ~~if offered,~~ of a motor vehicle insurance policy filed  
1578 with the office must ~~shall~~ provide a premium discount if the  
1579 insured vehicle is equipped with one or more air bags that ~~which~~  
1580 are factory installed.

1581 (6) The Office of Insurance Regulation may approve a  
1582 premium discount to any rates, rating schedules, or rating  
1583 manuals for the liability, medical payments ~~personal injury~~  
1584 ~~protection,~~ and collision coverages of a motor vehicle insurance  
1585 policy filed with the office if the insured vehicle is equipped  
1586 with autonomous driving technology or electronic vehicle  
1587 collision avoidance technology that is factory installed or a  
1588 retrofitted system and that complies with National Highway  
1589 Traffic Safety Administration standards.

1590 Section 37. Section 627.4132, Florida Statutes, is amended  
1591 to read:

1592 627.4132 Stacking of coverages prohibited.—If an insured or  
1593 named insured is protected by any type of motor vehicle  
1594 insurance policy for bodily injury and property damage  
1595 ~~liability, personal injury protection, or other coverage,~~ the  
1596 policy must ~~shall~~ provide that the insured or named insured is  
1597 protected only to the extent of the coverage she or he has on  
1598 the vehicle involved in the accident. However, if none of the  
1599 insured's or named insured's vehicles are ~~is~~ involved in the  
1600 accident, coverage is available only to the extent of coverage  
1601 on any one of the vehicles with applicable coverage. Coverage on  
1602 any other vehicles may ~~shall~~ not be added to or stacked upon  
1603 that coverage. This section does not apply:

1604 (1) To uninsured motorist coverage that ~~which~~ is separately  
1605 governed by s. 627.727.





543534

1606 (2) To reduce the coverage available by reason of insurance  
1607 policies insuring different named insureds.

1608 Section 38. Section 627.7263, Florida Statutes, is amended  
1609 to read:

1610 627.7263 Rental and leasing driver's insurance to be  
1611 primary; exception.—

1612 (1) The valid and collectible liability insurance and  
1613 medical payments coverage ~~or personal injury protection~~  
1614 ~~insurance providing coverage~~ for the lessor of a motor vehicle  
1615 for rent or lease is primary unless otherwise stated in at least  
1616 10-point type on the face of the rental or lease agreement. Such  
1617 insurance is primary for the limits of liability ~~and personal~~  
1618 ~~injury protection~~ coverage as required by s. 324.021(7) and  
1619 medical payments coverage as required under s. 627.7265 ~~ss.~~  
1620 ~~324.021(7) and 627.736.~~

1621 (2) If the lessee's coverage is to be primary, the rental  
1622 or lease agreement must contain the following language, in at  
1623 least 10-point type:

1624  
1625 "The valid and collectible liability insurance and  
1626 medical payments coverage ~~personal injury protection~~  
1627 ~~insurance~~ of an ~~any~~ authorized rental or leasing  
1628 driver is primary for the limits of liability ~~and~~  
1629 ~~personal injury protection~~ coverage and medical  
1630 payments coverage required under ss. 324.021(7) and  
1631 627.7265 ~~by ss. 324.021(7) and 627.736~~, Florida  
1632 Statutes."

1633 Section 39. Section 627.7265, Florida Statutes, is created  
1634 to read:



543534

1635 627.7265 Motor vehicle insurance; medical payments  
1636 coverage.—

1637 (1) MEDICAL PAYMENTS COVERAGE REQUIRED.—A motor vehicle  
1638 liability insurance policy that is furnished as proof of  
1639 financial responsibility pursuant to s. 324.031 must include  
1640 medical payments coverage as provided in this section. The  
1641 medical payments coverage must protect the named insured,  
1642 resident relatives, persons operating the insured motor vehicle,  
1643 passengers in the insured motor vehicle, and persons who are  
1644 struck by the insured motor vehicle and suffer bodily injury  
1645 while not an occupant of a self-propelled motor vehicle, to a  
1646 limit of at least \$5,000 per person for medical expense incurred  
1647 due to bodily injury, sickness, or disease arising out of the  
1648 ownership, maintenance, or use of a motor vehicle. The medical  
1649 payments coverage must also provide each such person with a  
1650 death benefit of at least \$5,000. This section may not be  
1651 construed to limit any other coverage made available by an  
1652 insurer. An insurer may not offer medical payments coverage with  
1653 a deductible to an applicant or policyholder.

1654 (2) REQUIRED BENEFITS.—Medical payments coverage must  
1655 provide coverage for all of the following if medically necessary  
1656 and the individual initially receives such treatment within 14  
1657 days after the motor vehicle accident:

1658 (a) Emergency transport and treatment by a provider  
1659 licensed under chapter 401.

1660 (b) Emergency services and care provided by a hospital  
1661 licensed under chapter 395.

1662 (c) Emergency services and care as defined in s. 395.002,  
1663 provided in a facility licensed under chapter 395 and rendered



543534

1664 by a physician or dentist, and related hospital inpatient  
1665 services rendered by a physician or dentist.

1666 (d) Hospital inpatient services, other than emergency  
1667 services and care.

1668 (e) Hospital outpatient services, other than emergency  
1669 services and care.

1670 (3) AUTHORIZED EXCLUSIONS.—Notwithstanding any other  
1671 requirement in this section, an insurer may exclude medical  
1672 payment benefits:

1673 (a) For injury sustained by the named insured or a resident  
1674 relative while occupying another motor vehicle owned by the  
1675 named insured and not insured under the policy, unless such  
1676 vehicle qualifies as a newly acquired vehicle or temporary  
1677 substitute vehicle.

1678 (b) For injury sustained by any person operating the  
1679 insured motor vehicle without the express or implied consent of  
1680 the insured.

1681 (c) For any person who intentionally causes injury to  
1682 himself or herself.

1683 (d) For any person injured while committing a felony.

1684 (4) PAYMENT OF BENEFITS.—

1685 (a) Benefits due from an insurer under medical payments  
1686 coverage are primary to any health insurance benefit of a person  
1687 injured in a motor vehicle accident and apply to any coinsurance  
1688 or deductible amount required by the injured person's health  
1689 insurance policy, except that:

1690 1. Benefits received under any workers' compensation law  
1691 must be credited against medical payments coverage benefits, and  
1692 are due and payable as losses accrue, upon reasonable proof of



543534

1693 such losses and the amount of expenses and losses incurred which  
1694 are covered by the policy issued under this section.

1695 2. When the Agency for Health Care Administration provides,  
1696 pays for, or becomes liable for medical assistance under the  
1697 Medicaid program which is related to injury, sickness, disease,  
1698 or death arising out of the ownership, maintenance, or use of a  
1699 motor vehicle, medical payments benefits are subject to the  
1700 provisions of the Medicaid program, and, within 30 days after  
1701 receiving notice that the Medicaid program paid such benefits,  
1702 the insurer must repay the full amount of the benefits to the  
1703 Medicaid program.

1704 (b) A medical payments insurance policy may include a  
1705 provision allowing subrogation for medical payments benefits  
1706 paid, if the expenses giving rise to the payments were caused by  
1707 wrongful act or omission of another.

1708 (c) Upon receiving notice of an accident that is  
1709 potentially covered by medical payments coverage benefits, the  
1710 insurer must reserve \$2,500 of medical payments coverage  
1711 benefits for payment to physicians licensed under chapter 458 or  
1712 chapter 459 or dentists licensed under chapter 466 who provide  
1713 emergency services and care, as defined in s. 395.002, or who  
1714 provide hospital inpatient care. The amount required to be held  
1715 in reserve may be used only to pay claims from such physicians  
1716 or dentists until 30 days after the date the insurer receives  
1717 notice of the accident. After the 30-day period, any amount of  
1718 the reserve for which the insurer has not received notice of  
1719 such claims may be used by the insurer to pay other claims. This  
1720 paragraph does not require an insurer to establish a claim  
1721 reserve for insurance accounting purposes.



543534

1722           (5) CHARGES FOR CARE OF INJURED PERSONS.—  
1723           (a) A physician, hospital, clinic, or other person or  
1724 institution lawfully providing medical care to an injured person  
1725 for a bodily injury covered by medical payments coverage may  
1726 charge the insurer and injured party only a reasonable amount  
1727 pursuant to this section. However, such charges may not exceed  
1728 the amount the person or institution customarily charges for  
1729 like medical care. In determining whether a charge for a  
1730 particular service, treatment, supply, or prescription is  
1731 reasonable, consideration may be given to evidence of usual and  
1732 customary charges and payments accepted by the provider involved  
1733 in the dispute; reimbursement levels in the community and  
1734 various federal and state medical fee schedules applicable to  
1735 motor vehicle and other insurance coverages; and other  
1736 information relevant to the reasonableness of the reimbursement  
1737 for the service, treatment, supply, or prescription.  
1738           1. The insurer may limit reimbursement to the following  
1739 schedule of maximum charges:  
1740           a. For emergency transport and treatment by providers  
1741 licensed under chapter 401, 200 percent of Medicare.  
1742           b. For emergency services and care provided by a hospital  
1743 licensed under chapter 395, 75 percent of the hospital's usual  
1744 and customary charges.  
1745           c. For emergency services and care, as defined in s.  
1746 395.002, provided in a facility licensed under chapter 395 and  
1747 rendered by a physician or dentist, and related hospital  
1748 inpatient services rendered by a physician or dentist, the usual  
1749 and customary charges in the community.  
1750           d. For hospital inpatient services other than emergency



543534

1751 services and care, 200 percent of the Medicare Part A  
1752 prospective payment applicable to the specific hospital  
1753 providing the inpatient services.

1754 e. For hospital outpatient services other than emergency  
1755 services and care, 200 percent of the Medicare Part A Ambulatory  
1756 Payment Classification for the specific hospital providing the  
1757 outpatient services.

1758  
1759 However, if such services, supplies, or care is not reimbursable  
1760 under Medicare Part B as provided in this sub-subparagraph, the  
1761 insurer may limit reimbursement to 80 percent of the maximum  
1762 reimbursable allowance under workers' compensation. Services,  
1763 supplies, or care that is not reimbursable under Medicare or  
1764 workers' compensation is not required to be reimbursed by the  
1765 insurer.

1766 2. For purposes of subparagraph 1., the applicable fee  
1767 schedule or payment limitation under Medicare is the fee  
1768 schedule or payment limitation in effect on March 1 of the  
1769 service year in which the services, supplies, or care is  
1770 rendered and for the area in which the services, supplies, or  
1771 care is rendered. The applicable fee schedule or payment  
1772 limitation applies to services, supplies, or care rendered  
1773 during that service year notwithstanding any subsequent change  
1774 made to the fee schedule or payment limitation; however, it may  
1775 not be less than the allowable amount under the applicable  
1776 schedule of Medicare Part B for 2007 for medical services,  
1777 supplies, and care subject to Medicare Part B. For purposes of  
1778 this subparagraph, the term "service year" means the period from  
1779 March 1 through the end of February of the following year.



543534

1780           3. For purposes of subparagraph 1., the applicable fee  
1781 schedule or payment limitation under workers' compensation is  
1782 determined under s. 440.13 and rules adopted thereunder which  
1783 are in effect at the time such services, supplies, or care is  
1784 provided.

1785           4. Subparagraph 1. does not authorize the insurer to apply  
1786 any limitation on the number of treatments or other utilization  
1787 limits that apply under Medicare or workers' compensation. An  
1788 insurer that applies the allowable payment limitations of  
1789 subparagraph 1. must reimburse a provider who lawfully provided  
1790 medical care under the scope of his or her license, regardless  
1791 of whether the provider is entitled to reimbursement under  
1792 Medicare or workers' compensation due to restrictions or  
1793 limitations on the types or discipline of health care providers  
1794 who may be reimbursed for particular procedures or procedure  
1795 codes. However, subparagraph 1. does not prohibit an insurer  
1796 from using the Medicare coding policies and payment  
1797 methodologies of the federal Centers for Medicare and Medicaid  
1798 Services, including applicable modifiers, to determine the  
1799 appropriate amount of reimbursement for medical services,  
1800 supplies, or care, if the coding policy or payment methodology  
1801 does not constitute a utilization limit.

1802           5. If an insurer limits payment as authorized by  
1803 subparagraph 1., the person providing such medical care may not  
1804 bill or attempt to collect from the insured any amount in excess  
1805 of such limits, except for amounts that are not covered by the  
1806 insured's medical payments benefits due to the maximum policy  
1807 limits.

1808           6. An insurer may limit payment as authorized by this



543534

1809 paragraph only if the insurance policy includes a notice at the  
1810 time of issuance or renewal that the insurer may limit payment  
1811 pursuant to the schedule of charges specified in this paragraph.  
1812 A policy form approved by the office satisfies this requirement.  
1813 If a provider submits a charge for an amount less than the  
1814 amount allowed under subparagraph 1., the insurer may pay the  
1815 amount of the charge submitted.

1816 (b)1. An insurer or insured is not required to pay a claim  
1817 or charges:

1818 a. For any service or treatment that was not lawful at the  
1819 time rendered;

1820 b. To any person who knowingly submits a false or  
1821 misleading statement relating to the claim or charges; or

1822 c. For any treatment or service that is upcoded or that is  
1823 unbundled when the treatment or services should be bundled. To  
1824 facilitate prompt payment of lawful services, an insurer may  
1825 change codes that it determines have been improperly or  
1826 incorrectly upcoded or unbundled and may make payment based on  
1827 the changed codes, without affecting the right of the provider  
1828 to dispute the change by the insurer, if, before doing so, the  
1829 insurer contacts the health care provider and discusses the  
1830 reasons for the insurer's change and the health care provider's  
1831 reason for the coding, or makes a reasonable good faith effort  
1832 to do so, as documented in the insurer's file.

1833 2. The Department of Health, in consultation with the  
1834 appropriate professional licensing boards, shall adopt by rule a  
1835 list of diagnostic tests deemed not to be medically necessary  
1836 for use in the treatment of persons sustaining bodily injury  
1837 covered by medical payments benefits under this section. The





543534

1838 list must be revised from time to time as determined by the  
1839 Department of Health in consultation with the respective  
1840 professional licensing boards. Inclusion of a test on the list  
1841 must be based on a lack of demonstrated medical value and a  
1842 level of general acceptance by the relevant provider community  
1843 and may not be dependent on results based entirely upon  
1844 subjective patient response. Notwithstanding its inclusion on a  
1845 fee schedule in this subsection, an insurer or insured is not  
1846 required to pay any charges or reimburse claims for an invalid  
1847 diagnostic test as determined by the Department of Health.

1848 (c) With respect to any medical care other than medical  
1849 services billed by a hospital or other provider for emergency  
1850 services and care, as defined in s. 395.002, or inpatient  
1851 services rendered at a hospital-owned facility, the statement of  
1852 charges must be furnished to the insurer by the provider.

1853 (d) All statements and bills for medical services rendered  
1854 by a physician, hospital, clinic, or other person or institution  
1855 must be submitted to the insurer on a properly completed Centers  
1856 for Medicare and Medicaid Services Form CMS-1500, a UB-92 form,  
1857 or any other standard form approved by the office and adopted by  
1858 the commission for purposes of this paragraph. All billings for  
1859 such services rendered by providers must, to the extent  
1860 applicable, comply with the Form CMS-1500 instructions, the  
1861 codes established by the American Medical Association's Current  
1862 Procedural Terminology Editorial Panel, and the Healthcare  
1863 Common Procedure Coding System (HCPCS) and must follow the  
1864 Physicians' Current Procedural Terminology (CPT), the HCPCS in  
1865 effect for the year in which services are rendered, and the  
1866 International Classification of Diseases adopted by the United



543534

1867 States Department of Health and Human Services in effect for the  
1868 year in which services are rendered. The guidance for  
1869 determining compliance with applicable CPT and HCPCS coding must  
1870 be provided by the CPT or the HCPCS in effect for the year in  
1871 which services were rendered, the Office of the Inspector  
1872 General, Physicians Compliance Guidelines, and other  
1873 authoritative treatises designated by rule by the Agency for  
1874 Health Care Administration. A statement of medical services may  
1875 not include charges for medical services of a person or entity  
1876 that performed such services without possessing the valid  
1877 licenses required to perform such services.

1878 (6) CIVIL ACTION FOR INSURANCE FRAUD.—An insurer has a  
1879 cause of action against any person convicted of, or who,  
1880 regardless of adjudication of guilt, pleads guilty or nolo  
1881 contendere to, insurance fraud under s. 817.234, patient  
1882 brokering under s. 817.505, or kickbacks under s. 456.054,  
1883 associated with a claim for medical payments coverage benefits  
1884 in accordance with this section. An insurer prevailing in an  
1885 action brought under this subsection may recover compensatory,  
1886 consequential, and punitive damages subject to the requirements  
1887 and limitations of part II of chapter 768 and attorney fees and  
1888 costs incurred in litigating a cause of action against any  
1889 person convicted of, or who, regardless of adjudication of  
1890 guilt, pleads guilty or nolo contendere to, insurance fraud  
1891 under s. 817.234, patient brokering under s. 817.505, or  
1892 kickbacks under s. 456.054, associated with a claim for medical  
1893 payments coverage benefits in accordance with this section.

1894 (7) FRAUD ADVISORY NOTICE.—Upon receiving notice of a claim  
1895 under this section, an insurer shall provide a notice to the



543534

1896 insured or to a person for whom a claim for reimbursement for  
1897 diagnosis or treatment of injuries has been filed, advising  
1898 that:

1899 (a) Pursuant to s. 626.9892, the department may pay rewards  
1900 of up to \$25,000 to persons who provide information leading to  
1901 the arrest and conviction of persons committing crimes  
1902 investigated by the Division of Investigative and Forensic  
1903 Services arising from violations of s. 440.105, s. 624.15, s.  
1904 626.9541, s. 626.989, or s. 817.234.

1905 (b) Solicitation of a person injured in a motor vehicle  
1906 crash for purposes of filing medical payments coverage or tort  
1907 claims could be a violation of s. 817.234, s. 817.505, or the  
1908 rules regulating The Florida Bar and should be immediately  
1909 reported to the Division of Investigative and Forensic Services  
1910 if such conduct has taken place.

1911 (8) NONREIMBURSABLE CLAIMS.—Claims generated as a result of  
1912 activities that are unlawful pursuant to s. 817.505 are not  
1913 reimbursable.

1914 (9) SECURE ELECTRONIC DATA TRANSFER.—A notice,  
1915 documentation, transmission, or communication of any kind  
1916 required or authorized under this section may be transmitted  
1917 electronically if it is transmitted by secure electronic data  
1918 transfer that is consistent with state and federal privacy and  
1919 security laws.

1920 Section 40. Subsections (1) and (7) of section 627.727,  
1921 Florida Statutes, are amended, and present subsections (8), (9),  
1922 and (10) of that section are redesignated as subsections (7),  
1923 (8), and (9), respectively, to read:

1924 627.727 Motor vehicle insurance; uninsured and underinsured



543534

1925 vehicle coverage; insolvent insurer protection.-  
1926 (1) A ~~No~~ motor vehicle liability insurance policy that  
1927 ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be  
1928 delivered or issued for delivery in this state with respect to  
1929 any specifically insured or identified motor vehicle registered  
1930 or principally garaged in this state, unless uninsured motor  
1931 vehicle coverage is provided therein or supplemental thereto for  
1932 the protection of persons insured thereunder who are legally  
1933 entitled to recover damages from owners or operators of  
1934 uninsured motor vehicles because of bodily injury, sickness, or  
1935 disease, including death, resulting therefrom. However, the  
1936 coverage required under this section is not applicable if ~~when~~,  
1937 or to the extent that, an insured named in the policy makes a  
1938 written rejection of the coverage on behalf of all insureds  
1939 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~  
1940 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms  
1941 of the lease contract, provides liability coverage on the leased  
1942 vehicle, the lessee of such vehicle has ~~shall have~~ the sole  
1943 privilege to reject uninsured motorist coverage or to select  
1944 lower limits than the bodily injury liability limits, regardless  
1945 of whether the lessor is qualified as a self-insurer pursuant to  
1946 s. 324.171. Unless an insured, or lessee having the privilege of  
1947 rejecting uninsured motorist coverage, requests such coverage or  
1948 requests higher uninsured motorist limits in writing, the  
1949 coverage or such higher uninsured motorist limits need not be  
1950 provided in or supplemental to any other policy which renews,  
1951 extends, changes, supersedes, or replaces an existing policy  
1952 with the same bodily injury liability limits when an insured or  
1953 lessee had rejected the coverage. When an insured or lessee has



543534

1954 initially selected limits of uninsured motorist coverage lower  
1955 than her or his bodily injury liability limits, higher limits of  
1956 uninsured motorist coverage need not be provided in or  
1957 supplemental to any other policy that ~~which~~ renews, extends,  
1958 changes, supersedes, or replaces an existing policy with the  
1959 same bodily injury liability limits unless an insured requests  
1960 higher uninsured motorist coverage in writing. The rejection or  
1961 selection of lower limits must ~~shall~~ be made on a form approved  
1962 by the office. The form must ~~shall~~ fully advise the applicant of  
1963 the nature of the coverage and must ~~shall~~ state that the  
1964 coverage is equal to bodily injury liability limits unless lower  
1965 limits are requested or the coverage is rejected. The heading of  
1966 the form must ~~shall~~ be in 12-point bold type and must ~~shall~~  
1967 state: "You are electing not to purchase certain valuable  
1968 coverage that ~~which~~ protects you and your family or you are  
1969 purchasing uninsured motorist limits less than your bodily  
1970 injury liability limits when you sign this form. Please read  
1971 carefully." If this form is signed by a named insured, it will  
1972 be conclusively presumed that there was an informed, knowing  
1973 rejection of coverage or election of lower limits on behalf of  
1974 all insureds. The insurer shall notify the named insured at  
1975 least annually of her or his options as to the coverage required  
1976 by this section. Such notice must ~~shall~~ be part of, and attached  
1977 to, the notice of premium, must ~~shall~~ provide for a means to  
1978 allow the insured to request such coverage, and must ~~shall~~ be  
1979 given in a manner approved by the office. Receipt of this notice  
1980 does not constitute an affirmative waiver of the insured's right  
1981 to uninsured motorist coverage if ~~where~~ the insured has not  
1982 signed a selection or rejection form. The coverage described



543534

1983 under this section must ~~shall~~ be over and above, but may ~~shall~~  
1984 not duplicate, the benefits available to an insured under any  
1985 workers' compensation law, ~~personal injury protection benefits,~~  
1986 disability benefits law, or similar law; under any automobile  
1987 medical payments ~~expense~~ coverage; under any motor vehicle  
1988 liability insurance coverage; or from the owner or operator of  
1989 the uninsured motor vehicle or any other person or organization  
1990 jointly or severally liable together with such owner or operator  
1991 for the accident; and such coverage must ~~shall~~ cover the  
1992 difference, if any, between the sum of such benefits and the  
1993 damages sustained, up to the maximum amount of such coverage  
1994 provided under this section. The amount of coverage available  
1995 under this section may ~~shall~~ not be reduced by a setoff against  
1996 any coverage, including liability insurance. Such coverage does  
1997 ~~shall~~ not inure directly or indirectly to the benefit of any  
1998 workers' compensation or disability benefits carrier or any  
1999 person or organization qualifying as a self-insurer under any  
2000 workers' compensation or disability benefits law or similar law.

2001 ~~(7) The legal liability of an uninsured motorist coverage~~  
2002 ~~insurer does not include damages in tort for pain, suffering,~~  
2003 ~~mental anguish, and inconvenience unless the injury or disease~~  
2004 ~~is described in one or more of paragraphs (a) (d) of s.~~  
2005 ~~627.737(2).~~

2006 Section 41. Subsection (1) and paragraphs (a) and (b) of  
2007 subsection (2) of section 627.7275, Florida Statutes, are  
2008 amended to read:

2009 627.7275 Motor vehicle liability.—

2010 (1) A motor vehicle insurance policy ~~providing personal~~  
2011 ~~injury protection as set forth in s. 627.736 may not be~~



543534

2012 delivered or issued for delivery in this state for a with  
2013 ~~respect to any~~ specifically insured or identified motor vehicle  
2014 registered or principally garaged in this state must provide  
2015 bodily injury liability coverage and ~~unless the policy also~~  
2016 ~~provides coverage for~~ property damage liability coverage as  
2017 required under ~~by~~ s. 324.022, and medical payments coverage as  
2018 required under s. 627.7265.

2019 (2) (a) Insurers writing motor vehicle insurance in this  
2020 state shall make available, subject to the insurers' usual  
2021 underwriting restrictions:

2022 1. Coverage under policies as described in subsection (1)  
2023 to an applicant for private passenger motor vehicle insurance  
2024 coverage who is seeking the coverage in order to reinstate the  
2025 applicant's driving privileges in this state if the driving  
2026 privileges were revoked or suspended pursuant to s. 316.646 or  
2027 s. 324.0221 due to the failure of the applicant to maintain  
2028 required security.

2029 2. Coverage under policies as described in subsection (1),  
2030 which includes bodily injury ~~also provides~~ liability coverage  
2031 and property damage liability coverage ~~for bodily injury, death,~~  
2032 ~~and property damage arising out of the ownership, maintenance,~~  
2033 ~~or use of the motor vehicle~~ in an amount not less than the  
2034 minimum limits required under ~~described in~~ s. 324.021(7) or s.  
2035 324.023 and which conforms to the requirements of s. 324.151, to  
2036 an applicant for private passenger motor vehicle insurance  
2037 coverage who is seeking the coverage in order to reinstate the  
2038 applicant's driving privileges in this state after such  
2039 privileges were revoked or suspended under s. 316.193 or s.  
2040 322.26(2) for driving under the influence.



543534

2041 (b) The policies described in paragraph (a) must ~~shall~~ be  
2042 issued for at least 6 months and, as to the minimum coverages  
2043 required under this section, may not be canceled by the insured  
2044 for any reason or by the insurer after 60 days, during which  
2045 period the insurer is completing the underwriting of the policy.  
2046 After the insurer has completed underwriting the policy, the  
2047 insurer shall notify the Department of Highway Safety and Motor  
2048 Vehicles that the policy is in full force and effect and is not  
2049 cancelable for the remainder of the policy period. A premium  
2050 must ~~shall~~ be collected and the coverage is in effect for the  
2051 60-day period during which the insurer is completing the  
2052 underwriting of the policy, whether or not the person's driver  
2053 license, motor vehicle tag, and motor vehicle registration are  
2054 in effect. Once the noncancelable provisions of the policy  
2055 become effective, the bodily injury liability and property  
2056 damage liability coverages ~~for bodily injury, property damage,~~  
2057 ~~and personal injury protection~~ may not be reduced below the  
2058 minimum limits required under s. 324.021 or s. 324.023 during  
2059 the policy period, and the medical payments coverage may not be  
2060 reduced below the minimum limit required under s. 627.7265.

2061 Section 42. Paragraph (a) of subsection (1) of section  
2062 627.728, Florida Statutes, is amended to read:

2063 627.728 Cancellations; nonrenewals.—

2064 (1) As used in this section, the term:

2065 (a) "Policy" means the bodily injury and property damage  
2066 liability, ~~personal injury protection~~, medical payments,  
2067 comprehensive, collision, and uninsured motorist coverage  
2068 portions of a policy of motor vehicle insurance delivered or  
2069 issued for delivery in this state:





543534

2070 1. Insuring a natural person as named insured or one or  
2071 more related individuals who are residents ~~resident~~ of the same  
2072 household; and

2073 2. Insuring only a motor vehicle of the private passenger  
2074 type or station wagon type which is not used as a public or  
2075 livery conveyance for passengers or rented to others; or  
2076 insuring any other four-wheel motor vehicle having a load  
2077 capacity of 1,500 pounds or less which is not used in the  
2078 occupation, profession, or business of the insured other than  
2079 farming; other than any policy issued under an automobile  
2080 insurance assigned risk plan or covering garage, automobile  
2081 sales agency, repair shop, service station, or public parking  
2082 place operation hazards.

2083  
2084 The term "policy" does not include a binder as defined in s.  
2085 627.420 unless the duration of the binder period exceeds 60  
2086 days.

2087 Section 43. Subsection (1), paragraph (a) of subsection  
2088 (5), and subsections (6) and (7) of section 627.7295, Florida  
2089 Statutes, are amended to read:

2090 627.7295 Motor vehicle insurance contracts.—

2091 (1) As used in this section, the term:

2092 (a) "Policy" means a motor vehicle insurance policy that  
2093 provides bodily injury liability ~~personal injury protection~~  
2094 coverage, property damage liability coverage, and medical  
2095 payments coverage ~~or both~~.

2096 (b) "Binder" means a binder that provides motor vehicle  
2097 bodily injury liability coverage, ~~personal injury protection and~~  
2098 property damage liability coverage, and medical payments



543534

2099 coverage.

2100 (5) (a) A licensed general lines agent may charge a per-  
2101 policy fee up to ~~not to exceed~~ \$10 to cover the administrative  
2102 costs of the agent associated with selling the motor vehicle  
2103 insurance policy if the policy covers only bodily injury  
2104 liability coverage, ~~personal injury protection coverage as~~  
2105 ~~provided by s. 627.736 and~~ property damage liability coverage,  
2106 and medical payments coverage as provided by s. 627.7275 and if  
2107 no other insurance is sold or issued in conjunction with or  
2108 collateral to the policy. The fee is not ~~considered~~ part of the  
2109 premium.

2110 (6) If a motor vehicle owner's driver license, license  
2111 plate, and registration have previously been suspended pursuant  
2112 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy  
2113 only as provided in s. 627.7275.

2114 (7) A policy of private passenger motor vehicle insurance  
2115 or a binder for such a policy may be initially issued in this  
2116 state only if, before the effective date of such binder or  
2117 policy, the insurer or agent has collected ~~from the insured an~~  
2118 ~~amount equal to~~ 2 months' premium from the insured. An insurer,  
2119 agent, or premium finance company may not, directly or  
2120 indirectly, take any action that results ~~resulting~~ in the  
2121 insured paying ~~having paid~~ from the insured's own funds an  
2122 amount less than the 2 months' premium required by this  
2123 subsection. This subsection applies without regard to whether  
2124 the premium is financed by a premium finance company or is paid  
2125 pursuant to a periodic payment plan of an insurer or an  
2126 insurance agent.

2127 (a) This subsection does not apply:



543534

2128           1. If an insured or member of the insured's family is  
2129 renewing or replacing a policy or a binder for such policy  
2130 written by the same insurer or a member of the same insurer  
2131 group. ~~This subsection does not apply~~

2132           2. To an insurer that issues private passenger motor  
2133 vehicle coverage primarily to active duty or former military  
2134 personnel or their dependents. ~~This subsection does not apply~~

2135           3. If all policy payments are paid pursuant to a payroll  
2136 deduction plan, an automatic electronic funds transfer payment  
2137 plan from the policyholder, or a recurring credit card or debit  
2138 card agreement with the insurer.

2139           (b) This subsection and subsection (4) do not apply if:

2140           1. All policy payments to an insurer are paid pursuant to  
2141 an automatic electronic funds transfer payment plan from an  
2142 agent, a managing general agent, or a premium finance company  
2143 and if the policy includes, at a minimum, bodily injury  
2144 liability coverage, ~~personal injury protection pursuant to ss.~~  
2145 ~~627.730-627.7405; motor vehicle property damage liability~~  
2146 coverage, and medical payments coverage pursuant to s. 627.7275;  
2147 ~~or and bodily injury liability in at least the amount of \$10,000~~  
2148 ~~because of bodily injury to, or death of, one person in any one~~  
2149 ~~accident and in the amount of \$20,000 because of bodily injury~~  
2150 ~~to, or death of, two or more persons in any one accident. This~~  
2151 ~~subsection and subsection (4) do not apply if~~

2152           2. An insured has had a policy in effect for at least 6  
2153 months, the insured's agent is terminated by the insurer that  
2154 issued the policy, and the insured obtains coverage on the  
2155 policy's renewal date with a new company through the terminated  
2156 agent.



543534

2157 Section 44. Subsections (1) and (2) of section 627.7415,  
2158 Florida Statutes, are amended to read:

2159 627.7415 Commercial motor vehicles; additional liability  
2160 insurance coverage.—Commercial motor vehicles, as defined in s.  
2161 207.002 or s. 320.01, operated upon the roads and highways of  
2162 this state shall be insured with the ~~following~~ minimum levels of  
2163 combined bodily liability insurance and property damage  
2164 liability insurance under subsections (1) and (2) in addition to  
2165 any other insurance requirements.÷

2166 (1) ~~Fifty thousand dollars per occurrence~~ For a commercial  
2167 motor vehicle with a gross vehicle weight of 26,000 pounds or  
2168 more, but less than 35,000 pounds:

2169 (a) Beginning January 1, 2019, through December 31, 2020,  
2170 no less than \$50,000 per occurrence.

2171 (b) Beginning January 1, 2021, through December 31, 2022,  
2172 no less than \$60,000 per occurrence.

2173 (c) Beginning January 1, 2023, and thereafter, no less than  
2174 \$70,000 per occurrence.

2175 (2) ~~One hundred thousand dollars per occurrence~~ For a  
2176 commercial motor vehicle with a gross vehicle weight of 35,000  
2177 pounds or more, but less than 44,000 pounds:

2178 (a) Beginning January 1, 2019, through December 31, 2020,  
2179 no less than \$100,000 per occurrence.

2180 (b) Beginning January 1, 2021, through December 31, 2022,  
2181 no less than \$120,000 per occurrence.

2182 (c) Beginning January 1, 2023, and thereafter, no less than  
2183 \$140,000 per occurrence.

2184  
2185 A violation of this section is a noncriminal traffic infraction,



543534

2186 punishable as a nonmoving violation as provided in chapter 318.

2187 Section 45. Section 627.8405, Florida Statutes, is amended  
2188 to read:

2189 627.8405 Prohibited acts; financing companies.—~~A No~~ premium  
2190 finance company ~~shall~~, in a premium finance agreement or other  
2191 agreement, may not finance the cost of or otherwise provide for  
2192 the collection or remittance of dues, assessments, fees, or  
2193 other periodic payments of money for the cost of:

2194 (1) A membership in an automobile club. The term  
2195 "automobile club" means a legal entity that ~~which~~, in  
2196 consideration of dues, assessments, or periodic payments of  
2197 money, promises its members or subscribers to assist them in  
2198 matters relating to the ownership, operation, use, or  
2199 maintenance of a motor vehicle; however, the term ~~this~~  
2200 ~~definition of "automobile club"~~ does not include persons,  
2201 associations, or corporations ~~which are~~ organized and operated  
2202 solely for the purpose of conducting, sponsoring, or sanctioning  
2203 motor vehicle races, exhibitions, or contests upon racetracks,  
2204 or upon racecourses established and marked as such for the  
2205 duration of such particular events. The term ~~words~~ "motor  
2206 vehicle" used herein has ~~have~~ the same meaning as defined in  
2207 chapter 320.

2208 (2) An accidental death and dismemberment policy sold in  
2209 combination with a policy providing only medical payments  
2210 coverage, bodily injury liability coverage, personal injury  
2211 ~~protection~~ and property damage liability coverage only ~~policy~~.

2212 (3) Any product not regulated under ~~the provisions of this~~  
2213 insurance code.

2214



543534

2215 This section also applies to premium financing by any insurance  
2216 agent or insurance company under part XVI. The commission shall  
2217 adopt rules to assure disclosure, at the time of sale, of  
2218 coverages financed ~~with personal injury protection~~ and shall  
2219 prescribe the form of such disclosure.

2220 Section 46. Subsection (1) of section 627.915, Florida  
2221 Statutes, is amended to read:

2222 627.915 Insurer experience reporting.—

2223 (1) Each insurer transacting private passenger automobile  
2224 insurance in this state shall report certain information  
2225 annually to the office. The information will be due on or before  
2226 July 1 of each year. The information must ~~shall~~ be divided into  
2227 the following categories: bodily injury liability; property  
2228 damage liability; uninsured motorist; ~~personal injury protection~~  
2229 ~~benefits~~; medical payments; and comprehensive and collision. The  
2230 information given must ~~shall~~ be on direct insurance writings in  
2231 the state alone and ~~shall~~ represent total limits data. The  
2232 information set forth in paragraphs (a)-(f) is applicable to  
2233 voluntary private passenger and Joint Underwriting Association  
2234 private passenger writings and must ~~shall~~ be reported for each  
2235 of the latest 3 calendar-accident years, with an evaluation date  
2236 of March 31 of the current year. The information set forth in  
2237 paragraphs (g)-(j) is applicable to voluntary private passenger  
2238 writings and must ~~shall~~ be reported on a calendar-accident year  
2239 basis ultimately seven times at seven different stages of  
2240 development.

2241 (a) Premiums earned for the latest 3 calendar-accident  
2242 years.

2243 (b) Loss development factors and the historic development



543534

2244 of those factors.

2245 (c) Policyholder dividends incurred.

2246 (d) Expenses for other acquisition and general expense.

2247 (e) Expenses for agents' commissions and taxes, licenses,  
2248 and fees.

2249 (f) Profit and contingency factors as utilized in the  
2250 insurer's automobile rate filings for the applicable years.

2251 (g) Losses paid.

2252 (h) Losses unpaid.

2253 (i) Loss adjustment expenses paid.

2254 (j) Loss adjustment expenses unpaid.

2255 Section 47. Subsections (2) and (3) of section 628.909,  
2256 Florida Statutes, are amended to read:

2257 628.909 Applicability of other laws.—

2258 (2) The following provisions of the Florida Insurance Code  
2259 apply to captive insurance companies who are not industrial  
2260 insured captive insurance companies to the extent that such  
2261 provisions are not inconsistent with this part:

2262 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
2263 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2264 (b) Chapter 625, part II.

2265 (c) Chapter 626, part IX.

2266 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~  
2267 ~~provided.~~

2268 ~~(e) Chapter 628.~~

2269 (3) The following provisions of the Florida Insurance Code  
2270 ~~shall~~ apply to industrial insured captive insurance companies to  
2271 the extent that such provisions are not inconsistent with this  
2272 part:



543534

2273 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
2274 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2275 (b) Chapter 625, part II, if the industrial insured captive  
2276 insurance company is incorporated in this state.

2277 (c) Chapter 626, part IX.

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

2280 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and  
2281 628.6018.

2282 Section 48. Subsections (2), (6), and (7) of section  
2283 705.184, Florida Statutes, are amended to read:

2284 705.184 Derelict or abandoned motor vehicles on the  
2285 premises of public-use airports.-

2286 (2) The airport director or the director's designee shall  
2287 contact the Department of Highway Safety and Motor Vehicles to  
2288 notify that department that the airport has possession of the  
2289 abandoned or derelict motor vehicle and to determine the name  
2290 and address of the owner of the motor vehicle, the insurance  
2291 company insuring the motor vehicle, ~~notwithstanding the~~  
2292 ~~provisions of s. 627.736,~~ and any person who has filed a lien on  
2293 the motor vehicle. Within 7 business days after receipt of the  
2294 information, the director or the director's designee shall send  
2295 notice by certified mail, return receipt requested, to the owner  
2296 of the motor vehicle, the insurance company insuring the motor  
2297 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
2298 persons of record claiming a lien against the motor vehicle. The  
2299 notice must ~~shall~~ state the fact of possession of the motor  
2300 vehicle, that charges for reasonable towing, storage, and  
2301 parking fees, if any, have accrued and the amount thereof, that





543534

2302 a lien as provided in subsection (6) will be claimed, that the  
2303 lien is subject to enforcement pursuant to law, that the owner  
2304 or lienholder, if any, has the right to a hearing as set forth  
2305 in subsection (4), and that any motor vehicle which, at the end  
2306 of 30 calendar days after receipt of the notice, has not been  
2307 removed from the airport upon payment in full of all accrued  
2308 charges for reasonable towing, storage, and parking fees, if  
2309 any, may be disposed of as provided in s. 705.182(2)(a), (b),  
2310 (d), or (e), including, but not limited to, the motor vehicle  
2311 being sold free of all prior liens after 35 calendar days after  
2312 the time the motor vehicle is stored if any prior liens on the  
2313 motor vehicle are more than 5 years of age or after 50 calendar  
2314 days after the time the motor vehicle is stored if any prior  
2315 liens on the motor vehicle are 5 years of age or less.

2316 (6) The airport pursuant to this section or, if used, a  
2317 licensed independent wrecker company pursuant to s. 713.78 shall  
2318 have a lien on an abandoned or derelict motor vehicle for all  
2319 reasonable towing, storage, and accrued parking fees, if any,  
2320 except that no storage fee may ~~shall~~ be charged if the motor  
2321 vehicle is stored less than 6 hours. As a prerequisite to  
2322 perfecting a lien under this section, the airport director or  
2323 the director's designee must serve a notice in accordance with  
2324 subsection (2) on the owner of the motor vehicle, the insurance  
2325 company insuring the motor vehicle, ~~notwithstanding the~~  
2326 ~~provisions of s. 627.736,~~ and all persons of record claiming a  
2327 lien against the motor vehicle. If attempts to notify the owner,  
2328 the insurance company insuring the motor vehicle,  
2329 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are  
2330 not successful, the requirement of notice by mail shall be



543534

2331 considered met. Serving of the notice does not dispense with  
2332 recording the claim of lien.

2333 (7) (a) For the purpose of perfecting its lien under this  
2334 section, the airport shall record a claim of lien which states  
2335 ~~shall state~~:

2336 1. The name and address of the airport.

2337 2. The name of the owner of the motor vehicle, the  
2338 insurance company insuring the motor vehicle, ~~notwithstanding~~  
2339 ~~the provisions of s. 627.736~~, and all persons of record claiming  
2340 a lien against the motor vehicle.

2341 3. The costs incurred from reasonable towing, storage, and  
2342 parking fees, if any.

2343 4. A description of the motor vehicle sufficient for  
2344 identification.

2345 (b) The claim of lien must ~~shall~~ be signed and sworn to or  
2346 affirmed by the airport director or the director's designee.

2347 (c) The claim of lien is ~~shall be~~ sufficient if it is in  
2348 substantially the following form:

2349

2350 CLAIM OF LIEN

2351 State of .....

2352 County of .....

2353 Before me, the undersigned notary public, personally appeared

2354 ....., who was duly sworn and says that he/she is the

2355 ..... of ....., whose address is.....; and that the  
2356 following described motor vehicle:

2357 ...(Description of motor vehicle)...

2358 owned by ....., whose address is ....., has accrued

2359 \$...... in fees for a reasonable tow, for storage, and for



2360 parking, if applicable; that the lienor served its notice to the  
2361 owner, the insurance company insuring the motor vehicle  
2362 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~  
2363 and all persons of record claiming a lien against the motor  
2364 vehicle on ....., ...(year)...., by.....

2365 ...(Signature)...

2366 Sworn to (or affirmed) and subscribed before me this .... day of  
2367 ....., ...(year)...., by ...(name of person making statement)....

2368 ...(Signature of Notary Public).....(Print, Type, or Stamp  
2369 Commissioned name of Notary Public)...

2370 Personally Known...OR Produced...as identification.

2371

2372 However, the negligent inclusion or omission of any information  
2373 in this claim of lien which does not prejudice the owner does  
2374 not constitute a default that operates to defeat an otherwise  
2375 valid lien.

2376 (d) The claim of lien must ~~shall~~ be served on the owner of  
2377 the motor vehicle, the insurance company insuring the motor  
2378 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
2379 persons of record claiming a lien against the motor vehicle. If  
2380 attempts to notify the owner, the insurance company insuring the  
2381 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or  
2382 lienholders are not successful, the requirement of notice by  
2383 mail shall be considered met. The claim of lien must ~~shall~~ be so  
2384 served before recordation.

2385 (e) The claim of lien must ~~shall~~ be recorded with the clerk  
2386 of court in the county where the airport is located. The  
2387 recording of the claim of lien shall be constructive notice to  
2388 all persons of the contents and effect of such claim. The lien



543534

2389 attaches shall attach at the time of recordation and takes shall  
2390 take priority as of that time.

2391 Section 49. Subsection (4) of section 713.78, Florida  
2392 Statutes, is amended to read:

2393 713.78 Liens for recovering, towing, or storing vehicles  
2394 and vessels.-

2395 (4) (a) Any person regularly engaged in the business of  
2396 recovering, towing, or storing vehicles or vessels who comes  
2397 into possession of a vehicle or vessel pursuant to subsection  
2398 (2), and who claims a lien for recovery, towing, or storage  
2399 services, shall give notice to the registered owner, the  
2400 insurance company insuring the vehicle ~~notwithstanding the~~  
2401 ~~provisions of s. 627.736~~, and to all persons claiming a lien  
2402 thereon, as disclosed by the records in the Department of  
2403 Highway Safety and Motor Vehicles or as disclosed by the records  
2404 of any corresponding agency in any other state in which the  
2405 vehicle is identified through a records check of the National  
2406 Motor Vehicle Title Information System or an equivalent  
2407 commercially available system as being titled or registered.

2408 (b) If a ~~Whenever any~~ law enforcement agency authorizes the  
2409 removal of a vehicle or vessel or if a ~~whenever any~~ towing  
2410 service, garage, repair shop, or automotive service, storage, or  
2411 parking place notifies the law enforcement agency of possession  
2412 of a vehicle or vessel pursuant to s. 715.07(2) (a)2., the law  
2413 enforcement agency of the jurisdiction where the vehicle or  
2414 vessel is stored shall contact the Department of Highway Safety  
2415 and Motor Vehicles, or the appropriate agency of the state of  
2416 registration, if known, within 24 hours through the medium of  
2417 electronic communications, giving the full description of the



543534

2418 vehicle or vessel. Upon receipt of the full description of the  
2419 vehicle or vessel, the department shall search its files to  
2420 determine the owner's name, the insurance company insuring the  
2421 vehicle or vessel, and whether any person has filed a lien upon  
2422 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
2423 notify the applicable law enforcement agency within 72 hours.  
2424 The person in charge of the towing service, garage, repair shop,  
2425 or automotive service, storage, or parking place shall obtain  
2426 such information from the applicable law enforcement agency  
2427 within 5 days after the date of storage and shall give notice  
2428 pursuant to paragraph (a). The department may release the  
2429 insurance company information to the requestor ~~notwithstanding~~  
2430 ~~the provisions of s. 627.736.~~

2431 (c) Notice by certified mail must ~~shall~~ be sent within 7  
2432 business days after the date of storage of the vehicle or vessel  
2433 to the registered owner, the insurance company insuring the  
2434 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all  
2435 persons of record claiming a lien against the vehicle or vessel.  
2436 The notice must ~~It shall~~ state the fact of possession of the  
2437 vehicle or vessel, that a lien as provided in subsection (2) is  
2438 claimed, that charges have accrued and the amount thereof, that  
2439 the lien is subject to enforcement pursuant to law, ~~and~~ that the  
2440 owner or lienholder, if any, has the right to a hearing as set  
2441 forth in subsection (5), and that any vehicle or vessel which  
2442 remains unclaimed, or for which the charges for recovery,  
2443 towing, or storage services remain unpaid, may be sold free of  
2444 all prior liens after 35 days if the vehicle or vessel is more  
2445 than 3 years of age or after 50 days if the vehicle or vessel is  
2446 3 years of age or less.



543534

2447 (d) If attempts to locate the name and address of the owner  
2448 or lienholder prove unsuccessful, the towing-storage operator  
2449 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,  
2450 of the initial tow or storage, notify the public agency of  
2451 jurisdiction where the vehicle or vessel is stored in writing by  
2452 certified mail or acknowledged hand delivery that the towing-  
2453 storage company has been unable to locate the name and address  
2454 of the owner or lienholder and a physical search of the vehicle  
2455 or vessel has disclosed no ownership information and a good  
2456 faith effort has been made, including records checks of the  
2457 Department of Highway Safety and Motor Vehicles database and the  
2458 National Motor Vehicle Title Information System or an equivalent  
2459 commercially available system. As used in ~~For purposes of~~ this  
2460 paragraph and subsection (9), the term "good faith effort" means  
2461 that the following checks have been performed by the company to  
2462 establish prior state of registration and for title:

2463 1. Check of the Department of Highway Safety and Motor  
2464 Vehicles database for the owner and any lienholder.

2465 2. Check of the electronic National Motor Vehicle Title  
2466 Information System or an equivalent commercially available  
2467 system to determine the state of registration when there is not  
2468 a current registration record for the vehicle on file with the  
2469 Department of Highway Safety and Motor Vehicles.

2470 3. Check of vehicle or vessel for any type of tag, tag  
2471 record, temporary tag, or regular tag.

2472 4. Check of law enforcement report for tag number or other  
2473 information identifying the vehicle or vessel, if the vehicle or  
2474 vessel was towed at the request of a law enforcement officer.

2475 5. Check of trip sheet or tow ticket of tow truck operator



543534

2476 to see if a tag was on vehicle or vessel at beginning of tow, if  
2477 private tow.

2478 6. If there is no address of the owner on the impound  
2479 report, check of law enforcement report to see if an out-of-  
2480 state address is indicated from driver license information.

2481 7. Check of vehicle or vessel for inspection sticker or  
2482 other stickers and decals that may indicate a state of possible  
2483 registration.

2484 8. Check of the interior of the vehicle or vessel for any  
2485 papers that may be in the glove box, trunk, or other areas for a  
2486 state of registration.

2487 9. Check of vehicle for vehicle identification number.

2488 10. Check of vessel for vessel registration number.

2489 11. Check of vessel hull for a hull identification number  
2490 which should be carved, burned, stamped, embossed, or otherwise  
2491 permanently affixed to the outboard side of the transom or, if  
2492 there is no transom, to the outmost seaboard side at the end of  
2493 the hull that bears the rudder or other steering mechanism.

2494 Section 50. Paragraph (a) of subsection (1), paragraph (c)  
2495 of subsection (7), paragraphs (a), (b), and (c) of subsection  
2496 (8), and subsections (9) and (10) of section 817.234, Florida  
2497 Statutes, are amended to read:

2498 817.234 False and fraudulent insurance claims.—

2499 (1) (a) A person commits insurance fraud punishable as  
2500 provided in subsection (11) if that person, with the intent to  
2501 injure, defraud, or deceive any insurer:

2502 1. Presents or causes to be presented any written or oral  
2503 statement as part of, or in support of, a claim for payment or  
2504 other benefit pursuant to an insurance policy or a health



543534

2505 maintenance organization subscriber or provider contract,  
2506 knowing that such statement contains ~~any~~ false, incomplete, or  
2507 misleading information concerning any fact or thing material to  
2508 such claim;

2509         2. Prepares or makes any written or oral statement that is  
2510 intended to be presented to an ~~any~~ insurer in connection with,  
2511 or in support of, any claim for payment or other benefit  
2512 pursuant to an insurance policy or a health maintenance  
2513 organization subscriber or provider contract, knowing that such  
2514 statement contains ~~any~~ false, incomplete, or misleading  
2515 information concerning any fact or thing material to such claim;

2516         3.a. Knowingly presents, causes to be presented, or  
2517 prepares or makes with knowledge or belief that it will be  
2518 presented to an ~~any~~ insurer, purported insurer, servicing  
2519 corporation, insurance broker, or insurance agent, or any  
2520 employee or agent thereof, ~~any~~ false, incomplete, or misleading  
2521 information or a written or oral statement as part of, or in  
2522 support of, an application for the issuance of, or the rating  
2523 of, any insurance policy, or a health maintenance organization  
2524 subscriber or provider contract; or

2525         b. Knowingly conceals information concerning any fact  
2526 material to such application; or

2527         4. Knowingly presents, causes to be presented, or prepares  
2528 or makes with knowledge or belief that it will be presented to  
2529 any insurer a claim for payment or other benefit under medical  
2530 payments coverage in a motor vehicle ~~a personal injury~~  
2531 ~~protection~~ insurance policy if the person knows that the payee  
2532 knowingly submitted a false, misleading, or fraudulent  
2533 application or other document when applying for licensure as a





543534

2534 health care clinic, seeking an exemption from licensure as a  
2535 health care clinic, or demonstrating compliance with part X of  
2536 chapter 400.

2537 (7)

2538 ~~(c) An insurer, or any person acting at the direction of or~~  
2539 ~~on behalf of an insurer, may not change an opinion in a mental~~  
2540 ~~or physical report prepared under s. 627.736(7) or direct the~~  
2541 ~~physician preparing the report to change such opinion; however,~~  
2542 ~~this provision does not preclude the insurer from calling to the~~  
2543 ~~attention of the physician errors of fact in the report based~~  
2544 ~~upon information in the claim file. Any person who violates this~~  
2545 ~~paragraph commits a felony of the third degree, punishable as~~  
2546 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2547 (8) (a) It is unlawful for any person intending to defraud  
2548 any other person to solicit or cause to be solicited any  
2549 business from a person involved in a motor vehicle accident for  
2550 the purpose of making, adjusting, or settling motor vehicle tort  
2551 claims or claims for benefits under medical payments coverage in  
2552 a motor vehicle insurance policy ~~personal injury protection~~  
2553 ~~benefits required by s. 627.736. Any person who violates the~~  
2554 ~~provisions of this paragraph commits a felony of the second~~  
2555 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~  
2556 ~~775.084. A person who is convicted of a violation of this~~  
2557 ~~subsection shall be sentenced to a minimum term of imprisonment~~  
2558 ~~of 2 years.~~

2559 (b) A person may not solicit or cause to be solicited any  
2560 business from a person involved in a motor vehicle accident by  
2561 any means of communication other than advertising directed to  
2562 the public for the purpose of making motor vehicle tort claims



543534

2563 or claims for benefits under medical payments coverage in a  
2564 motor vehicle insurance policy ~~personal injury protection~~  
2565 ~~benefits required by s. 627.736,~~ within 60 days after the  
2566 occurrence of the motor vehicle accident. Any person who  
2567 violates this paragraph commits a felony of the third degree,  
2568 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2569 (c) A lawyer, health care practitioner as defined in s.  
2570 456.001, or owner or medical director of a clinic required to be  
2571 licensed pursuant to s. 400.9905 may not, at any time after 60  
2572 days have elapsed from the occurrence of a motor vehicle  
2573 accident, solicit or cause to be solicited any business from a  
2574 person involved in a motor vehicle accident by means of in  
2575 person or telephone contact at the person's residence, for the  
2576 purpose of making motor vehicle tort claims or claims for  
2577 benefits under medical payments coverage in a motor vehicle  
2578 insurance policy ~~personal injury protection benefits required by~~  
2579 ~~s. 627.736.~~ Any person who violates this paragraph commits a  
2580 felony of the third degree, punishable as provided in s.  
2581 775.082, s. 775.083, or s. 775.084.

2582 (9) A person may not organize, plan, or knowingly  
2583 participate in an intentional motor vehicle crash or a scheme to  
2584 create documentation of a motor vehicle crash that did not occur  
2585 for the purpose of making motor vehicle tort claims or claims  
2586 for benefits under medical payments coverage in a motor vehicle  
2587 insurance policy ~~personal injury protection benefits as required~~  
2588 ~~by s. 627.736.~~ Any person who violates this subsection commits a  
2589 felony of the second degree, punishable as provided in s.  
2590 775.082, s. 775.083, or s. 775.084. A person who is convicted of  
2591 a violation of this subsection shall be sentenced to a minimum



543534

2592 term of imprisonment of 2 years.

2593 (10) A licensed health care practitioner who is found  
2594 guilty of insurance fraud under this section for an act relating  
2595 to a motor vehicle ~~personal injury protection~~ insurance policy  
2596 loses his or her license to practice for 5 years and may not  
2597 receive reimbursement under medical payments coverage in a motor  
2598 vehicle insurance policy for ~~personal injury protection~~ benefits  
2599 for 10 years.

2600 Section 51. Applicability and construction; notice to  
2601 policyholders.-

2602 (1) As used in this section, the term "minimum security  
2603 requirements" means security that enables a person to respond in  
2604 damages for liability on account of crashes arising out of the  
2605 ownership, maintenance, or use of a motor vehicle in the amounts  
2606 required by s. 324.021(7), Florida Statutes.

2607 (2) Effective January 1, 2019:

2608 (a) Motor vehicle insurance policies issued or renewed on  
2609 or after that date may not include personal injury protection.

2610 (b) All persons subject to s. 324.022, s. 324.032, s.  
2611 627.7415, or s. 627.742, Florida Statutes, must maintain at  
2612 least minimum security requirements.

2613 (c) Any new or renewal motor vehicle insurance policy  
2614 delivered or issued for delivery in this state must provide  
2615 coverage that complies with minimum security requirements.

2616 (d) Any new or renewal motor vehicle insurance policy  
2617 furnished to an owner or operator of a motor vehicle as proof of  
2618 financial responsibility pursuant to s. 324.022 or s. 324.031,  
2619 Florida Statutes, must provide medical payments coverage that  
2620 complies with s. 627.7265, Florida Statutes.



543534

2621           (e) An existing motor vehicle insurance policy issued  
2622 before that date which provides personal injury protection and  
2623 property damage liability coverage that meets the requirements  
2624 of s. 324.022, Florida Statutes, on December 31, 2018, but which  
2625 does not meet minimum security requirements on or after January  
2626 1, 2019, is deemed to meet the security requirements of s.  
2627 324.022, Florida Statutes, and the medical payments coverage  
2628 requirements of s. 627.7265, Florida Statutes, until such policy  
2629 is renewed, nonrenewed, or canceled on or after January 1, 2019.

2630           (3) Each insurer shall allow each insured who has a new or  
2631 renewal policy providing personal injury protection, which  
2632 becomes effective before January 1, 2019, and whose policy does  
2633 not meet minimum security requirements on or after January 1,  
2634 2019, to change coverages so as to eliminate personal injury  
2635 protection and obtain coverage providing minimum security  
2636 requirements, which shall be effective on or after January 1,  
2637 2019. The insurer is not required to provide coverage complying  
2638 with minimum security requirements in such policies if the  
2639 insured does not pay the required premium, if any, by January 1,  
2640 2019, or such later date as the insurer may allow. Any reduction  
2641 in the premium must be refunded by the insurer. The insurer may  
2642 not impose on the insured an additional fee or charge that  
2643 applies solely to a change in coverage; however, the insurer may  
2644 charge an additional required premium that is actuarially  
2645 indicated.

2646           (4) By September 1, 2018, each motor vehicle insurer shall  
2647 provide notice of this section to each motor vehicle  
2648 policyholder who is subject to this section. The notice is  
2649 subject to approval by the Office of Insurance Regulation and



543534

2650 must clearly inform the policyholder that:

2651 (a) The Florida Motor Vehicle No-Fault Law is repealed,  
2652 effective January 1, 2019, and that on or after that date, the  
2653 insured is no longer required to maintain personal injury  
2654 protection insurance coverage, that personal injury protection  
2655 coverage is no longer available for purchase in this state, and  
2656 that all new or renewal policies issued on or after that date do  
2657 not contain such coverage.

2658 (b) Effective January 1, 2019, a person subject to the  
2659 financial responsibility requirements of s. 324.022, Florida  
2660 Statutes, must maintain minimum security requirements that  
2661 enable the person to respond in damages for liability on account  
2662 of accidents arising out of the use of a motor vehicle in the  
2663 following amounts:

2664 1. Beginning January 1, 2019, and continuing through  
2665 December 31, 2020:

2666 a. Twenty thousand dollars for bodily injury to, or the  
2667 death of, one person in any one crash and, subject to such  
2668 limits for one person, in the amount of \$40,000 for bodily  
2669 injury to, or the death of, two or more persons in any one  
2670 crash; and

2671 b. Ten thousand dollars for damage to, or destruction of,  
2672 the property of others in any one crash.

2673 2. Beginning January 1, 2021, and continuing through  
2674 December 31, 2022:

2675 a. Twenty-five thousand dollars for bodily injury to, or  
2676 the death of, one person in any one crash and, subject to such  
2677 limits for one person, in the amount of \$50,000 for bodily  
2678 injury to, or the death of, two or more persons in any one



543534

2679 crash; and  
2680 b. Ten thousand dollars for damage to, or destruction of,  
2681 the property of others in any one crash.  
2682 3. Beginning January 1, 2023, and continuing thereafter:  
2683 a. Thirty thousand dollars for bodily injury to, or the  
2684 death of, one person in any one crash and, subject to such  
2685 limits for one person, in the amount of \$60,000 for bodily  
2686 injury to, or the death of, two or more persons in any one  
2687 crash; and  
2688 b. Ten thousand dollars for damage to, or destruction of,  
2689 the property of others in any one crash.  
2690 (c) Personal injury protection insurance paid covered  
2691 medical expenses for injuries sustained in a motor vehicle crash  
2692 by the policyholder, passengers, and relatives residing in the  
2693 policyholder's household.  
2694 (d) Bodily injury liability coverage protects the insured,  
2695 up to the coverage limits, against loss if the insured is  
2696 legally responsible for the death of or bodily injury to others  
2697 in a motor vehicle accident.  
2698 (e) Effective January 1, 2019, a person who purchases a  
2699 motor vehicle liability insurance policy as proof of financial  
2700 responsibility must maintain medical payments coverage that  
2701 complies with s. 627.7265, Florida Statutes. Medical payments  
2702 coverage pays covered medical expenses, up to the limits of such  
2703 coverage, for injuries sustained in a motor vehicle crash by the  
2704 policyholder, passengers, and relatives residing in the  
2705 policyholder's household, as provided in s. 627.7265, Florida  
2706 Statutes. Medical payments coverage also provides a death  
2707 benefit of at least \$5,000. Medical payments coverage reimburses



543534

2708 fewer medical services and care than were reimbursable under  
2709 personal injury protection. Medical payments coverage provides  
2710 reimbursement for the following if medically necessary and if an  
2711 individual initially receives such treatment within 14 days  
2712 after the motor vehicle accident:

2713 1. Emergency transportation and treatment.

2714 2. Emergency services and care provided by a hospital.

2715 3. Emergency services and care provided by a licensed  
2716 physician or licensed dentist in a hospital, ambulatory surgical  
2717 center, or mobile surgical facility licensed under chapter 395,  
2718 Florida Statutes, and related hospital inpatient care.

2719 4. Hospital inpatient services, other than emergency  
2720 services and care.

2721 5. Hospital outpatient services, other than emergency  
2722 services and care.

2723 (f) The policyholder may obtain underinsured motorist  
2724 coverage, which provides benefits, up to the limits of such  
2725 coverage, to a policyholder or other insured entitled to recover  
2726 damages for bodily injury, sickness, disease, or death resulting  
2727 from a motor vehicle accident with an uninsured or underinsured  
2728 owner or operator of a motor vehicle.

2729 (g) If the policyholder's new or renewal motor vehicle  
2730 insurance policy is effective before January 1, 2019, and  
2731 contains personal injury protection and property damage  
2732 liability coverage as required by state law before January 1,  
2733 2019, but does not meet minimum security requirements on or  
2734 after January 1, 2019, the policy is deemed to meet minimum  
2735 security requirements until it is renewed, nonrenewed, or  
2736 canceled on or after January 1, 2019.



543534

2737           (h) A policyholder whose new or renewal policy becomes  
2738 effective before January 1, 2019, but does not meet minimum  
2739 security requirements on or after January 1, 2019, may change  
2740 coverages under the policy so as to eliminate personal injury  
2741 protection and to obtain coverage providing minimum security  
2742 requirements, including bodily injury liability coverage, which  
2743 are effective on or after January 1, 2019.

2744           (i) If the policyholder has any questions, he or she should  
2745 contact the person named at the telephone number provided in the  
2746 notice.

2747           (5) This section takes effect upon this act becoming a law.

2748           Section 52. Application of suspensions for failure to  
2749 maintain security; reinstatement.—All suspensions for failure to  
2750 maintain required security as required by law in effect before  
2751 January 1, 2019, remain in full force and effect after January  
2752 1, 2019. A driver may reinstate a suspended driver license or  
2753 registration as provided under s. 324.0221, Florida Statutes.

2754           Section 53. Except as otherwise expressly provided in this  
2755 act and except for this section, which shall take effect upon  
2756 this act becoming a law, this act shall take effect January 1,  
2757 2019.

2758  
2759 ===== T I T L E   A M E N D M E N T =====

2760 And the title is amended as follows:

2761           Delete everything before the enacting clause  
2762 and insert:

2763                                   A bill to be entitled  
2764           An act relating to motor vehicle insurance; repealing  
2765           ss. 627.730, 627.731, 627.7311, 627.732, 627.733,





543534

2766 627.734, 627.736, 627.737, 627.739, 627.7401,  
2767 627.7403, and 627.7405, F.S., which comprise the  
2768 Florida Motor Vehicle No-Fault Law; repealing s.  
2769 627.7407, F.S., relating to application of the Florida  
2770 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;  
2771 revising a requirement for proof of security on a  
2772 motor vehicle and the applicability of the  
2773 requirement; amending s. 318.18, F.S.; conforming a  
2774 provision to changes made by the act; amending s.  
2775 320.02, F.S.; revising the motor vehicle insurance  
2776 coverages that an applicant must show to register  
2777 certain vehicles with the Department of Highway Safety  
2778 and Motor Vehicles; deleting a requirement that  
2779 specified information be included on a certain  
2780 insurance proof-of-purchase card; revising  
2781 construction; amending s. 320.0609, F.S.; conforming a  
2782 provision to changes made by the act; amending s.  
2783 320.27, F.S.; defining the term "garage liability  
2784 insurance"; revising garage liability insurance  
2785 requirements for motor vehicle dealer applicants;  
2786 conforming a provision to changes made by the act;  
2787 amending s. 320.771, F.S.; revising garage liability  
2788 insurance requirements for recreational vehicle dealer  
2789 license applicants; amending ss. 322.251 and 322.34,  
2790 F.S.; conforming provisions to changes made by the  
2791 act; amending s. 324.011, F.S.; revising legislative  
2792 intent; amending s. 324.021, F.S.; revising  
2793 definitions of the terms "motor vehicle" and "proof of  
2794 financial responsibility"; revising, at specified



543534

2795 timeframes, minimum coverage requirements for proof of  
2796 financial responsibility for specified motor vehicles;  
2797 defining the term "for-hire passenger transportation  
2798 vehicle"; conforming provisions to changes made by the  
2799 act; amending s. 324.022, F.S.; revising, at specified  
2800 timeframes, minimum liability coverage requirements  
2801 for motor vehicle owners and operators; revising  
2802 authorized methods for meeting such requirements;  
2803 revising the vehicles that are excluded from the  
2804 definition of the term "motor vehicle" and providing  
2805 security requirements for certain excluded vehicles;  
2806 conforming provisions to changes made by the act;  
2807 conforming cross-references; amending s. 324.0221,  
2808 F.S.; revising applicability of certain insurer  
2809 reporting and notice requirements as to policies  
2810 providing certain coverages; conforming provisions to  
2811 changes made by the act; amending s. 324.023, F.S.;  
2812 conforming cross-references; amending s. 324.031,  
2813 F.S.; revising applicability of a provision  
2814 authorizing certain methods of proving financial  
2815 responsibility; revising, at specified timeframes, the  
2816 amount of a certificate of deposit required for a  
2817 specified method of proof of financial responsibility;  
2818 revising excess liability coverage requirements for a  
2819 person electing to use such method; amending s.  
2820 324.032, F.S.; revising financial responsibility  
2821 requirements for owners or lessees of for-hire  
2822 passenger transportation vehicles and the  
2823 applicability of such requirements; revising a



543534

2824 requirement for a motor vehicle liability policy  
2825 obtained to comply with such requirements; amending  
2826 ss. 324.051, 324.071, 324.091, and 324.151, F.S.;  
2827 making technical changes; amending s. 324.161, F.S.;  
2828 revising requirements for a certificate of deposit  
2829 that is required if a person elects a certain method  
2830 of providing financial responsibility; amending s.  
2831 324.171, F.S.; revising, at specified timeframes, the  
2832 minimum net worth requirements to qualify certain  
2833 persons as self-insurers; conforming provisions to  
2834 changes made by the act; amending s. 324.251, F.S.;  
2835 revising the short title and an effective date;  
2836 amending s. 400.9905, F.S.; revising the definition of  
2837 the term "clinic"; amending ss. 400.991 and 400.9935,  
2838 F.S.; conforming provisions to changes made by the  
2839 act; amending s. 409.901, F.S.; revising the  
2840 definition of the term "third-party benefit"; amending  
2841 s. 409.910, F.S.; revising the definition of the term  
2842 "medical coverage"; making technical changes; amending  
2843 s. 456.057, F.S.; conforming a cross-reference;  
2844 amending s. 456.072, F.S.; revising specified grounds  
2845 for discipline for certain health professions;  
2846 amending s. 626.9541, F.S.; conforming a provision to  
2847 changes made by the act; revising the type of  
2848 insurance coverage applicable to a certain prohibited  
2849 act; conforming a cross-reference; amending s.  
2850 626.989, F.S.; revising the definition of the term  
2851 "fraudulent insurance act"; amending s. 627.06501,  
2852 F.S.; revising coverages that may provide for a



543534

2853 reduction in motor vehicle insurance policy premium  
2854 charges under certain circumstances; amending s.  
2855 627.0652, F.S.; revising coverages that must provide a  
2856 premium charge reduction under certain circumstances;  
2857 amending s. 627.0653, F.S.; revising coverages subject  
2858 to premium discounts for specified motor vehicle  
2859 equipment; amending s. 627.4132, F.S.; revising the  
2860 coverages of a motor vehicle policy which are subject  
2861 to a stacking prohibition; amending s. 627.7263, F.S.;  
2862 revising provisions relating to designation of primary  
2863 coverages for rental and leasing driver's insurance;  
2864 conforming provisions to changes made by the act;  
2865 creating s. 627.7265, F.S.; requiring specified motor  
2866 vehicle liability insurance policies to include  
2867 medical payments coverage; specifying persons such  
2868 coverage must protect; specifying the minimum medical  
2869 expense coverage and minimum death benefit required  
2870 under such coverage; providing construction relating  
2871 to limits on certain other coverages; prohibiting  
2872 insurers from offering such coverage to an applicant  
2873 or policyholder with a deductible; specifying medical  
2874 services and care required under such coverage;  
2875 authorizing insurers to exclude medical payment  
2876 benefits under certain circumstances; providing that  
2877 medical payments benefits are primary to certain  
2878 health insurance benefits and apply to the coinsurance  
2879 or deductible amounts required by certain health  
2880 insurance policies, except under certain  
2881 circumstances; providing that a medical payments



543534

2882 insurance policy, under certain circumstances, may  
2883 include a subrogation provision for medical payments  
2884 benefits paid; requiring insurers, upon receiving a  
2885 certain notice, to hold a specified reserve for  
2886 certain purposes for a specified time; providing that  
2887 the reserve requirement does not require insurers to  
2888 establish a claim reserve for accounting purposes;  
2889 specifying requirements, procedures, limitations, and  
2890 prohibitions relating to charges and billing for care  
2891 of bodily injuries under medical payments coverage;  
2892 defining the term "service year"; requiring the  
2893 Department of Health to adopt a certain rule;  
2894 providing insurers a civil cause of action against  
2895 certain persons who are convicted of or plead guilty  
2896 or nolo contendere to certain acts of insurance fraud  
2897 associated with claims for medical payments coverage  
2898 benefits; requiring insurers receiving notice of a  
2899 claim to provide a specified fraud advisory notice to  
2900 certain persons; providing that claims generated as a  
2901 result of certain patient brokering activities are  
2902 nonreimbursable; authorizing notices, documentation,  
2903 transmissions, or communications to be transferred  
2904 electronically in a secure manner; amending s.  
2905 627.727, F.S.; conforming provisions to changes made  
2906 by the act; amending s. 627.7275, F.S.; revising  
2907 applicability and required coverages for a motor  
2908 vehicle insurance policy; conforming provisions to  
2909 changes made by the act; amending s. 627.728, F.S.;

2910 conforming a provision to changes made by the act;



543534

2911 amending s. 627.7295, F.S.; revising the definitions  
2912 of the terms "policy" and "binder"; revising the  
2913 coverages of a motor vehicle insurance policy for  
2914 which a licensed general lines agent may charge a  
2915 specified fee; revising applicability; conforming a  
2916 cross-reference; amending s. 627.7415, F.S.; revising,  
2917 at specified intervals, the minimum levels of certain  
2918 liability insurance required for commercial motor  
2919 vehicles; amending s. 627.8405, F.S.; revising  
2920 coverages in a policy sold in combination with an  
2921 accidental death and dismemberment policy, which a  
2922 premium finance company may not finance; revising  
2923 rulemaking authority of the commission; amending ss.  
2924 627.915, 628.909, 705.184, and 713.78, F.S.;  
2925 conforming provisions to changes made by the act;  
2926 amending s. 817.234, F.S.; revising coverages that are  
2927 the basis of specified prohibited false and fraudulent  
2928 insurance claims; conforming a provision to changes  
2929 made by the act; conforming a cross-reference;  
2930 providing applicability and construction relating to  
2931 changes made by the act; defining the term "minimum  
2932 security requirements"; providing requirements and  
2933 procedures relating to motor vehicle insurance  
2934 policies that include personal injury protection as of  
2935 a specified date; requiring an insurer to provide, by  
2936 a specified date, a specified notice to policyholders  
2937 relating to requirements under the act; providing for  
2938 construction relating to suspensions for failure to  
2939 maintain required security in effect before a



543534

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specified date; providing effective dates.