



1 A bill to be entitled
2 An act relating to motor vehicle insurance; providing
3 a short title; amending s. 316.646, F.S.; revising
4 security requirements for a motor vehicle owner or
5 operator; amending s. 324.011, F.S.; revising
6 legislative intent and purpose; creating s. 324.015,
7 F.S.; excluding personal injury protection from motor
8 vehicle insurance policies issued or renewed on or
9 after a specified date; providing conditions for
10 policies entered into by a specified date; requiring
11 an insurer to permit an insured to change coverages
12 under specified circumstances; providing notice
13 requirements; providing that notice is subject to
14 approval by the Office of Insurance Regulation;
15 providing applicability; amending s. 324.021, F.S.;
16 revising the definition of the terms "motor vehicle"
17 and "proof of financial responsibility" to exclude an
18 exemption relating to owner compliance and to increase
19 the minimum amount of motor vehicle liability coverage
20 required by insureds, respectively; conforming a
21 cross-reference; amending s. 324.022, F.S.; revising
22 financial responsibility requirements for owners and
23 operators of motor vehicles; conforming a cross-
24 reference; amending s. 324.0221, F.S.; conforming
25 provisions to changes made by the act; conforming



26 cross-references; providing certain conditions for the
27 suspension of a motor vehicle license or registration;
28 amending s. 324.151, F.S.; providing definitions;
29 revising provisions relating to certain motor vehicle
30 liability policies; amending s. 324.161, F.S.;
31 revising deposit requirements for self-insurers;
32 amending s. 324.171, F.S.; revising conditions under
33 which a person is able to obtain a certificate of
34 self-insurance; conforming provisions to changes made
35 by the act; amending s. 324.251, F.S.; revising a
36 short title; amending ss. 626.9541 and 627.06501,
37 F.S.; conforming provisions to changes made by the
38 act; conforming cross-references; amending s. 627.727,
39 F.S.; conforming provisions to changes made by the
40 act; revising legal liability of an uninsured motorist
41 coverage insurer; repealing ss. 627.730, 627.731,
42 627.7311, 627.732, 627.733, 627.734, 627.736, 627.737,
43 627.739, 627.7401, 627.7403, and 627.7405, F.S.,
44 relating to Florida Motor Vehicle No-Fault Law;
45 repealing s. 627.7407, F.S., relating to the
46 application of the Florida Motor Vehicle No-Fault Law;
47 amending ss. 318.18, 320.02, 320.0609, 320.27,
48 320.771, 322.251, 322.34, 324.032, 324.051, 324.091,
49 400.9905, 400.991, 400.9935, 409.901, 409.910,
50 456.057, 456.072, 626.989, 627.0652, 627.0653,



CS/HB 19, Engrossed 1

2018

51 627.4132, 627.7263, 627.7275, 627.728, 627.7295,
52 627.748, 627.8405, 628.909, 705.184, 713.78, and
53 817.234, F.S.; conforming provisions to changes made
54 by the act; providing effective dates.

55

56 Be It Enacted by the Legislature of the State of Florida:

57

58 Section 1. This act may be cited as the "Responsible
59 Roadways Act."

60 Section 2. Subsection (1) of section 316.646, Florida
61 Statutes, is amended to read:

62 316.646 Security required; proof of security and display
63 thereof.—

64 (1) A Any person operating a motor vehicle for which
65 liability coverage is required under by s. 324.022, s. 324.023,
66 s. 324.032, s. 627.7415, or s. 627.742 must to maintain property
67 damage liability security, required by s. 324.023 to maintain
68 liability security for bodily injury or death, or required by s.
69 627.733 to maintain personal injury protection security on a
70 motor vehicle shall have in his or her immediate possession at
71 all times while operating such motor vehicle proper proof of
72 maintenance of the required security.

73 (a) Such proof shall be in a uniform paper or electronic
74 format, as prescribed by the department, a valid insurance
75 policy, an insurance policy binder, a certificate of insurance,



76 or such other proof as may be prescribed by the department.

77 (b)1. The act of presenting to a law enforcement officer
78 an electronic device displaying proof of insurance in an
79 electronic format does not constitute consent for the officer to
80 access any information on the device other than the displayed
81 proof of insurance.

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

84 Section 3. Paragraph (b) of subsection (2) of section
85 318.18, Florida Statutes, is amended to read:

86 318.18 Amount of penalties.—The penalties required for a
87 noncriminal disposition pursuant to s. 318.14 or a criminal
88 offense listed in s. 318.17 are as follows:

89 (2) Thirty dollars for all nonmoving traffic violations
90 and:

91 (b) For all violations of ss. 320.0605, 320.07(1),
92 322.065, and 322.15(1). Any person who is cited for a violation
93 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.
94 320.07(4).

95 1. If a person who is cited for a violation of s. 320.0605
96 or s. 320.07 can show proof of having a valid registration at
97 the time of arrest, the clerk of the court may dismiss the case
98 and may assess a dismissal fee of up to \$10. A person who finds
99 it impossible or impractical to obtain a valid registration
100 certificate must submit an affidavit detailing the reasons for



101 the impossibility or impracticality. The reasons may include,
102 but are not limited to, the fact that the vehicle was sold,
103 stolen, or destroyed; that the state in which the vehicle is
104 registered does not issue a certificate of registration; or that
105 the vehicle is owned by another person.

106 2. If a person who is cited for a violation of s. 322.03,
107 s. 322.065, or s. 322.15 can show a driver license issued to him
108 or her and valid at the time of arrest, the clerk of the court
109 may dismiss the case and may assess a dismissal fee of up to
110 \$10.

111 3. If a person who is cited for a violation of s. 316.646
112 can show proof of security as required by s. 324.022, s.
113 324.023, s. 324.032, s. 627.7415, or s. 627.742 ~~627.733~~, issued
114 to the person and valid at the time of arrest, the clerk of the
115 court may dismiss the case and may assess a dismissal fee of up
116 to \$10. A person who finds it impossible or impractical to
117 obtain proof of security must submit an affidavit detailing the
118 reasons for the impracticality. The reasons may include, but are
119 not limited to, the fact that the vehicle has since been sold,
120 stolen, or destroyed; ~~that the owner or registrant of the~~
121 ~~vehicle is not required by s. 627.733 to maintain personal~~
122 ~~injury protection insurance;~~ or that the vehicle is owned by
123 another person.

124 Section 4. Paragraphs (a) and (d) of subsection (5) of
125 section 320.02, Florida Statutes, are amended to read:



126 320.02 Registration required; application for
127 registration; forms.—
128 (5) (a) Proof that liability coverage has ~~personal injury~~
129 ~~protection benefits have~~ been purchased if required under s.
130 324.022, s. 324.023, s. 324.032, s. 627.7415, or s. 627.742
131 ~~627.733, that property damage liability coverage has been~~
132 ~~purchased as required under s. 324.022, that bodily injury or~~
133 ~~death coverage has been purchased if required under s. 324.023,~~
134 ~~and that combined bodily liability insurance and property damage~~
135 ~~liability insurance have been purchased if required under s.~~
136 ~~627.7415~~ shall be provided in the manner prescribed by law by
137 the applicant at the time of application for registration of any
138 motor vehicle that is subject to such requirements. The issuing
139 agent shall not ~~shall refuse to~~ issue registration if such proof
140 of purchase is not provided. Insurers shall furnish uniform
141 proof-of-purchase cards in a paper or electronic format in a
142 form prescribed by the department and include the name of the
143 insured's insurance company, the coverage identification number,
144 and the make, year, and vehicle identification number of the
145 vehicle insured. The card must contain a statement notifying the
146 applicant of the penalty specified under s. 316.646(4). The card
147 or insurance policy, insurance policy binder, or certificate of
148 insurance or a photocopy of any of these; an affidavit
149 containing the name of the insured's insurance company, the
150 insured's policy number, and the make and year of the vehicle



CS/HB 19, Engrossed 1

2018

151 insured; or such other proof as may be prescribed by the
152 department shall constitute sufficient proof of purchase. If an
153 affidavit is provided as proof, it must be in substantially the
154 following form:

155

156 Under penalty of perjury, I ...(Name of insured)... do hereby
157 certify that I have Bodily Injury Liability and...~~(Personal~~
158 ~~Injury Protection, Property Damage Liability coverage, and, if~~
159 ~~required, Bodily Injury Liability)~~... Insurance currently in
160 effect with ...(Name of insurance company)... under ...(policy
161 number)... covering ...(make, year, and vehicle identification
162 number of vehicle).... ...(Signature of Insured)...

163

164 Such affidavit must include the following warning:

165

166 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
167 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
168 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
169 SUBJECT TO PROSECUTION.

170

171 If an application is made through a licensed motor vehicle
172 dealer as required under s. 319.23, the original or a
173 photostatic copy of such card, insurance policy, insurance
174 policy binder, or certificate of insurance or the original
175 affidavit from the insured shall be forwarded by the dealer to



176 the tax collector of the county or the Department of Highway
177 Safety and Motor Vehicles for processing. By executing the
178 ~~aforsaid~~ affidavit, a ~~ne~~ licensed motor vehicle dealer will not
179 be liable in damages for any inadequacy, insufficiency, or
180 falsification of any statement contained therein. A card must
181 also indicate the existence of any bodily injury liability
182 insurance ~~voluntarily~~ purchased.

183 (d) The verifying of proof of compliance with the
184 liability coverage requirements of the personal injury
185 ~~protection insurance, proof of property damage liability~~
186 ~~insurance, proof of combined bodily liability insurance and~~
187 ~~property damage liability insurance, or proof of financial~~
188 ~~responsibility law insurance~~ and the issuance or failure to
189 issue the motor vehicle registration under the provisions of
190 this chapter may not be construed in any court as a warranty of
191 the reliability or accuracy of the evidence of such proof, or
192 that the provisions of any insurance policy furnished as proof
193 of compliance with the liability coverage requirements of the
194 financial responsibility law comply with the laws of this state.
195 Neither the department nor any tax collector is liable in
196 damages for any inadequacy, insufficiency, falsification, or
197 unauthorized modification of any item of the proof of compliance
198 with the liability coverage requirements of the personal injury
199 ~~protection insurance, proof of property damage liability~~
200 ~~insurance, proof of combined bodily liability insurance and~~



CS/HB 19, Engrossed 1

2018

201 ~~property damage liability insurance, or proof of financial~~
202 responsibility law ~~insurance~~ prior to, during, or subsequent to
203 the verification of the proof. The issuance of a motor vehicle
204 registration does not constitute prima facie evidence or a
205 presumption of insurance coverage.

206 Section 5. Paragraph (b) of subsection (1) of section
207 320.0609, Florida Statutes, is amended to read:

208 320.0609 Transfer and exchange of registration license
209 plates; transfer fee.—

210 (1)

211 (b) The transfer of a license plate from a vehicle
212 disposed of to a newly acquired vehicle does not constitute a
213 new registration. The application for transfer shall be accepted
214 without requiring proof of motor vehicle ~~personal injury~~
215 ~~protection or liability~~ insurance.

216 Section 6. Subsection (3) of section 320.27, Florida
217 Statutes, is amended to read:

218 320.27 Motor vehicle dealers.—

219 (3) APPLICATION AND FEE.—~~The application for the license~~
220 application shall be in such form as may be prescribed by the
221 department and is ~~shall be~~ subject to such rules ~~with respect~~
222 ~~thereto~~ as may be so prescribed by the department ~~it~~. Such
223 application shall be verified by oath or affirmation and must
224 ~~shall~~ contain a full statement of the name and birth date of the
225 person or persons applying for the license ~~therefor~~; the name of



226 | the firm or copartnership, with the names and places of
227 | residence of all members ~~thereof~~, if such applicant is a firm or
228 | copartnership; the names and places of residence of the
229 | principal officers, if the applicant is a body corporate or
230 | other artificial body; the name of the state under whose laws
231 | the corporation is organized; the present and former place or
232 | places of residence of the applicant; and the prior business in
233 | which the applicant has been engaged and its ~~the~~ location
234 | ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
235 | location of the place of business and must ~~shall~~ state whether
236 | the place of business is owned by the applicant and when
237 | acquired, or, if leased, a true copy of the lease shall be
238 | attached to the application. The applicant shall certify that
239 | the location provides an adequately equipped office and is not a
240 | residence; that the location affords sufficient unoccupied space
241 | upon and within which adequately to store all motor vehicles
242 | offered and displayed for sale; and that the location is a
243 | suitable place where the applicant can in good faith carry on
244 | such business and keep and maintain books, records, and files
245 | necessary to conduct such business, which shall be available at
246 | all reasonable hours to inspection by the department or any of
247 | its inspectors or other employees. The applicant shall certify
248 | that the business of a motor vehicle dealer is the principal
249 | business that will ~~which shall~~ be conducted at that location.
250 | The application must ~~shall~~ contain a statement that the



251 applicant is either franchised by a manufacturer of motor
252 vehicles, in which case the name of each motor vehicle that the
253 applicant is franchised to sell shall be included, or an
254 independent (nonfranchised) motor vehicle dealer. The
255 application must ~~shall~~ contain other relevant information as may
256 be required by the department. ~~, including~~ The applicant must
257 furnish evidence, in a form approved by the department, that the
258 applicant is insured under a garage liability insurance policy
259 or a general liability insurance policy coupled with a business
260 automobile policy, which shall include, at a minimum, \$25,000
261 combined single-limit bodily injury and property damage
262 liability coverage ~~including bodily injury and property damage~~
263 ~~protection and \$10,000 personal injury protection~~. However, a
264 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.
265 is exempt from the requirements for garage liability insurance
266 ~~and personal injury protection insurance~~ on those vehicles that
267 cannot be legally operated on roads, highways, or streets in
268 this state. Franchise dealers must submit a garage liability
269 insurance policy, and all other dealers must submit a garage
270 liability insurance policy or a general liability insurance
271 policy coupled with a business automobile policy. Such policy
272 shall be for the license period, and evidence of a new or
273 continued policy shall be delivered to the department at the
274 beginning of each license period. Upon making initial
275 application, the applicant shall pay to the department a fee of



276 \$300 in addition to any other fees required by law. Applicants
277 may choose to extend the licensure period for 1 additional year
278 for a total of 2 years. An initial applicant shall pay to the
279 department a fee of \$300 for the first year and \$75 for the
280 second year, in addition to any other fees required by law. An
281 applicant for renewal shall pay to the department \$75 for a 1-
282 year renewal or \$150 for a 2-year renewal, in addition to any
283 other fees required by law. Upon making an application for a
284 change of location, the applicant must ~~person shall~~ pay a fee of
285 \$50 in addition to any other fees now required by law. The
286 department shall, in the case of every application for initial
287 licensure, verify whether certain facts set forth in the
288 application are true. Each applicant, general partner in the
289 case of a partnership, or corporate officer and director in the
290 case of a corporate applicant, must file a set of fingerprints
291 with the department for the purpose of determining any prior
292 criminal record or any outstanding warrants. The department
293 shall submit the fingerprints to the Department of Law
294 Enforcement for state processing and forwarding to the Federal
295 Bureau of Investigation for federal processing. The actual cost
296 of state and federal processing shall be borne by the applicant
297 and is in addition to the fee for licensure. The department may
298 issue a license to an applicant pending the results of the
299 fingerprint investigation, which license is fully revocable if
300 the department subsequently determines that any facts set forth



301 in the application are not true or correctly represented.

302 Section 7. Paragraph (j) of subsection (3) of section
303 320.771, Florida Statutes, is amended to read:

304 320.771 License required of recreational vehicle dealers.—

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

309 (j) A statement that the applicant is insured under a
310 garage liability insurance policy, which shall include, at a
311 minimum, \$25,000 combined single-limit bodily injury and
312 property damage liability coverage, ~~including bodily injury and~~
313 ~~property damage protection, and \$10,000 personal injury~~
314 ~~protection,~~ if the applicant is to be licensed as a dealer in,
315 or intends to sell, recreational vehicles.

316
317 The department shall, if it deems necessary, cause an
318 investigation to be made to ascertain if the facts set forth in
319 the application are true and shall not issue a license to the
320 applicant until it is satisfied that the facts set forth in the
321 application are true.

322 Section 8. Subsections (1) and (2) of section 322.251,
323 Florida Statutes, are amended to read:

324 322.251 Notice of cancellation, suspension, revocation, or
325 disqualification of license.—



326 (1) All orders of cancellation, suspension, revocation, or
327 disqualification issued under the provisions of this chapter,
328 chapter 318 or, chapter 324, ~~or ss. 627.732-627.734~~ shall be
329 given either by personal delivery thereof to the licensee whose
330 license is being canceled, suspended, revoked, or disqualified
331 or by deposit in the United States mail in an envelope, first
332 class, postage prepaid, addressed to the licensee at his or her
333 last known mailing address furnished to the department. Such
334 mailing by the department constitutes notification, and any
335 failure by the person to receive the mailed order will not
336 affect or stay the effective date or term of the cancellation,
337 suspension, revocation, or disqualification of the licensee's
338 driving privilege.

339 (2) The giving of notice and an order of cancellation,
340 suspension, revocation, or disqualification by mail is complete
341 upon expiration of 20 days after deposit in the United States
342 mail for all notices except those issued under chapter 324 ~~or~~
343 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
344 the United States mail. Proof of the giving of notice and an
345 order of cancellation, suspension, revocation, or
346 disqualification in either manner shall be made by entry in the
347 records of the department that such notice was given. The entry
348 is admissible in the courts of this state and constitutes
349 sufficient proof that such notice was given.

350 Section 9. Paragraph (a) of subsection (8) of section



351 322.34, Florida Statutes, is amended to read:

352 322.34 Driving while license suspended, revoked, canceled,
353 or disqualified.—

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

357 1. Whether the person's driver license is suspended or
358 revoked.

359 2. Whether the person's driver license has remained
360 suspended or revoked since a conviction for the offense of
361 driving with a suspended or revoked license.

362 3. Whether the suspension or revocation was made under s.
363 316.646 ~~or s. 627.733~~, relating to failure to maintain required
364 security, or under s. 322.264, relating to habitual traffic
365 offenders.

366 4. Whether the driver is the registered owner or coowner
367 of the vehicle.

368 Section 10. Section 324.011, Florida Statutes, is amended
369 to read:

370 324.011 Legislative intent and purpose of chapter.—It is
371 the intent of the Legislature ~~this chapter~~ to ensure that the
372 privilege of owning or operating a motor vehicle in this state
373 be exercised ~~recognize the existing privilege to own or operate~~
374 ~~a motor vehicle on the public streets and highways of this state~~
375 ~~when such vehicles are used with due consideration for others~~



CS/HB 19, Engrossed 1

2018

376 and their property in order,~~and~~ to promote safety and provide
377 financial security requirements for ~~such~~ owners or operators
378 whose responsibility it is to recompense others for injury to
379 person or property caused by the operation of a motor vehicle.
380 ~~Therefore, it is required herein that the operator of a motor~~
381 ~~vehicle involved in a crash or convicted of certain traffic~~
382 ~~offenses meeting the operative provisions of s. 324.051(2) shall~~
383 ~~respond for such damages and show proof of financial ability to~~
384 ~~respond for damages in future accidents as a requisite to his or~~
385 ~~her future exercise of such privileges.~~

386 Section 11. Effective upon this act becoming law, section
387 324.015, Florida Statutes, is created to read:

388 324.015 Applicability; notice to insured.-

389 (1) Effective January 1, 2019:

390 (a) Notwithstanding any other provision of law, motor
391 vehicle liability policies issued or renewed on or after January
392 1, 2019, may not include personal injury protection.

393 (b) A person subject to s. 324.022, must maintain proof of
394 financial responsibility.

395 (c) A new or renewal motor vehicle liability policy
396 delivered or issued for delivery in this state must provide
397 coverage that complies with proof of financial responsibility.

398 (d) An existing motor vehicle liability policy issued
399 before January 1, 2019, that provides personal injury protection
400 and property damage liability coverage and meets the financial



401 responsibility requirements on December 31, 2018, but does not
402 meet the financial responsibility requirements on or after
403 January 1, 2019, is deemed to meet the financial responsibility
404 requirements under this chapter until such policy is renewed,
405 nonrenewed, or canceled.

406 (2) An insurer must allow an insured who has a new or
407 renewal policy providing personal injury protection, which
408 becomes effective before January 1, 2019, and whose policy does
409 not meet the financial responsibility requirements on or after
410 January 1, 2019, to change coverages to meet the financial
411 responsibility requirements that becomes effective on or after
412 January 1, 2019. The insurer is not required to provide coverage
413 complying with financial responsibility requirements in such
414 policies if the insured does not pay the required premium by
415 January 1, 2019, or such later date as the insurer may allow.
416 The insurer must refund any reduction in the premium. The
417 insurer may not impose an additional fee or charge on the
418 insured for such changes in coverage; however, the insurer may
419 charge an additional premium that is actuarially indicated.

420 (3) By September 1, 2018, a motor vehicle insurer must
421 provide each insured a notice of the provisions of this section.
422 The notice is subject to approval by the Office of Insurance
423 Regulation and must clearly inform the insured that:

424 (a) The Florida Motor Vehicle No-Fault Law is repealed,
425 effective January 1, 2019, and that on or after that date, the



426 insured is no longer required to maintain personal injury
427 protection coverage, that personal injury protection coverage is
428 no longer available for purchase in this state, and that all new
429 or renewal policies issued on or after that date may not contain
430 such coverage.

431 (b) Effective January 1, 2019, a person subject to s.
432 324.022 must maintain financial responsibility requirements that
433 enable the person to respond in damages for liability on account
434 of accidents arising out of the ownership, maintenance, or use
435 of a motor vehicle in the following amounts:

436 1. Twenty-five thousand dollars for bodily injury to, or
437 the death of, one person in any one accident and, subject to
438 such limits for one person, in the amount of \$50,000 for bodily
439 injury to, or the death of, two or more persons in any one
440 accident; and

441 2. Ten thousand dollars for damage to, or destruction of,
442 property of others in any one accident.

443 (c) Personal injury protection coverage pays covered
444 medical expenses for injuries sustained in a motor vehicle
445 accident by the insured, passengers, and relatives residing in
446 the insured's household.

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



451 (e) The insured may obtain underinsured motorist coverage,
452 which provides benefits, up to the limits of such coverage, to
453 an insured or other insured entitled to recover damages for
454 bodily injury, sickness, disease, or death resulting from a
455 motor vehicle accident with an uninsured or underinsured owner
456 or operator of a motor vehicle.

457 (f) If the insured's new or renewal motor vehicle
458 liability policy is effective before January 1, 2019, and
459 contains personal injury protection and property damage
460 liability coverage as required by state law before January 1,
461 2019, but does not meet the financial responsibility
462 requirements on or after January 1, 2019, the policy is deemed
463 to meet the financial responsibility requirements until it is
464 renewed, nonrenewed, or canceled.

465 (g) An insured whose new or renewal policy becomes
466 effective before January 1, 2019, but does not meet the
467 financial responsibility requirements on or after January 1,
468 2019, may change coverages under the policy so as to eliminate
469 personal injury protection and to obtain coverage meeting the
470 financial responsibility requirements, including bodily injury
471 liability coverage, which are effective on or after January 1,
472 2019.

473 (h) If the insured has any questions, he or she should
474 contact the name and phone number provided in the notice.

475 (4) The Florida Motor Vehicle No-Fault Law, ss. 627.730-



476 627.7405, and ss. 400.9905, 400.991, 456.057, 456.072, 627.7263,
477 627.9541(1)(i), 817.234(7)(c), and 817.234(8) remain in full
478 force and effect for motor vehicle accidents covered under a
479 policy issued under the Florida Motor Vehicle No-Fault Law prior
480 to January 1, 2019, until that policy is renewed, nonrenewed, or
481 canceled.

482 Section 12. Subsections (1) and (7) and paragraph (c) of
483 subsection (9) of section 324.021, Florida Statutes, are amended
484 to read:

485 324.021 Definitions; minimum insurance required.—The
486 following words and phrases when used in this chapter shall, for
487 the purpose of this chapter, have the meanings respectively
488 ascribed to them in this section, except in those instances
489 where the context clearly indicates a different meaning:

490 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
491 designed and required to be licensed for use upon a highway,
492 including trailers and semitrailers designed for use with such
493 vehicles, except traction engines, road rollers, farm tractors,
494 power shovels, and well drillers, and every vehicle that is
495 propelled by electric power obtained from overhead wires but not
496 operated upon rails, but not including any personal delivery
497 device as defined in s. 316.003, bicycle, or moped. ~~However, the~~
498 ~~term "motor vehicle" does not include a motor vehicle as defined~~
499 ~~in s. 627.732(3) when the owner of such vehicle has complied~~
500 ~~with the requirements of ss. 627.730-627.7405, inclusive, unless~~



501 ~~the provisions of s. 324.051 apply; and, in such case, the~~
502 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

503 (7) PROOF OF FINANCIAL RESPONSIBILITY.—Proof ~~That proof~~ of
504 ability to respond in damages for liability on account of
505 accidents ~~crashes~~ arising out of the use of a motor vehicle:

506 (a) In the amount of \$25,000 ~~for \$10,000 because of~~ bodily
507 injury to, or the death of, one person in any one accident
508 ~~crash~~;

509 (b) Subject to such limits for one person, in the amount
510 of \$50,000 ~~for \$20,000 because of~~ bodily injury to, or the death
511 of, two or more persons in any one accident ~~crash~~;

512 (c) In the amount of \$10,000 for damage ~~because of injury~~
513 to, or destruction of, the property of others in any one
514 accident ~~crash~~; and

515 (d) For ~~With respect to~~ commercial motor vehicles and
516 nonpublic sector buses, in the amounts specified in ss. 627.7415
517 and 627.742, respectively.

518 (9) OWNER; OWNER/LESSOR.—

519 (c) Application.—

520 1. The limits on liability in subparagraphs (b)2. and 3.
521 do not apply to an owner of motor vehicles that are used for
522 commercial activity in the owner's ordinary course of business,
523 other than a rental company that rents or leases motor vehicles.
524 For purposes of this paragraph, the term "rental company"
525 includes only an entity that is engaged in the business of



526 renting or leasing motor vehicles to the general public and that
527 rents or leases a majority of its motor vehicles to persons with
528 no direct or indirect affiliation with the rental company. The
529 term also includes a motor vehicle dealer that provides
530 temporary replacement vehicles to its customers for up to 10
531 days. The term "rental company" also includes:

532 a. A related rental or leasing company that is a
533 subsidiary of the same parent company as that of the renting or
534 leasing company that rented or leased the vehicle.

535 b. The holder of a motor vehicle title or an equity
536 interest in a motor vehicle title if the title or equity
537 interest is held pursuant to or to facilitate an asset-backed
538 securitization of a fleet of motor vehicles used solely in the
539 business of renting or leasing motor vehicles to the general
540 public and under the dominion and control of a rental company,
541 as described in this subparagraph, in the operation of such
542 rental company's business.

543 2. Furthermore, with respect to commercial motor vehicles
544 ~~as defined in s. 627.732~~, the limits on liability in
545 subparagraphs (b)2. and 3. do not apply if, at the time of the
546 incident, the commercial motor vehicle is being used in the
547 transportation of materials found to be hazardous for the
548 purposes of the Hazardous Materials Transportation Authorization
549 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
550 required pursuant to such act to carry placards warning others



551 of the hazardous cargo, unless at the time of lease or rental
552 either:

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

557 b. The lessee or other operator of the commercial motor
558 vehicle has in effect insurance with limits of at least
559 \$5,000,000 combined property damage and bodily injury liability.

560 Section 13. Section 324.022, Florida Statutes, is amended
561 to read:

562 324.022 Financial responsibility requirements ~~for property~~
563 ~~damage.~~-

564 (1) (a) Every owner or operator of a motor vehicle required
565 to be registered in this state must ~~shall~~ establish and maintain
566 the ability to respond in damages for liability on account of
567 accidents arising out of the use of the motor vehicle in the
568 amount of:

569 1. Twenty-five thousand dollars for bodily injury to, or
570 the death of, one person in any one accident;

571 2. Subject to the limits for one person, \$50,000 for
572 bodily injury to, or the death of, two or more persons in any
573 one accident; and \$10,000 because of

574 3. Ten thousand dollars for damage to, or destruction of,
575 property of others in any one accident ~~crash~~.



576 **(b)** The requirements of paragraph (a) ~~this section~~ may be
577 met by one of the methods established in s. 324.031; by self-
578 insuring as authorized by s. 768.28(16); or by maintaining a
579 motor vehicle liability insurance ~~an insurance policy providing~~
580 ~~coverage for property damage liability in the amount of at least~~
581 ~~\$10,000 because of damage to, or destruction of, property of~~
582 ~~others in any one accident arising out of the use of the motor~~
583 ~~vehicle. The requirements of this section may also be met by~~
584 ~~having a policy which provides coverage in the amount of at~~
585 least \$60,000 ~~\$30,000~~ for combined property damage liability and
586 bodily injury liability for any one accident ~~crash~~ arising out
587 of the use of the motor vehicle and which conforms to the
588 requirements of s. 324.151. ~~The policy, with respect to coverage~~
589 ~~for property damage liability, must meet the applicable~~
590 ~~requirements of s. 324.151, subject to the usual policy~~
591 ~~exclusions that have been approved in policy forms by the Office~~
592 ~~of Insurance Regulation. No insurer shall have any duty to~~
593 defend uncovered claims irrespective of their joinder with
594 covered claims.

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

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



- 601 1. A mobile home.
- 602 2. A motor vehicle that is used in mass transit and
603 designed to transport more than five passengers, exclusive of
604 the operator of the motor vehicle, and that is owned by a
605 municipality, transit authority, or political subdivision of the
606 state.
- 607 3. A school bus as defined in s. 1006.25.
- 608 4. A vehicle providing for-hire transportation that is
609 subject to the provisions of s. 324.031. A taxicab shall
610 maintain security as required under s. 324.032(1).
- 611 5. A personal delivery device as defined in s. 316.003.
- 612 (b) "Owner" means the person who holds legal title to a
613 motor vehicle or the debtor or lessee who has the right to
614 possession of a motor vehicle that is the subject of a security
615 agreement or lease with an option to purchase.
- 616 (3) Each nonresident owner or registrant of a motor
617 vehicle that, whether operated or not, has been physically
618 present within this state for more than 90 days during the
619 preceding 365 days shall maintain security as required by
620 subsection (1) that is in effect continuously throughout the
621 period the motor vehicle remains within this state.
- 622 (4) An ~~The~~ owner or registrant of a motor vehicle who is
623 ~~exempt from the requirements of this section if she or he is a~~
624 member of the United States Armed Forces and is called to or on
625 active duty outside the United States in an emergency situation



626 is exempt from this section while he or she. ~~The exemption~~
627 ~~provided by this subsection applies only as long as the member~~
628 ~~of the Armed Forces~~ is on such active duty outside the United
629 States and applies only while the vehicle is not operated by any
630 person. Upon receipt of a written request by the insured to whom
631 the exemption provided in this subsection applies, the insurer
632 shall cancel the coverages and return any unearned premium or
633 suspend the security required by this section. Notwithstanding
634 s. 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend
635 the registration or operator's license of an ~~any~~ owner or
636 registrant of a motor vehicle during the time she or he
637 qualifies for an exemption under this subsection. An ~~Any~~ owner
638 or registrant of a motor vehicle who qualifies for the ~~an~~
639 exemption under this subsection shall immediately notify the
640 department before ~~prior to~~ and at the end of the expiration of
641 the exemption.

642 Section 14. Subsections (1) and (2) of section 324.0221,
643 Florida Statutes, are amended, and subsection (4) is added to
644 that section, to read:

645 324.0221 Reports by insurers to the department; suspension
646 of driver license and vehicle registrations; reinstatement.—

647 (1) (a) Each insurer that has issued a policy providing
648 ~~personal injury protection coverage or property damage~~ liability
649 coverage shall report the cancellation or nonrenewal thereof to
650 the department within 10 days after the processing date or



651 effective date of each cancellation or nonrenewal. Upon the
652 issuance of a policy providing ~~personal injury protection~~
653 ~~coverage or property damage~~ liability coverage to a named
654 insured not previously insured by the insurer during that
655 calendar year, the insurer shall report the issuance of the new
656 policy to the department within 10 days. The report must ~~shall~~
657 be in a ~~the~~ form prescribed by the department ~~and format~~ and
658 contain any information required by the department and must be
659 provided in a format that is compatible with the data processing
660 capabilities of the department. Failure by an insurer to file
661 proper reports with the department as required by this
662 subsection constitutes a violation of the Florida Insurance
663 Code. These records shall be used by the department only for
664 enforcement and regulatory purposes, including the generation by
665 the department of data regarding compliance by owners of motor
666 vehicles with the requirements for financial responsibility
667 coverage.

668 (b) With respect to an insurance policy providing ~~personal~~
669 ~~injury protection coverage or property damage~~ liability
670 coverage, each insurer shall notify the named insured, or the
671 first-named insured in the case of a commercial fleet policy, in
672 writing that any cancellation or nonrenewal of the policy will
673 be reported by the insurer to the department. The notice must
674 also inform the named insured that failure to maintain bodily
675 injury liability ~~personal injury protection~~ coverage and



676 | property damage liability coverage on a motor vehicle when
677 | required by law may result in the loss of registration and
678 | driving privileges in this state and inform the named insured of
679 | the amount of the reinstatement fees required by this section.
680 | This notice is for informational purposes only, and an insurer
681 | is not civilly liable for failing to provide this notice.

682 | (2) The department shall suspend, after due notice and an
683 | opportunity to be heard, the registration and driver license of
684 | any owner or registrant of a motor vehicle with respect to which
685 | security is required under s. ~~ss.~~ 324.022, s. 324.023, s.
686 | 324.032, s. 627.7415, or s. 627.742 and ~~627.733~~ upon:

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

691 | (b) Notification by the insurer to the department, in a
692 | form approved by the department, of cancellation or termination
693 | of the required security.

694 | (4) All suspensions of license or registration under this
695 | section for failure to maintain required security that occurred
696 | before January 1, 2019, remain in full force and effect after
697 | the effective date of this act.

698 | Section 15. Subsection (1) of section 324.032, Florida
699 | Statutes, is amended to read:

700 | 324.032 Manner of proving financial responsibility; for-



701 hire passenger transportation vehicles.—Notwithstanding the
702 provisions of s. 324.031:

703 (1) (a) A person who is either the owner or a lessee of a
704 motor vehicle used as a taxicab ~~required to maintain insurance~~
705 ~~under s. 627.733(1)(b)~~ and who operates one or more taxicabs,
706 limousines, jitneys, or any other for-hire passenger
707 transportation vehicles may prove financial responsibility by
708 furnishing satisfactory evidence of holding a motor vehicle
709 liability policy, but with minimum limits of
710 \$125,000/250,000/50,000.

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

717
718 Upon request by the department, the applicant must provide the
719 department at the applicant's principal place of business in
720 this state access to the applicant's underlying financial
721 information and financial statements that provide the basis of
722 the certified public accountant's certification. The applicant
723 shall reimburse the requesting department for all reasonable
724 costs incurred by it in reviewing the supporting information.
725 The maximum amount of self-insurance permissible under this



726 subsection is \$300,000 and must be stated on a per-occurrence
727 basis, and the applicant shall maintain adequate excess
728 insurance issued by an authorized or eligible insurer licensed
729 or approved by the Office of Insurance Regulation. All risks
730 self-insured shall remain with the owner or lessee providing it,
731 and the risks are not transferable to any other person, unless a
732 policy complying with subsection (1) is obtained.

733 Section 16. Subsection (2) of section 324.051, Florida
734 Statutes, is amended to read:

735 324.051 Reports of accidents ~~crashes~~; suspensions of
736 licenses and registrations.-

737 (2) (a) Thirty days after receipt of notice of any accident
738 described in paragraph (1) (a) involving a motor vehicle within
739 this state, the department shall suspend, after due notice and
740 opportunity to be heard, the license of each operator and all
741 registrations of the owner of the vehicles operated by such
742 operator whether or not involved in such accident ~~crash~~ and, in
743 the case of a nonresident owner or operator, shall suspend such
744 nonresident's operating privilege in this state, unless such
745 operator or owner shall, prior to the expiration of such 30
746 days, be found by the department to be exempt from the operation
747 of this chapter, based upon evidence satisfactory to the
748 department that:

749 1. The motor vehicle was legally parked at the time of
750 such accident ~~crash~~.



751 2. The motor vehicle was owned by the United States
752 Government, this state, or any political subdivision of this
753 state or any municipality therein.

754 3. Such operator or owner has secured a duly acknowledged
755 written agreement providing for release from liability by all
756 parties injured as the result of said accident ~~crash~~ and has
757 complied with one of the provisions of s. 324.031.

758 4. Such operator or owner has deposited with the
759 department security to conform with s. 324.061 when applicable
760 and has complied with one of the provisions of s. 324.031.

761 5. One year has elapsed since such owner or operator was
762 suspended pursuant to subsection (3), the owner or operator has
763 complied with one of the provisions of s. 324.031, and no bill
764 of complaint of which the department has notice has been filed
765 in a court of competent jurisdiction.

766 (b) This subsection shall not apply:

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

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



CS/HB 19, Engrossed 1

2018

776 motor vehicles not owned by him or her.

777 3. To such operator or owner if the liability of such
778 operator or owner for damages resulting from such accident ~~crash~~
779 is, in the judgment of the department, covered by any other form
780 of liability insurance or bond.

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

784

785 No such policy or bond shall be effective under this subsection
786 unless it contains limits of not less than those specified in s.
787 324.021(7).

788 Section 17. Subsection (1) of section 324.091, Florida
789 Statutes, is amended to read:

790 324.091 Notice to department; notice to insurer.—

791 (1) Each owner and operator involved in an accident ~~a~~
792 ~~crash~~ or conviction case within the purview of this chapter
793 shall furnish evidence of ~~automobile liability insurance or~~
794 motor vehicle liability insurance within 14 days after the date
795 of the mailing of notice of the accident ~~crash~~ by the department
796 in the form and manner as it may designate. Upon receipt of
797 evidence that a ~~an automobile liability policy or~~ motor vehicle
798 liability policy was in effect at the time of the accident ~~crash~~
799 or conviction case, the department shall forward to the insurer
800 such information for verification in a method as determined by



801 the department. The insurer shall respond to the department
802 within 20 days after the notice whether or not such information
803 is valid. If the department determines that a ~~an automobile~~
804 ~~liability policy or~~ motor vehicle liability policy was not in
805 effect and did not provide coverage for both the owner and the
806 operator, it shall take action as it is authorized to do under
807 this chapter.

808 Section 18. Section 324.151, Florida Statutes, is amended
809 to read:

810 324.151 Motor vehicle liability policies; required
811 provisions.-

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

813 (a) "Newly acquired vehicle" means a vehicle owned by a
814 named insured or resident relative of the named insured which
815 was acquired 30 days or less before an accident.

816 (b) "Resident relative" means a person related to a named
817 insured by any degree by blood, marriage, or adoption, including
818 a ward or foster child, who usually makes her or his home in the
819 same family unit as the named insured, whether or not he or she
820 is temporarily living elsewhere.

821 (c) "Temporary substitute vehicle" means a motor vehicle
822 as defined in s. 320.01(1) that is not owned by the named
823 insured which is temporarily used with the permission of the
824 owner as a substitute for a motor vehicle designated on the
825 policy when the vehicle designated on the policy is withdrawn



826 from normal use because of breakdown, repair, servicing, loss,
827 or destruction.

828 (2)-(1) A motor vehicle liability policy as to be proof of
829 financial responsibility under s. 324.031(1), shall be issued to
830 owners or operators of motor vehicles under the following
831 provisions:

832 (a) A motor vehicle liability insurance policy issued to
833 an owner of a motor vehicle registered in this state must ~~An~~
834 ~~owner's liability insurance policy shall~~ designate by explicit
835 description or by appropriate reference all motor vehicles with
836 respect to which coverage is thereby granted. The policy must
837 ~~and shall~~ insure the person or persons ~~owner~~ named therein and
838 any resident relative of a named insured ~~other person as~~
839 ~~operator using such motor vehicle or motor vehicles with the~~
840 ~~express or implied permission of such owner against loss from~~
841 the liability imposed by law for damage arising out of the
842 ownership, maintenance, or use of any such motor vehicle, except
843 as otherwise provided in this section. The policy shall also
844 insure any person operating an insured motor vehicle with the
845 express or implied permission of the named insured against loss
846 from liability imposed by law for damage arising out of the use
847 of such vehicle. However, the insurer may exclude in its policy
848 liability coverage for a motor vehicle not designated as an
849 insured vehicle on the policy if such motor vehicle does not
850 qualify as a newly acquired vehicle or a temporary substitute



851 vehicle and was owned by an insured or was furnished for an
852 insured's regular use for more than 30 consecutive days before
853 an accident ~~or motor vehicles within the United States or the~~
854 ~~Dominion of Canada, subject to limits, exclusive of interest and~~
855 ~~costs with respect to each such motor vehicle as is provided for~~
856 ~~under s. 324.021(7).~~ Insurers may make available, with respect
857 to property damage liability coverage, a deductible amount not
858 to exceed \$500. In the event of a property damage loss covered
859 by a policy containing a property damage deductible provision,
860 the insurer shall pay to the third-party claimant the amount of
861 any property damage liability settlement or judgment, subject to
862 policy limits, as if no deductible existed.

863 (b) A motor vehicle liability insurance policy issued to a
864 person who does not own a motor vehicle registered in this state
865 and is not already insured under a policy described in paragraph
866 (a) must ~~An operator's motor vehicle liability policy of~~
867 ~~insurance shall insure the person or persons named in the policy~~
868 ~~therein against loss from the liability imposed upon him or her~~
869 ~~by law for damages arising out of the use by the person of any~~
870 ~~motor vehicle not owned by him or her, unless the vehicle was~~
871 furnished for the named insured's regular use and used by the
872 named insured for more than 30 consecutive days before an
873 accident ~~with the same territorial limits and subject to the~~
874 ~~same limits of liability as referred to above with respect to an~~
875 ~~owner's policy of liability insurance.~~



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

894 (3) ~~(2)~~ The provisions of this section shall not be
895 applicable to any automobile liability policy unless and until
896 it is furnished as proof of financial responsibility for the
897 future pursuant to s. 324.031, and then only from and after the
898 date said policy is so furnished.

899 Section 19. Section 324.161, Florida Statutes, is amended
900 to read:



901 324.161 Proof of financial responsibility; deposit.-
902 Annually, before any certificate of insurance may be issued to a
903 person, including any firm, partnership, association,
904 corporation, or other person, ~~other than a natural person,~~ proof
905 of a certificate of deposit of \$60,000 ~~\$30,000~~ issued and held
906 by a financial institution must be submitted to the department.
907 A power of attorney will be issued to and held by the department
908 and may be executed upon a judgment issued against such person
909 making the deposit, for damages for ~~because of~~ bodily injury to
910 or death of any person or for damages for ~~because of~~ injury to
911 or destruction of property resulting from the use or operation
912 of any motor vehicle occurring after such deposit was made.
913 Money so deposited is ~~shall~~ not be subject to attachment or
914 execution unless such attachment or execution shall arise out of
915 a suit for such damages ~~as aforesaid~~.

916 Section 20. Subsections (1) and (2) of section 324.171,
917 Florida Statutes, are amended to read:

918 324.171 Self-insurer.-

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



926 (a) A private individual with private passenger vehicles
927 ~~must shall~~ possess a net unencumbered worth of at least \$60,000
928 ~~\$40,000~~.

929 (b) A person, including any firm, partnership,
930 association, corporation, or other person, other than a natural
931 person, must shall:

932 1. Possess a net unencumbered worth of at least \$60,000
933 ~~\$40,000~~ for the first motor vehicle and \$30,000 ~~\$20,000~~ for each
934 additional motor vehicle; or

935 2. Maintain sufficient net worth, in an amount determined
936 by the department to be financially responsible for potential
937 losses. The department must annually determine the minimum net
938 worth sufficient to satisfy this section as determined annually
939 ~~by the department,~~ pursuant to rules adopted promulgated by the
940 department, with the assistance of the Office of Insurance
941 Regulation of the Financial Services Commission, ~~to be~~
942 ~~financially responsible for potential losses.~~ The rules must
943 consider any shall take into consideration excess insurance
944 carried by the applicant. The department's determination shall
945 be based upon reasonable actuarial principles considering the
946 frequency, severity, and loss development of claims incurred by
947 casualty insurers writing coverage on the type of motor vehicles
948 for which a certificate of self-insurance is desired.

949 (c) The owner of a commercial motor vehicle, as defined in
950 s. 207.002 or s. 320.01, may qualify as a self-insurer subject



951 to the standards provided ~~for~~ in subparagraph (b)2.

952 (2) The self-insurance certificate shall provide limits of
953 liability insurance in the amounts specified under s. 324.021(7)
954 or s. 627.7415 and ~~shall provide personal injury protection~~
955 ~~coverage under s. 627.733(3)(b).~~

956 Section 21. Section 324.251, Florida Statutes, is amended
957 to read:

958 324.251 Short title.—This chapter may be cited as the
959 "Motor Vehicle Financial Responsibility Law ~~of 1955~~" and ~~shall~~
960 ~~become effective at 12:01 a.m., October 1, 1955.~~

961 Section 22. Subsection (4) of section 400.9905, Florida
962 Statutes, is amended to read:

963 400.9905 Definitions.—

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

970 (a) Entities licensed or registered by the state under
971 chapter 395; entities licensed or registered by the state and
972 providing only health care services within the scope of services
973 authorized under their respective licenses under ss. 383.30-
974 383.335, chapter 390, chapter 394, chapter 397, this chapter
975 except part X, chapter 429, chapter 463, chapter 465, chapter



976 466, chapter 478, part I of chapter 483, chapter 484, or chapter
977 651; end-stage renal disease providers authorized under 42
978 C.F.R. part 405, subpart U; providers certified under 42 C.F.R.
979 part 485, subpart B or subpart H; or any entity that provides
980 neonatal or pediatric hospital-based health care services or
981 other health care services by licensed practitioners solely
982 within a hospital licensed under chapter 395.

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

997 (c) Entities that are owned, directly or indirectly, by an
998 entity licensed or registered by the state pursuant to chapter
999 395; entities that are owned, directly or indirectly, by an
1000 entity licensed or registered by the state and providing only



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

1011 (d) Entities that are under common ownership, directly or
1012 indirectly, with an entity licensed or registered by the state
1013 pursuant to chapter 395; entities that are under common
1014 ownership, directly or indirectly, with an entity licensed or
1015 registered by the state and providing only health care services
1016 within the scope of services authorized pursuant to their
1017 respective licenses under ss. 383.30-383.335, chapter 390,
1018 chapter 394, chapter 397, this chapter except part X, chapter
1019 429, chapter 463, chapter 465, chapter 466, chapter 478, part I
1020 of chapter 483, chapter 484, or chapter 651; end-stage renal
1021 disease providers authorized under 42 C.F.R. part 405, subpart
1022 U; providers certified under 42 C.F.R. part 485, subpart B or
1023 subpart H; or any entity that provides neonatal or pediatric
1024 hospital-based health care services by licensed practitioners
1025 solely within a hospital licensed under chapter 395.



1026 (e) An entity that is exempt from federal taxation under
1027 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1028 under 26 U.S.C. s. 409 that has a board of trustees at least
1029 two-thirds of which are Florida-licensed health care
1030 practitioners and provides only physical therapy services under
1031 physician orders, any community college or university clinic,
1032 and any entity owned or operated by the federal or state
1033 government, including agencies, subdivisions, or municipalities
1034 thereof.

1035 (f) A sole proprietorship, group practice, partnership, or
1036 corporation that provides health care services by physicians
1037 covered by s. 627.419, that is directly supervised by one or
1038 more of such physicians, and that is wholly owned by one or more
1039 of those physicians or by a physician and the spouse, parent,
1040 child, or sibling of that physician.

1041 (g) A sole proprietorship, group practice, partnership, or
1042 corporation that provides health care services by licensed
1043 health care practitioners under chapter 457, chapter 458,
1044 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1045 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1046 chapter 490, chapter 491, or part I, part III, part X, part
1047 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1048 wholly owned by one or more licensed health care practitioners,
1049 or the licensed health care practitioners set forth in this
1050 paragraph and the spouse, parent, child, or sibling of a



1051 licensed health care practitioner if one of the owners who is a
1052 licensed health care practitioner is supervising the business
1053 activities and is legally responsible for the entity's
1054 compliance with all federal and state laws. However, a health
1055 care practitioner may not supervise services beyond the scope of
1056 the practitioner's license, except that, for the purposes of
1057 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1058 which provides only services authorized pursuant to s.
1059 456.053(3)(b) may be supervised by a licensee specified in s.
1060 456.053(3)(b).

1061 (h) Clinical facilities affiliated with an accredited
1062 medical school at which training is provided for medical
1063 students, residents, or fellows.

1064 (i) Entities that provide only oncology or radiation
1065 therapy services by physicians licensed under chapter 458 or
1066 chapter 459 or entities that provide oncology or radiation
1067 therapy services by physicians licensed under chapter 458 or
1068 chapter 459 which are owned by a corporation whose shares are
1069 publicly traded on a recognized stock exchange.

1070 (j) Clinical facilities affiliated with a college of
1071 chiropractic accredited by the Council on Chiropractic Education
1072 at which training is provided for chiropractic students.

1073 (k) Entities that provide licensed practitioners to staff
1074 emergency departments or to deliver anesthesia services in
1075 facilities licensed under chapter 395 and that derive at least



1076 90 percent of their gross annual revenues from the provision of
1077 such services. Entities claiming an exemption from licensure
1078 under this paragraph must provide documentation demonstrating
1079 compliance.

1080 (l) Orthotic, prosthetic, pediatric cardiology, or
1081 perinatology clinical facilities or anesthesia clinical
1082 facilities that are not otherwise exempt under paragraph (a) or
1083 paragraph (k) and that are a publicly traded corporation or are
1084 wholly owned, directly or indirectly, by a publicly traded
1085 corporation. As used in this paragraph, a publicly traded
1086 corporation is a corporation that issues securities traded on an
1087 exchange registered with the United States Securities and
1088 Exchange Commission as a national securities exchange.

1089 (m) Entities that are owned by a corporation that has \$250
1090 million or more in total annual sales of health care services
1091 provided by licensed health care practitioners where one or more
1092 of the persons responsible for the operations of the entity is a
1093 health care practitioner who is licensed in this state and who
1094 is responsible for supervising the business activities of the
1095 entity and is responsible for the entity's compliance with state
1096 law for purposes of this part.

1097 (n) Entities that employ 50 or more licensed health care
1098 practitioners licensed under chapter 458 or chapter 459 where
1099 the billing for medical services is under a single tax
1100 identification number. The application for exemption under this



CS/HB 19, Engrossed 1

2018

1101 subsection must include ~~shall contain information that includes:~~
1102 the name, residence, and business address and telephone ~~phone~~
1103 number of the entity that owns the practice; a complete list of
1104 the names and contact information of all the officers and
1105 directors of the corporation; the name, residence address,
1106 business address, and medical license number of each licensed
1107 Florida health care practitioner employed by the entity; the
1108 corporate tax identification number of the entity seeking an
1109 exemption; a listing of health care services to be provided by
1110 the entity at the health care clinics owned or operated by the
1111 entity and a certified statement prepared by an independent
1112 certified public accountant which states that the entity and the
1113 health care clinics owned or operated by the entity have not
1114 received payment for health care services under motor vehicle
1115 ~~personal injury protection~~ insurance coverage for the preceding
1116 year. If the agency determines that an entity which is exempt
1117 under this subsection has received payments for medical services
1118 under motor vehicle ~~personal injury protection~~ insurance
1119 coverage, the agency may deny or revoke the exemption from
1120 licensure under this subsection.

1121
1122 ~~Notwithstanding this subsection, an entity shall be deemed a~~
1123 ~~clinic and must be licensed under this part in order to receive~~
1124 ~~reimbursement under the Florida Motor Vehicle No-Fault Law, ss.~~
1125 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~



CS/HB 19, Engrossed 1

2018

1126 Section 23. Subsection (6) of section 400.991, Florida
1127 Statutes, is amended to read:

1128 400.991 License requirements; background screenings;
1129 prohibitions.—

1130 (6) All agency forms for licensure application or
1131 exemption from licensure under this part must contain the
1132 following statement:

1133 INSURANCE FRAUD NOTICE.—A person commits a fraudulent insurance
1134 act under s. 626.989 or s. 817.234, Florida Statutes, if such
1135 person ~~who~~ knowingly submits a false, misleading, or fraudulent
1136 application or other document when applying for licensure as a
1137 health care clinic, seeking an exemption from licensure as a
1138 health care clinic, or demonstrating compliance with part X of
1139 chapter 400, Florida Statutes, with the intent to use the
1140 license, exemption from licensure, or demonstration of
1141 compliance to provide services or seek reimbursement under a
1142 motor vehicle insurance ~~the Florida Motor Vehicle No-Fault Law,~~
1143 ~~commits a fraudulent insurance act, as defined in s. 626.989,~~
1144 ~~Florida Statutes.~~ A person who presents a claim under a motor
1145 vehicle insurance ~~for personal injury protection benefits~~
1146 knowing that the payee knowingly submitted such health care
1147 clinic application or document, commits insurance fraud, as
1148 defined in s. 817.234, Florida Statutes.

1149 Section 24. Paragraph (g) of subsection (1) of section
1150 400.9935, Florida Statutes, is amended to read:



1151 400.9935 Clinic responsibilities.—

1152 (1) Each clinic shall appoint a medical director or clinic
1153 director who shall agree in writing to accept legal
1154 responsibility for the following activities on behalf of the
1155 clinic. The medical director or the clinic director shall:

1156 (g) Conduct systematic reviews of clinic billings to
1157 ensure that the billings are not fraudulent or unlawful. Upon
1158 discovery of an unlawful charge, the medical director or clinic
1159 director shall take immediate corrective action. If the clinic
1160 performs only the technical component of magnetic resonance
1161 imaging, static radiographs, computed tomography, or positron
1162 emission tomography, and provides the professional
1163 interpretation of such services, in a fixed facility that is
1164 accredited by a national accrediting organization that is
1165 approved by the Centers for Medicare and Medicaid Services for
1166 magnetic resonance imaging and advanced diagnostic imaging
1167 services and if, in the preceding quarter, the percentage of
1168 scans performed by that clinic which was billed to motor vehicle
1169 ~~all personal injury protection~~ insurance carriers was less than
1170 15 percent, the chief financial officer of the clinic may, in a
1171 written acknowledgment provided to the agency, assume the
1172 responsibility for the conduct of the systematic reviews of
1173 clinic billings to ensure that the billings are not fraudulent
1174 or unlawful.

1175 Section 25. Subsections (27) and (28) of section 409.901,



1176 Florida Statutes, are amended to read:

1177 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
 1178 409.901-409.920, except as otherwise specifically provided, the
 1179 term:

1180 (27) "Third party" means an individual, entity, or
 1181 program, excluding Medicaid, that is, may be, could be, should
 1182 be, or has been liable for all or part of the cost of medical
 1183 services related to any medical assistance covered by Medicaid.
 1184 A third party includes a third-party administrator; a pharmacy
 1185 benefits manager; a health insurer; a self-insured plan; a group
 1186 health plan, as defined in s. 607(1) of the Employee Retirement
 1187 Income Security Act of 1974; a service benefit plan; a managed
 1188 care organization; liability insurance, including self-
 1189 insurance; ~~no-fault insurance~~; workers' compensation laws or
 1190 plans; or other parties that are, by statute, contract, or
 1191 agreement, legally responsible for payment of a claim for a
 1192 health care item or service.

1193 (28) "Third-party benefit" means any benefit that is or
 1194 may be available at any time through contract, court award,
 1195 judgment, settlement, agreement, or any arrangement between a
 1196 third party and any person or entity, including, without
 1197 limitation, a Medicaid recipient, a provider, another third
 1198 party, an insurer, or the agency, for any Medicaid-covered
 1199 injury, illness, goods, or services, including costs of medical
 1200 services related thereto, for bodily ~~personal~~ injury or for



1201 death of the recipient, but specifically excluding ~~policies of~~
1202 life insurance on the recipient, unless available under terms of
1203 the policy to pay medical expenses prior to death. The term
1204 includes, without limitation, collateral, as defined in this
1205 section, health insurance, any benefit under a health
1206 maintenance organization, a preferred provider arrangement, a
1207 prepaid health clinic, liability insurance, uninsured motorist
1208 insurance or motor vehicle insurance ~~personal injury protection~~
1209 ~~coverage~~, medical benefits under workers' compensation, and any
1210 obligation under law or equity to provide medical support.

1211 Section 26. Paragraph (f) of subsection (11) of section
1212 409.910, Florida Statutes, is amended to read:

1213 409.910 Responsibility for payments on behalf of Medicaid-
1214 eligible persons when other parties are liable.-

1215 (11) The agency may, as a matter of right, in order to
1216 enforce its rights under this section, institute, intervene in,
1217 or join any legal or administrative proceeding in its own name
1218 in one or more of the following capacities: individually, as
1219 subrogee of the recipient, as assignee of the recipient, or as
1220 lienholder of the collateral.

1221 (f) Notwithstanding any provision in this section to the
1222 contrary, in the event of an action in tort against a third
1223 party in which the recipient or his or her legal representative
1224 is a party which results in a judgment, award, or settlement
1225 from a third party, the amount recovered shall be distributed as



CS/HB 19, Engrossed 1

2018

1226 follows:

1227 1. After attorney's fees and taxable costs as defined by
1228 the Florida Rules of Civil Procedure, one-half of the remaining
1229 recovery shall be paid to the agency up to the total amount of
1230 medical assistance provided by Medicaid.

1231 2. The remaining amount of the recovery shall be paid to
1232 the recipient.

1233 3. For purposes of calculating the agency's recovery of
1234 medical assistance benefits paid, the fee for services of an
1235 attorney retained by the recipient or his or her legal
1236 representative shall be calculated at 25 percent of the
1237 judgment, award, or settlement.

1238 4. Notwithstanding any other provision of this section to
1239 the contrary, the agency shall be entitled to all medical
1240 coverage benefits up to the total amount of medical assistance
1241 provided by Medicaid. For purposes of this paragraph, the term
1242 "medical coverage" means any benefits under health insurance, a
1243 health maintenance organization, a preferred provider
1244 arrangement, or a prepaid health clinic, and the portion of
1245 benefits designated for medical payments under coverage for
1246 workers' compensation insurance policy or a motor vehicle
1247 liability insurance policy, ~~personal injury protection, and~~
1248 ~~easualty~~.

1249 Section 27. Paragraph (k) of subsection (2) of section
1250 456.057, Florida Statutes, is amended to read:



1251 456.057 Ownership and control of patient records; report
1252 or copies of records to be furnished; disclosure of
1253 information.—

1254 (2) As used in this section, the terms "records owner,"
1255 "health care practitioner," and "health care practitioner's
1256 employer" do not include any of the following persons or
1257 entities; furthermore, the following persons or entities are not
1258 authorized to acquire or own medical records, but are authorized
1259 under the confidentiality and disclosure requirements of this
1260 section to maintain those documents required by the part or
1261 chapter under which they are licensed or regulated:

1262 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1263 Section 28. Paragraphs (ee) and (ff) of subsection (1) of
1264 section 456.072, Florida Statutes, are amended to read:

1265 456.072 Grounds for discipline; penalties; enforcement.—

1266 (1) The following acts shall constitute grounds for which
1267 the disciplinary actions specified in subsection (2) may be
1268 taken:

1269 ~~(ee) With respect to making a personal injury protection
1270 claim as required by s. 627.736, intentionally submitting a
1271 claim, statement, or bill that has been "upcoded" as defined in
1272 s. 627.732.~~

1273 ~~(ff) With respect to making a personal injury protection
1274 claim as required by s. 627.736, intentionally submitting a
1275 claim, statement, or bill for payment of services that were not~~



1276 ~~rendered.~~

1277 Section 29. Paragraphs (i) and (o) of subsection (1) of
1278 section 626.9541, Florida Statutes, are amended to read:

1279 626.9541 Unfair methods of competition and unfair or
1280 deceptive acts or practices defined.—

1281 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1282 ACTS.—The following are defined as unfair methods of competition
1283 and unfair or deceptive acts or practices:

1284 (i) Unfair claim settlement practices.—

1285 1. Attempting to settle claims on the basis of an
1286 application, when serving as a binder or intended to become a
1287 part of the policy, or any other material document which was
1288 altered without notice to, or knowledge or consent of, the
1289 insured;

1290 2. A material misrepresentation made to an insured or any
1291 other person having an interest in the proceeds payable under
1292 such contract or policy, for the purpose and with the intent of
1293 effecting settlement of such claims, loss, or damage under such
1294 contract or policy on less favorable terms than those provided
1295 in, and contemplated by, such contract or policy; or

1296 3. Committing or performing with such frequency as to
1297 indicate a general business practice any of the following:

1298 a. Failing to adopt and implement standards for the proper
1299 investigation of claims;

1300 b. Misrepresenting pertinent facts or insurance policy



1301 provisions relating to coverages at issue;

1302 c. Failing to acknowledge and act promptly upon

1303 communications with respect to claims;

1304 d. Denying claims without conducting reasonable

1305 investigations based upon available information;

1306 e. Failing to affirm or deny full or partial coverage of

1307 claims, and, as to partial coverage, the dollar amount or extent

1308 of coverage, or failing to provide a written statement that the

1309 claim is being investigated, upon the written request of the

1310 insured within 30 days after proof-of-loss statements have been

1311 completed;

1312 f. Failing to promptly provide a reasonable explanation in

1313 writing to the insured of the basis in the insurance policy, in

1314 relation to the facts or applicable law, for denial of a claim

1315 or for the offer of a compromise settlement;

1316 g. Failing to promptly notify the insured of any

1317 additional information necessary for the processing of a claim;

1318 or

1319 h. Failing to clearly explain the nature of the requested

1320 information and the reasons why such information is necessary.

1321 ~~i. Failing to pay personal injury protection insurance~~

1322 ~~claims within the time periods required by s. 627.736(4)(b). The~~

1323 ~~office may order the insurer to pay restitution to a~~

1324 ~~policyholder, medical provider, or other claimant, including~~

1325 ~~interest at a rate consistent with the amount set forth in s.~~



1326 ~~55.03(1), for the time period within which an insurer fails to~~
1327 ~~pay claims as required by law. Restitution is in addition to any~~
1328 ~~other penalties allowed by law, including, but not limited to,~~
1329 ~~the suspension of the insurer's certificate of authority.~~

1330 4. Failing to pay undisputed amounts of partial or full
1331 benefits owed under first-party property insurance policies
1332 within 90 days after an insurer receives notice of a residential
1333 property insurance claim, determines the amounts of partial or
1334 full benefits, and agrees to coverage, unless payment of the
1335 undisputed benefits is prevented by an act of God, prevented by
1336 the impossibility of performance, or due to actions by the
1337 insured or claimant that constitute fraud, lack of cooperation,
1338 or intentional misrepresentation regarding the claim for which
1339 benefits are owed.

1340 (o) Illegal dealings in premiums; excess or reduced
1341 charges for insurance.—

1342 1. Knowingly collecting any sum as a premium or charge for
1343 insurance, which is not then provided, or is not in due course
1344 to be provided, subject to acceptance of the risk by the
1345 insurer, by an insurance policy issued by an insurer as
1346 permitted by this code.

1347 2. Knowingly collecting as a premium or charge for
1348 insurance any sum in excess of or less than the premium or
1349 charge applicable to such insurance, in accordance with the
1350 applicable classifications and rates as filed with and approved



1351 by the office, and as specified in the policy; or, in cases when
1352 classifications, premiums, or rates are not required by this
1353 code to be so filed and approved, premiums and charges collected
1354 from a Florida resident in excess of or less than those
1355 specified in the policy and as fixed by the insurer.
1356 Notwithstanding any other provision of law, this provision shall
1357 not be deemed to prohibit the charging and collection, by
1358 surplus lines agents licensed under part VIII of this chapter,
1359 of the amount of applicable state and federal taxes, or fees as
1360 authorized by s. 626.916(4), in addition to the premium required
1361 by the insurer or the charging and collection, by licensed
1362 agents, of the exact amount of any discount or other such fee
1363 charged by a credit card facility in connection with the use of
1364 a credit card, as authorized by subparagraph (q)3., in addition
1365 to the premium required by the insurer. This subparagraph shall
1366 not be construed to prohibit collection of a premium for a
1367 universal life or a variable or indeterminate value insurance
1368 policy made in accordance with the terms of the contract.

1369 3.a. Imposing or requesting an additional premium for a
1370 policy of motor vehicle liability, ~~personal injury protection,~~
1371 ~~medical payment, or collision~~ coverage in a motor vehicle
1372 liability insurance policy ~~insurance or any combination thereof~~
1373 or refusing to renew the policy solely because the insured was
1374 involved in a motor vehicle accident unless the insurer's file
1375 contains information from which the insurer in good faith



1376 determines that the insured was substantially at fault in the
1377 accident.

1378 b. An insurer which imposes and collects such a surcharge
1379 or which refuses to renew such policy shall, in conjunction with
1380 the notice of premium due or notice of nonrenewal, notify the
1381 named insured that he or she is entitled to reimbursement of
1382 such amount or renewal of the policy under the conditions listed
1383 below and will subsequently reimburse him or her or renew the
1384 policy, if the named insured demonstrates that the operator
1385 involved in the accident was:

1386 (I) Lawfully parked;

1387 (II) Reimbursed by, or on behalf of, a person responsible
1388 for the accident or has a judgment against such person;

1389 (III) Struck in the rear by another vehicle headed in the
1390 same direction and was not convicted of a moving traffic
1391 violation in connection with the accident;

1392 (IV) Hit by a "hit-and-run" driver, if the accident was
1393 reported to the proper authorities within 24 hours after
1394 discovering the accident;

1395 (V) Not convicted of a moving traffic violation in
1396 connection with the accident, but the operator of the other
1397 automobile involved in such accident was convicted of a moving
1398 traffic violation;

1399 (VI) Finally adjudicated not to be liable by a court of
1400 competent jurisdiction;



1401 (VII) In receipt of a traffic citation which was dismissed
1402 or nolle prossed; or

1403 (VIII) Not at fault as evidenced by a written statement
1404 from the insured establishing facts demonstrating lack of fault
1405 which are not rebutted by information in the insurer's file from
1406 which the insurer in good faith determines that the insured was
1407 substantially at fault.

1408 c. In addition to the other provisions of this
1409 subparagraph, an insurer may not fail to renew a policy if the
1410 insured has had only one accident in which he or she was at
1411 fault within the current 3-year period. However, an insurer may
1412 nonrenew a policy for reasons other than accidents in accordance
1413 with s. 627.728. This subparagraph does not prohibit nonrenewal
1414 of a policy under which the insured has had three or more
1415 accidents, regardless of fault, during the most recent 3-year
1416 period.

1417 4. Imposing or requesting an additional premium for, or
1418 refusing to renew, a policy for motor vehicle insurance solely
1419 because the insured committed a noncriminal traffic infraction
1420 as described in s. 318.14 unless the infraction is:

1421 a. A second infraction committed within an 18-month
1422 period, or a third or subsequent infraction committed within a
1423 36-month period.

1424 b. A violation of s. 316.183, when such violation is a
1425 result of exceeding the lawful speed limit by more than 15 miles



1426 | per hour.

1427 | 5. Upon the request of the insured, the insurer and
1428 | licensed agent shall supply to the insured the complete proof of
1429 | fault or other criteria which justifies the additional charge or
1430 | cancellation.

1431 | 6. No insurer shall impose or request an additional
1432 | premium for motor vehicle insurance, cancel or refuse to issue a
1433 | policy, or refuse to renew a policy because the insured or the
1434 | applicant is a handicapped or physically disabled person, so
1435 | long as such handicap or physical disability does not
1436 | substantially impair such person's mechanically assisted driving
1437 | ability.

1438 | 7. No insurer may cancel or otherwise terminate any
1439 | insurance contract or coverage, or require execution of a
1440 | consent to rate endorsement, during the stated policy term for
1441 | the purpose of offering to issue, or issuing, a similar or
1442 | identical contract or coverage to the same insured with the same
1443 | exposure at a higher premium rate or continuing an existing
1444 | contract or coverage with the same exposure at an increased
1445 | premium.

1446 | 8. No insurer may issue a nonrenewal notice on any
1447 | insurance contract or coverage, or require execution of a
1448 | consent to rate endorsement, for the purpose of offering to
1449 | issue, or issuing, a similar or identical contract or coverage
1450 | to the same insured at a higher premium rate or continuing an



1451 existing contract or coverage at an increased premium without
1452 meeting any applicable notice requirements.

1453 9. No insurer shall, with respect to premiums charged for
1454 motor vehicle insurance, unfairly discriminate solely on the
1455 basis of age, sex, marital status, or scholastic achievement.

1456 10. Imposing or requesting an additional premium for motor
1457 vehicle comprehensive or uninsured motorist coverage solely
1458 because the insured was involved in a motor vehicle accident or
1459 was convicted of a moving traffic violation.

1460 11. No insurer shall cancel or issue a nonrenewal notice
1461 on any insurance policy or contract without complying with any
1462 applicable cancellation or nonrenewal provision required under
1463 the Florida Insurance Code.

1464 12. No insurer shall impose or request an additional
1465 premium, cancel a policy, or issue a nonrenewal notice on any
1466 insurance policy or contract because of any traffic infraction
1467 when adjudication has been withheld and no points have been
1468 assessed pursuant to s. 318.14(9) ~~318.14(9)~~ and ~~(10)~~. However,
1469 this subparagraph does not apply to traffic infractions
1470 involving accidents in which the insurer has incurred a loss due
1471 to the fault of the insured.

1472 Section 30. Paragraph (a) of subsection (1) of section
1473 626.989, Florida Statutes, is amended to read:

1474 626.989 Investigation by department or Division of
1475 Investigative and Forensic Services; compliance; immunity;



CS/HB 19, Engrossed 1

2018

1476 confidential information; reports to division; division
1477 investigator's power of arrest.—

1478 (1) For the purposes of this section:

1479 (a) A person commits a "fraudulent insurance act" if the
1480 person:

1481 1. Knowingly and with intent to defraud presents, causes
1482 to be presented, or prepares with knowledge or belief that it
1483 will be presented, to or by an insurer, self-insurer, self-
1484 insurance fund, servicing corporation, purported insurer,
1485 broker, or any agent thereof, any written statement as part of,
1486 or in support of, an application for the issuance of, or the
1487 rating of, any insurance policy, or a claim for payment or other
1488 benefit pursuant to any insurance policy, which the person knows
1489 to contain materially false information concerning any fact
1490 material thereto or if the person conceals, for the purpose of
1491 misleading another, information concerning any fact material
1492 thereto.

1493 2. Knowingly submits:

1494 a. A false, misleading, or fraudulent application or other
1495 document when applying for licensure as a health care clinic,
1496 seeking an exemption from licensure as a health care clinic, or
1497 demonstrating compliance with part X of chapter 400 with an
1498 intent to use the license, exemption from licensure, or
1499 demonstration of compliance to provide services or seek
1500 reimbursement under a motor vehicle insurance policy ~~the Florida~~



1501 ~~Motor Vehicle No-Fault Law.~~

1502 b. A claim for payment or other benefit pursuant to a
1503 motor vehicle ~~personal injury protection~~ insurance policy ~~under~~
1504 ~~the Florida Motor Vehicle No-Fault Law~~ if the person knows that
1505 the payee knowingly submitted a false, misleading, or fraudulent
1506 application or other document when applying for licensure as a
1507 health care clinic, seeking an exemption from licensure as a
1508 health care clinic, or demonstrating compliance with part X of
1509 chapter 400.

1510 Section 31. Subsection (1) of section 627.06501, Florida
1511 Statutes, is amended to read:

1512 627.06501 Insurance discounts for certain persons
1513 completing driver improvement course.—

1514 (1) Any rate, rating schedule, or rating manual for the
1515 liability, ~~personal injury protection,~~ and collision coverages
1516 of a motor vehicle insurance policy filed with the office may
1517 provide for an appropriate reduction in premium charges as to
1518 such coverages if ~~when~~ the principal operator on the covered
1519 vehicle has successfully completed a driver improvement course
1520 approved and certified by the Department of Highway Safety and
1521 Motor Vehicles which is effective in reducing accident ~~crash~~ or
1522 violation rates, or both, ~~as determined~~ pursuant to s. 318.1451
1523 ~~s. 318.1451(5)~~. Any discount, not to exceed 10 percent, used by
1524 an insurer is presumed to be appropriate unless credible data
1525 demonstrates otherwise.



1526 Section 32. Subsection (1) of section 627.0652, Florida
1527 Statutes, is amended to read:

1528 627.0652 Insurance discounts for certain persons
1529 completing safety course.—

1530 (1) Any rates, rating schedules, or rating manuals for the
1531 liability, ~~personal injury protection,~~ and collision coverages
1532 of a motor vehicle insurance policy filed with the office must
1533 ~~shall~~ provide for an appropriate reduction in premium charges as
1534 to such coverages if ~~when~~ the principal operator on the covered
1535 vehicle is an insured 55 years of age or older who has
1536 successfully completed a motor vehicle accident prevention
1537 course approved by the Department of Highway Safety and Motor
1538 Vehicles. Any discount used by an insurer is presumed to be
1539 appropriate unless credible data demonstrates otherwise.

1540 Section 33. Subsections (1), (3), and (6) of section
1541 627.0653, Florida Statutes, are amended to read:

1542 627.0653 Insurance discounts for specified motor vehicle
1543 equipment.—

1544 (1) Any rates, rating schedules, or rating manuals for the
1545 liability, ~~personal injury protection,~~ and collision coverages
1546 of a motor vehicle insurance policy filed with the office shall
1547 provide a premium discount if the insured vehicle is equipped
1548 with factory-installed, four-wheel antilock brakes.

1549 (3) Any rates, rating schedules, or rating manuals for
1550 ~~personal injury protection coverage and medical payments~~



CS/HB 19, Engrossed 1

2018

1551 coverage, if offered, of a motor vehicle insurance policy filed
1552 with the office shall provide a premium discount if the insured
1553 vehicle is equipped with one or more air bags which are factory
1554 installed.

1555 (6) The Office of Insurance Regulation may approve a
1556 premium discount to any rates, rating schedules, or rating
1557 manuals for the liability, ~~personal injury protection,~~ and
1558 collision coverages of a motor vehicle insurance policy filed
1559 with the office if the insured vehicle is equipped with
1560 autonomous driving technology or electronic vehicle collision
1561 avoidance technology that is factory installed or a retrofitted
1562 system and that complies with National Highway Traffic Safety
1563 Administration standards.

1564 Section 34. Section 627.4132, Florida Statutes, is amended
1565 to read:

1566 627.4132 Stacking of coverages prohibited.—If an insured
1567 or named insured is protected by any type of motor vehicle
1568 insurance policy for liability, ~~personal injury protection,~~ or
1569 other coverage, the policy must ~~shall~~ provide that the insured
1570 or named insured is protected only to the extent of the coverage
1571 she or he has on the vehicle involved in the accident. However,
1572 if none of the insured's or named insured's vehicles are ~~is~~
1573 involved in the accident, coverage is available only to the
1574 extent of coverage on any one of the vehicles with applicable
1575 coverage. Coverage on any other vehicles may ~~shall~~ not be added



CS/HB 19, Engrossed 1

2018

1576 to or stacked upon that coverage. This section does not apply:

1577 (1) To uninsured motorist coverage which is separately
1578 governed by s. 627.727.

1579 (2) To reduce the coverage available by reason of
1580 insurance policies insuring different named insureds.

1581 Section 35. Section 627.7263, Florida Statutes, is amended
1582 to read:

1583 627.7263 Rental and leasing driver's insurance to be
1584 primary; exception.—

1585 (1) The valid and collectible liability insurance ~~or~~
1586 ~~personal injury protection insurance~~ providing coverage for the
1587 lessor of a motor vehicle for rent or lease is primary unless
1588 otherwise stated in at least 10-point type on the face of the
1589 rental or lease agreement. Such insurance is primary for the
1590 limits of liability in an amount not less than the minimum
1591 limits described in and ~~personal injury protection coverage as~~
1592 ~~required by s. 324.021(7) ss. 324.021(7) and 627.736.~~

1593 (2) If the lessee's coverage is to be primary, the rental
1594 or lease agreement must contain the following language, in at
1595 least 10-point type:

1596

1597 "The valid and collectible liability insurance ~~and personal~~
1598 ~~injury protection insurance~~ of an ~~any~~ authorized rental or
1599 leasing driver is primary for the limits of liability in an
1600 amount not less than the minimum limits described in and



1601 ~~personal injury protection coverage required s. 324.021(7) by~~
1602 ~~ss. 324.021(7) and 627.736, Florida Statutes."~~

1603 Section 36. Subsections (1) and (7) of section 627.727,
1604 Florida Statutes, are amended to read:

1605 627.727 Motor vehicle insurance; uninsured and
1606 underinsured vehicle coverage; insolvent insurer protection.—

1607 (1) No motor vehicle liability insurance policy which
1608 provides bodily injury liability coverage shall be delivered or
1609 issued for delivery in this state with respect to any
1610 specifically insured or identified motor vehicle registered or
1611 principally garaged in this state unless uninsured motor vehicle
1612 coverage is provided therein or supplemental thereto for the
1613 protection of persons insured thereunder who are legally
1614 entitled to recover damages from owners or operators of
1615 uninsured motor vehicles because of bodily injury, sickness, or
1616 disease, including death, resulting therefrom. However, the
1617 coverage required under this section is not applicable if ~~when~~,
1618 or to the extent that, an insured named in the policy makes a
1619 written rejection of the coverage on behalf of all insureds
1620 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~
1621 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1622 of the lease contract, provides liability coverage on the leased
1623 vehicle, the lessee of such vehicle shall have the sole
1624 privilege to reject uninsured motorist coverage or to select
1625 lower limits than the bodily injury liability limits, regardless



1626 of whether the lessor is qualified as a self-insurer pursuant to
1627 s. 324.171. Unless an insured, or lessee having the privilege of
1628 rejecting uninsured motorist coverage, requests such coverage or
1629 requests higher uninsured motorist limits in writing, the
1630 coverage or such higher uninsured motorist limits need not be
1631 provided in or supplemental to any other policy which renews,
1632 extends, changes, supersedes, or replaces an existing policy
1633 with the same bodily injury liability limits when an insured or
1634 lessee had rejected the coverage. When an insured or lessee has
1635 initially selected limits of uninsured motorist coverage lower
1636 than her or his bodily injury liability limits, higher limits of
1637 uninsured motorist coverage need not be provided in or
1638 supplemental to any other policy that ~~which~~ renews, extends,
1639 changes, supersedes, or replaces an existing policy with the
1640 same bodily injury liability limits unless an insured requests
1641 higher uninsured motorist coverage in writing. The rejection or
1642 selection of lower limits shall be made on a form approved by
1643 the office. The form must ~~shall~~ fully advise the applicant of
1644 the nature of the coverage and must ~~shall~~ state that the
1645 coverage is equal to bodily injury liability limits unless lower
1646 limits are requested or the coverage is rejected. The heading of
1647 the form shall be in 12-point bold type and shall state: "You
1648 are electing not to purchase certain valuable coverage that
1649 ~~which~~ protects you and your family or you are purchasing
1650 uninsured motorist limits less than your bodily injury liability



CS/HB 19, Engrossed 1

2018

1651 limits when you sign this form. Please read carefully." If this
1652 form is signed by a named insured, it will be conclusively
1653 presumed that there was an informed, knowing rejection of
1654 coverage or election of lower limits on behalf of all insureds.
1655 The insurer shall notify the named insured at least annually of
1656 her or his options as to the coverage required by this section.
1657 Such notice must ~~shall~~ be part of, and attached to, the notice
1658 of premium, must ~~shall~~ provide for a means to allow the insured
1659 to request such coverage, and must ~~shall~~ be given in a manner
1660 approved by the office. Receipt of this notice does not
1661 constitute an affirmative waiver of the insured's right to
1662 uninsured motorist coverage if ~~where~~ the insured has not signed
1663 a selection or rejection form. The coverage described under this
1664 section shall be over and above, but shall not duplicate, the
1665 benefits available to an insured under any workers' compensation
1666 law, ~~personal injury protection benefits,~~ disability benefits
1667 law, or similar law; under any automobile medical payments
1668 ~~expense~~ coverage; under any motor vehicle liability insurance
1669 coverage; or from the owner or operator of the uninsured motor
1670 vehicle or any other person or organization jointly or severally
1671 liable together with such owner or operator for the accident;
1672 and such coverage shall cover the difference, if any, between
1673 the sum of such benefits and the damages sustained, up to the
1674 maximum amount of such coverage provided under this section. The
1675 amount of coverage available under this section may ~~shall~~ not be



1676 reduced by a setoff against any coverage, including liability
1677 insurance. Such coverage does ~~shall~~ not inure directly or
1678 indirectly to the benefit of any workers' compensation or
1679 disability benefits carrier or any person or organization
1680 qualifying as a self-insurer under any workers' compensation or
1681 disability benefits law or similar law.

1682 (7) (a) For uninsured and underinsured vehicle coverage
1683 issued before January 1, 2019, the legal liability of an
1684 uninsured motorist coverage insurer does not include damages in
1685 tort for pain, suffering, mental anguish, and inconvenience
1686 unless the injury or disease consists in whole or in part of:

1687 1. Significant and permanent loss of an important bodily
1688 function.

1689 2. Permanent injury within a reasonable degree of medical
1690 probability, other than scarring or disfigurement.

1691 3. Significant and permanent scarring or disfigurement.

1692 4. Death ~~is described in one or more of paragraphs (a)-(d)~~
1693 ~~of s. 627.737(2).~~

1694 (b) For uninsured and underinsured vehicle coverage issued
1695 on or after January 1, 2019, the legal liability of an uninsured
1696 motorist coverage insurer includes damages in tort for pain,
1697 suffering, disability or physical impairment, disfigurement,
1698 mental anguish, inconvenience, and the loss of capacity for the
1699 enjoyment of life experienced in the past and to be experienced
1700 in the future.



1701 Section 37. Subsection (1) and paragraphs (a) and (b) of
1702 subsection (2) of section 627.7275, Florida Statutes, are
1703 amended to read:

1704 627.7275 Motor vehicle liability.—

1705 (1) A motor vehicle insurance policy ~~providing personal~~
1706 ~~injury protection as set forth in s. 627.736 may not be~~
1707 delivered or issued for delivery in this state for a with
1708 ~~respect to any~~ specifically insured or identified motor vehicle
1709 registered or principally garaged in this state must provide
1710 bodily injury liability coverage and ~~unless the policy also~~
1711 ~~provides coverage for~~ property damage liability coverage as
1712 required under ~~by~~ s. 324.022.

1713 (2) (a) Insurers writing motor vehicle insurance in this
1714 state shall make available, subject to the insurers' usual
1715 underwriting restrictions:

1716 1. Coverage under policies as described in subsection (1)
1717 to an applicant for private passenger motor vehicle insurance
1718 coverage who is seeking the coverage in order to reinstate the
1719 applicant's driving privileges in this state if the driving
1720 privileges were revoked or suspended pursuant to s. 316.646 or
1721 s. 324.0221 due to the failure of the applicant to maintain
1722 required security.

1723 2. Coverage under policies as described in subsection (1),
1724 which also provides bodily injury liability coverage and
1725 property damage liability coverage ~~for bodily injury, death, and~~



1726 ~~property damage arising out of the ownership, maintenance, or~~
1727 ~~use of the motor vehicle~~ in an amount not less than the minimum
1728 limits described in s. 324.021(7) or s. 324.023 and conforms to
1729 the requirements of s. 324.151, to an applicant for private
1730 passenger motor vehicle insurance coverage who is seeking the
1731 coverage in order to reinstate the applicant's driving
1732 privileges in this state after such privileges were revoked or
1733 suspended under s. 316.193 or s. 322.26(2) for driving under the
1734 influence.

1735 (b) The policies described in paragraph (a) shall be
1736 issued for at least 6 months and, as to the minimum coverages
1737 required under this section, may not be canceled by the insured
1738 for any reason or by the insurer after 60 days, during which
1739 period the insurer is completing the underwriting of the policy.
1740 After the insurer has completed underwriting the policy, the
1741 insurer shall notify the Department of Highway Safety and Motor
1742 Vehicles that the policy is in full force and effect and is not
1743 cancelable for the remainder of the policy period. A premium
1744 shall be collected and the coverage is in effect for the 60-day
1745 period during which the insurer is completing the underwriting
1746 of the policy whether or not the person's driver license, motor
1747 vehicle tag, and motor vehicle registration are in effect. Once
1748 the noncancelable provisions of the policy become effective, the
1749 bodily injury liability and property damage liability coverages
1750 ~~for bodily injury, property damage, and personal injury~~



1751 ~~protection~~ may not be reduced below the minimum limits required
1752 under s. 324.021 or s. 324.023 during the policy period.

1753 Section 38. Paragraph (a) of subsection (1) of section
1754 627.728, Florida Statutes, is amended to read:

1755 627.728 Cancellations; nonrenewals.—

1756 (1) As used in this section, the term:

1757 (a) "Policy" means the bodily injury and property damage
1758 liability, ~~personal injury protection~~, medical payments,
1759 comprehensive, collision, and uninsured motorist coverage
1760 portions of a policy of motor vehicle insurance delivered or
1761 issued for delivery in this state:

1762 1. Insuring a natural person as named insured or one or
1763 more related individuals who are residents ~~resident~~ of the same
1764 household; and

1765 2. Insuring only a motor vehicle of the private passenger
1766 type or station wagon type which is not used as a public or
1767 livery conveyance for passengers or rented to others; or
1768 insuring any other four-wheel motor vehicle having a load
1769 capacity of 1,500 pounds or less which is not used in the
1770 occupation, profession, or business of the insured other than
1771 farming; other than any policy issued under an automobile
1772 insurance assigned risk plan or covering garage, automobile
1773 sales agency, repair shop, service station, or public parking
1774 place operation hazards.

1775



CS/HB 19, Engrossed 1

2018

1776 The term "policy" does not include a binder as defined in s.
1777 627.420 unless the duration of the binder period exceeds 60
1778 days.

1779 Section 39. Subsection (1), paragraph (a) of subsection
1780 (5), subsection (6), and subsection (7) of section 627.7295,
1781 Florida Statutes, are amended to read:

1782 627.7295 Motor vehicle insurance contracts.—

1783 (1) As used in this section, the term:

1784 (a) "Policy" means a motor vehicle insurance policy that
1785 provides bodily injury liability coverage and ~~personal injury~~
1786 ~~protection coverage~~, property damage liability coverage, ~~or~~
1787 ~~both~~.

1788 (b) "Binder" means a binder that provides motor vehicle
1789 bodily injury liability coverage ~~personal injury protection~~ and
1790 property damage liability coverage.

1791 (5) (a) A licensed general lines agent may charge a per-
1792 policy fee up not to ~~exceed~~ \$10 to cover the administrative
1793 costs of the agent associated with selling the motor vehicle
1794 insurance policy if the policy covers only bodily injury
1795 liability coverage ~~personal injury protection coverage~~ as
1796 ~~provided by s. 627.736~~ and property damage liability coverage as
1797 provided by s. 627.7275 and if no other insurance is sold or
1798 issued in conjunction with or collateral to the policy. The fee
1799 is not ~~considered~~ part of the premium.

1800 (6) If a motor vehicle owner's driver license, license



1801 plate, and registration have previously been suspended pursuant
1802 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
1803 only as provided in s. 627.7275.

1804 (7) A policy of private passenger motor vehicle insurance
1805 or a binder for such a policy may be initially issued in this
1806 state only if, before the effective date of such binder or
1807 policy, the insurer or agent has collected ~~from the insured an~~
1808 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
1809 agent, or premium finance company may not, directly or
1810 indirectly, take any action that results ~~resulting~~ in the
1811 insured paying ~~having paid~~ from the insured's own funds an
1812 amount less than the 2 months' premium required by this
1813 subsection. This subsection applies without regard to whether
1814 the premium is financed by a premium finance company or is paid
1815 pursuant to a periodic payment plan of an insurer or an
1816 insurance agent.

1817 (a) This subsection does not apply:

1818 1. If an insured or member of the insured's family is
1819 renewing or replacing a policy or a binder for such policy
1820 written by the same insurer or a member of the same insurer
1821 group.

1822 2. ~~To This subsection does not apply to~~ an insurer that
1823 issues private passenger motor vehicle coverage primarily to
1824 active duty or former military personnel or their dependents.

1825 3. ~~If This subsection does not apply if~~ all policy



CS/HB 19, Engrossed 1

2018

1826 payments are paid pursuant to a payroll deduction plan, an
1827 automatic electronic funds transfer payment plan from the
1828 policyholder, or a recurring credit card or debit card agreement
1829 with the insurer.

1830 (b) This subsection and subsection (4) do not apply if:

1831 1. All policy payments to an insurer are paid pursuant to
1832 an automatic electronic funds transfer payment plan from an
1833 agent, a managing general agent, or a premium finance company
1834 and if the policy includes, at a minimum, bodily injury
1835 liability and ~~personal injury protection pursuant to ss.~~
1836 ~~627.730-627.7405; motor vehicle~~ property damage liability
1837 coverage pursuant to s. 627.7275.; ~~and bodily injury liability~~
1838 ~~in at least the amount of \$10,000 because of bodily injury to,~~
1839 ~~or death of, one person in any one accident and in the amount of~~
1840 ~~\$20,000 because of bodily injury to, or death of, two or more~~
1841 ~~persons in any one accident. This subsection and subsection (4)~~
1842 ~~do not apply if an~~

1843 2. An insured has had a policy in effect for at least 6
1844 months, the insured's agent is terminated by the insurer that
1845 issued the policy, and the insured obtains coverage on the
1846 policy's renewal date with a new company through the terminated
1847 agent.

1848 Section 40. Sections 627.730, 627.731, 627.7311, 627.732,
1849 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
1850 and 627.7405, Florida Statutes, of the "Florida Motor Vehicle



CS/HB 19, Engrossed 1

2018

1851 No-Fault Law," are repealed.

1852 Section 41. Section 627.7407, Florida Statutes, is
1853 repealed.

1854 Section 42. Paragraphs (b), (c), and (g) of subsection (7)
1855 and paragraph (b) of subsection (8) of section 627.748, Florida
1856 Statutes, are amended to read:

1857 627.748 Transportation network companies.—

1858 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
1859 INSURANCE REQUIREMENTS.—

1860 (b) The following automobile insurance requirements apply
1861 while a participating TNC driver is logged on to the digital
1862 network but is not engaged in a prearranged ride:

1863 1. Automobile insurance that provides:

1864 a. A primary automobile liability coverage of at least
1865 \$50,000 for death and bodily injury per person, \$100,000 for
1866 death and bodily injury per incident, and \$25,000 for property
1867 damage; and

1868 ~~b. Personal injury protection benefits that meet the~~
1869 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
1870 ~~and~~

1871 b. e. Uninsured and underinsured vehicle coverage as
1872 required by s. 627.727.

1873 2. The coverage requirements of this paragraph may be
1874 satisfied by any of the following:

1875 a. Automobile insurance maintained by the TNC driver;



CS/HB 19, Engrossed 1

2018

1876 | b. Automobile insurance maintained by the TNC; or
1877 | c. A combination of sub-subparagraphs a. and b.
1878 | (c) The following automobile insurance requirements apply
1879 | while a TNC driver is engaged in a prearranged ride:
1880 | 1. Automobile insurance that provides:
1881 | a. A primary automobile liability coverage of at least \$1
1882 | million for death, bodily injury, and property damage; and
1883 | ~~b. Personal injury protection benefits that meet the~~
1884 | ~~minimum coverage amounts required of a limousine under ss.~~
1885 | ~~627.730-627.7405; and~~
1886 | b. e. Uninsured and underinsured vehicle coverage as
1887 | required by s. 627.727.
1888 | 2. The coverage requirements of this paragraph may be
1889 | satisfied by any of the following:
1890 | a. Automobile insurance maintained by the TNC driver;
1891 | b. Automobile insurance maintained by the TNC; or
1892 | c. A combination of sub-subparagraphs a. and b.
1893 | (g) Insurance satisfying the requirements under this
1894 | subsection is deemed to satisfy the financial responsibility
1895 | requirement for a motor vehicle under chapter 324 ~~and the~~
1896 | ~~security required under s. 627.733~~ for any period when the TNC
1897 | driver is logged onto the digital network or engaged in a
1898 | prearranged ride.
1899 | (8) TRANSPORTATION NETWORK COMPANY AND INSURER;
1900 | DISCLOSURE; EXCLUSIONS.—



1901 (b)1. An insurer that provides an automobile liability
1902 insurance policy under this part may exclude any and all
1903 coverage afforded under the policy issued to an owner or
1904 operator of a TNC vehicle while driving that vehicle for any
1905 loss or injury that occurs while a TNC driver is logged on to a
1906 digital network or while a TNC driver provides a prearranged
1907 ride. Exclusions imposed under this subsection are limited to
1908 coverage while a TNC driver is logged on to a digital network or
1909 while a TNC driver provides a prearranged ride. This right to
1910 exclude all coverage may apply to any coverage included in an
1911 automobile insurance policy, including, but not limited to:

- 1912 a. Liability coverage for bodily injury and property
1913 damage;
- 1914 b. Uninsured and underinsured motorist coverage;
- 1915 c. Medical payments coverage;
- 1916 d. Comprehensive physical damage coverage; and
- 1917 e. Collision physical damage coverage; ~~and~~
- 1918 ~~f. Personal injury protection.~~

1919 2. The exclusions described in subparagraph 1. apply
1920 notwithstanding any requirement under chapter 324. These
1921 exclusions do not affect or diminish coverage otherwise
1922 available for permissive drivers or resident relatives under the
1923 personal automobile insurance policy of the TNC driver or owner
1924 of the TNC vehicle who are not occupying the TNC vehicle at the
1925 time of loss. This section does not require that a personal



1926 automobile insurance policy provide coverage while the TNC
 1927 driver is logged on to a digital network, while the TNC driver
 1928 is engaged in a prearranged ride, or while the TNC driver
 1929 otherwise uses a vehicle to transport riders for compensation.

1930 3. This section must not be construed to require an
 1931 insurer to use any particular policy language or reference to
 1932 this section in order to exclude any and all coverage for any
 1933 loss or injury that occurs while a TNC driver is logged on to a
 1934 digital network or while a TNC driver provides a prearranged
 1935 ride.

1936 4. This section does not preclude an insurer from
 1937 providing primary or excess coverage for the TNC driver's
 1938 vehicle by contract or endorsement.

1939 Section 43. Section 627.8405, Florida Statutes, is amended
 1940 to read:

1941 627.8405 Prohibited acts; financing companies.—~~A No~~
 1942 premium finance company shall, in a premium finance agreement or
 1943 other agreement, may not finance the cost of or otherwise
 1944 provide for the collection or remittance of dues, assessments,
 1945 fees, or other periodic payments of money for the cost of:

1946 (1) A membership in an automobile club. The term
 1947 "automobile club" means a legal entity that ~~which~~, in
 1948 consideration of dues, assessments, or periodic payments of
 1949 money, promises its members or subscribers to assist them in
 1950 matters relating to the ownership, operation, use, or



CS/HB 19, Engrossed 1

2018

1951 maintenance of a motor vehicle; however, the term ~~this~~
1952 ~~definition of "automobile club"~~ does not include persons,
1953 associations, or corporations which are organized and operated
1954 solely for the purpose of conducting, sponsoring, or sanctioning
1955 motor vehicle races, exhibitions, or contests upon racetracks,
1956 or upon racecourses established and marked as such for the
1957 duration of such particular events. The term ~~words~~ "motor
1958 vehicle" used herein have the same meaning as defined in chapter
1959 320.

1960 (2) An accidental death and dismemberment policy sold in
1961 combination with a policy providing only bodily injury liability
1962 coverage ~~personal injury protection~~ and property damage
1963 liability coverage ~~only policy~~.

1964 (3) Any product not regulated under the provisions of this
1965 insurance code.

1966
1967 This section also applies to premium financing by any insurance
1968 agent or insurance company under part XVI. The commission shall
1969 adopt rules to assure disclosure, at the time of sale, of motor
1970 vehicle liability insurance coverages financed ~~with personal~~
1971 ~~injury protection~~ and shall prescribe the form of such
1972 disclosure.

1973 Section 44. Subsections (2) and (3) of section 628.909,
1974 Florida Statutes, are amended to read:

1975 628.909 Applicability of other laws.—



1976 (2) The following provisions of the Florida Insurance Code
1977 apply to captive insurance companies who are not industrial
1978 insured captive insurance companies to the extent that such
1979 provisions are not inconsistent with this part:

1980 (a) Chapter 624, except for ss. 624.407, 624.408,
1981 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

1982 (b) Chapter 625, part II.

1983 (c) Chapter 626, part IX.

1984 ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~
1985 ~~provided.~~

1986 (d)~~(e)~~ Chapter 628.

1987 (3) The following provisions of the Florida Insurance Code
1988 shall apply to industrial insured captive insurance companies to
1989 the extent that such provisions are not inconsistent with this
1990 part:

1991 (a) Chapter 624, except for ss. 624.407, 624.408,
1992 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and
1993 624.609(1).

1994 (b) Chapter 625, part II, if the industrial insured
1995 captive insurance company is incorporated in this state.

1996 (c) Chapter 626, part IX.

1997 ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~
1998 ~~provided.~~

1999 (d)~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
2000 628.6018.



2001 Section 45. Subsections (2), (6), and (7) of section
2002 705.184, Florida Statutes, are amended to read:

2003 705.184 Derelict or abandoned motor vehicles on the
2004 premises of public-use airports.—

2005 (2) The airport director or the director's designee shall
2006 contact the Department of Highway Safety and Motor Vehicles to
2007 notify that department that the airport has possession of the
2008 abandoned or derelict motor vehicle and to determine the name
2009 and address of the owner of the motor vehicle, the insurance
2010 company insuring the motor vehicle, ~~notwithstanding the~~
2011 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2012 the motor vehicle. Within 7 business days after receipt of the
2013 information, the director or the director's designee shall send
2014 notice by certified mail, return receipt requested, to the owner
2015 of the motor vehicle, the insurance company insuring the motor
2016 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2017 persons of record claiming a lien against the motor vehicle. The
2018 notice shall state the fact of possession of the motor vehicle,
2019 that charges for reasonable towing, storage, and parking fees,
2020 if any, have accrued and the amount thereof, that a lien as
2021 provided in subsection (6) will be claimed, that the lien is
2022 subject to enforcement pursuant to law, that the owner or
2023 lienholder, if any, has the right to a hearing ~~as set forth in~~
2024 ~~subsection (4),~~ and that any motor vehicle which, at the end of
2025 30 calendar days after receipt of the notice, has not been



2026 removed from the airport upon payment in full of all accrued
 2027 charges for reasonable towing, storage, and parking fees, if
 2028 any, may be disposed of as provided in s. 705.182(2)(a), (b),
 2029 (d), or (e), including, but not limited to, the motor vehicle
 2030 being sold free of all prior liens after 35 calendar days after
 2031 the time the motor vehicle is stored if any prior liens on the
 2032 motor vehicle are more than 5 years of age or after 50 calendar
 2033 days after the time the motor vehicle is stored if any prior
 2034 liens on the motor vehicle are 5 years of age or less.

2035 (6) The airport pursuant to this section or, if used, a
 2036 licensed independent wrecker company pursuant to s. 713.78 shall
 2037 have a lien on an abandoned or derelict motor vehicle for all
 2038 reasonable towing, storage, and accrued parking fees, if any,
 2039 except that no storage fee shall be charged if the motor vehicle
 2040 is stored less than 6 hours. As a prerequisite to perfecting a
 2041 lien under this section, the airport director or the director's
 2042 designee must serve a notice in accordance with subsection (2)
 2043 on the owner of the motor vehicle, the insurance company
 2044 insuring the motor vehicle, ~~notwithstanding the provisions of s.~~
 2045 ~~627.736,~~ and all persons of record claiming a lien against the
 2046 motor vehicle. If attempts to notify the owner, the insurance
 2047 company insuring the motor vehicle, ~~notwithstanding the~~
 2048 ~~provisions of s. 627.736,~~ or lienholders are not successful, the
 2049 requirement of notice by mail shall be considered met. Serving
 2050 of the notice does not dispense with recording the claim of



2051 | lien.

2052 | (7) (a) For the purpose of perfecting its lien under this
2053 | section, the airport shall record a claim of lien which shall
2054 | state:

2055 | 1. The name and address of the airport.

2056 | 2. The name of the owner of the motor vehicle, the
2057 | insurance company insuring the motor vehicle, ~~notwithstanding~~
2058 | ~~the provisions of s. 627.736,~~ and all persons of record claiming
2059 | a lien against the motor vehicle.

2060 | 3. The costs incurred from reasonable towing, storage, and
2061 | parking fees, if any.

2062 | 4. A description of the motor vehicle sufficient for
2063 | identification.

2064 | (b) The claim of lien shall be signed and sworn to or
2065 | affirmed by the airport director or the director's designee.

2066 | (c) The claim of lien shall be sufficient if it is in
2067 | substantially the following form:

2068 | CLAIM OF LIEN

2069 | State of

2070 | County of

2071 | Before me, the undersigned notary public, personally appeared
2072 |, who was duly sworn and says that he/she is the
2073 | of, whose address is.....; and that the
2074 | following described motor vehicle:

2075 | ...(Description of motor vehicle)...



2076 owned by, whose address is, has accrued
 2077 \$..... in fees for a reasonable tow, for storage, and for
 2078 parking, if applicable; that the lienor served its notice to the
 2079 owner, the insurance company insuring the motor vehicle
 2080 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
 2081 and all persons of record claiming a lien against the motor
 2082 vehicle on, ...(year)...., by.....

2083 ...(Signature)...

2084 Sworn to (or affirmed) and subscribed before me this day of
 2085, ...(year)...., by ...(name of person making statement)....

2086 ...(Signature of Notary Public)... ...(Print, Type, or Stamp
 2087 Commissioned name of Notary Public)...

2088 Personally Known...OR Produced...as identification.

2089 However, the negligent inclusion or omission of any information
 2090 in this claim of lien which does not prejudice the owner does
 2091 not constitute a default that operates to defeat an otherwise
 2092 valid lien.

2093 (d) The claim of lien shall be served on the owner of the
 2094 motor vehicle, the insurance company insuring the motor vehicle,
 2095 ~~notwithstanding the provisions of s. 627.736,~~ and all persons of
 2096 record claiming a lien against the motor vehicle. If attempts to
 2097 notify the owner, the insurance company insuring the motor
 2098 vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
 2099 lienholders are not successful, the requirement of notice by
 2100 mail shall be considered met. The claim of lien shall be so



2101 served before recordation.

2102 (e) The claim of lien shall be recorded with the clerk of
2103 court in the county where the airport is located. The recording
2104 of the claim of lien shall be constructive notice to all persons
2105 of the contents and effect of such claim. The lien shall attach
2106 at the time of recordation and shall take priority as of that
2107 time.

2108 Section 46. Paragraphs (a), (b), and (c) of subsection (4)
2109 of section 713.78, Florida Statutes, are amended to read:

2110 713.78 Liens for recovering, towing, or storing vehicles
2111 and vessels.—

2112 (4) (a) Any person regularly engaged in the business of
2113 recovering, towing, or storing vehicles or vessels who comes
2114 into possession of a vehicle or vessel pursuant to subsection
2115 (2), and who claims a lien for recovery, towing, or storage
2116 services, shall give notice to the registered owner, the
2117 insurance company insuring the vehicle ~~notwithstanding the~~
2118 ~~provisions of s. 627.736~~, and to all persons claiming a lien
2119 thereon, as disclosed by the records in the Department of
2120 Highway Safety and Motor Vehicles or as disclosed by the records
2121 of any corresponding agency in any other state in which the
2122 vehicle is identified through a records check of the National
2123 Motor Vehicle Title Information System or an equivalent
2124 commercially available system as being titled or registered.

2125 (b) Whenever any law enforcement agency authorizes the



CS/HB 19, Engrossed 1

2018

2126 removal of a vehicle or vessel or whenever any towing service,
2127 garage, repair shop, or automotive service, storage, or parking
2128 place notifies the law enforcement agency of possession of a
2129 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2130 enforcement agency of the jurisdiction where the vehicle or
2131 vessel is stored shall contact the Department of Highway Safety
2132 and Motor Vehicles, or the appropriate agency of the state of
2133 registration, if known, within 24 hours through the medium of
2134 electronic communications, giving the full description of the
2135 vehicle or vessel. Upon receipt of the full description of the
2136 vehicle or vessel, the department shall search its files to
2137 determine the owner's name, the insurance company insuring the
2138 vehicle or vessel, and whether any person has filed a lien upon
2139 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2140 notify the applicable law enforcement agency within 72 hours.
2141 The person in charge of the towing service, garage, repair shop,
2142 or automotive service, storage, or parking place shall obtain
2143 such information from the applicable law enforcement agency
2144 within 5 days after the date of storage and shall give notice
2145 pursuant to paragraph (a). The department may release the
2146 insurance company information to the requestor ~~notwithstanding~~
2147 ~~the provisions of s. 627.736.~~

2148 (c) Notice by certified mail shall be sent within 7
2149 business days after the date of storage of the vehicle or vessel
2150 to the registered owner, the insurance company insuring the



2151 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
2152 persons of record claiming a lien against the vehicle or vessel.
2153 It shall state the fact of possession of the vehicle or vessel,
2154 that a lien as provided in subsection (2) is claimed, that
2155 charges have accrued and the amount thereof, that the lien is
2156 subject to enforcement pursuant to law, and that the owner or
2157 lienholder, if any, has the right to a hearing as set forth in
2158 subsection (5), and that any vehicle or vessel which remains
2159 unclaimed, or for which the charges for recovery, towing, or
2160 storage services remain unpaid, may be sold free of all prior
2161 liens after 35 days if the vehicle or vessel is more than 3
2162 years of age or after 50 days if the vehicle or vessel is 3
2163 years of age or less.

2164 Section 47. Paragraph (a) of subsection (1), paragraph (c)
2165 of subsection (7), and subsections (8), (9), and (10) of section
2166 817.234, Florida Statutes, are amended to read:

2167 817.234 False and fraudulent insurance claims.—

2168 (1) (a) A person commits insurance fraud punishable as
2169 provided in subsection (11) if that person, with the intent to
2170 injure, defraud, or deceive any insurer:

2171 1. Presents or causes to be presented any written or oral
2172 statement as part of, or in support of, a claim for payment or
2173 other benefit pursuant to an insurance policy or a health
2174 maintenance organization subscriber or provider contract,
2175 knowing that such statement contains any false, incomplete, or



2176 misleading information concerning any fact or thing material to
 2177 such claim;

2178 2. Prepares or makes any written or oral statement that is
 2179 intended to be presented to any insurer in connection with, or
 2180 in support of, any claim for payment or other benefit pursuant
 2181 to an insurance policy or a health maintenance organization
 2182 subscriber or provider contract, knowing that such statement
 2183 contains any false, incomplete, or misleading information
 2184 concerning any fact or thing material to such claim;

2185 3.a. Knowingly presents, causes to be presented, or
 2186 prepares or makes with knowledge or belief that it will be
 2187 presented to any insurer, purported insurer, servicing
 2188 corporation, insurance broker, or insurance agent, or any
 2189 employee or agent thereof, any false, incomplete, or misleading
 2190 information or written or oral statement as part of, or in
 2191 support of, an application for the issuance of, or the rating
 2192 of, any insurance policy, or a health maintenance organization
 2193 subscriber or provider contract; or

2194 b. Knowingly conceals information concerning any fact
 2195 material to such application; or

2196 4. Knowingly presents, causes to be presented, or prepares
 2197 or makes with knowledge or belief that it will be presented to
 2198 any insurer a claim for payment or other benefit under a motor
 2199 vehicle ~~personal injury protection~~ insurance policy if the
 2200 person knows that the payee knowingly submitted a false,



2201 misleading, or fraudulent application or other document when
 2202 applying for licensure as a health care clinic, seeking an
 2203 exemption from licensure as a health care clinic, or
 2204 demonstrating compliance with part X of chapter 400.

2205 (7)

2206 (c) An insurer, or any person acting at the direction of
 2207 or on behalf of an insurer, may not change an opinion in a
 2208 mental or physical report ~~prepared under s. 627.736(7)~~ or direct
 2209 the physician preparing the report to change such opinion;
 2210 however, this provision does not preclude the insurer from
 2211 calling to the attention of the physician errors of fact in the
 2212 report based upon information in the claim file. Any person who
 2213 violates this paragraph commits a felony of the third degree,
 2214 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2215 (8) (a) It is unlawful for any person intending to defraud
 2216 any other person to solicit or cause to be solicited any
 2217 business from a person involved in a motor vehicle accident for
 2218 the purpose of making, adjusting, or settling motor vehicle tort
 2219 claims or claims ~~for personal injury protection benefits~~
 2220 ~~required by s. 627.736~~. Any person who violates the provisions
 2221 of this paragraph commits a felony of the second degree,
 2222 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 2223 A person who is convicted of a violation of this subsection
 2224 shall be sentenced to a minimum term of imprisonment of 2 years.

2225 (b) A person may not solicit or cause to be solicited any



2226 business from a person involved in a motor vehicle accident by
2227 any means of communication other than advertising directed to
2228 the public for the purpose of making motor vehicle tort claims
2229 or claims ~~for personal injury protection benefits required by s.~~
2230 ~~627.736,~~ within 60 days after the occurrence of the motor
2231 vehicle accident. Any person who violates this paragraph commits
2232 a felony of the third degree, punishable as provided in s.
2233 775.082, s. 775.083, or s. 775.084.

2234 (c) A lawyer, health care practitioner as defined in s.
2235 456.001, or owner or medical director of a clinic required to be
2236 licensed pursuant to s. 400.9905 may not, at any time after 60
2237 days have elapsed from the occurrence of a motor vehicle
2238 accident, solicit or cause to be solicited any business from a
2239 person involved in a motor vehicle accident by means of in
2240 person or telephone contact at the person's residence, for the
2241 purpose of making motor vehicle tort claims or claims ~~for~~
2242 ~~personal injury protection benefits required by s. 627.736.~~ Any
2243 person who violates this paragraph commits a felony of the third
2244 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2245 775.084.

2246 (d) Charges for any services rendered by any person who
2247 violates this subsection in regard to the person for whom such
2248 services were rendered are noncompensable and unenforceable as a
2249 matter of law.

2250 (9) A person may not organize, plan, or knowingly



2251 participate in an intentional motor vehicle accident ~~crash~~ or a
2252 scheme to create documentation of a motor vehicle accident ~~crash~~
2253 that did not occur for the purpose of making motor vehicle tort
2254 claims or claims ~~for personal injury protection benefits as~~
2255 ~~required by s. 627.736~~. Any person who violates this subsection
2256 commits a felony of the second degree, punishable as provided in
2257 s. 775.082, s. 775.083, or s. 775.084. A person who is convicted
2258 of a violation of this subsection shall be sentenced to a
2259 minimum term of imprisonment of 2 years.

2260 (10) A licensed health care practitioner who is found
2261 guilty of insurance fraud under this section for an act relating
2262 to a motor vehicle ~~personal injury protection~~ insurance policy
2263 loses his or her license to practice for 5 years and may not
2264 receive reimbursement for motor vehicle insurance coverage
2265 ~~personal injury protection~~ benefits for 10 years.

2266 Section 48. Except as otherwise expressly provided in this
2267 act and except for this section, which shall take effect upon
2268 this act becoming a law, this act shall take effect January 1,
2269 2019.