

By the Committee on Banking and Insurance; and Senator Lee

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1 A bill to be entitled
2 An act relating to motor vehicle insurance; repealing
3 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,
4 627.734, 627.736, 627.737, 627.739, 627.7401,
5 627.7403, and 627.7405, F.S., which comprise the
6 Florida Motor Vehicle No-Fault Law; repealing s.
7 627.7407, F.S., relating to application of the Florida
8 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;
9 revising a requirement for proof of security on a
10 motor vehicle and the applicability of the
11 requirement; amending s. 318.18, F.S.; conforming a
12 provision to changes made by the act; amending s.
13 320.02, F.S.; revising the motor vehicle insurance
14 coverages that an applicant must show to register
15 certain vehicles with the Department of Highway Safety
16 and Motor Vehicles; deleting a requirement that
17 specified information be included on a certain
18 insurance proof-of-purchase card; revising
19 construction; amending s. 320.0609, F.S.; conforming a
20 provision to changes made by the act; amending s.
21 320.27, F.S.; defining the term "garage liability
22 insurance"; revising garage liability insurance
23 requirements for motor vehicle dealer applicants;
24 conforming a provision to changes made by the act;
25 amending s. 320.771, F.S.; revising garage liability
26 insurance requirements for recreational vehicle dealer
27 license applicants; amending ss. 322.251 and 322.34,
28 F.S.; conforming provisions to changes made by the
29 act; amending s. 324.011, F.S.; revising legislative

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30 intent; amending s. 324.021, F.S.; revising
31 definitions of the terms "motor vehicle" and "proof of
32 financial responsibility"; revising, at specified
33 timeframes, minimum coverage requirements for proof of
34 financial responsibility for specified motor vehicles;
35 defining the term "for-hire passenger transportation
36 vehicle"; conforming provisions to changes made by the
37 act; amending s. 324.022, F.S.; revising, at specified
38 timeframes, minimum liability coverage requirements
39 for motor vehicle owners or operators; revising
40 authorized methods for meeting such requirements;
41 revising the vehicles that are excluded from the
42 definition of the term "motor vehicle" and providing
43 security requirements for certain excluded vehicles;
44 conforming provisions to changes made by the act;
45 conforming cross-references; amending s. 324.0221,
46 F.S.; revising applicability of certain insurer
47 reporting and notice requirements as to policies
48 providing certain coverages; conforming provisions to
49 changes made by the act; amending s. 324.023, F.S.;
50 conforming cross-references; amending s. 324.031,
51 F.S.; revising applicability of a provision
52 authorizing certain methods of proving financial
53 responsibility; revising, at specified timeframes, the
54 amount of a certificate of deposit required for a
55 specified method of proof of financial responsibility;
56 revising excess liability coverage requirements for a
57 person electing to use such method; amending s.
58 324.032, F.S.; revising financial responsibility

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59 requirements for owners or lessees of for-hire
60 passenger transportation vehicles and the
61 applicability of such requirements; revising a
62 requirement for a motor vehicle liability policy
63 obtained to comply with such requirements; amending
64 ss. 324.051, 324.071, 324.091, and 324.151, F.S.;
65 making technical changes; amending s. 324.161, F.S.;
66 revising requirements for a certificate of deposit
67 that is required if a person elects a certain method
68 of providing financial responsibility; amending s.
69 324.171, F.S.; revising, at specified timeframes, the
70 minimum net worth requirements to qualify certain
71 persons as self-insurers; conforming provisions to
72 changes made by the act; amending s. 324.251, F.S.;
73 revising the short title and an effective date;
74 amending s. 400.9905, F.S.; revising the definition of
75 the term "clinic"; amending ss. 400.991 and 400.9935,
76 F.S.; conforming provisions to changes made by the
77 act; amending s. 409.901, F.S.; revising the
78 definition of the term "third-party benefit"; amending
79 s. 409.910, F.S.; revising the definition of the term
80 "medical coverage"; making technical changes; amending
81 s. 456.057, F.S.; conforming a cross-reference;
82 amending s. 456.072, F.S.; revising specified grounds
83 for discipline for certain health professions;
84 amending s. 626.9541, F.S.; conforming a provision to
85 changes made by the act; revising the type of
86 insurance coverage applicable to a certain prohibited
87 act; conforming a cross-reference; amending s.

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88 626.989, F.S.; revising the definition of the term
89 "fraudulent insurance act"; amending s. 627.06501,
90 F.S.; revising coverages that may provide for a
91 reduction in motor vehicle insurance policy premium
92 charges under certain circumstances; amending s.
93 627.0652, F.S.; revising coverages that must provide a
94 premium charge reduction under certain circumstances;
95 amending s. 627.0653, F.S.; revising coverages subject
96 to premium discounts for specified motor vehicle
97 equipment; amending s. 627.4132, F.S.; revising the
98 coverages of a motor vehicle policy which are subject
99 to a stacking prohibition; amending s. 627.7263, F.S.;
100 revising provisions relating to designation of primary
101 coverages for rental and leasing driver's insurance;
102 conforming provisions to changes made by the act;
103 creating s. 627.7265, F.S.; requiring specified motor
104 vehicle liability insurance policies to include
105 medical payments coverage; specifying persons such
106 coverage must protect; specifying the minimum medical
107 expense coverage and minimum death benefit required
108 under such coverage; providing construction relating
109 to limits on certain other coverages; prohibiting
110 insurers from offering such coverage to an applicant
111 or policyholder with a deductible; specifying medical
112 services and care required under such coverage;
113 authorizing insurers to exclude medical payment
114 benefits under certain circumstances; providing that
115 medical payments benefits are primary to certain
116 health insurance benefits and apply to the coinsurance

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117 or deductible amounts required by certain health
118 insurance policies, except under certain
119 circumstances; providing that a medical payments
120 insurance policy, under certain circumstances, may
121 include a subrogation provision for medical payments
122 benefits paid; requiring insurers, upon receiving a
123 certain notice, to hold a specified reserve for
124 certain purposes for a specified time; providing that
125 the reserve requirement does not require insurers to
126 establish a claim reserve for accounting purposes;
127 specifying requirements, procedures, limitations, and
128 prohibitions relating to charges and billing for care
129 of bodily injuries under medical payments coverage;
130 defining the term "service year"; requiring the
131 Department of Health to adopt a certain rule;
132 providing insurers a civil cause of action against
133 certain persons who are convicted of or plead guilty
134 or nolo contendere to certain acts of insurance fraud
135 associated with claims for medical payments coverage
136 benefits; requiring insurers receiving notice of a
137 claim to provide a specified fraud advisory notice to
138 certain persons; providing that claims generated as a
139 result of certain patient brokering activities are
140 nonreimbursable; authorizing notices, documentation,
141 transmissions, or communications to be transferred
142 electronically in a secure manner; amending s.
143 627.727, F.S.; conforming provisions to changes made
144 by the act; amending s. 627.7275, F.S.; revising
145 applicability and required coverages for a motor

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146 vehicle insurance policy; conforming provisions to
147 changes made by the act; amending s. 627.728, F.S.;
148 conforming a provision to changes made by the act;
149 amending s. 627.7295, F.S.; revising the definitions
150 of the terms "policy" and "binder"; revising the
151 coverages of a motor vehicle insurance policy for
152 which a licensed general lines agent may charge a
153 specified fee; revising applicability; conforming a
154 cross-reference; amending s. 627.7415, F.S.; revising,
155 at specified intervals, the minimum levels of certain
156 liability insurance required for commercial motor
157 vehicles; amending s. 627.8405, F.S.; revising
158 coverages in a policy sold in combination with an
159 accidental death and dismemberment policy, which a
160 premium finance company may not finance; revising
161 rulemaking authority of the commission; amending ss.
162 627.915, 628.909, 705.184, and 713.78, F.S.;
163 conforming provisions to changes made by the act;
164 amending s. 817.234, F.S.; revising coverages that are
165 the basis of specified prohibited false and fraudulent
166 insurance claims; conforming a provision to changes
167 made by the act; conforming a cross-reference;
168 providing applicability and construction relating to
169 changes made by the act; defining the term "minimum
170 security requirements"; providing requirements and
171 procedures relating to motor vehicle insurance
172 policies that include personal injury protection as of
173 a specified date; requiring an insurer to provide, by
174 a specified date, a specified notice to policyholders

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175 relating to requirements under the act; providing for
176 construction relating to suspensions for failure to
177 maintain required security in effect before a
178 specified date; providing effective dates.

179
180 Be It Enacted by the Legislature of the State of Florida:

181
182 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
183 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
184 and 627.7405, Florida Statutes, which comprise the Florida Motor
185 Vehicle No-Fault Law, are repealed.

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

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

189 316.646 Security required; proof of security and display
190 thereof.—

191 (1) Any person required by s. 324.022 to maintain liability
192 security for property damage, ~~liability security, required by s.~~
193 ~~324.023 to maintain liability security for~~ bodily injury, or
194 ~~death, or required by s. 627.733 to maintain personal injury~~
195 ~~protection security on a motor vehicle~~ shall have in his or her
196 immediate possession at all times while operating such motor
197 vehicle proper proof of maintenance of the ~~required~~ security
198 required under s. 324.021(7).

199 (a) Such proof must ~~shall~~ be in a uniform paper or
200 electronic format, as prescribed by the department, a valid
201 insurance policy, an insurance policy binder, a certificate of
202 insurance, or such other proof as may be prescribed by the
203 department.

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204 (b)1. The act of presenting to a law enforcement officer an
205 electronic device displaying proof of insurance in an electronic
206 format does not constitute consent for the officer to access any
207 information on the device other than the displayed proof of
208 insurance.

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

211 Section 4. Paragraph (b) of subsection (2) of section
212 318.18, Florida Statutes, is amended to read:

213 318.18 Amount of penalties.—The penalties required for a
214 noncriminal disposition pursuant to s. 318.14 or a criminal
215 offense listed in s. 318.17 are as follows:

216 (2) Thirty dollars for all nonmoving traffic violations
217 and:

218 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
219 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
220 320.07(1) shall be charged a delinquent fee pursuant to s.
221 320.07(4).

222 1. If a person who is cited for a violation of s. 320.0605
223 or s. 320.07 can show proof of having a valid registration at
224 the time of arrest, the clerk of the court may dismiss the case
225 and may assess a dismissal fee of up to \$10. A person who finds
226 it impossible or impractical to obtain a valid registration
227 certificate must submit an affidavit detailing the reasons for
228 the impossibility or impracticality. The reasons may include,
229 but are not limited to, the fact that the vehicle was sold,
230 stolen, or destroyed; that the state in which the vehicle is
231 registered does not issue a certificate of registration; or that
232 the vehicle is owned by another person.

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233 2. If a person who is cited for a violation of s. 322.03,
234 s. 322.065, or s. 322.15 can show a driver license issued to him
235 or her and valid at the time of arrest, the clerk of the court
236 may dismiss the case and may assess a dismissal fee of up to
237 \$10.

238 3. If a person who is cited for a violation of s. 316.646
239 can show proof of security as required by s. 324.021(7) ~~s.~~
240 ~~627.733~~, issued to the person and valid at the time of arrest,
241 the clerk of the court may dismiss the case and may assess a
242 dismissal fee of up to \$10. A person who finds it impossible or
243 impractical to obtain proof of security must submit an affidavit
244 detailing the reasons for the impracticality. The reasons may
245 include, but are not limited to, the fact that the vehicle has
246 since been sold, stolen, or destroyed; ~~that the owner or~~
247 ~~registrant of the vehicle is not required by s. 627.733 to~~
248 ~~maintain personal injury protection insurance;~~ or that the
249 vehicle is owned by another person.

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

252 320.02 Registration required; application for registration;
253 forms.—

254 (5) (a) Proof that bodily injury liability coverage and
255 property damage liability coverage ~~personal injury protection~~
256 ~~benefits~~ have been purchased if required under s. 324.022, s.
257 324.032, or s. 627.742, that medical payments coverage has been
258 purchased if required under s. 627.7265 ~~s. 627.733, that~~
259 ~~property damage liability coverage has been purchased as~~
260 ~~required under s. 324.022, that bodily injury liability or death~~
261 coverage has been purchased if required under s. 324.023, and

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262 that combined bodily liability insurance and property damage
263 liability insurance have been purchased if required under s.
264 627.7415 must ~~shall~~ be provided in the manner prescribed by law
265 by the applicant at the time of application for registration of
266 any motor vehicle that is subject to such requirements. The
267 issuing agent may not ~~shall refuse to~~ issue registration if such
268 proof of purchase is not provided. Insurers shall furnish
269 uniform proof-of-purchase cards in a paper or electronic format
270 in a form prescribed by the department and include the name of
271 the insured's insurance company, the coverage identification
272 number, and the make, year, and vehicle identification number of
273 the vehicle insured. The card must contain a statement notifying
274 the applicant of the penalty specified under s. 316.646(4). The
275 card or insurance policy, insurance policy binder, or
276 certificate of insurance or a photocopy of any of these; an
277 affidavit containing the name of the insured's insurance
278 company, the insured's policy number, and the make and year of
279 the vehicle insured; or such other proof as may be prescribed by
280 the department constitutes ~~shall constitute~~ sufficient proof of
281 purchase. If an affidavit is provided as proof, it must be in
282 substantially the following form:

283

284 Under penalty of perjury, I ...(Name of insured)... do hereby
285 certify that I have ...(bodily injury liability and Personal
286 Injury Protection, property damage liability coverage, and
287 medical payments coverage, and, if required, Bodily Injury
288 Liability)... Insurancee currently in effect with ...(Name of
289 insurance company)... under ...(policy number)... covering
290 ...(make, year, and vehicle identification number of

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291 vehicle).... ...(Signature of Insured)...

292

293 Such affidavit must include the following warning:

294

295 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
296 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
297 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
298 SUBJECT TO PROSECUTION.

299

300 If an application is made through a licensed motor vehicle
301 dealer as required under s. 319.23, the original or a photocopy
302 ~~photostatic copy~~ of such card, insurance policy, insurance
303 policy binder, or certificate of insurance or the original
304 affidavit from the insured must ~~shall~~ be forwarded by the dealer
305 to the tax collector of the county or the Department of Highway
306 Safety and Motor Vehicles for processing. By executing the
307 ~~aforsaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not
308 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
309 falsification of any statement contained therein. ~~A card must~~
310 ~~also indicate the existence of any bodily injury liability~~
311 ~~insurance voluntarily purchased.~~

312 (d) The verifying of ~~proof of personal injury protection~~
313 ~~insurance, proof of property damage liability insurance, proof~~
314 ~~of combined bodily liability insurance and property damage~~
315 ~~liability insurance, or proof of financial responsibility~~
316 ~~insurance~~ and the issuance or failure to issue the motor vehicle
317 registration under ~~the provisions of~~ this chapter may not be
318 construed in any court as a warranty of the reliability or
319 accuracy of the evidence of such proof, or that the provisions

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320 of any insurance policy furnished as proof of financial
321 responsibility comply with state law. ~~Neither~~ The department or
322 ~~nor~~ any tax collector is not liable in damages for any
323 inadequacy, insufficiency, falsification, or unauthorized
324 modification of any item of ~~the proof of personal injury~~
325 ~~protection insurance, proof of property damage liability~~
326 ~~insurance, proof of combined bodily liability insurance and~~
327 ~~property damage liability insurance, or proof of financial~~
328 responsibility before ~~insurance prior to~~, during, or subsequent
329 to the verification of the proof. The issuance of a motor
330 vehicle registration does not constitute prima facie evidence or
331 a presumption of insurance coverage.

332 Section 6. Paragraph (b) of subsection (1) of section
333 320.0609, Florida Statutes, is amended to read:

334 320.0609 Transfer and exchange of registration license
335 plates; transfer fee.—

336 (1)

337 (b) The transfer of a license plate from a vehicle disposed
338 of to a newly acquired vehicle does not constitute a new
339 registration. The application for transfer shall be accepted
340 without requiring proof of ~~personal injury protection or~~
341 liability insurance.

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

345 320.27 Motor vehicle dealers.—

346 (1) DEFINITIONS.—The following words, terms, and phrases
347 when used in this section have the meanings respectively
348 ascribed to them in this subsection, except where the context

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349 clearly indicates a different meaning:

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

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

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

357 3. Beginning January 1, 2023 and thereafter, at least
358 \$70,000.

359 (3) APPLICATION AND FEE.—~~The application for the license~~
360 application must shall be in such form as may be prescribed by
361 the department and is shall be subject to such rules with
362 ~~respect thereto~~ as may be so prescribed by the department it.
363 Such application must shall be verified by oath or affirmation
364 and must shall contain a full statement of the name and birth
365 date of the person or persons applying for the license therefor;
366 the name of the firm or copartnership, with the names and places
367 of residence of all members ~~thereof~~, if such applicant is a firm
368 or copartnership; the names and places of residence of the
369 principal officers, if the applicant is a body corporate or
370 other artificial body; the name of the state under whose laws
371 the corporation is organized; the present and former place or
372 places of residence of the applicant; and the prior business in
373 which the applicant has been engaged and its the location
374 ~~thereof~~. The ~~Such~~ application must shall describe the exact
375 location of the place of business and must shall state whether
376 the place of business is owned by the applicant and when
377 acquired, or, if leased, a true copy of the lease must shall be

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378 attached to the application. The applicant shall certify that
379 the location provides an adequately equipped office and is not a
380 residence; that the location affords sufficient unoccupied space
381 upon and within which adequately to store all motor vehicles
382 offered and displayed for sale; and that the location is a
383 suitable place where the applicant can in good faith carry on
384 such business and keep and maintain books, records, and files
385 necessary to conduct such business, which must ~~shall~~ be
386 available at all reasonable hours to inspection by the
387 department or any of its inspectors or other employees. The
388 applicant shall certify that the business of a motor vehicle
389 dealer is the principal business that will ~~which shall~~ be
390 conducted at that location. The application must ~~shall~~ contain a
391 statement that the applicant is either franchised by a
392 manufacturer of motor vehicles, in which case the name of each
393 motor vehicle that the applicant is franchised to sell must
394 ~~shall~~ be included, or an independent (nonfranchised) motor
395 vehicle dealer. The application must ~~shall~~ contain other
396 relevant information as may be required by the department. The
397 applicant must furnish, including evidence, in a form approved
398 by the department, that the applicant is insured under a garage
399 liability insurance policy or a general liability insurance
400 policy coupled with a business automobile policy having the
401 garage liability insurance coverage required by this subsection,
402 ~~which shall include, at a minimum, \$25,000 combined single-limit~~
403 ~~liability coverage including bodily injury and property damage~~
404 ~~protection and \$10,000 personal injury protection.~~ However, a
405 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.
406 is exempt from the requirements for garage liability insurance

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407 and medical payments coverage insurance ~~and personal injury~~
408 ~~protection insurance~~ on those vehicles that cannot be legally
409 operated on roads, highways, or streets in this state. Franchise
410 dealers must submit a garage liability insurance policy, and all
411 other dealers must submit a garage liability insurance policy or
412 a general liability insurance policy coupled with a business
413 automobile policy. Such policy must ~~shall~~ be for the license
414 period, and evidence of a new or continued policy must ~~shall~~ be
415 delivered to the department at the beginning of each license
416 period. Upon making an initial application, the applicant shall
417 pay to the department a fee of \$300 in addition to any other
418 fees required by law. Applicants may choose to extend the
419 licensure period for 1 additional year for a total of 2 years.
420 An initial applicant shall pay to the department a fee of \$300
421 for the first year and \$75 for the second year, in addition to
422 any other fees required by law. An applicant for renewal shall
423 pay to the department \$75 for a 1-year renewal or \$150 for a 2-
424 year renewal, in addition to any other fees required by law.
425 Upon making an application for a change of location, the
426 applicant ~~person~~ shall pay a fee of \$50 in addition to any other
427 fees now required by law. The department shall, in the case of
428 every application for initial licensure, verify whether certain
429 facts set forth in the application are true. Each applicant,
430 general partner in the case of a partnership, or corporate
431 officer and director in the case of a corporate applicant shall
432 ~~must~~ file a set of fingerprints with the department for the
433 purpose of determining any prior criminal record or any
434 outstanding warrants. The department shall submit the
435 fingerprints to the Department of Law Enforcement for state

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436 processing and forwarding to the Federal Bureau of Investigation
437 for federal processing. The actual cost of state and federal
438 processing must ~~shall~~ be borne by the applicant and is in
439 addition to the fee for licensure. The department may issue a
440 license to an applicant pending the results of the fingerprint
441 investigation, which license is fully revocable if the
442 department subsequently determines that any facts set forth in
443 the application are not true or correctly represented.

444 Section 8. Paragraph (j) of subsection (3) of section
445 320.771, Florida Statutes, is amended to read:

446 320.771 License required of recreational vehicle dealers.-

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

451 (j) A statement that the applicant is insured under a
452 garage liability insurance policy in accordance with s.
453 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
454 ~~combined single-limit liability coverage, including bodily~~
455 ~~injury and property damage protection, and \$10,000 personal~~
456 ~~injury protection~~, if the applicant is to be licensed as a
457 dealer in, or intends to sell, recreational vehicles.

458
459 The department shall, if it deems necessary, cause an
460 investigation to be made to ascertain if the facts set forth in
461 the application are true and shall not issue a license to the
462 applicant until it is satisfied that the facts set forth in the
463 application are true.

464 Section 9. Subsections (1) and (2) of section 322.251,

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465 Florida Statutes, are amended to read:

466 322.251 Notice of cancellation, suspension, revocation, or
467 disqualification of license.—

468 (1) All orders of cancellation, suspension, revocation, or
469 disqualification issued under ~~the provisions of~~ this chapter,
470 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~
471 be given either by personal delivery thereof to the licensee
472 whose license is being canceled, suspended, revoked, or
473 disqualified or by deposit in the United States mail in an
474 envelope, first class, postage prepaid, addressed to the
475 licensee at his or her last known mailing address furnished to
476 the department. Such mailing by the department constitutes
477 notification, and any failure by the person to receive the
478 mailed order will not affect or stay the effective date or term
479 of the cancellation, suspension, revocation, or disqualification
480 of the licensee's driving privilege.

481 (2) The giving of notice and an order of cancellation,
482 suspension, revocation, or disqualification by mail is complete
483 upon expiration of 20 days after deposit in the United States
484 mail for all notices except those issued under chapter 324 ~~or~~
485 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
486 the United States mail. Proof of the giving of notice and an
487 order of cancellation, suspension, revocation, or
488 disqualification in either manner must ~~shall~~ be made by entry in
489 the records of the department that such notice was given. The
490 entry is admissible in the courts of this state and constitutes
491 sufficient proof that such notice was given.

492 Section 10. Paragraph (a) of subsection (8) of section
493 322.34, Florida Statutes, is amended to read:

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494 322.34 Driving while license suspended, revoked, canceled,
495 or disqualified.—

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

499 1. Whether the person's driver license is suspended or
500 revoked.

501 2. Whether the person's driver license has remained
502 suspended or revoked since a conviction for the offense of
503 driving with a suspended or revoked license.

504 3. Whether the suspension or revocation was made under s.
505 316.646 ~~or s. 627.733~~, relating to failure to maintain required
506 security, or under s. 322.264, relating to habitual traffic
507 offenders.

508 4. Whether the driver is the registered owner or coowner of
509 the vehicle.

510 Section 11. Section 324.011, Florida Statutes, is amended
511 to read:

512 324.011 Legislative intent and purpose of chapter.—It is
513 the Legislature's intent of this chapter to ensure that the
514 privilege of owning or operating a motor vehicle in this state
515 be exercised ~~recognize the existing privilege to own or operate~~
516 ~~a motor vehicle on the public streets and highways of this state~~
517 ~~when such vehicles are used~~ with due consideration for others'
518 safety ~~others~~ and their property, and to promote safety, and to
519 provide financial security requirements for ~~such~~ owners and ~~or~~
520 operators whose responsibility it is to recompense others for
521 injury to person or property caused by the operation of a motor
522 vehicle. Therefore, this chapter requires that every owner or

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523 operator of a motor vehicle required to be registered in this
524 state establish, maintain, and ~~it is required herein that the~~
525 ~~operator of a motor vehicle involved in a crash or convicted of~~
526 ~~certain traffic offenses meeting the operative provisions of s.~~
527 ~~324.051(2) shall respond for such damages and~~ show proof of
528 financial ability to respond for damages arising out of the
529 ownership, maintenance, or use of a motor vehicle in future
530 accidents as a requisite to owning or operating a motor vehicle
531 in this state ~~his or her future exercise of such privileges.~~

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

535 324.021 Definitions; minimum insurance required.—The
536 following words and phrases when used in this chapter shall, for
537 the purpose of this chapter, have the meanings respectively
538 ascribed to them in this section, except in those instances
539 where the context clearly indicates a different meaning:

540 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
541 designed and required to be licensed for use upon a highway,
542 including trailers and semitrailers designed for use with such
543 vehicles, except traction engines, road rollers, farm tractors,
544 power shovels, and well drillers, and every vehicle that is
545 propelled by electric power obtained from overhead wires but not
546 operated upon rails, but not including any personal delivery
547 device as defined in s. 316.003, bicycle, or moped. ~~However, the~~
548 ~~term "motor vehicle" does not include a motor vehicle as defined~~
549 ~~in s. 627.732(3) when the owner of such vehicle has complied~~
550 ~~with the requirements of ss. 627.730-627.7405, inclusive, unless~~
551 ~~the provisions of s. 324.051 apply; and, in such case, the~~

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552 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

553 (7) PROOF OF FINANCIAL RESPONSIBILITY. ~~That~~ Proof of
554 ability to respond in damages for liability on account of
555 crashes arising out of the ownership, maintenance, or use of a
556 motor vehicle:

557 (a) With respect to a motor vehicle that is not a
558 commercial motor vehicle, nonpublic sector bus, or for-hire
559 passenger transportation vehicle:

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

562 a. Twenty thousand dollars for ~~\$10,000~~ because of bodily
563 injury to, or the death of, one person in any one crash and,
564 ~~(b)~~ subject to such limits for one person, in the amount of
565 \$40,000 for ~~\$20,000~~ because of bodily injury to, or the death
566 of, two or more persons in any one crash; and

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

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

571 a. Twenty-five thousand dollars for bodily injury to, or
572 the death of, one person in any one crash and, subject to such
573 limits for one person, in the amount of \$50,000 for bodily
574 injury to, or the death of, two or more persons in any one
575 crash; and

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

578 3. Beginning January 1, 2023, and continuing thereafter, in
579 the amount of:

580 a. Thirty thousand dollars for bodily injury to, or the

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581 death of, one person in any one crash and, subject to such
 582 limits for one person, in the amount of \$60,000 for bodily
 583 injury to, or the death of, two or more persons in any one
 584 crash; and

585 b. ~~(e)~~ Ten thousand dollars for damage ~~in the amount of~~
 586 \$10,000 because of injury to, or destruction of, property of
 587 others in any one crash. ~~;~~ and

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

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

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

595 (9) OWNER; OWNER/LESSOR.—

596 (c) *Application.*—

597 1. The limits on liability in subparagraphs (b)2. and 3. do
 598 not apply to an owner of motor vehicles that are used for
 599 commercial activity in the owner's ordinary course of business,
 600 other than a rental company that rents or leases motor vehicles.
 601 For purposes of this paragraph, the term "rental company"
 602 includes only an entity that is engaged in the business of
 603 renting or leasing motor vehicles to the general public and that
 604 rents or leases a majority of its motor vehicles to persons with
 605 no direct or indirect affiliation with the rental company. The
 606 term also includes a motor vehicle dealer that provides
 607 temporary replacement vehicles to its customers for up to 10
 608 days. The term "rental company" also includes:

609 a. A related rental or leasing company that is a subsidiary

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610 of the same parent company as that of the renting or leasing
611 company that rented or leased the vehicle.

612 b. The holder of a motor vehicle title or an equity
613 interest in a motor vehicle title if the title or equity
614 interest is held pursuant to or to facilitate an asset-backed
615 securitization of a fleet of motor vehicles used solely in the
616 business of renting or leasing motor vehicles to the general
617 public and under the dominion and control of a rental company,
618 as described in this subparagraph, in the operation of such
619 rental company's business.

620 2. Furthermore, with respect to commercial motor vehicles
621 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
622 liability in subparagraphs (b)2. and 3. do not apply if, at the
623 time of the incident, the commercial motor vehicle is being used
624 in the transportation of materials found to be hazardous for the
625 purposes of the Hazardous Materials Transportation Authorization
626 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
627 required pursuant to such act to carry placards warning others
628 of the hazardous cargo, unless at the time of lease or rental
629 either:

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

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

638 (12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every "for-

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639 hire vehicle” as defined in s. 320.01(15) which is offered or
640 used to provide transportation for persons, including taxicabs,
641 limousines, and jitneys.

642 Section 13. Section 324.022, Florida Statutes, is amended
643 to read:

644 324.022 Financial responsibility requirements ~~for property~~
645 ~~damage.~~-

646 (1) (a) Every owner or operator of a motor vehicle required
647 to be registered in this state shall establish and continuously
648 maintain the ability to respond in damages for liability on
649 account of accidents arising out of the use of the motor vehicle
650 in the amount of:

651 1. Beginning January 1, 2019, and continuing through
652 December 31, 2020:

653 a. Twenty thousand dollars for bodily injury to, or the
654 death of, one person in any one crash and, subject to such
655 limits for one person, in the amount of \$40,000 for bodily
656 injury to, or the death of, two or more persons in any one
657 crash; and

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

660 2. Beginning January 1, 2021, and continuing through
661 December 31, 2022:

662 a. Twenty-five thousand dollars for bodily injury to, or
663 the death of, one person in any one crash and, subject to such
664 limits for one person, in the amount of \$50,000 for bodily
665 injury to, or the death of, two or more persons in any one
666 crash; and

667 b. Ten thousand dollars for damage to, or destruction of,

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668 property of others in any one crash.

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

670 a. Thirty thousand dollars for bodily injury to, or the
671 death of, one person in any one crash and, subject to such
672 limits for one person, in the amount of \$60,000 for bodily
673 injury to, or the death of, two or more persons in any one
674 crash; and

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

677 (b) The requirements of paragraph (a) ~~this section~~ may be
678 met by one of the methods established in s. 324.031; by self-
679 insuring as authorized by s. 768.28(16); or by maintaining
680 medical payments coverage under s. 627.7265 and a motor vehicle
681 liability insurance policy that ~~an insurance policy providing~~
682 ~~coverage for property damage liability in the amount of at least~~
683 ~~\$10,000 because of damage to, or destruction of, property of~~
684 ~~others in any one accident arising out of the use of the motor~~
685 ~~vehicle. The requirements of this section may also be met by~~
686 having a policy which provides combined property damage
687 liability and bodily injury liability coverage for any one crash
688 arising out of the ownership, maintenance, or use of a motor
689 vehicle which conforms to the requirements of s. 324.151 in the
690 amount of:

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

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

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

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697 ~~\$30,000 for combined property damage liability and bodily injury~~
698 ~~liability for any one crash arising out of the use of the motor~~
699 ~~vehicle. The policy, with respect to coverage for property~~
700 ~~damage liability, must meet the applicable requirements of s.~~
701 ~~324.151, subject to the usual policy exclusions that have been~~
702 ~~approved in policy forms by the Office of Insurance Regulation.~~
703 ~~No insurer shall have any duty to defend uncovered claims~~
704 ~~irrespective of their joinder with covered claims.~~

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

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

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

712 2. A motor vehicle that is used in mass transit and
713 designed to transport more than five passengers, exclusive of
714 the operator of the motor vehicle, and that is owned by a
715 municipality, transit authority, or political subdivision of the
716 state.

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

719 4. A commercial motor vehicle as defined in s. 207.002 or
720 s. 320.01, which shall maintain security as required under ss.
721 324.031 and 627.7415.

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

724 6.4. A vehicle providing for-hire passenger transportation
725 vehicle, which that is subject to the provisions of s. 324.031.

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726 ~~A taxicab~~ shall maintain security as required under s. 324.032
727 ~~s. 324.032(1)~~.

728 ~~7.5.~~ A personal delivery device as defined in s. 316.003.

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

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

739 (4) An ~~The~~ owner or registrant of a motor vehicle who is
740 ~~exempt from the requirements of this section if she or he is a~~
741 member of the United States Armed Forces and is called to or on
742 active duty outside the United States in an emergency situation
743 is exempt from this section while he or she. ~~The exemption~~
744 ~~provided by this subsection applies only as long as the member~~
745 ~~of the Armed Forces is on such active duty. This exemption~~
746 ~~outside the United States and applies only while the vehicle~~
747 covered by the security is not operated by any person. Upon
748 receipt of a written request by the insured to whom the
749 exemption provided in this subsection applies, the insurer shall
750 cancel the coverages and return any unearned premium or suspend
751 the security required by this section. Notwithstanding s.
752 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
753 registration or operator's license of an ~~any~~ owner or registrant
754 of a motor vehicle during the time she or he qualifies for the

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755 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
756 of a motor vehicle who qualifies for the ~~an~~ exemption under this
757 subsection shall immediately notify the department before ~~prior~~
758 ~~to~~ and at the end of the expiration of the exemption.

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

761 324.0221 Reports by insurers to the department; suspension
762 of driver license and vehicle registrations; reinstatement.—

763 (1) (a) Each insurer that has issued a policy providing
764 medical payments coverage or ~~personal injury protection coverage~~
765 ~~or property damage~~ liability coverage shall report the
766 cancellation or nonrenewal thereof to the department within 10
767 days after the processing date or effective date of each
768 cancellation or nonrenewal. Upon the issuance of a policy
769 providing medical payments coverage or ~~personal injury~~
770 ~~protection coverage or property damage~~ liability coverage to a
771 named insured not previously insured by the insurer during that
772 calendar year, the insurer shall report the issuance of the new
773 policy to the department within 10 days. The report must ~~shall~~
774 be in the form ~~and format~~ and contain any information required
775 by the department and must be provided in a format that is
776 compatible with the data processing capabilities of the
777 department. Failure by an insurer to file proper reports with
778 the department as required by this subsection constitutes a
779 violation of the Florida Insurance Code. These records may ~~shall~~
780 be used by the department only for enforcement and regulatory
781 purposes, including the generation by the department of data
782 regarding compliance by owners of motor vehicles with the
783 requirements for financial responsibility coverage.

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784 (b) With respect to an insurance policy providing medical
785 payments coverage or ~~personal injury protection coverage~~ or
786 ~~property damage~~ liability coverage, each insurer shall notify
787 the named insured, or the first-named insured in the case of a
788 commercial fleet policy, in writing that any cancellation or
789 nonrenewal of the policy will be reported by the insurer to the
790 department. The notice must also inform the named insured that
791 failure to maintain medical payments coverage, bodily injury
792 liability ~~personal injury protection~~ coverage, and property
793 damage liability coverage on a motor vehicle when required by
794 law may result in the loss of registration and driving
795 privileges in this state and inform the named insured of the
796 amount of the reinstatement fees required by this section. This
797 notice is for informational purposes only, and an insurer is not
798 civilly liable for failing to provide this notice.

799 (2) The department shall suspend, after due notice and an
800 opportunity to be heard, the registration and driver license of
801 any owner or registrant of a motor vehicle for ~~with respect to~~
802 which security is required under s. 324.022, s. 324.032, s.
803 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

808 (b) Notification by the insurer to the department, in a
809 form approved by the department, of cancellation or termination
810 of the required security.

811 Section 15. Section 324.023, Florida Statutes, is amended
812 to read:

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813 324.023 Financial responsibility for bodily injury or
814 death.—In addition to any other financial responsibility
815 required by law, every owner or operator of a motor vehicle that
816 is required to be registered in this state, or that is located
817 within this state, and who, regardless of adjudication of guilt,
818 has been found guilty of or entered a plea of guilty or nolo
819 contendere to a charge of driving under the influence under s.
820 316.193 after October 1, 2007, shall, by one of the methods
821 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
822 establish and maintain the ability to respond in damages for
823 liability on account of accidents arising out of the use of a
824 motor vehicle in the amount of \$100,000 because of bodily injury
825 to, or death of, one person in any one crash and, subject to
826 such limits for one person, in the amount of \$300,000 because of
827 bodily injury to, or death of, two or more persons in any one
828 crash and in the amount of \$50,000 because of property damage in
829 any one crash. If the owner or operator chooses to establish and
830 maintain such ability by furnishing a certificate of deposit
831 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
832 deposit must be at least \$350,000. Such higher limits must be
833 carried for a minimum period of 3 years. If the owner or
834 operator has not been convicted of driving under the influence
835 or a felony traffic offense for a period of 3 years from the
836 date of reinstatement of driving privileges for a violation of
837 s. 316.193, the owner or operator shall be exempt from this
838 section.

839 Section 16. Section 324.031, Florida Statutes, is amended
840 to read:

841 324.031 Manner of proving financial responsibility.—

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842 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~
843 ~~or any other for-hire passenger transportation vehicle may prove~~
844 ~~financial responsibility by providing satisfactory evidence of~~
845 ~~holding a motor vehicle liability policy as defined in s.~~
846 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
847 ~~carrier which is a member of the Florida Insurance Guaranty~~
848 ~~Association. The operator or owner of a motor vehicle other than~~
849 ~~a for-hire passenger transportation vehicle any other vehicle~~
850 may prove his or her financial responsibility by:

851 ~~(a)(1)~~ Furnishing satisfactory evidence of holding a motor
852 vehicle liability policy as defined in ss. 324.021(8) and
853 324.151;

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

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

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

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

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

867 3. Seventy thousand dollars, ~~\$30,000,~~ to a maximum of
868 ~~\$280,000,~~ from January 1, 2023, and thereafter. ~~\$120,000;~~

869 ~~(b)~~ In addition, any such person, other than a natural
870 person, shall maintain insurance providing coverage conforming

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871 to the requirements of s. 324.151 in excess of the amount of the
872 certificate of deposit, with limits of at least:

873 1. One hundred twenty-five thousand dollars for bodily
874 injury to, or the death of, one person in any one crash and,
875 subject to such limits for one person, in the amount of \$250,000
876 for bodily injury to, or the death of, two or more persons in
877 any one crash, and \$50,000 for damage to, or destruction of,
878 property of others in any one crash; or \$10,000/20,000/10,000 or
879 \$30,000 combined single limits, and such excess insurance shall
880 provide minimum limits of \$125,000/250,000/50,000 or \$300,000
881 combined single limits. These increased limits shall not affect
882 the requirements for proving financial responsibility under s.
883 324.032(1).

884 2. Three hundred thousand dollars for combined bodily
885 injury liability and property damage liability for any one
886 crash.

887 Section 17. Section 324.032, Florida Statutes, is amended
888 to read:

889 324.032 ~~Manner of proving~~ Financial responsibility for
890 for-hire passenger transportation vehicles. Notwithstanding the
891 provisions of s. 324.031:

892 (1) An owner or lessee of a for-hire passenger
893 transportation vehicle that is required to be registered in this
894 state shall establish and continuously maintain the ability to
895 respond in damages for liability on account of accidents arising
896 out of the ownership, maintenance, or use of the for-hire
897 passenger transportation vehicle, in the amount of:

898 (a) One hundred twenty-five thousand dollars for bodily
899 injury to, or the death of, one person in any one crash and,

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900 subject to such limits for one person, in the amount of \$250,000
901 for bodily injury to, or the death of, two or more persons in
902 any one crash; and A person who is either the owner or a lessee
903 required to maintain insurance under s. 627.733(1) (b) and who
904 operates one or more taxicabs, limousines, jitneys, or any other
905 for-hire passenger transportation vehicles may prove financial
906 responsibility by furnishing satisfactory evidence of holding a
907 motor vehicle liability policy, but with minimum limits of
908 \$125,000/250,000/50,000.

909 (b) Fifty thousand dollars for damage to, or destruction
910 of, property of others in any one crash ~~A person who is either~~
911 ~~the owner or a lessee required to maintain insurance under s.~~
912 ~~324.021(9) (b) and who operates limousines, jitneys, or any other~~
913 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
914 ~~financial responsibility by furnishing satisfactory evidence of~~
915 ~~holding a motor vehicle liability policy as defined in s.~~
916 ~~324.031.~~

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

923 (3) ~~(2)~~ ~~An owner or a lessee who is required to maintain~~
924 ~~insurance under s. 324.021(9) (b) and who operates at least 300~~
925 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
926 ~~transportation vehicles may provide financial responsibility by~~
927 ~~complying with the provisions of s. 324.171, such compliance to~~
928 ~~be demonstrated by maintaining at its principal place of~~

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929 business an audited financial statement, prepared in accordance
930 with generally accepted accounting principles, and providing to
931 the department a certification issued by a certified public
932 accountant that the applicant's net worth is at least equal to
933 the requirements of s. 324.171 as determined by the Office of
934 Insurance Regulation of the Financial Services Commission,
935 including claims liabilities in an amount certified as adequate
936 by a Fellow of the Casualty Actuarial Society.

937

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

954 Section 18. Paragraph (b) of subsection (2) of section
955 324.051, Florida Statutes, is amended to read:

956 324.051 Reports of crashes; suspensions of licenses and
957 registrations.—

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- 958 (2)
- 959 (b) This subsection does ~~shall~~ not apply:
- 960 1. To such operator or owner if such operator or owner had
- 961 in effect at the time of such crash or traffic conviction a
- 962 motor vehicle ~~an automobile~~ liability policy with respect to all
- 963 of the registered motor vehicles owned by such operator or
- 964 owner.
- 965 2. To such operator, if not the owner of such motor
- 966 vehicle, if there was in effect at the time of such crash or
- 967 traffic conviction a motor vehicle ~~an automobile~~ liability
- 968 policy or bond with respect to his or her operation of motor
- 969 vehicles not owned by him or her.
- 970 3. To such operator or owner if the liability of such
- 971 operator or owner for damages resulting from such crash is, in
- 972 the judgment of the department, covered by any other form of
- 973 liability insurance or bond.
- 974 4. To any person who has obtained from the department a
- 975 certificate of self-insurance, in accordance with s. 324.171, or
- 976 to any person operating a motor vehicle for such self-insurer.
- 977
- 978 No such policy or bond shall be effective under this subsection
- 979 unless it contains limits of not less than those specified in s.
- 980 324.021(7).
- 981 Section 19. Section 324.071, Florida Statutes, is amended
- 982 to read:
- 983 324.071 Reinstatement; renewal of license; reinstatement
- 984 fee.—An ~~Any~~ operator or owner whose license or registration has
- 985 been suspended pursuant to s. 324.051(2), s. 324.072, s.
- 986 324.081, or s. 324.121 may effect its reinstatement upon

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987 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
988 s. 324.081(2) and (3), as the case may be, and with one of the
989 provisions of s. 324.031 and upon payment to the department of a
990 nonrefundable reinstatement fee of \$15. Only one such fee may
991 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
992 number of licenses and registrations to be then reinstated or
993 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
994 a department trust fund. If ~~When~~ the reinstatement of any
995 license or registration is effected by compliance with s.
996 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
997 license or registration within ~~a period of~~ 3 years after ~~from~~
998 such reinstatement, nor may ~~shall~~ any other license or
999 registration be issued in the name of such person, unless the
1000 operator continues ~~is continuing~~ to comply with ~~one of the~~
1001 ~~provisions of~~ s. 324.031.

1002 Section 20. Subsection (1) of section 324.091, Florida
1003 Statutes, is amended to read:

1004 324.091 Notice to department; notice to insurer.—

1005 (1) Each owner and operator involved in a crash or
1006 conviction case within the purview of this chapter shall furnish
1007 evidence of automobile liability insurance or motor vehicle
1008 liability insurance within 14 days after the date of the mailing
1009 of notice of crash by the department in the form and manner as
1010 it may designate. Upon receipt of evidence that a ~~an automobile~~
1011 ~~liability policy or~~ motor vehicle liability policy was in effect
1012 at the time of the crash or conviction case, the department
1013 shall forward to the insurer such information for verification
1014 in a method as determined by the department. The insurer shall
1015 respond to the department within 20 days after the notice as to

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1016 whether or not such information is valid. If the department
1017 determines that a ~~an automobile liability policy or~~ motor
1018 vehicle liability policy was not in effect and did not provide
1019 coverage for both the owner and the operator, it must ~~shall~~ take
1020 action as it is authorized to do under this chapter.

1021 Section 21. Section 324.151, Florida Statutes, is amended
1022 to read:

1023 324.151 Motor vehicle liability policies; required
1024 provisions.—

1025 (1) A motor vehicle liability policy that serves as to be
1026 proof of financial responsibility under s. 324.031(1) must,
1027 ~~shall~~ be issued to owners or operators of motor vehicles under
1028 the following provisions:

1029 (a) A motor vehicle ~~An owner's~~ liability insurance policy
1030 issued to an owner of a motor vehicle registered in this state
1031 must ~~shall~~ designate by explicit description or by appropriate
1032 reference all motor vehicles for ~~with respect to~~ which coverage
1033 is thereby granted. The policy must ~~and shall~~ insure the person
1034 or persons ~~owner~~ named therein and any other person as operator
1035 using such motor vehicle or motor vehicles with the express or
1036 implied permission of such owner against loss from the liability
1037 imposed by law for damage arising out of the ownership,
1038 maintenance, or use of any ~~such~~ motor vehicle or motor vehicles
1039 within the United States or the Dominion of Canada, subject to
1040 limits, exclusive of interest and costs with respect to each
1041 such motor vehicle as is provided for under s. 324.021(7).
1042 Insurers may make available, with respect to property damage
1043 liability coverage, a deductible amount not to exceed \$500. In
1044 the event of a property damage loss covered by a policy

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1045 containing a property damage deductible provision, the insurer
1046 shall pay to the third-party claimant the amount of any property
1047 damage liability settlement or judgment, subject to policy
1048 limits, as if no deductible existed.

1049 (b) An operator's motor vehicle liability policy of
1050 insurance must ~~shall~~ insure the person or persons named therein
1051 against loss from the liability imposed ~~upon him or her~~ by law
1052 for damages arising out of the use by the person of any motor
1053 vehicle not owned by him or her, with the same territorial
1054 limits and subject to the same limits of liability as referred
1055 to above with respect to an owner's policy of liability
1056 insurance.

1057 (c) All such motor vehicle liability policies must ~~shall~~
1058 state the name and address of the named insured, the coverage
1059 afforded by the policy, the premium charged therefor, the policy
1060 period, the limits of liability, and must ~~shall~~ contain an
1061 agreement or be endorsed that insurance is provided in
1062 accordance with the coverage defined in this chapter ~~as respects~~
1063 ~~bodily injury and death or property damage or both~~ and is
1064 subject to all provisions of this chapter. The said policies
1065 must ~~shall~~ also contain a provision that the satisfaction by an
1066 insured of a judgment for such injury or damage may ~~shall~~ not be
1067 a condition precedent to the right or duty of the insurance
1068 carrier to make payment on account of such injury or damage, and
1069 must ~~shall~~ also contain a provision that bankruptcy or
1070 insolvency of the insured or of the insured's estate may ~~shall~~
1071 not relieve the insurance carrier of any of its obligations
1072 under the said policy.

1073 (2) ~~The provisions of~~ This section is ~~shall~~ not be

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1074 applicable to any automobile liability policy unless and until
 1075 it is furnished as proof of financial responsibility for the
 1076 future pursuant to s. 324.031, and then only from and after the
 1077 date the ~~said~~ policy is so furnished.

1078 Section 22. Section 324.161, Florida Statutes, is amended
 1079 to read:

1080 324.161 Proof of financial responsibility; deposit.—If a
 1081 person elects to prove his or her financial responsibility under
 1082 the method of proof specified in s. 324.031(1)(b), he or she
 1083 must obtain proof of a certificate of deposit annually, in the
 1084 amount required under s. 324.031(2), from a financial
 1085 institution insured by the Federal Deposit Insurance Corporation
 1086 or the National Credit Union Administration. Proof of such
 1087 certificate of deposit ~~Annually, before any certificate of~~
 1088 ~~insurance may be issued to a person, including any firm,~~
 1089 ~~partnership, association, corporation, or other person, other~~
 1090 ~~than a natural person, proof of a certificate of deposit of~~
 1091 ~~\$30,000 issued and held by a financial institution must be~~
 1092 submitted to the department annually. A power of attorney will
 1093 be issued to and held by the department and may be executed upon
 1094 a judgment issued against such person making the deposit, for
 1095 damages for ~~because of~~ bodily injury to or death of any person
 1096 or for damages for ~~because of~~ injury to or destruction of
 1097 property resulting from the use or operation of any motor
 1098 vehicle occurring after such deposit was made. Money so
 1099 deposited is ~~shall~~ not be subject to attachment or execution
 1100 unless such attachment or execution arises ~~shall arise~~ out of a
 1101 lawsuit ~~suit~~ for such damages ~~as aforesaid~~.

1102 Section 23. Subsections (1) and (2) of section 324.171,

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1103 Florida Statutes, are amended to read:

1104 324.171 Self-insurer.—

1105 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
1106 a certificate of self-insurance from the department. ~~which may,~~
1107 ~~in its discretion and~~ Upon application of such a person, the
1108 department may issue a said certificate of self-insurance if the
1109 applicant ~~when such person~~ has satisfied the requirements of
1110 this section ~~to qualify as a self-insurer under this section:~~

1111 (a) A private individual with private passenger vehicles
1112 must ~~shall~~ possess a net unencumbered worth: ~~of~~

1113 1. Beginning January 1, 2019, through December 31, 2020, of
1114 at least \$80,000.

1115 2. Beginning January 1, 2021, through December 31, 2022, of
1116 at least \$100,000.

1117 3. Beginning January 1, 2023, and thereafter, of at least
1118 \$120,000 ~~\$40,000.~~

1119 (b) A person, including any firm, partnership, association,
1120 corporation, or other person, other than a natural person, must
1121 shall:

1122 1. Possess a net unencumbered worth: ~~of~~

1123 a. Beginning January 1, 2019, through December 31, 2020, of
1124 at least \$80,000 for the first motor vehicle and \$40,000 for
1125 each additional motor vehicle.

1126 b. Beginning January 1, 2021, through December 31, 2022, of
1127 at least \$100,000 for the first motor vehicle and \$50,000 for
1128 each additional motor vehicle.

1129 c. Beginning January 1, 2023, and thereafter, of at least
1130 \$120,000 ~~\$40,000~~ for the first motor vehicle and \$60,000 ~~\$20,000~~
1131 for each additional motor vehicle; or

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1132 2. Maintain sufficient net worth, in an amount determined
1133 by the department, to be financially responsible for potential
1134 losses. The department shall annually determine the minimum net
1135 worth sufficient to satisfy this subparagraph ~~as determined~~
1136 ~~annually by the department,~~ pursuant to rules adopted
1137 ~~promulgated~~ by the department, with the assistance of the Office
1138 of Insurance Regulation of the Financial Services Commission, ~~to~~
1139 ~~be financially responsible for potential losses.~~ The rules must
1140 consider any ~~shall take into consideration~~ excess insurance
1141 carried by the applicant. The department's determination must
1142 ~~shall~~ be based upon reasonable actuarial principles considering
1143 the frequency, severity, and loss development of claims incurred
1144 by casualty insurers writing coverage on the type of motor
1145 vehicles for which a certificate of self-insurance is desired.

1146 (c) The owner of a commercial motor vehicle, as defined in
1147 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
1148 to the standards provided ~~for~~ in subparagraph (b)2.

1149 (2) The self-insurance certificate must ~~shall~~ provide
1150 limits of liability insurance in the amounts specified under s.
1151 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
1152 ~~protection coverage under s. 627.733(3)(b).~~

1153 Section 24. Section 324.251, Florida Statutes, is amended
1154 to read:

1155 324.251 Short title.—This chapter may be cited as the
1156 "Financial Responsibility Law of 2018 1955" and is ~~shall become~~
1157 effective at 12:01 a.m., January 1, 2019 ~~October 1, 1955~~.

1158 Section 25. Subsection (4) of section 400.9905, Florida
1159 Statutes, is amended to read:

1160 400.9905 Definitions.—

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1161 (4) "Clinic" means an entity where health care services are
1162 provided to individuals and which tenders charges for
1163 reimbursement for such services, including a mobile clinic and a
1164 portable equipment provider. As used in this part, the term does
1165 not include and the licensure requirements of this part do not
1166 apply to:

1167 (a) Entities licensed or registered by the state under
1168 chapter 395; entities licensed or registered by the state and
1169 providing only health care services within the scope of services
1170 authorized under their respective licenses under ss. 383.30-
1171 383.335, chapter 390, chapter 394, chapter 397, this chapter
1172 except part X, chapter 429, chapter 463, chapter 465, chapter
1173 466, chapter 478, part I of chapter 483, chapter 484, or chapter
1174 651; end-stage renal disease providers authorized under 42
1175 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
1176 part 485, subpart B or subpart H; or any entity that provides
1177 neonatal or pediatric hospital-based health care services or
1178 other health care services by licensed practitioners solely
1179 within a hospital licensed under chapter 395.

1180 (b) Entities that own, directly or indirectly, entities
1181 licensed or registered by the state pursuant to chapter 395;
1182 entities that own, directly or indirectly, entities licensed or
1183 registered by the state and providing only health care services
1184 within the scope of services authorized pursuant to their
1185 respective licenses under ss. 383.30-383.335, chapter 390,
1186 chapter 394, chapter 397, this chapter except part X, chapter
1187 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1188 of chapter 483, chapter 484, or chapter 651; end-stage renal
1189 disease providers authorized under 42 C.F.R. part 405, subpart

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1190 U; providers certified under 42 C.F.R. part 485, subpart B or
1191 subpart H; or any entity that provides neonatal or pediatric
1192 hospital-based health care services by licensed practitioners
1193 solely within a hospital licensed under chapter 395.

1194 (c) Entities that are owned, directly or indirectly, by an
1195 entity licensed or registered by the state pursuant to chapter
1196 395; entities that are owned, directly or indirectly, by an
1197 entity licensed or registered by the state and providing only
1198 health care services within the scope of services authorized
1199 pursuant to their respective licenses under ss. 383.30-383.335,
1200 chapter 390, chapter 394, chapter 397, this chapter except part
1201 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1202 478, part I of chapter 483, chapter 484, or chapter 651; end-
1203 stage renal disease providers authorized under 42 C.F.R. part
1204 405, subpart U; providers certified under 42 C.F.R. part 485,
1205 subpart B or subpart H; or any entity that provides neonatal or
1206 pediatric hospital-based health care services by licensed
1207 practitioners solely within a hospital under chapter 395.

1208 (d) Entities that are under common ownership, directly or
1209 indirectly, with an entity licensed or registered by the state
1210 pursuant to chapter 395; entities that are under common
1211 ownership, directly or indirectly, with an entity licensed or
1212 registered by the state and providing only health care services
1213 within the scope of services authorized pursuant to their
1214 respective licenses under ss. 383.30-383.335, chapter 390,
1215 chapter 394, chapter 397, this chapter except part X, chapter
1216 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1217 of chapter 483, chapter 484, or chapter 651; end-stage renal
1218 disease providers authorized under 42 C.F.R. part 405, subpart

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1219 U; providers certified under 42 C.F.R. part 485, subpart B or
1220 subpart H; or any entity that provides neonatal or pediatric
1221 hospital-based health care services by licensed practitioners
1222 solely within a hospital licensed under chapter 395.

1223 (e) An entity that is exempt from federal taxation under 26
1224 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1225 under 26 U.S.C. s. 409 that has a board of trustees at least
1226 two-thirds of which are Florida-licensed health care
1227 practitioners and provides only physical therapy services under
1228 physician orders, any community college or university clinic,
1229 and any entity owned or operated by the federal or state
1230 government, including agencies, subdivisions, or municipalities
1231 thereof.

1232 (f) A sole proprietorship, group practice, partnership, or
1233 corporation that provides health care services by physicians
1234 covered by s. 627.419, that is directly supervised by one or
1235 more of such physicians, and that is wholly owned by one or more
1236 of those physicians or by a physician and the spouse, parent,
1237 child, or sibling of that physician.

1238 (g) A sole proprietorship, group practice, partnership, or
1239 corporation that provides health care services by licensed
1240 health care practitioners under chapter 457, chapter 458,
1241 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1242 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1243 chapter 490, chapter 491, or part I, part III, part X, part
1244 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1245 wholly owned by one or more licensed health care practitioners,
1246 or the licensed health care practitioners set forth in this
1247 paragraph and the spouse, parent, child, or sibling of a

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1248 licensed health care practitioner if one of the owners who is a
1249 licensed health care practitioner is supervising the business
1250 activities and is legally responsible for the entity's
1251 compliance with all federal and state laws. However, a health
1252 care practitioner may not supervise services beyond the scope of
1253 the practitioner's license, except that, for the purposes of
1254 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1255 which provides only services authorized pursuant to s.
1256 456.053(3)(b) may be supervised by a licensee specified in s.
1257 456.053(3)(b).

1258 (h) Clinical facilities affiliated with an accredited
1259 medical school at which training is provided for medical
1260 students, residents, or fellows.

1261 (i) Entities that provide only oncology or radiation
1262 therapy services by physicians licensed under chapter 458 or
1263 chapter 459 or entities that provide oncology or radiation
1264 therapy services by physicians licensed under chapter 458 or
1265 chapter 459 which are owned by a corporation whose shares are
1266 publicly traded on a recognized stock exchange.

1267 (j) Clinical facilities affiliated with a college of
1268 chiropractic accredited by the Council on Chiropractic Education
1269 at which training is provided for chiropractic students.

1270 (k) Entities that provide licensed practitioners to staff
1271 emergency departments or to deliver anesthesia services in
1272 facilities licensed under chapter 395 and that derive at least
1273 90 percent of their gross annual revenues from the provision of
1274 such services. Entities claiming an exemption from licensure
1275 under this paragraph must provide documentation demonstrating
1276 compliance.

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1277 (l) Orthotic, prosthetic, pediatric cardiology, or
1278 perinatology clinical facilities or anesthesia clinical
1279 facilities that are not otherwise exempt under paragraph (a) or
1280 paragraph (k) and that are a publicly traded corporation or are
1281 wholly owned, directly or indirectly, by a publicly traded
1282 corporation. As used in this paragraph, a publicly traded
1283 corporation is a corporation that issues securities traded on an
1284 exchange registered with the United States Securities and
1285 Exchange Commission as a national securities exchange.

1286 (m) Entities that are owned by a corporation that has \$250
1287 million or more in total annual sales of health care services
1288 provided by licensed health care practitioners where one or more
1289 of the persons responsible for the operations of the entity is a
1290 health care practitioner who is licensed in this state and who
1291 is responsible for supervising the business activities of the
1292 entity and is responsible for the entity's compliance with state
1293 law for purposes of this part.

1294 (n) Entities that employ 50 or more licensed health care
1295 practitioners licensed under chapter 458 or chapter 459 where
1296 the billing for medical services is under a single tax
1297 identification number. The application for exemption under this
1298 subsection must include ~~shall contain information that includes:~~
1299 the name, residence, and business address and telephone ~~phone~~
1300 number of the entity that owns the practice; a complete list of
1301 the names and contact information of all the officers and
1302 directors of the corporation; the name, residence address,
1303 business address, and medical license number of each licensed
1304 Florida health care practitioner employed by the entity; the
1305 corporate tax identification number of the entity seeking an

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1306 exemption; a listing of health care services to be provided by
1307 the entity at the health care clinics owned or operated by the
1308 entity; and a certified statement prepared by an independent
1309 certified public accountant which states that the entity and the
1310 health care clinics owned or operated by the entity have not
1311 received payment for health care services under medical payments
1312 ~~personal injury protection~~ insurance coverage for the preceding
1313 year. If the agency determines that an entity that ~~which~~ is
1314 exempt under this subsection has received payments for medical
1315 services under medical payments ~~personal injury protection~~
1316 insurance coverage, the agency may deny or revoke the exemption
1317 from licensure under this subsection.

1318
1319 Notwithstanding this subsection, an entity shall be deemed a
1320 clinic and must be licensed under this part in order to receive
1321 medical payments coverage reimbursement under s. 627.7265 ~~the~~
1322 ~~Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~
1323 ~~exempted under s. 627.736(5)(h).~~

1324 Section 26. Subsection (6) of section 400.991, Florida
1325 Statutes, is amended to read:

1326 400.991 License requirements; background screenings;
1327 prohibitions.—

1328 (6) All agency forms for licensure application or exemption
1329 from licensure under this part must contain the following
1330 statement:

1331
1332 INSURANCE FRAUD NOTICE.—A person commits a fraudulent
1333 insurance act, as defined in s. 626.989, Florida
1334 Statutes, if the person ~~who~~ knowingly submits a false,

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1335 misleading, or fraudulent application or other
1336 document when applying for licensure as a health care
1337 clinic, seeking an exemption from licensure as a
1338 health care clinic, or demonstrating compliance with
1339 part X of chapter 400, Florida Statutes, with the
1340 intent to use the license, exemption from licensure,
1341 or demonstration of compliance to provide services or
1342 seek reimbursement under a motor vehicle liability
1343 insurance policy's medical payments coverage ~~the~~
1344 ~~Florida Motor Vehicle No-Fault Law, commits a~~
1345 ~~fraudulent insurance act, as defined in s. 626.989,~~
1346 ~~Florida Statutes.~~ A person who presents a claim for
1347 benefits under medical payments coverage, ~~personal~~
1348 ~~injury protection benefits~~ knowing that the payee
1349 knowingly submitted such health care clinic
1350 application or document, commits insurance fraud, as
1351 defined in s. 817.234, Florida Statutes.

1352 Section 27. Paragraph (g) of subsection (1) of section
1353 400.9935, Florida Statutes, is amended to read:

1354 400.9935 Clinic responsibilities.—

1355 (1) Each clinic shall appoint a medical director or clinic
1356 director who shall agree in writing to accept legal
1357 responsibility for the following activities on behalf of the
1358 clinic. The medical director or the clinic director shall:

1359 (g) Conduct systematic reviews of clinic billings to ensure
1360 that the billings are not fraudulent or unlawful. Upon discovery
1361 of an unlawful charge, the medical director or clinic director
1362 shall take immediate corrective action. If the clinic performs
1363 only the technical component of magnetic resonance imaging,

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1364 static radiographs, computed tomography, or positron emission
1365 tomography, and provides the professional interpretation of such
1366 services, in a fixed facility that is accredited by a national
1367 accrediting organization that is approved by the Centers for
1368 Medicare and Medicaid Services for magnetic resonance imaging
1369 and advanced diagnostic imaging services and if, in the
1370 preceding quarter, the percentage of scans performed by that
1371 clinic which was billed to motor vehicle ~~all personal injury~~
1372 ~~protection~~ insurance carriers under medical payments coverage
1373 was less than 15 percent, the chief financial officer of the
1374 clinic may, in a written acknowledgment provided to the agency,
1375 assume the responsibility for the conduct of the systematic
1376 reviews of clinic billings to ensure that the billings are not
1377 fraudulent or unlawful.

1378 Section 28. Subsection (28) of section 409.901, Florida
1379 Statutes, is amended to read:

1380 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1381 409.901-409.920, except as otherwise specifically provided, the
1382 term:

1383 (28) "Third-party benefit" means any benefit that is or may
1384 be available at any time through contract, court award,
1385 judgment, settlement, agreement, or any arrangement between a
1386 third party and any person or entity, including, without
1387 limitation, a Medicaid recipient, a provider, another third
1388 party, an insurer, or the agency, for any Medicaid-covered
1389 injury, illness, goods, or services, including costs of medical
1390 services related thereto, for bodily ~~personal~~ injury or for
1391 death of the recipient, but specifically excluding ~~policies of~~
1392 life insurance policies on the recipient, unless available under

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1393 terms of the policy to pay medical expenses before ~~prior to~~
1394 death. The term includes, without limitation, collateral, as
1395 defined in this section, health insurance, any benefit under a
1396 health maintenance organization, a preferred provider
1397 arrangement, a prepaid health clinic, liability insurance,
1398 uninsured motorist insurance, medical payments coverage ~~or~~
1399 ~~personal injury protection coverage~~, medical benefits under
1400 workers' compensation, and any obligation under law or equity to
1401 provide medical support.

1402 Section 29. Paragraph (f) of subsection (11) of section
1403 409.910, Florida Statutes, is amended to read:

1404 409.910 Responsibility for payments on behalf of Medicaid-
1405 eligible persons when other parties are liable.—

1406 (11) The agency may, as a matter of right, in order to
1407 enforce its rights under this section, institute, intervene in,
1408 or join any legal or administrative proceeding in its own name
1409 in one or more of the following capacities: individually, as
1410 subrogee of the recipient, as assignee of the recipient, or as
1411 lienholder of the collateral.

1412 (f) Notwithstanding any provision in this section to the
1413 contrary, in the event of an action in tort against a third
1414 party in which the recipient or his or her legal representative
1415 is a party which results in a judgment, award, or settlement
1416 from a third party, the amount recovered shall be distributed as
1417 follows:

1418 1. After attorney ~~attorney's~~ fees and taxable costs as
1419 defined by the Florida Rules of Civil Procedure, one-half of the
1420 remaining recovery shall be paid to the agency up to the total
1421 amount of medical assistance provided by Medicaid.

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1422 2. The remaining amount of the recovery shall be paid to
1423 the recipient.

1424 3. For purposes of calculating the agency's recovery of
1425 medical assistance benefits paid, the fee for services of an
1426 attorney retained by the recipient or his or her legal
1427 representative shall be calculated at 25 percent of the
1428 judgment, award, or settlement.

1429 4. Notwithstanding any other provision of this section to
1430 the contrary, the agency shall be entitled to all medical
1431 coverage benefits up to the total amount of medical assistance
1432 provided by Medicaid. For purposes of this paragraph, the term
1433 "medical coverage" means any benefits under health insurance, a
1434 health maintenance organization, a preferred provider
1435 arrangement, or a prepaid health clinic, and the portion of
1436 benefits designated for medical payments under ~~coverage for~~
1437 workers' compensation coverage, motor vehicle insurance
1438 coverage, personal injury protection, and casualty coverage.

1439 Section 30. Paragraph (k) of subsection (2) of section
1440 456.057, Florida Statutes, is amended to read:

1441 456.057 Ownership and control of patient records; report or
1442 copies of records to be furnished; disclosure of information.-

1443 (2) As used in this section, the terms "records owner,"
1444 "health care practitioner," and "health care practitioner's
1445 employer" do not include any of the following persons or
1446 entities; furthermore, the following persons or entities are not
1447 authorized to acquire or own medical records, but are authorized
1448 under the confidentiality and disclosure requirements of this
1449 section to maintain those documents required by the part or
1450 chapter under which they are licensed or regulated:

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1451 (k) Persons or entities practicing under s. 627.7265 ~~s.~~
1452 ~~627.736(7)~~.

1453 Section 31. Paragraphs (ee) and (ff) of subsection (1) of
1454 section 456.072, Florida Statutes, are amended to read:

1455 456.072 Grounds for discipline; penalties; enforcement.—

1456 (1) The following acts shall constitute grounds for which
1457 the disciplinary actions specified in subsection (2) may be
1458 taken:

1459 (ee) With respect to making a medical payments coverage
1460 ~~personal injury protection~~ claim under s. 627.7265 as required
1461 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1462 bill that has been upcoded. As used in this paragraph, the term
1463 "upcoded" means an action that submits a billing code that would
1464 result in payment greater in amount than would be paid using a
1465 billing code that accurately describes the services performed.
1466 The term does not include an otherwise lawful bill by a magnetic
1467 resonance imaging facility, which globally combines both
1468 technical and professional components, if the amount of the
1469 global bill is not more than the components if billed
1470 separately; however, payment of such a bill constitutes payment
1471 in full for all components of such service ~~"upcoded" as defined~~
1472 ~~in s. 627.732.~~

1473 (ff) With respect to making a medical payments coverage
1474 ~~personal injury protection~~ claim as required under s. 627.7265
1475 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1476 bill for payment of services that were not rendered.

1477 Section 32. Paragraphs (i) and (o) of subsection (1) of
1478 section 626.9541, Florida Statutes, are amended to read:

1479 626.9541 Unfair methods of competition and unfair or

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1480 deceptive acts or practices defined.—

1481 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1482 ACTS.—The following are defined as unfair methods of competition
1483 and unfair or deceptive acts or practices:

1484 (i) *Unfair claim settlement practices.*—

1485 1. Attempting to settle claims on the basis of an
1486 application, when serving as a binder or intended to become a
1487 part of the policy, or any other material document which was
1488 altered without notice to, or knowledge or consent of, the
1489 insured;

1490 2. A material misrepresentation made to an insured or any
1491 other person having an interest in the proceeds payable under
1492 such contract or policy, for the purpose and with the intent of
1493 effecting settlement of such claims, loss, or damage under such
1494 contract or policy on less favorable terms than those provided
1495 in, and contemplated by, such contract or policy; ~~or~~

1496 3. Committing or performing with such frequency as to
1497 indicate a general business practice any of the following:

1498 a. Failing to adopt and implement standards for the proper
1499 investigation of claims;

1500 b. Misrepresenting pertinent facts or insurance policy
1501 provisions relating to coverages at issue;

1502 c. Failing to acknowledge and act promptly upon
1503 communications with respect to claims;

1504 d. Denying claims without conducting reasonable
1505 investigations based upon available information;

1506 e. Failing to affirm or deny full or partial coverage of
1507 claims, and, as to partial coverage, the dollar amount or extent
1508 of coverage, or failing to provide a written statement that the

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1509 claim is being investigated, upon the written request of the
1510 insured within 30 days after proof-of-loss statements have been
1511 completed;

1512 f. Failing to promptly provide a reasonable explanation in
1513 writing to the insured of the basis in the insurance policy, in
1514 relation to the facts or applicable law, for denial of a claim
1515 or for the offer of a compromise settlement;

1516 g. Failing to promptly notify the insured of any additional
1517 information necessary for the processing of a claim; or

1518 h. Failing to clearly explain the nature of the requested
1519 information and the reasons why such information is necessary.

1520 ~~i. Failing to pay personal injury protection insurance~~
1521 ~~claims within the time periods required by s. 627.736(4) (b). The~~
1522 ~~office may order the insurer to pay restitution to a~~
1523 ~~policyholder, medical provider, or other claimant, including~~
1524 ~~interest at a rate consistent with the amount set forth in s.~~
1525 ~~55.03(1), for the time period within which an insurer fails to~~
1526 ~~pay claims as required by law. Restitution is in addition to any~~
1527 ~~other penalties allowed by law, including, but not limited to,~~
1528 ~~the suspension of the insurer's certificate of authority.~~

1529 4. Failing to pay undisputed amounts of partial or full
1530 benefits owed under first-party property insurance policies
1531 within 90 days after an insurer receives notice of a residential
1532 property insurance claim, determines the amounts of partial or
1533 full benefits, and agrees to coverage, unless payment of the
1534 undisputed benefits is prevented by an act of God, prevented by
1535 the impossibility of performance, or due to actions by the
1536 insured or claimant that constitute fraud, lack of cooperation,
1537 or intentional misrepresentation regarding the claim for which

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1538 benefits are owed.

1539 (o) *Illegal dealings in premiums; excess or reduced charges*
1540 *for insurance.*—

1541 1. Knowingly collecting any sum as a premium or charge for
1542 insurance, which is not then provided, or is not in due course
1543 to be provided, subject to acceptance of the risk by the
1544 insurer, by an insurance policy issued by an insurer as
1545 permitted by this code.

1546 2. Knowingly collecting as a premium or charge for
1547 insurance any sum in excess of or less than the premium or
1548 charge applicable to such insurance, in accordance with the
1549 applicable classifications and rates as filed with and approved
1550 by the office, and as specified in the policy; or, in cases when
1551 classifications, premiums, or rates are not required by this
1552 code to be so filed and approved, premiums and charges collected
1553 from a Florida resident in excess of or less than those
1554 specified in the policy and as fixed by the insurer.

1555 Notwithstanding any other provision of law, this provision shall
1556 not be deemed to prohibit the charging and collection, by
1557 surplus lines agents licensed under part VIII of this chapter,
1558 of the amount of applicable state and federal taxes, or fees as
1559 authorized by s. 626.916(4), in addition to the premium required
1560 by the insurer or the charging and collection, by licensed
1561 agents, of the exact amount of any discount or other such fee
1562 charged by a credit card facility in connection with the use of
1563 a credit card, as authorized by subparagraph (q)3., in addition
1564 to the premium required by the insurer. This subparagraph shall
1565 not be construed to prohibit collection of a premium for a
1566 universal life or a variable or indeterminate value insurance

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1567 policy made in accordance with the terms of the contract.

1568 3.a. Imposing or requesting an additional premium for
1569 bodily injury liability coverage, property damage liability
1570 coverage ~~a policy of motor vehicle liability, personal injury~~
1571 ~~protection,~~ medical payment coverage, or collision coverage in a
1572 motor vehicle liability insurance policy ~~insurance or any~~
1573 ~~combination thereof~~ or refusing to renew the policy solely
1574 because the insured was involved in a motor vehicle accident
1575 unless the insurer's file contains information from which the
1576 insurer in good faith determines that the insured was
1577 substantially at fault in the accident.

1578 b. An insurer which imposes and collects such a surcharge
1579 or which refuses to renew such policy shall, in conjunction with
1580 the notice of premium due or notice of nonrenewal, notify the
1581 named insured that he or she is entitled to reimbursement of
1582 such amount or renewal of the policy under the conditions listed
1583 below and will subsequently reimburse him or her or renew the
1584 policy, if the named insured demonstrates that the operator
1585 involved in the accident was:

1586 (I) Lawfully parked;

1587 (II) Reimbursed by, or on behalf of, a person responsible
1588 for the accident or has a judgment against such person;

1589 (III) Struck in the rear by another vehicle headed in the
1590 same direction and was not convicted of a moving traffic
1591 violation in connection with the accident;

1592 (IV) Hit by a "hit-and-run" driver, if the accident was
1593 reported to the proper authorities within 24 hours after
1594 discovering the accident;

1595 (V) Not convicted of a moving traffic violation in

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1596 connection with the accident, but the operator of the other
1597 automobile involved in such accident was convicted of a moving
1598 traffic violation;

1599 (VI) Finally adjudicated not to be liable by a court of
1600 competent jurisdiction;

1601 (VII) In receipt of a traffic citation which was dismissed
1602 or nolle prossed; or

1603 (VIII) Not at fault as evidenced by a written statement
1604 from the insured establishing facts demonstrating lack of fault
1605 which are not rebutted by information in the insurer's file from
1606 which the insurer in good faith determines that the insured was
1607 substantially at fault.

1608 c. In addition to the other provisions of this
1609 subparagraph, an insurer may not fail to renew a policy if the
1610 insured has had only one accident in which he or she was at
1611 fault within the current 3-year period. However, an insurer may
1612 nonrenew a policy for reasons other than accidents in accordance
1613 with s. 627.728. This subparagraph does not prohibit nonrenewal
1614 of a policy under which the insured has had three or more
1615 accidents, regardless of fault, during the most recent 3-year
1616 period.

1617 4. Imposing or requesting an additional premium for, or
1618 refusing to renew, a policy for motor vehicle insurance solely
1619 because the insured committed a noncriminal traffic infraction
1620 as described in s. 318.14 unless the infraction is:

1621 a. A second infraction committed within an 18-month period,
1622 or a third or subsequent infraction committed within a 36-month
1623 period.

1624 b. A violation of s. 316.183, when such violation is a

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1625 result of exceeding the lawful speed limit by more than 15 miles
1626 per hour.

1627 5. Upon the request of the insured, the insurer and
1628 licensed agent shall supply to the insured the complete proof of
1629 fault or other criteria which justifies the additional charge or
1630 cancellation.

1631 6. No insurer shall impose or request an additional premium
1632 for motor vehicle insurance, cancel or refuse to issue a policy,
1633 or refuse to renew a policy because the insured or the applicant
1634 is a handicapped or physically disabled person, so long as such
1635 handicap or physical disability does not substantially impair
1636 such person's mechanically assisted driving ability.

1637 7. No insurer may cancel or otherwise terminate any
1638 insurance contract or coverage, or require execution of a
1639 consent to rate endorsement, during the stated policy term for
1640 the purpose of offering to issue, or issuing, a similar or
1641 identical contract or coverage to the same insured with the same
1642 exposure at a higher premium rate or continuing an existing
1643 contract or coverage with the same exposure at an increased
1644 premium.

1645 8. No insurer may issue a nonrenewal notice on any
1646 insurance contract or coverage, or require execution of a
1647 consent to rate endorsement, for the purpose of offering to
1648 issue, or issuing, a similar or identical contract or coverage
1649 to the same insured at a higher premium rate or continuing an
1650 existing contract or coverage at an increased premium without
1651 meeting any applicable notice requirements.

1652 9. No insurer shall, with respect to premiums charged for
1653 motor vehicle insurance, unfairly discriminate solely on the

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1654 basis of age, sex, marital status, or scholastic achievement.

1655 10. Imposing or requesting an additional premium for motor
1656 vehicle comprehensive or uninsured motorist coverage solely
1657 because the insured was involved in a motor vehicle accident or
1658 was convicted of a moving traffic violation.

1659 11. No insurer shall cancel or issue a nonrenewal notice on
1660 any insurance policy or contract without complying with any
1661 applicable cancellation or nonrenewal provision required under
1662 the Florida Insurance Code.

1663 12. No insurer shall impose or request an additional
1664 premium, cancel a policy, or issue a nonrenewal notice on any
1665 insurance policy or contract because of any traffic infraction
1666 when adjudication has been withheld and no points have been
1667 assessed pursuant to s. 318.14(9) and (10). However, this
1668 subparagraph does not apply to traffic infractions involving
1669 accidents in which the insurer has incurred a loss due to the
1670 fault of the insured.

1671 Section 33. Paragraph (a) of subsection (1) of section
1672 626.989, Florida Statutes, is amended to read:

1673 626.989 Investigation by department or Division of
1674 Investigative and Forensic Services; compliance; immunity;
1675 confidential information; reports to division; division
1676 investigator's power of arrest.—

1677 (1) For the purposes of this section:

1678 (a) A person commits a "fraudulent insurance act" if the
1679 person:

1680 1. Knowingly and with intent to defraud presents, causes to
1681 be presented, or prepares with knowledge or belief that it will
1682 be presented, to or by an insurer, self-insurer, self-insurance

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1683 fund, servicing corporation, purported insurer, broker, or any
1684 agent thereof, any written statement as part of, or in support
1685 of, an application for the issuance of, or the rating of, any
1686 insurance policy, or a claim for payment or other benefit
1687 pursuant to any insurance policy, which the person knows to
1688 contain materially false information concerning any fact
1689 material thereto or if the person conceals, for the purpose of
1690 misleading another, information concerning any fact material
1691 thereto.

1692 2. Knowingly submits:

1693 a. A false, misleading, or fraudulent application or other
1694 document when applying for licensure as a health care clinic,
1695 seeking an exemption from licensure as a health care clinic, or
1696 demonstrating compliance with part X of chapter 400 with an
1697 intent to use the license, exemption from licensure, or
1698 demonstration of compliance to provide services or seek
1699 reimbursement under a motor vehicle liability insurance policy's
1700 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
1701 ~~Law~~.

1702 b. A claim for payment or other benefit under medical
1703 payments coverage ~~pursuant to a personal injury protection~~
1704 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
1705 the person knows that the payee knowingly submitted a false,
1706 misleading, or fraudulent application or other document when
1707 applying for licensure as a health care clinic, seeking an
1708 exemption from licensure as a health care clinic, or
1709 demonstrating compliance with part X of chapter 400.

1710 Section 34. Subsection (1) of section 627.06501, Florida
1711 Statutes, is amended to read:

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1712 627.06501 Insurance discounts for certain persons
1713 completing driver improvement course.—

1714 (1) Any rate, rating schedule, or rating manual for the
1715 liability, medical payments ~~personal injury protection~~, and
1716 collision coverages of a motor vehicle insurance policy filed
1717 with the office may provide for an appropriate reduction in
1718 premium charges as to such coverages if ~~when~~ the principal
1719 operator on the covered vehicle has successfully completed a
1720 driver improvement course approved and certified by the
1721 Department of Highway Safety and Motor Vehicles which is
1722 effective in reducing crash or violation rates, or both, as
1723 determined pursuant to s. 318.1451(5). Any discount, not to
1724 exceed 10 percent, used by an insurer is presumed to be
1725 appropriate unless credible data demonstrates otherwise.

1726 Section 35. Subsection (1) of section 627.0652, Florida
1727 Statutes, is amended to read:

1728 627.0652 Insurance discounts for certain persons completing
1729 safety course.—

1730 (1) Any rates, rating schedules, or rating manuals for the
1731 liability, medical payments ~~personal injury protection~~, and
1732 collision coverages of a motor vehicle insurance policy filed
1733 with the office must ~~shall~~ provide for an appropriate reduction
1734 in premium charges as to such coverages if ~~when~~ the principal
1735 operator on the covered vehicle is an insured 55 years of age or
1736 older who has successfully completed a motor vehicle accident
1737 prevention course approved by the Department of Highway Safety
1738 and Motor Vehicles. Any discount used by an insurer is presumed
1739 to be appropriate unless credible data demonstrates otherwise.

1740 Section 36. Subsections (1), (3), and (6) of section

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1741 627.0653, Florida Statutes, are amended to read:

1742 627.0653 Insurance discounts for specified motor vehicle
1743 equipment.—

1744 (1) Any rates, rating schedules, or rating manuals for the
1745 liability, medical payments ~~personal injury protection~~, and
1746 collision coverages of a motor vehicle insurance policy filed
1747 with the office must ~~shall~~ provide a premium discount if the
1748 insured vehicle is equipped with factory-installed, four-wheel
1749 antilock brakes.

1750 (3) Any rates, rating schedules, or rating manuals for
1751 ~~personal injury protection coverage and~~ medical payments
1752 coverage, ~~if offered~~, of a motor vehicle insurance policy filed
1753 with the office must ~~shall~~ provide a premium discount if the
1754 insured vehicle is equipped with one or more air bags that ~~which~~
1755 are factory installed.

1756 (6) The Office of Insurance Regulation may approve a
1757 premium discount to any rates, rating schedules, or rating
1758 manuals for the liability, medical payments ~~personal injury~~
1759 ~~protection~~, and collision coverages of a motor vehicle insurance
1760 policy filed with the office if the insured vehicle is equipped
1761 with autonomous driving technology or electronic vehicle
1762 collision avoidance technology that is factory installed or a
1763 retrofitted system and that complies with National Highway
1764 Traffic Safety Administration standards.

1765 Section 37. Section 627.4132, Florida Statutes, is amended
1766 to read:

1767 627.4132 Stacking of coverages prohibited.—If an insured or
1768 named insured is protected by any type of motor vehicle
1769 insurance policy for bodily injury and property damage

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1770 liability, ~~personal injury protection, or other coverage~~, the
 1771 policy must ~~shall~~ provide that the insured or named insured is
 1772 protected only to the extent of the coverage she or he has on
 1773 the vehicle involved in the accident. However, if none of the
 1774 insured's or named insured's vehicles are ~~is~~ involved in the
 1775 accident, coverage is available only to the extent of coverage
 1776 on any one of the vehicles with applicable coverage. Coverage on
 1777 any other vehicles may ~~shall~~ not be added to or stacked upon
 1778 that coverage. This section does not apply:

1779 (1) To uninsured motorist coverage that ~~which~~ is separately
 1780 governed by s. 627.727.

1781 (2) To reduce the coverage available by reason of insurance
 1782 policies insuring different named insureds.

1783 Section 38. Section 627.7263, Florida Statutes, is amended
 1784 to read:

1785 627.7263 Rental and leasing driver's insurance to be
 1786 primary; exception.—

1787 (1) The valid and collectible liability insurance and
 1788 medical payments coverage ~~or personal injury protection~~
 1789 ~~insurance providing coverage~~ for the lessor of a motor vehicle
 1790 for rent or lease is primary unless otherwise stated in at least
 1791 10-point type on the face of the rental or lease agreement. Such
 1792 insurance is primary for the limits of liability ~~and personal~~
 1793 ~~injury protection~~ coverage as required by s. 324.021(7) and
 1794 medical payments coverage as required under s. 627.7265 ~~ss.~~
 1795 ~~324.021(7) and 627.736~~.

1796 (2) If the lessee's coverage is to be primary, the rental
 1797 or lease agreement must contain the following language, in at
 1798 least 10-point type:

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

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

627.7265 Motor vehicle insurance; medical payments coverage.—

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

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1828 a deductible to an applicant or policyholder.

1829 (2) REQUIRED BENEFITS.—Medical payments coverage must
1830 provide coverage for all of the following if medically necessary
1831 and the individual initially receives such treatment within 14
1832 days after the motor vehicle accident:

1833 (a) Emergency transport and treatment by a provider
1834 licensed under chapter 401.

1835 (b) Emergency services and care provided by a hospital
1836 licensed under chapter 395.

1837 (c) Emergency services and care as defined in s. 395.002,
1838 provided in a facility licensed under chapter 395 and rendered
1839 by a physician or dentist, and related hospital inpatient
1840 services rendered by a physician or dentist.

1841 (d) Hospital inpatient services, other than emergency
1842 services and care.

1843 (e) Hospital outpatient services, other than emergency
1844 services and care.

1845 (f) Physician services and care provided by a physician
1846 licensed under chapter 458 or chapter 459 or a chiropractic
1847 physician licensed under chapter 460, or dental services and
1848 care provided by a dentist licensed under chapter 466.

1849 (3) AUTHORIZED EXCLUSIONS.—Notwithstanding any other
1850 requirement in this section, an insurer may exclude medical
1851 payment benefits:

1852 (a) For injury sustained by the named insured or a resident
1853 relative while occupying another motor vehicle owned by the
1854 named insured and not insured under the policy, unless such
1855 vehicle qualifies as a newly acquired vehicle or temporary
1856 substitute vehicle.

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1857 (b) For injury sustained by any person operating the
1858 insured motor vehicle without the express or implied consent of
1859 the insured.

1860 (c) For any person who intentionally causes injury to
1861 himself or herself.

1862 (d) For any person injured while committing a felony.

1863 (4) PAYMENT OF BENEFITS.—

1864 (a) Benefits due from an insurer under medical payments
1865 coverage are primary to any health insurance benefit of a person
1866 injured in a motor vehicle accident and apply to any coinsurance
1867 or deductible amount required by the injured person's health
1868 insurance policy, except that:

1869 1. Benefits received under any workers' compensation law
1870 must be credited against medical payments coverage benefits, and
1871 are due and payable as losses accrue, upon reasonable proof of
1872 such losses and the amount of expenses and losses incurred which
1873 are covered by the policy issued under this section.

1874 2. When the Agency for Health Care Administration provides,
1875 pays for, or becomes liable for medical assistance under the
1876 Medicaid program which is related to injury, sickness, disease,
1877 or death arising out of the ownership, maintenance, or use of a
1878 motor vehicle, medical payments benefits are subject to the
1879 provisions of the Medicaid program, and, within 30 days after
1880 receiving notice that the Medicaid program paid such benefits,
1881 the insurer must repay the full amount of the benefits to the
1882 Medicaid program.

1883 (b) A medical payments insurance policy may include a
1884 provision allowing subrogation for medical payments benefits
1885 paid, if the expenses giving rise to the payments were caused by

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1886 wrongful act or omission of another.

1887 (c) Upon receiving notice of an accident that is
1888 potentially covered by medical payments coverage benefits, the
1889 insurer must reserve \$2,500 of medical payments coverage
1890 benefits for payment to physicians licensed under chapter 458 or
1891 chapter 459 or dentists licensed under chapter 466 who provide
1892 emergency services and care, as defined in s. 395.002, or who
1893 provide hospital inpatient care. The amount required to be held
1894 in reserve may be used only to pay claims from such physicians
1895 or dentists until 30 days after the date the insurer receives
1896 notice of the accident. After the 30-day period, any amount of
1897 the reserve for which the insurer has not received notice of
1898 such claims may be used by the insurer to pay other claims. This
1899 paragraph does not require an insurer to establish a claim
1900 reserve for insurance accounting purposes.

1901 (5) CHARGES FOR CARE OF INJURED PERSONS.—

1902 (a) A physician, hospital, clinic, or other person or
1903 institution lawfully providing medical care to an injured person
1904 for a bodily injury covered by medical payments coverage may
1905 charge the insurer and injured party only a reasonable amount
1906 pursuant to this section. However, such charges may not exceed
1907 the amount the person or institution customarily charges for
1908 like medical care. In determining whether a charge for a
1909 particular service, treatment, supply, or prescription is
1910 reasonable, consideration may be given to evidence of usual and
1911 customary charges and payments accepted by the provider involved
1912 in the dispute; reimbursement levels in the community and
1913 various federal and state medical fee schedules applicable to
1914 motor vehicle and other insurance coverages; and other

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1915 information relevant to the reasonableness of the reimbursement
1916 for the service, treatment, supply, or prescription.

1917 1. The insurer may limit reimbursement to the following
1918 schedule of maximum charges:

1919 a. For emergency transport and treatment by providers
1920 licensed under chapter 401, 200 percent of Medicare.

1921 b. For emergency services and care provided by a hospital
1922 licensed under chapter 395, 75 percent of the hospital's usual
1923 and customary charges.

1924 c. For emergency services and care, as defined in s.
1925 395.002, provided in a facility licensed under chapter 395 and
1926 rendered by a physician or dentist, and related hospital
1927 inpatient services rendered by a physician or dentist, the usual
1928 and customary charges in the community.

1929 d. For hospital inpatient services other than emergency
1930 services and care, 200 percent of the Medicare Part A
1931 prospective payment applicable to the specific hospital
1932 providing the inpatient services.

1933 e. For hospital outpatient services other than emergency
1934 services and care, 200 percent of the Medicare Part A Ambulatory
1935 Payment Classification for the specific hospital providing the
1936 outpatient services.

1937
1938 However, if such services, supplies, or care is not reimbursable
1939 under Medicare Part B as provided in this sub-subparagraph, the
1940 insurer may limit reimbursement to 80 percent of the maximum
1941 reimbursable allowance under workers' compensation. Services,
1942 supplies, or care that is not reimbursable under Medicare or
1943 workers' compensation is not required to be reimbursed by the

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1944 insurer.

1945 2. For purposes of subparagraph 1., the applicable fee
1946 schedule or payment limitation under Medicare is the fee
1947 schedule or payment limitation in effect on March 1 of the
1948 service year in which the services, supplies, or care is
1949 rendered and for the area in which the services, supplies, or
1950 care is rendered. The applicable fee schedule or payment
1951 limitation applies to services, supplies, or care rendered
1952 during that service year notwithstanding any subsequent change
1953 made to the fee schedule or payment limitation; however, it may
1954 not be less than the allowable amount under the applicable
1955 schedule of Medicare Part B for 2007 for medical services,
1956 supplies, and care subject to Medicare Part B. For purposes of
1957 this subparagraph, the term "service year" means the period from
1958 March 1 through the end of February of the following year.

1959 3. For purposes of subparagraph 1., the applicable fee
1960 schedule or payment limitation under workers' compensation is
1961 determined under s. 440.13 and rules adopted thereunder which
1962 are in effect at the time such services, supplies, or care is
1963 provided.

1964 4. Subparagraph 1. does not authorize the insurer to apply
1965 any limitation on the number of treatments or other utilization
1966 limits that apply under Medicare or workers' compensation. An
1967 insurer that applies the allowable payment limitations of
1968 subparagraph 1. must reimburse a provider who lawfully provided
1969 medical care under the scope of his or her license, regardless
1970 of whether the provider is entitled to reimbursement under
1971 Medicare or workers' compensation due to restrictions or
1972 limitations on the types or discipline of health care providers

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1973 who may be reimbursed for particular procedures or procedure
1974 codes. However, subparagraph 1. does not prohibit an insurer
1975 from using the Medicare coding policies and payment
1976 methodologies of the federal Centers for Medicare and Medicaid
1977 Services, including applicable modifiers, to determine the
1978 appropriate amount of reimbursement for medical services,
1979 supplies, or care, if the coding policy or payment methodology
1980 does not constitute a utilization limit.

1981 5. If an insurer limits payment as authorized by
1982 subparagraph 1., the person providing such medical care may not
1983 bill or attempt to collect from the insured any amount in excess
1984 of such limits, except for amounts that are not covered by the
1985 insured's medical payments benefits due to the maximum policy
1986 limits.

1987 6. An insurer may limit payment as authorized by this
1988 paragraph only if the insurance policy includes a notice at the
1989 time of issuance or renewal that the insurer may limit payment
1990 pursuant to the schedule of charges specified in this paragraph.
1991 A policy form approved by the office satisfies this requirement.
1992 If a provider submits a charge for an amount less than the
1993 amount allowed under subparagraph 1., the insurer may pay the
1994 amount of the charge submitted.

1995 (b)1. An insurer or insured is not required to pay a claim
1996 or charges:

1997 a. For any service or treatment that was not lawful at the
1998 time rendered;

1999 b. To any person who knowingly submits a false or
2000 misleading statement relating to the claim or charges; or

2001 c. For any treatment or service that is upcoded or that is

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2002 unbundled when the treatment or services should be bundled. To
2003 facilitate prompt payment of lawful services, an insurer may
2004 change codes that it determines have been improperly or
2005 incorrectly upcoded or unbundled and may make payment based on
2006 the changed codes, without affecting the right of the provider
2007 to dispute the change by the insurer, if, before doing so, the
2008 insurer contacts the health care provider and discusses the
2009 reasons for the insurer's change and the health care provider's
2010 reason for the coding, or makes a reasonable good faith effort
2011 to do so, as documented in the insurer's file.

2012 2. The Department of Health, in consultation with the
2013 appropriate professional licensing boards, shall adopt by rule a
2014 list of diagnostic tests deemed not to be medically necessary
2015 for use in the treatment of persons sustaining bodily injury
2016 covered by medical payments benefits under this section. The
2017 list must be revised from time to time as determined by the
2018 Department of Health in consultation with the respective
2019 professional licensing boards. Inclusion of a test on the list
2020 must be based on a lack of demonstrated medical value and a
2021 level of general acceptance by the relevant provider community
2022 and may not be dependent on results based entirely upon
2023 subjective patient response. Notwithstanding its inclusion on a
2024 fee schedule in this subsection, an insurer or insured is not
2025 required to pay any charges or reimburse claims for an invalid
2026 diagnostic test as determined by the Department of Health.

2027 (c) With respect to any medical care other than medical
2028 services billed by a hospital or other provider for emergency
2029 services and care, as defined in s. 395.002, or inpatient
2030 services rendered at a hospital-owned facility, the statement of

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2031 charges must be furnished to the insurer by the provider.

2032 (d) All statements and bills for medical services rendered
2033 by a physician, hospital, clinic, or other person or institution
2034 must be submitted to the insurer on a properly completed Centers
2035 for Medicare and Medicaid Services Form CMS-1500, a UB-92 form,
2036 or any other standard form approved by the office and adopted by
2037 the commission for purposes of this paragraph. All billings for
2038 such services rendered by providers must, to the extent
2039 applicable, comply with the Form CMS-1500 instructions, the
2040 codes established by the American Medical Association's Current
2041 Procedural Terminology Editorial Panel, and the Healthcare
2042 Common Procedure Coding System (HCPCS) and must follow the
2043 Physicians' Current Procedural Terminology (CPT), the HCPCS in
2044 effect for the year in which services are rendered, and the
2045 International Classification of Diseases adopted by the United
2046 States Department of Health and Human Services in effect for the
2047 year in which services are rendered. The guidance for
2048 determining compliance with applicable CPT and HCPCS coding must
2049 be provided by the CPT or the HCPCS in effect for the year in
2050 which services were rendered, the Office of the Inspector
2051 General, Physicians Compliance Guidelines, and other
2052 authoritative treatises designated by rule by the Agency for
2053 Health Care Administration. A statement of medical services may
2054 not include charges for medical services of a person or entity
2055 that performed such services without possessing the valid
2056 licenses required to perform such services.

2057 (6) CIVIL ACTION FOR INSURANCE FRAUD.—An insurer has a
2058 cause of action against any person convicted of, or who,
2059 regardless of adjudication of guilt, pleads guilty or nolo

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2060 contendere to, insurance fraud under s. 817.234, patient
2061 brokering under s. 817.505, or kickbacks under s. 456.054,
2062 associated with a claim for medical payments coverage benefits
2063 in accordance with this section. An insurer prevailing in an
2064 action brought under this subsection may recover compensatory,
2065 consequential, and punitive damages subject to the requirements
2066 and limitations of part II of chapter 768 and attorney fees and
2067 costs incurred in litigating a cause of action against any
2068 person convicted of, or who, regardless of adjudication of
2069 guilt, pleads guilty or nolo contendere to, insurance fraud
2070 under s. 817.234, patient brokering under s. 817.505, or
2071 kickbacks under s. 456.054, associated with a claim for medical
2072 payments coverage benefits in accordance with this section.

2073 (7) FRAUD ADVISORY NOTICE.—Upon receiving notice of a claim
2074 under this section, an insurer shall provide a notice to the
2075 insured or to a person for whom a claim for reimbursement for
2076 diagnosis or treatment of injuries has been filed, advising
2077 that:

2078 (a) Pursuant to s. 626.9892, the department may pay rewards
2079 of up to \$25,000 to persons who provide information leading to
2080 the arrest and conviction of persons committing crimes
2081 investigated by the Division of Investigative and Forensic
2082 Services arising from violations of s. 440.105, s. 624.15, s.
2083 626.9541, s. 626.989, or s. 817.234.

2084 (b) Solicitation of a person injured in a motor vehicle
2085 crash for purposes of filing medical payments coverage or tort
2086 claims could be a violation of s. 817.234, s. 817.505, or the
2087 rules regulating The Florida Bar and should be immediately
2088 reported to the Division of Investigative and Forensic Services

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2089 if such conduct has taken place.

2090 (8) NONREIMBURSABLE CLAIMS.—Claims generated as a result of
2091 activities that are unlawful pursuant to s. 817.505 are not
2092 reimbursable.

2093 (9) SECURE ELECTRONIC DATA TRANSFER.—A notice,
2094 documentation, transmission, or communication of any kind
2095 required or authorized under this section may be transmitted
2096 electronically if it is transmitted by secure electronic data
2097 transfer that is consistent with state and federal privacy and
2098 security laws.

2099 Section 40. Subsections (1) and (7) of section 627.727,
2100 Florida Statutes, are amended, and present subsections (8), (9),
2101 and (10) of that section are redesignated as subsections (7),
2102 (8), and (9), respectively, to read:

2103 627.727 Motor vehicle insurance; uninsured and underinsured
2104 vehicle coverage; insolvent insurer protection.—

2105 (1) A ~~No~~ motor vehicle liability insurance policy that
2106 ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be
2107 delivered or issued for delivery in this state with respect to
2108 any specifically insured or identified motor vehicle registered
2109 or principally garaged in this state, unless uninsured motor
2110 vehicle coverage is provided therein or supplemental thereto for
2111 the protection of persons insured thereunder who are legally
2112 entitled to recover damages from owners or operators of
2113 uninsured motor vehicles because of bodily injury, sickness, or
2114 disease, including death, resulting therefrom. However, the
2115 coverage required under this section is not applicable if ~~when~~,
2116 or to the extent that, an insured named in the policy makes a
2117 written rejection of the coverage on behalf of all insureds

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2118 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~
2119 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
2120 of the lease contract, provides liability coverage on the leased
2121 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
2122 privilege to reject uninsured motorist coverage or to select
2123 lower limits than the bodily injury liability limits, regardless
2124 of whether the lessor is qualified as a self-insurer pursuant to
2125 s. 324.171. Unless an insured, or lessee having the privilege of
2126 rejecting uninsured motorist coverage, requests such coverage or
2127 requests higher uninsured motorist limits in writing, the
2128 coverage or such higher uninsured motorist limits need not be
2129 provided in or supplemental to any other policy which renews,
2130 extends, changes, supersedes, or replaces an existing policy
2131 with the same bodily injury liability limits when an insured or
2132 lessee had rejected the coverage. When an insured or lessee has
2133 initially selected limits of uninsured motorist coverage lower
2134 than her or his bodily injury liability limits, higher limits of
2135 uninsured motorist coverage need not be provided in or
2136 supplemental to any other policy that ~~which~~ renews, extends,
2137 changes, supersedes, or replaces an existing policy with the
2138 same bodily injury liability limits unless an insured requests
2139 higher uninsured motorist coverage in writing. The rejection or
2140 selection of lower limits must ~~shall~~ be made on a form approved
2141 by the office. The form must ~~shall~~ fully advise the applicant of
2142 the nature of the coverage and must ~~shall~~ state that the
2143 coverage is equal to bodily injury liability limits unless lower
2144 limits are requested or the coverage is rejected. The heading of
2145 the form must ~~shall~~ be in 12-point bold type and must ~~shall~~
2146 state: "You are electing not to purchase certain valuable

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2147 coverage that ~~which~~ protects you and your family or you are
2148 purchasing uninsured motorist limits less than your bodily
2149 injury liability limits when you sign this form. Please read
2150 carefully." If this form is signed by a named insured, it will
2151 be conclusively presumed that there was an informed, knowing
2152 rejection of coverage or election of lower limits on behalf of
2153 all insureds. The insurer shall notify the named insured at
2154 least annually of her or his options as to the coverage required
2155 by this section. Such notice must ~~shall~~ be part of, and attached
2156 to, the notice of premium, must ~~shall~~ provide for a means to
2157 allow the insured to request such coverage, and must ~~shall~~ be
2158 given in a manner approved by the office. Receipt of this notice
2159 does not constitute an affirmative waiver of the insured's right
2160 to uninsured motorist coverage if ~~where~~ the insured has not
2161 signed a selection or rejection form. The coverage described
2162 under this section must ~~shall~~ be over and above, but may ~~shall~~
2163 not duplicate, the benefits available to an insured under any
2164 workers' compensation law, ~~personal injury protection benefits,~~
2165 disability benefits law, or similar law; under any automobile
2166 medical payments ~~expense~~ coverage; under any motor vehicle
2167 liability insurance coverage; or from the owner or operator of
2168 the uninsured motor vehicle or any other person or organization
2169 jointly or severally liable together with such owner or operator
2170 for the accident; and such coverage must ~~shall~~ cover the
2171 difference, if any, between the sum of such benefits and the
2172 damages sustained, up to the maximum amount of such coverage
2173 provided under this section. The amount of coverage available
2174 under this section may ~~shall~~ not be reduced by a setoff against
2175 any coverage, including liability insurance. Such coverage does

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2176 shall not inure directly or indirectly to the benefit of any
2177 workers' compensation or disability benefits carrier or any
2178 person or organization qualifying as a self-insurer under any
2179 workers' compensation or disability benefits law or similar law.

2180 ~~(7) The legal liability of an uninsured motorist coverage~~
2181 ~~insurer does not include damages in tort for pain, suffering,~~
2182 ~~mental anguish, and inconvenience unless the injury or disease~~
2183 ~~is described in one or more of paragraphs (a) (d) of s.~~
2184 ~~627.737(2).~~

2185 Section 41. Subsection (1) and paragraphs (a) and (b) of
2186 subsection (2) of section 627.7275, Florida Statutes, are
2187 amended to read:

2188 627.7275 Motor vehicle liability.—

2189 (1) A motor vehicle insurance policy ~~providing personal~~
2190 ~~injury protection as set forth in s. 627.736 may not be~~
2191 ~~delivered or issued for delivery in this state~~ for a with
2192 ~~respect to any~~ specifically insured or identified motor vehicle
2193 registered or principally garaged in this state must provide
2194 bodily injury liability coverage and unless the policy also
2195 ~~provides coverage for property damage liability coverage~~ as
2196 required under by s. 324.022, and medical payments coverage as
2197 required under s. 627.7265.

2198 (2) (a) Insurers writing motor vehicle insurance in this
2199 state shall make available, subject to the insurers' usual
2200 underwriting restrictions:

2201 1. Coverage under policies as described in subsection (1)
2202 to an applicant for private passenger motor vehicle insurance
2203 coverage who is seeking the coverage in order to reinstate the
2204 applicant's driving privileges in this state if the driving

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2205 privileges were revoked or suspended pursuant to s. 316.646 or
2206 s. 324.0221 due to the failure of the applicant to maintain
2207 required security.

2208 2. Coverage under policies as described in subsection (1),
2209 which includes bodily injury ~~also provides~~ liability coverage
2210 and property damage liability coverage for bodily injury, death,
2211 ~~and property damage arising out of the ownership, maintenance,~~
2212 ~~or use of the motor vehicle~~ in an amount not less than the
2213 minimum limits required under ~~described in~~ s. 324.021(7) or s.
2214 324.023 and which conforms to the requirements of s. 324.151, to
2215 an applicant for private passenger motor vehicle insurance
2216 coverage who is seeking the coverage in order to reinstate the
2217 applicant's driving privileges in this state after such
2218 privileges were revoked or suspended under s. 316.193 or s.
2219 322.26(2) for driving under the influence.

2220 (b) The policies described in paragraph (a) must ~~shall~~ be
2221 issued for at least 6 months and, as to the minimum coverages
2222 required under this section, may not be canceled by the insured
2223 for any reason or by the insurer after 60 days, during which
2224 period the insurer is completing the underwriting of the policy.
2225 After the insurer has completed underwriting the policy, the
2226 insurer shall notify the Department of Highway Safety and Motor
2227 Vehicles that the policy is in full force and effect and is not
2228 cancelable for the remainder of the policy period. A premium
2229 must ~~shall~~ be collected and the coverage is in effect for the
2230 60-day period during which the insurer is completing the
2231 underwriting of the policy, whether or not the person's driver
2232 license, motor vehicle tag, and motor vehicle registration are
2233 in effect. Once the noncancelable provisions of the policy

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2234 become effective, the bodily injury liability and property
2235 damage liability coverages ~~for bodily injury, property damage,~~
2236 ~~and personal injury protection~~ may not be reduced below the
2237 minimum limits required under s. 324.021 or s. 324.023 during
2238 the policy period, and the medical payments coverage may not be
2239 reduced below the minimum limit required under s. 627.7265.

2240 Section 42. Paragraph (a) of subsection (1) of section
2241 627.728, Florida Statutes, is amended to read:

2242 627.728 Cancellations; nonrenewals.—

2243 (1) As used in this section, the term:

2244 (a) "Policy" means the bodily injury and property damage
2245 liability, ~~personal injury protection~~, medical payments,
2246 comprehensive, collision, and uninsured motorist coverage
2247 portions of a policy of motor vehicle insurance delivered or
2248 issued for delivery in this state:

2249 1. Insuring a natural person as named insured or one or
2250 more related individuals who are residents ~~resident~~ of the same
2251 household; and

2252 2. Insuring only a motor vehicle of the private passenger
2253 type or station wagon type which is not used as a public or
2254 livery conveyance for passengers or rented to others; or
2255 insuring any other four-wheel motor vehicle having a load
2256 capacity of 1,500 pounds or less which is not used in the
2257 occupation, profession, or business of the insured other than
2258 farming; other than any policy issued under an automobile
2259 insurance assigned risk plan or covering garage, automobile
2260 sales agency, repair shop, service station, or public parking
2261 place operation hazards.

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2263 The term "policy" does not include a binder as defined in s.
2264 627.420 unless the duration of the binder period exceeds 60
2265 days.

2266 Section 43. Subsection (1), paragraph (a) of subsection
2267 (5), and subsections (6) and (7) of section 627.7295, Florida
2268 Statutes, are amended to read:

2269 627.7295 Motor vehicle insurance contracts.—

2270 (1) As used in this section, the term:

2271 (a) "Policy" means a motor vehicle insurance policy that
2272 provides bodily injury liability ~~personal injury protection~~
2273 coverage, property damage liability coverage, and medical
2274 payments coverage ~~or both~~.

2275 (b) "Binder" means a binder that provides motor vehicle
2276 bodily injury liability coverage, ~~personal injury protection and~~
2277 property damage liability coverage, and medical payments
2278 coverage.

2279 (5) (a) A licensed general lines agent may charge a per-
2280 policy fee up to ~~not to exceed~~ \$10 to cover the administrative
2281 costs of the agent associated with selling the motor vehicle
2282 insurance policy if the policy covers only bodily injury
2283 liability coverage, ~~personal injury protection coverage as~~
2284 ~~provided by s. 627.736 and~~ property damage liability coverage,
2285 and medical payments coverage as provided by s. 627.7275 and if
2286 no other insurance is sold or issued in conjunction with or
2287 collateral to the policy. The fee is not ~~considered~~ part of the
2288 premium.

2289 (6) If a motor vehicle owner's driver license, license
2290 plate, and registration have previously been suspended pursuant
2291 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy

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2292 only as provided in s. 627.7275.

2293 (7) A policy of private passenger motor vehicle insurance
2294 or a binder for such a policy may be initially issued in this
2295 state only if, before the effective date of such binder or
2296 policy, the insurer or agent has collected ~~from the insured an~~
2297 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
2298 agent, or premium finance company may not, directly or
2299 indirectly, take any action that results ~~resulting~~ in the
2300 insured paying ~~having paid~~ from the insured's own funds an
2301 amount less than the 2 months' premium required by this
2302 subsection. This subsection applies without regard to whether
2303 the premium is financed by a premium finance company or is paid
2304 pursuant to a periodic payment plan of an insurer or an
2305 insurance agent.

2306 (a) This subsection does not apply:

2307 1. If an insured or member of the insured's family is
2308 renewing or replacing a policy or a binder for such policy
2309 written by the same insurer or a member of the same insurer
2310 group. ~~This subsection does not apply~~

2311 2. To an insurer that issues private passenger motor
2312 vehicle coverage primarily to active duty or former military
2313 personnel or their dependents. ~~This subsection does not apply~~

2314 3. If all policy payments are paid pursuant to a payroll
2315 deduction plan, an automatic electronic funds transfer payment
2316 plan from the policyholder, or a recurring credit card or debit
2317 card agreement with the insurer.

2318 (b) This subsection and subsection (4) do not apply if:

2319 1. All policy payments to an insurer are paid pursuant to
2320 an automatic electronic funds transfer payment plan from an

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2321 agent, a managing general agent, or a premium finance company
 2322 and if the policy includes, at a minimum, bodily injury
 2323 liability coverage, ~~personal injury protection pursuant to ss.~~
 2324 ~~627.730-627.7405; motor vehicle property damage liability~~
 2325 coverage, and medical payments coverage pursuant to s. 627.7275;
 2326 ~~or and bodily injury liability in at least the amount of \$10,000~~
 2327 ~~because of bodily injury to, or death of, one person in any one~~
 2328 ~~accident and in the amount of \$20,000 because of bodily injury~~
 2329 ~~to, or death of, two or more persons in any one accident. This~~
 2330 ~~subsection and subsection (4) do not apply if~~

2331 2. An insured has had a policy in effect for at least 6
 2332 months, the insured's agent is terminated by the insurer that
 2333 issued the policy, and the insured obtains coverage on the
 2334 policy's renewal date with a new company through the terminated
 2335 agent.

2336 Section 44. Subsections (1) and (2) of section 627.7415,
 2337 Florida Statutes, are amended to read:

2338 627.7415 Commercial motor vehicles; additional liability
 2339 insurance coverage.—Commercial motor vehicles, as defined in s.
 2340 207.002 or s. 320.01, operated upon the roads and highways of
 2341 this state shall be insured with the ~~following~~ minimum levels of
 2342 combined bodily liability insurance and property damage
 2343 liability insurance under subsections (1) and (2) in addition to
 2344 any other insurance requirements. ÷

2345 (1) ~~Fifty thousand dollars per occurrence~~ For a commercial
 2346 motor vehicle with a gross vehicle weight of 26,000 pounds or
 2347 more, but less than 35,000 pounds:

2348 (a) Beginning January 1, 2019, through December 31, 2020,
 2349 no less than \$50,000 per occurrence.

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2350 (b) Beginning January 1, 2021, through December 31, 2022,
 2351 no less than \$60,000 per occurrence.

2352 (c) Beginning January 1, 2023, and thereafter, no less than
 2353 \$70,000 per occurrence.

2354 (2) ~~One hundred thousand dollars per occurrence~~ For a
 2355 commercial motor vehicle with a gross vehicle weight of 35,000
 2356 pounds or more, but less than 44,000 pounds:

2357 (a) Beginning January 1, 2019, through December 31, 2020,
 2358 no less than \$100,000 per occurrence.

2359 (b) Beginning January 1, 2021, through December 31, 2022,
 2360 no less than \$120,000 per occurrence.

2361 (c) Beginning January 1, 2023, and thereafter, no less than
 2362 \$140,000 per occurrence.

2363
 2364 A violation of this section is a noncriminal traffic infraction,
 2365 punishable as a nonmoving violation as provided in chapter 318.

2366 Section 45. Section 627.8405, Florida Statutes, is amended
 2367 to read:

2368 627.8405 Prohibited acts; financing companies.—~~A~~ ~~No~~ premium
 2369 finance company ~~shall~~, in a premium finance agreement or other
 2370 agreement, may not finance the cost of or otherwise provide for
 2371 the collection or remittance of dues, assessments, fees, or
 2372 other periodic payments of money for the cost of:

2373 (1) A membership in an automobile club. The term
 2374 "automobile club" means a legal entity that ~~which~~, in
 2375 consideration of dues, assessments, or periodic payments of
 2376 money, promises its members or subscribers to assist them in
 2377 matters relating to the ownership, operation, use, or
 2378 maintenance of a motor vehicle; however, the term ~~this~~

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2379 ~~definition of "automobile club"~~ does not include persons,
 2380 associations, or corporations ~~which are~~ organized and operated
 2381 solely for the purpose of conducting, sponsoring, or sanctioning
 2382 motor vehicle races, exhibitions, or contests upon racetracks,
 2383 or upon racecourses established and marked as such for the
 2384 duration of such particular events. The term ~~words~~ "motor
 2385 vehicle" used herein has ~~have~~ the same meaning as defined in
 2386 chapter 320.

2387 (2) An accidental death and dismemberment policy sold in
 2388 combination with a policy providing only medical payments
 2389 coverage, bodily injury liability coverage, ~~personal injury~~
 2390 protection and property damage liability coverage ~~only policy~~.

2391 (3) Any product not regulated under ~~the provisions of this~~
 2392 insurance code.

2393

2394 This section also applies to premium financing by any insurance
 2395 agent or insurance company under part XVI. The commission shall
 2396 adopt rules to assure disclosure, at the time of sale, of
 2397 coverages financed ~~with personal injury protection~~ and shall
 2398 prescribe the form of such disclosure.

2399 Section 46. Subsection (1) of section 627.915, Florida
 2400 Statutes, is amended to read:

2401 627.915 Insurer experience reporting.—

2402 (1) Each insurer transacting private passenger automobile
 2403 insurance in this state shall report certain information
 2404 annually to the office. The information will be due on or before
 2405 July 1 of each year. The information must ~~shall~~ be divided into
 2406 the following categories: bodily injury liability; property
 2407 damage liability; uninsured motorist; ~~personal injury protection~~

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2408 ~~benefits;~~ medical payments; and comprehensive and collision. The
2409 information given must ~~shall~~ be on direct insurance writings in
2410 the state alone and ~~shall~~ represent total limits data. The
2411 information set forth in paragraphs (a)-(f) is applicable to
2412 voluntary private passenger and Joint Underwriting Association
2413 private passenger writings and must ~~shall~~ be reported for each
2414 of the latest 3 calendar-accident years, with an evaluation date
2415 of March 31 of the current year. The information set forth in
2416 paragraphs (g)-(j) is applicable to voluntary private passenger
2417 writings and must ~~shall~~ be reported on a calendar-accident year
2418 basis ultimately seven times at seven different stages of
2419 development.

2420 (a) Premiums earned for the latest 3 calendar-accident
2421 years.

2422 (b) Loss development factors and the historic development
2423 of those factors.

2424 (c) Policyholder dividends incurred.

2425 (d) Expenses for other acquisition and general expense.

2426 (e) Expenses for agents' commissions and taxes, licenses,
2427 and fees.

2428 (f) Profit and contingency factors as utilized in the
2429 insurer's automobile rate filings for the applicable years.

2430 (g) Losses paid.

2431 (h) Losses unpaid.

2432 (i) Loss adjustment expenses paid.

2433 (j) Loss adjustment expenses unpaid.

2434 Section 47. Subsections (2) and (3) of section 628.909,
2435 Florida Statutes, are amended to read:

2436 628.909 Applicability of other laws.—

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2437 (2) The following provisions of the Florida Insurance Code
2438 apply to captive insurance companies who are not industrial
2439 insured captive insurance companies to the extent that such
2440 provisions are not inconsistent with this part:

2441 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2442 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2443 (b) Chapter 625, part II.

2444 (c) Chapter 626, part IX.

2445 (d) ~~Sections 627.730-627.7405, when no fault coverage is~~
2446 ~~provided.~~

2447 ~~(e) Chapter 628.~~

2448 (3) The following provisions of the Florida Insurance Code
2449 ~~shall~~ apply to industrial insured captive insurance companies to
2450 the extent that such provisions are not inconsistent with this
2451 part:

2452 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2453 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2454 (b) Chapter 625, part II, if the industrial insured captive
2455 insurance company is incorporated in this state.

2456 (c) Chapter 626, part IX.

2457 (d) ~~Sections 627.730-627.7405 when no fault coverage is~~
2458 ~~provided.~~

2459 ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~
2460 ~~628.6018.~~

2461 Section 48. Subsections (2), (6), and (7) of section
2462 705.184, Florida Statutes, are amended to read:

2463 705.184 Derelict or abandoned motor vehicles on the
2464 premises of public-use airports.-

2465 (2) The airport director or the director's designee shall

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2466 contact the Department of Highway Safety and Motor Vehicles to
2467 notify that department that the airport has possession of the
2468 abandoned or derelict motor vehicle and to determine the name
2469 and address of the owner of the motor vehicle, the insurance
2470 company insuring the motor vehicle, ~~notwithstanding the~~
2471 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2472 the motor vehicle. Within 7 business days after receipt of the
2473 information, the director or the director's designee shall send
2474 notice by certified mail, return receipt requested, to the owner
2475 of the motor vehicle, the insurance company insuring the motor
2476 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2477 persons of record claiming a lien against the motor vehicle. The
2478 notice must ~~shall~~ state the fact of possession of the motor
2479 vehicle, that charges for reasonable towing, storage, and
2480 parking fees, if any, have accrued and the amount thereof, that
2481 a lien as provided in subsection (6) will be claimed, that the
2482 lien is subject to enforcement pursuant to law, that the owner
2483 or lienholder, if any, has the right to a hearing as set forth
2484 in subsection (4), and that any motor vehicle which, at the end
2485 of 30 calendar days after receipt of the notice, has not been
2486 removed from the airport upon payment in full of all accrued
2487 charges for reasonable towing, storage, and parking fees, if
2488 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2489 (d), or (e), including, but not limited to, the motor vehicle
2490 being sold free of all prior liens after 35 calendar days after
2491 the time the motor vehicle is stored if any prior liens on the
2492 motor vehicle are more than 5 years of age or after 50 calendar
2493 days after the time the motor vehicle is stored if any prior
2494 liens on the motor vehicle are 5 years of age or less.

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2495 (6) The airport pursuant to this section or, if used, a
2496 licensed independent wrecker company pursuant to s. 713.78 shall
2497 have a lien on an abandoned or derelict motor vehicle for all
2498 reasonable towing, storage, and accrued parking fees, if any,
2499 except that no storage fee may ~~shall~~ be charged if the motor
2500 vehicle is stored less than 6 hours. As a prerequisite to
2501 perfecting a lien under this section, the airport director or
2502 the director's designee must serve a notice in accordance with
2503 subsection (2) on the owner of the motor vehicle, the insurance
2504 company insuring the motor vehicle, ~~notwithstanding the~~
2505 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2506 lien against the motor vehicle. If attempts to notify the owner,
2507 the insurance company insuring the motor vehicle,
2508 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2509 not successful, the requirement of notice by mail shall be
2510 considered met. Serving of the notice does not dispense with
2511 recording the claim of lien.

2512 (7) (a) For the purpose of perfecting its lien under this
2513 section, the airport shall record a claim of lien which states
2514 ~~shall state:~~

2515 1. The name and address of the airport.

2516 2. The name of the owner of the motor vehicle, the
2517 insurance company insuring the motor vehicle, ~~notwithstanding~~
2518 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2519 a lien against the motor vehicle.

2520 3. The costs incurred from reasonable towing, storage, and
2521 parking fees, if any.

2522 4. A description of the motor vehicle sufficient for
2523 identification.

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2524 (b) The claim of lien must ~~shall~~ be signed and sworn to or
 2525 affirmed by the airport director or the director's designee.

2526 (c) The claim of lien is ~~shall be~~ sufficient if it is in
 2527 substantially the following form:

2528

2529 CLAIM OF LIEN

2530 State of

2531 County of

2532 Before me, the undersigned notary public, personally appeared
 2533, who was duly sworn and says that he/she is the
 2534 of, whose address is.....; and that the
 2535 following described motor vehicle:

2536 ...(Description of motor vehicle)...

2537 owned by, whose address is, has accrued
 2538 \$..... in fees for a reasonable tow, for storage, and for
 2539 parking, if applicable; that the lienor served its notice to the
 2540 owner, the insurance company insuring the motor vehicle
 2541 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
 2542 and all persons of record claiming a lien against the motor
 2543 vehicle on, ...(year)...., by.....

2544 ...(Signature)...

2545 Sworn to (or affirmed) and subscribed before me this day of
 2546, ...(year)...., by ...(name of person making statement)....

2547 ...(Signature of Notary Public).....(Print, Type, or Stamp
 2548 Commissioned name of Notary Public)...

2549 Personally Known...OR Produced...as identification.

2550

2551 However, the negligent inclusion or omission of any information
 2552 in this claim of lien which does not prejudice the owner does

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2553 not constitute a default that operates to defeat an otherwise
2554 valid lien.

2555 (d) The claim of lien must ~~shall~~ be served on the owner of
2556 the motor vehicle, the insurance company insuring the motor
2557 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2558 persons of record claiming a lien against the motor vehicle. If
2559 attempts to notify the owner, the insurance company insuring the
2560 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
2561 lienholders are not successful, the requirement of notice by
2562 mail shall be considered met. The claim of lien must ~~shall~~ be so
2563 served before recordation.

2564 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2565 of court in the county where the airport is located. The
2566 recording of the claim of lien shall be constructive notice to
2567 all persons of the contents and effect of such claim. The lien
2568 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2569 ~~take~~ priority as of that time.

2570 Section 49. Subsection (4) of section 713.78, Florida
2571 Statutes, is amended to read:

2572 713.78 Liens for recovering, towing, or storing vehicles
2573 and vessels.—

2574 (4) (a) Any person regularly engaged in the business of
2575 recovering, towing, or storing vehicles or vessels who comes
2576 into possession of a vehicle or vessel pursuant to subsection
2577 (2), and who claims a lien for recovery, towing, or storage
2578 services, shall give notice to the registered owner, the
2579 insurance company insuring the vehicle ~~notwithstanding the~~
2580 ~~provisions of s. 627.736,~~ and to all persons claiming a lien
2581 thereon, as disclosed by the records in the Department of

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2582 Highway Safety and Motor Vehicles or as disclosed by the records
2583 of any corresponding agency in any other state in which the
2584 vehicle is identified through a records check of the National
2585 Motor Vehicle Title Information System or an equivalent
2586 commercially available system as being titled or registered.

2587 (b) If a ~~Whenever any~~ law enforcement agency authorizes the
2588 removal of a vehicle or vessel or if a ~~whenever any~~ towing
2589 service, garage, repair shop, or automotive service, storage, or
2590 parking place notifies the law enforcement agency of possession
2591 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2592 enforcement agency of the jurisdiction where the vehicle or
2593 vessel is stored shall contact the Department of Highway Safety
2594 and Motor Vehicles, or the appropriate agency of the state of
2595 registration, if known, within 24 hours through the medium of
2596 electronic communications, giving the full description of the
2597 vehicle or vessel. Upon receipt of the full description of the
2598 vehicle or vessel, the department shall search its files to
2599 determine the owner's name, the insurance company insuring the
2600 vehicle or vessel, and whether any person has filed a lien upon
2601 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2602 notify the applicable law enforcement agency within 72 hours.
2603 The person in charge of the towing service, garage, repair shop,
2604 or automotive service, storage, or parking place shall obtain
2605 such information from the applicable law enforcement agency
2606 within 5 days after the date of storage and shall give notice
2607 pursuant to paragraph (a). The department may release the
2608 insurance company information to the requestor ~~notwithstanding~~
2609 ~~the provisions of s. 627.736.~~

2610 (c) Notice by certified mail must ~~shall~~ be sent within 7

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2611 business days after the date of storage of the vehicle or vessel
2612 to the registered owner, the insurance company insuring the
2613 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
2614 persons of record claiming a lien against the vehicle or vessel.
2615 The notice must ~~it shall~~ state the fact of possession of the
2616 vehicle or vessel, that a lien as provided in subsection (2) is
2617 claimed, that charges have accrued and the amount thereof, that
2618 the lien is subject to enforcement pursuant to law, ~~and~~ that the
2619 owner or lienholder, if any, has the right to a hearing as set
2620 forth in subsection (5), and that any vehicle or vessel which
2621 remains unclaimed, or for which the charges for recovery,
2622 towing, or storage services remain unpaid, may be sold free of
2623 all prior liens after 35 days if the vehicle or vessel is more
2624 than 3 years of age or after 50 days if the vehicle or vessel is
2625 3 years of age or less.

2626 (d) If attempts to locate the name and address of the owner
2627 or lienholder prove unsuccessful, the towing-storage operator
2628 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,
2629 of the initial tow or storage, notify the public agency of
2630 jurisdiction where the vehicle or vessel is stored in writing by
2631 certified mail or acknowledged hand delivery that the towing-
2632 storage company has been unable to locate the name and address
2633 of the owner or lienholder and a physical search of the vehicle
2634 or vessel has disclosed no ownership information and a good
2635 faith effort has been made, including records checks of the
2636 Department of Highway Safety and Motor Vehicles database and the
2637 National Motor Vehicle Title Information System or an equivalent
2638 commercially available system. As used in ~~For purposes of~~ this
2639 paragraph and subsection (9), the term "good faith effort" means

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2640 that the following checks have been performed by the company to
2641 establish prior state of registration and for title:

2642 1. Check of the Department of Highway Safety and Motor
2643 Vehicles database for the owner and any lienholder.

2644 2. Check of the electronic National Motor Vehicle Title
2645 Information System or an equivalent commercially available
2646 system to determine the state of registration when there is not
2647 a current registration record for the vehicle on file with the
2648 Department of Highway Safety and Motor Vehicles.

2649 3. Check of vehicle or vessel for any type of tag, tag
2650 record, temporary tag, or regular tag.

2651 4. Check of law enforcement report for tag number or other
2652 information identifying the vehicle or vessel, if the vehicle or
2653 vessel was towed at the request of a law enforcement officer.

2654 5. Check of trip sheet or tow ticket of tow truck operator
2655 to see if a tag was on vehicle or vessel at beginning of tow, if
2656 private tow.

2657 6. If there is no address of the owner on the impound
2658 report, check of law enforcement report to see if an out-of-
2659 state address is indicated from driver license information.

2660 7. Check of vehicle or vessel for inspection sticker or
2661 other stickers and decals that may indicate a state of possible
2662 registration.

2663 8. Check of the interior of the vehicle or vessel for any
2664 papers that may be in the glove box, trunk, or other areas for a
2665 state of registration.

2666 9. Check of vehicle for vehicle identification number.

2667 10. Check of vessel for vessel registration number.

2668 11. Check of vessel hull for a hull identification number

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2669 which should be carved, burned, stamped, embossed, or otherwise
2670 permanently affixed to the outboard side of the transom or, if
2671 there is no transom, to the outmost seaboard side at the end of
2672 the hull that bears the rudder or other steering mechanism.

2673 Section 50. Paragraph (a) of subsection (1), paragraph (c)
2674 of subsection (7), paragraphs (a), (b), and (c) of subsection
2675 (8), and subsections (9) and (10) of section 817.234, Florida
2676 Statutes, are amended to read:

2677 817.234 False and fraudulent insurance claims.—

2678 (1) (a) A person commits insurance fraud punishable as
2679 provided in subsection (11) if that person, with the intent to
2680 injure, defraud, or deceive any insurer:

2681 1. Presents or causes to be presented any written or oral
2682 statement as part of, or in support of, a claim for payment or
2683 other benefit pursuant to an insurance policy or a health
2684 maintenance organization subscriber or provider contract,
2685 knowing that such statement contains ~~any~~ false, incomplete, or
2686 misleading information concerning any fact or thing material to
2687 such claim;

2688 2. Prepares or makes any written or oral statement that is
2689 intended to be presented to an ~~any~~ insurer in connection with,
2690 or in support of, any claim for payment or other benefit
2691 pursuant to an insurance policy or a health maintenance
2692 organization subscriber or provider contract, knowing that such
2693 statement contains ~~any~~ false, incomplete, or misleading
2694 information concerning any fact or thing material to such claim;

2695 3.a. Knowingly presents, causes to be presented, or
2696 prepares or makes with knowledge or belief that it will be
2697 presented to an ~~any~~ insurer, purported insurer, servicing

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2698 corporation, insurance broker, or insurance agent, or any
2699 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2700 information or a written or oral statement as part of, or in
2701 support of, an application for the issuance of, or the rating
2702 of, any insurance policy, or a health maintenance organization
2703 subscriber or provider contract; or

2704 b. Knowingly conceals information concerning any fact
2705 material to such application; or

2706 4. Knowingly presents, causes to be presented, or prepares
2707 or makes with knowledge or belief that it will be presented to
2708 any insurer a claim for payment or other benefit under medical
2709 payments coverage in a motor vehicle ~~a personal injury~~
2710 ~~protection~~ insurance policy if the person knows that the payee
2711 knowingly submitted a false, misleading, or fraudulent
2712 application or other document when applying for licensure as a
2713 health care clinic, seeking an exemption from licensure as a
2714 health care clinic, or demonstrating compliance with part X of
2715 chapter 400.

2716 (7)

2717 ~~(c) An insurer, or any person acting at the direction of or~~
2718 ~~on behalf of an insurer, may not change an opinion in a mental~~
2719 ~~or physical report prepared under s. 627.736(7) or direct the~~
2720 ~~physician preparing the report to change such opinion; however,~~
2721 ~~this provision does not preclude the insurer from calling to the~~
2722 ~~attention of the physician errors of fact in the report based~~
2723 ~~upon information in the claim file. Any person who violates this~~
2724 ~~paragraph commits a felony of the third degree, punishable as~~
2725 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2726 (8) (a) It is unlawful for any person intending to defraud

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2727 any other person to solicit or cause to be solicited any
2728 business from a person involved in a motor vehicle accident for
2729 the purpose of making, adjusting, or settling motor vehicle tort
2730 claims or claims for benefits under medical payments coverage in
2731 a motor vehicle insurance policy ~~personal injury protection~~
2732 ~~benefits required by s. 627.736~~. Any person who violates ~~the~~
2733 ~~provisions of~~ this paragraph commits a felony of the second
2734 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2735 775.084. A person who is convicted of a violation of this
2736 subsection shall be sentenced to a minimum term of imprisonment
2737 of 2 years.

2738 (b) A person may not solicit or cause to be solicited any
2739 business from a person involved in a motor vehicle accident by
2740 any means of communication other than advertising directed to
2741 the public for the purpose of making motor vehicle tort claims
2742 or claims for benefits under medical payments coverage in a
2743 motor vehicle insurance policy ~~personal injury protection~~
2744 ~~benefits required by s. 627.736~~, within 60 days after the
2745 occurrence of the motor vehicle accident. Any person who
2746 violates this paragraph commits a felony of the third degree,
2747 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2748 (c) A lawyer, health care practitioner as defined in s.
2749 456.001, or owner or medical director of a clinic required to be
2750 licensed pursuant to s. 400.9905 may not, at any time after 60
2751 days have elapsed from the occurrence of a motor vehicle
2752 accident, solicit or cause to be solicited any business from a
2753 person involved in a motor vehicle accident by means of in
2754 person or telephone contact at the person's residence, for the
2755 purpose of making motor vehicle tort claims or claims for

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2756 benefits under medical payments coverage in a motor vehicle
 2757 insurance policy ~~personal injury protection benefits required by~~
 2758 ~~s. 627.736~~. Any person who violates this paragraph commits a
 2759 felony of the third degree, punishable as provided in s.
 2760 775.082, s. 775.083, or s. 775.084.

2761 (9) A person may not organize, plan, or knowingly
 2762 participate in an intentional motor vehicle crash or a scheme to
 2763 create documentation of a motor vehicle crash that did not occur
 2764 for the purpose of making motor vehicle tort claims or claims
 2765 for benefits under medical payments coverage in a motor vehicle
 2766 insurance policy ~~personal injury protection benefits as required~~
 2767 ~~by s. 627.736~~. Any person who violates this subsection commits a
 2768 felony of the second degree, punishable as provided in s.
 2769 775.082, s. 775.083, or s. 775.084. A person who is convicted of
 2770 a violation of this subsection shall be sentenced to a minimum
 2771 term of imprisonment of 2 years.

2772 (10) A licensed health care practitioner who is found
 2773 guilty of insurance fraud under this section for an act relating
 2774 to a motor vehicle ~~personal injury protection~~ insurance policy
 2775 loses his or her license to practice for 5 years and may not
 2776 receive reimbursement under medical payments coverage in a motor
 2777 vehicle insurance policy ~~for personal injury protection benefits~~
 2778 for 10 years.

2779 Section 51. Applicability and construction; notice to
 2780 policyholders.—

2781 (1) As used in this section, the term "minimum security
 2782 requirements" means security that enables a person to respond in
 2783 damages for liability on account of crashes arising out of the
 2784 ownership, maintenance, or use of a motor vehicle in the amounts

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2785 required by s. 324.021(7), Florida Statutes.

2786 (2) Effective January 1, 2019:

2787 (a) Motor vehicle insurance policies issued or renewed on
2788 or after that date may not include personal injury protection.

2789 (b) All persons subject to s. 324.022, s. 324.032, s.
2790 627.7415, or s. 627.742, Florida Statutes, must maintain at
2791 least minimum security requirements.

2792 (c) Any new or renewal motor vehicle insurance policy
2793 delivered or issued for delivery in this state must provide
2794 coverage that complies with minimum security requirements.

2795 (d) Any new or renewal motor vehicle insurance policy
2796 furnished to an owner or operator of a motor vehicle as proof of
2797 financial responsibility pursuant to s. 324.022 or s. 324.031,
2798 Florida Statutes, must provide medical payments coverage that
2799 complies with s. 627.7265, Florida Statutes.

2800 (e) An existing motor vehicle insurance policy issued
2801 before that date which provides personal injury protection and
2802 property damage liability coverage that meets the requirements
2803 of s. 324.022, Florida Statutes, on December 31, 2018, but which
2804 does not meet minimum security requirements on or after January
2805 1, 2019, is deemed to meet the security requirements of s.
2806 324.022, Florida Statutes, and the medical payments coverage
2807 requirements of s. 627.7265, Florida Statutes, until such policy
2808 is renewed, nonrenewed, or canceled on or after January 1, 2019.

2809 (3) Each insurer shall allow each insured who has a new or
2810 renewal policy providing personal injury protection, which
2811 becomes effective before January 1, 2019, and whose policy does
2812 not meet minimum security requirements on or after January 1,
2813 2019, to change coverages so as to eliminate personal injury

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2814 protection and obtain coverage providing minimum security
2815 requirements, which shall be effective on or after January 1,
2816 2019. The insurer is not required to provide coverage complying
2817 with minimum security requirements in such policies if the
2818 insured does not pay the required premium, if any, by January 1,
2819 2019, or such later date as the insurer may allow. Any reduction
2820 in the premium must be refunded by the insurer. The insurer may
2821 not impose on the insured an additional fee or charge that
2822 applies solely to a change in coverage; however, the insurer may
2823 charge an additional required premium that is actuarially
2824 indicated.

2825 (4) By September 1, 2018, each motor vehicle insurer shall
2826 provide notice of this section to each motor vehicle
2827 policyholder who is subject to this section. The notice is
2828 subject to approval by the Office of Insurance Regulation and
2829 must clearly inform the policyholder that:

2830 (a) The Florida Motor Vehicle No-Fault Law is repealed,
2831 effective January 1, 2019, and that on or after that date, the
2832 insured is no longer required to maintain personal injury
2833 protection insurance coverage, that personal injury protection
2834 coverage is no longer available for purchase in this state, and
2835 that all new or renewal policies issued on or after that date do
2836 not contain such coverage.

2837 (b) Effective January 1, 2019, a person subject to the
2838 financial responsibility requirements of s. 324.022, Florida
2839 Statutes, must maintain minimum security requirements that
2840 enable the person to respond in damages for liability on account
2841 of accidents arising out of the use of a motor vehicle in the
2842 following amounts:

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2843 1. Beginning January 1, 2019, and continuing through
2844 December 31, 2020:

2845 a. Twenty thousand dollars for bodily injury to, or the
2846 death of, one person in any one crash and, subject to such
2847 limits for one person, in the amount of \$40,000 for bodily
2848 injury to, or the death of, two or more persons in any one
2849 crash; and

2850 b. Ten thousand dollars for damage to, or destruction of,
2851 the property of others in any one crash.

2852 2. Beginning January 1, 2021, and continuing through
2853 December 31, 2022:

2854 a. Twenty-five thousand dollars for bodily injury to, or
2855 the death of, one person in any one crash and, subject to such
2856 limits for one person, in the amount of \$50,000 for bodily
2857 injury to, or the death of, two or more persons in any one
2858 crash; and

2859 b. Ten thousand dollars for damage to, or destruction of,
2860 the property of others in any one crash.

2861 3. Beginning January 1, 2023, and continuing thereafter:

2862 a. Thirty thousand dollars for bodily injury to, or the
2863 death of, one person in any one crash and, subject to such
2864 limits for one person, in the amount of \$60,000 for bodily
2865 injury to, or the death of, two or more persons in any one
2866 crash; and

2867 b. Ten thousand dollars for damage to, or destruction of,
2868 the property of others in any one crash.

2869 (c) Personal injury protection insurance paid covered
2870 medical expenses for injuries sustained in a motor vehicle crash
2871 by the policyholder, passengers, and relatives residing in the

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2872 policyholder's household.

2873 (d) Bodily injury liability coverage protects the insured,
2874 up to the coverage limits, against loss if the insured is
2875 legally responsible for the death of or bodily injury to others
2876 in a motor vehicle accident.

2877 (e) Effective January 1, 2019, a person who purchases a
2878 motor vehicle liability insurance policy as proof of financial
2879 responsibility must maintain medical payments coverage that
2880 complies with s. 627.7265, Florida Statutes. Medical payments
2881 coverage pays covered medical expenses, up to the limits of such
2882 coverage, for injuries sustained in a motor vehicle crash by the
2883 policyholder, passengers, and relatives residing in the
2884 policyholder's household, as provided in s. 627.7265, Florida
2885 Statutes. Medical payments coverage also provides a death
2886 benefit of at least \$5,000. Medical payments coverage reimburses
2887 fewer medical services and care than were reimbursable under
2888 personal injury protection. Medical payments coverage provides
2889 reimbursement for the following if medically necessary and if an
2890 individual initially receives such treatment within 14 days
2891 after the motor vehicle accident:

2892 1. Emergency transportation and treatment.

2893 2. Emergency services and care provided by a hospital.

2894 3. Emergency services and care provided by a licensed
2895 physician or licensed dentist in a hospital, ambulatory surgical
2896 center, or mobile surgical facility licensed under chapter 395,
2897 Florida Statutes, and related hospital inpatient care.

2898 4. Hospital inpatient services, other than emergency
2899 services and care.

2900 5. Hospital outpatient services, other than emergency

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2901 services and care.

2902 (f) The policyholder may obtain underinsured motorist
2903 coverage, which provides benefits, up to the limits of such
2904 coverage, to a policyholder or other insured entitled to recover
2905 damages for bodily injury, sickness, disease, or death resulting
2906 from a motor vehicle accident with an uninsured or underinsured
2907 owner or operator of a motor vehicle.

2908 (g) If the policyholder's new or renewal motor vehicle
2909 insurance policy is effective before January 1, 2019, and
2910 contains personal injury protection and property damage
2911 liability coverage as required by state law before January 1,
2912 2019, but does not meet minimum security requirements on or
2913 after January 1, 2019, the policy is deemed to meet minimum
2914 security requirements until it is renewed, nonrenewed, or
2915 canceled on or after January 1, 2019.

2916 (h) A policyholder whose new or renewal policy becomes
2917 effective before January 1, 2019, but does not meet minimum
2918 security requirements on or after January 1, 2019, may change
2919 coverages under the policy so as to eliminate personal injury
2920 protection and to obtain coverage providing minimum security
2921 requirements, including bodily injury liability coverage, which
2922 are effective on or after January 1, 2019.

2923 (i) If the policyholder has any questions, he or she should
2924 contact the person named at the telephone number provided in the
2925 notice.

2926 (5) This section takes effect upon this act becoming a law.
2927 Section 52. Application of suspensions for failure to
2928 maintain security; reinstatement.-All suspensions for failure to
2929 maintain required security as required by law in effect before

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2930 January 1, 2019, remain in full force and effect after January
2931 1, 2019. A driver may reinstate a suspended driver license or
2932 registration as provided under s. 324.0221, Florida Statutes.

2933 Section 53. Except as otherwise expressly provided in this
2934 act and except for this section, which shall take effect upon
2935 this act becoming a law, this act shall take effect January 1,
2936 2019.