

By Senator Lee

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1                                   A bill to be entitled  
2       An act relating to motor vehicle insurance; repealing  
3       ss. 627.730, 627.731, 627.7311, 627.732, 627.733,  
4       627.734, 627.736, 627.737, 627.739, 627.7401,  
5       627.7403, and 627.7405, F.S., which comprise the  
6       Florida Motor Vehicle No-Fault Law; repealing s.  
7       627.7407, F.S., relating to application of the Florida  
8       Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;  
9       revising a requirement for proof of security on a  
10      motor vehicle and the applicability of the  
11      requirement; amending s. 318.18, F.S.; conforming a  
12      provision to changes made by the act; amending s.  
13      320.02, F.S.; revising the motor vehicle insurance  
14      coverages that an applicant must show to register  
15      certain vehicles with the Department of Highway Safety  
16      and Motor Vehicles; conforming a provision to changes  
17      made by the act; revising construction; amending s.  
18      320.0609, F.S.; conforming a provision to changes made  
19      by the act; amending s. 320.27, F.S.; defining the  
20      term "garage liability insurance"; revising garage  
21      liability insurance requirements for motor vehicle  
22      dealer applicants; conforming a provision to changes  
23      made by the act; amending s. 320.771, F.S.; revising  
24      garage liability insurance requirements for  
25      recreational vehicle dealer license applicants;  
26      amending ss. 322.251 and 322.34, F.S.; conforming  
27      provisions to changes made by the act; amending s.  
28      324.011, F.S.; revising legislative intent; amending  
29      s. 324.021, F.S.; revising definitions of the terms

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30 "motor vehicle" and "proof of financial  
31 responsibility"; revising minimum coverage  
32 requirements for proof of financial responsibility for  
33 specified motor vehicles; defining the term "for-hire  
34 passenger transportation vehicle"; conforming  
35 provisions to changes made by the act; amending s.  
36 324.022, F.S.; revising minimum liability coverage  
37 requirements for motor vehicle owners or operators;  
38 revising authorized methods for meeting such  
39 requirements; deleting a provision relating to an  
40 insurer's duty to defend certain claims; revising the  
41 vehicles that are excluded from the definition of the  
42 term "motor vehicle"; providing security requirements  
43 for certain excluded vehicles; conforming provisions  
44 to changes made by the act; conforming cross-  
45 references; amending s. 324.0221, F.S.; revising  
46 coverages that subject a policy to certain insurer  
47 reporting and notice requirements; conforming  
48 provisions to changes made by the act; amending s.  
49 324.023, F.S.; conforming cross-references; amending  
50 s. 324.031, F.S.; revising the amount of a certificate  
51 of deposit required to elect a certain method of proof  
52 of financial responsibility; revising excess liability  
53 coverage requirements for a person electing to use  
54 such method; amending s. 324.032, F.S.; revising  
55 financial responsibility requirements for owners or  
56 lessees of for-hire passenger transportation vehicles;  
57 amending ss. 324.051, 324.071, 324.091, and 324.151,  
58 F.S.; making technical changes; amending s. 324.161,

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59 F.S.; revising requirements for a certificate of  
60 deposit that is required if a person elects a certain  
61 method of proving financial responsibility; amending  
62 s. 324.171, F.S.; revising the minimum net worth  
63 requirements to qualify certain persons as self-  
64 insurers; conforming provisions to changes made by the  
65 act; amending s. 324.251, F.S.; revising the short  
66 title and an effective date; amending s. 400.9905,  
67 F.S.; revising the definition of the term "clinic";  
68 amending ss. 400.991 and 400.9935, F.S.; conforming  
69 provisions to changes made by the act; amending s.  
70 409.901, F.S.; revising the definition of the term  
71 "third-party benefit"; amending s. 409.910, F.S.;  
72 revising the definition of the term "medical  
73 coverage"; amending s. 456.057, F.S.; conforming a  
74 cross-reference; amending s. 456.072, F.S.; revising  
75 specified grounds for discipline for certain health  
76 professions; amending s. 626.9541, F.S.; conforming a  
77 provision to changes made by the act; revising the  
78 type of insurance coverage applicable to a certain  
79 prohibited act; amending s. 626.989, F.S.; revising  
80 the definition of the term "fraudulent insurance act";  
81 amending s. 627.06501, F.S.; revising coverages that  
82 may provide for a reduction in motor vehicle insurance  
83 policy premium charges under certain circumstances;  
84 amending s. 627.0652, F.S.; revising coverages that  
85 must provide a premium charge reduction under certain  
86 circumstances; amending s. 627.0653, F.S.; revising  
87 coverages subject to premium discounts for specified

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88 motor vehicle equipment; amending s. 627.4132, F.S.;

89 revising the coverages of a motor vehicle policy which

90 are subject to a stacking prohibition; amending s.

91 627.7263, F.S.; revising coverages that are deemed

92 primary, except under certain circumstances, for the

93 lessor of a motor vehicle for lease or rent; revising

94 a notice that is required if the lessee's coverage is

95 to be primary; creating s. 627.7265, F.S.; specifying

96 persons whom medical payments coverage must protect;

97 requiring medical payments coverage to provide

98 specified medical expense coverage and a specified

99 death benefit; specifying coverage options an insurer

100 must and may offer; providing that motor vehicle

101 liability insurance policies are deemed to have

102 medical payments coverage at a certain limit and with

103 no deductible, unless rejected or modified by the

104 policyholder by certain means; specifying requirements

105 for certain forms approved by the Office of Insurance

106 Regulation; requiring insurers to provide

107 policyholders with a certain annual notice; providing

108 construction relating to limits on certain other

109 coverages; requiring insurers, upon receiving a

110 certain notice of an accident, to hold a specified

111 reserve for certain purposes for a specified time;

112 providing that the reserve requirement does not

113 require insurers to establish a claim reserve for

114 accounting purposes; providing that an insurer

115 providing medical payments coverage benefits may not

116 have a lien on a certain recovery and may not have

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117 certain causes of action; amending s. 627.727, F.S.;

118 conforming provisions to changes made by the act;

119 amending s. 627.7275, F.S.; revising required

120 coverages for a motor vehicle insurance policy;

121 conforming provisions to changes made by the act;

122 amending s. 627.728, F.S.; conforming a provision to

123 changes made by the act; amending s. 627.7295, F.S.;

124 revising the definitions of the terms "policy" and

125 "binder"; revising the coverages of a motor vehicle

126 insurance policy for which a licensed general lines

127 agent may charge a specified fee; conforming a

128 provision to changes made by the act; amending s.

129 627.7415, F.S.; revising additional liability

130 insurance requirements for commercial motor vehicles;

131 amending s. 627.748, F.S.; revising insurance

132 requirements for transportation network company

133 drivers; conforming provisions to changes made by the

134 act; amending s. 627.8405, F.S.; revising coverages in

135 a policy sold in combination with an accidental death

136 and dismemberment policy which a premium finance

137 company may not finance; revising rulemaking authority

138 of the Financial Services Commission; amending ss.

139 627.915, 628.909, 705.184, and 713.78, F.S.;

140 conforming provisions to changes made by the act;

141 amending s. 817.234, F.S.; revising coverages that are

142 the basis of specified prohibited false and fraudulent

143 insurance claims; conforming provisions to changes

144 made by the act; defining the term "minimum security

145 requirements"; providing requirements, applicability,

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146 and construction relating to motor vehicle insurance  
147 policies as of a certain date; requiring insurers to  
148 allow certain insureds to make certain coverage  
149 changes, subject to certain conditions; requiring an  
150 insurer to provide, by a specified date, a specified  
151 notice to policyholders relating to requirements under  
152 the act; providing that driver license or registration  
153 suspensions for failure to maintain required security  
154 which were in effect before a specified date remain in  
155 full force and effect; providing that such suspended  
156 licenses or registrations may be reinstated as  
157 provided in a specified section; providing an  
158 appropriation; providing effective dates.

159  
160 Be It Enacted by the Legislature of the State of Florida:

161  
162 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,  
163 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,  
164 and 627.7405, Florida Statutes, which comprise the Florida Motor  
165 Vehicle No-Fault Law, are repealed.

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

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

169 316.646 Security required; proof of security and display  
170 thereof.—

171 (1) Any person required by s. 324.022 to maintain liability  
172 security for property damage, ~~liability security, required by s.~~  
173 ~~324.023 to maintain liability security for bodily injury,~~ or  
174 ~~death, or required by s. 627.733 to maintain personal injury~~

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175 ~~protection security on a motor vehicle~~ shall have in his or her  
176 immediate possession at all times while operating such motor  
177 vehicle proper proof of maintenance of the ~~required~~ security  
178 required under s. 324.021(7).

179 (a) Such proof must ~~shall~~ be in a uniform paper or  
180 electronic format, as prescribed by the department, a valid  
181 insurance policy, an insurance policy binder, a certificate of  
182 insurance, or such other proof as may be prescribed by the  
183 department.

184 (b)1. The act of presenting to a law enforcement officer an  
185 electronic device displaying proof of insurance in an electronic  
186 format does not constitute consent for the officer to access any  
187 information on the device other than the displayed proof of  
188 insurance.

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

191 Section 4. Paragraph (b) of subsection (2) of section  
192 318.18, Florida Statutes, is amended to read:

193 318.18 Amount of penalties.—The penalties required for a  
194 noncriminal disposition pursuant to s. 318.14 or a criminal  
195 offense listed in s. 318.17 are as follows:

196 (2) Thirty dollars for all nonmoving traffic violations  
197 and:

198 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,  
199 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.  
200 320.07(1) shall be charged a delinquent fee pursuant to s.  
201 320.07(4).

202 1. If a person who is cited for a violation of s. 320.0605  
203 or s. 320.07 can show proof of having a valid registration at

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204 the time of arrest, the clerk of the court may dismiss the case  
205 and may assess a dismissal fee of up to \$10. A person who finds  
206 it impossible or impractical to obtain a valid registration  
207 certificate must submit an affidavit detailing the reasons for  
208 the impossibility or impracticality. The reasons may include,  
209 but are not limited to, the fact that the vehicle was sold,  
210 stolen, or destroyed; that the state in which the vehicle is  
211 registered does not issue a certificate of registration; or that  
212 the vehicle is owned by another person.

213 2. If a person who is cited for a violation of s. 322.03,  
214 s. 322.065, or s. 322.15 can show a driver license issued to him  
215 or her and valid at the time of arrest, the clerk of the court  
216 may dismiss the case and may assess a dismissal fee of up to  
217 \$10.

218 3. If a person who is cited for a violation of s. 316.646  
219 can show proof of security as required by s. 324.021(7) ~~s.~~  
220 ~~627.733~~, issued to the person and valid at the time of arrest,  
221 the clerk of the court may dismiss the case and may assess a  
222 dismissal fee of up to \$10. A person who finds it impossible or  
223 impractical to obtain proof of security must submit an affidavit  
224 detailing the reasons for the impracticality. The reasons may  
225 include, but are not limited to, the fact that the vehicle has  
226 since been sold, stolen, or destroyed; ~~that the owner or~~  
227 ~~registrant of the vehicle is not required by s. 627.733 to~~  
228 ~~maintain personal injury protection insurance;~~ or that the  
229 vehicle is owned by another person.

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

232 320.02 Registration required; application for registration;



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233 forms.-

234 (5) (a) Proof that bodily injury liability coverage and  
235 property damage liability coverage ~~personal injury protection~~  
236 ~~benefits~~ have been purchased if required under s. 324.022, s.  
237 324.032, or s. 627.742 ~~s. 627.733, that property damage~~  
238 ~~liability coverage has been purchased as required under s.~~  
239 324.022, that bodily injury liability ~~or death~~ coverage has been  
240 purchased if required under s. 324.023, and that combined bodily  
241 liability insurance and property damage liability insurance have  
242 been purchased if required under s. 627.7415 must ~~shall~~ be  
243 provided in the manner prescribed by law by the applicant at the  
244 time of application for registration of any motor vehicle that  
245 is subject to such requirements. The issuing agent may not ~~shall~~  
246 ~~refuse to~~ issue registration if such proof of purchase is not  
247 provided. Insurers shall furnish uniform proof-of-purchase cards  
248 in a paper or electronic format in a form prescribed by the  
249 department and include the name of the insured's insurance  
250 company, the coverage identification number, and the make, year,  
251 and vehicle identification number of the vehicle insured. The  
252 card must contain a statement notifying the applicant of the  
253 penalty specified under s. 316.646(4). The card or insurance  
254 policy, insurance policy binder, or certificate of insurance or  
255 a photocopy of any of these; an affidavit containing the name of  
256 the insured's insurance company, the insured's policy number,  
257 and the make and year of the vehicle insured; or such other  
258 proof as may be prescribed by the department constitutes ~~shall~~  
259 ~~constitute~~ sufficient proof of purchase. If an affidavit is  
260 provided as proof, it must be in substantially the following  
261 form:

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262  
263 Under penalty of perjury, I ...(Name of insured)... do hereby  
264 certify that I have ...(bodily injury liability and Personal  
265 ~~Injury Protection~~, property damage liability, ~~and, if required,~~  
266 ~~Bodily Injury Liability~~)... insurance currently in effect with  
267 ...(Name of insurance company)... under ...(policy number)...  
268 covering ...(make, year, and vehicle identification number of  
269 vehicle).... ...(Signature of Insured)...

270  
271 Such affidavit must include the following warning:

272  
273 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
274 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
275 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
276 SUBJECT TO PROSECUTION.

277  
278 If an application is made through a licensed motor vehicle  
279 dealer as required under s. 319.23, the original or a photocopy  
280 ~~photostatic copy~~ of such card, insurance policy, insurance  
281 policy binder, or certificate of insurance or the original  
282 affidavit from the insured must ~~shall~~ be forwarded by the dealer  
283 to the tax collector of the county or the Department of Highway  
284 Safety and Motor Vehicles for processing. By executing the  
285 ~~aforsaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not  
286 ~~will be~~ liable in damages for any inadequacy, insufficiency, or  
287 falsification of any statement contained therein. ~~A card must~~  
288 ~~also indicate the existence of any bodily injury liability~~  
289 ~~insurance voluntarily purchased.~~

290 (d) The verifying of ~~proof of personal injury protection~~

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291 ~~insurance, proof of property damage liability insurance, proof~~  
292 ~~of combined bodily liability insurance and property damage~~  
293 ~~liability insurance, or proof of financial responsibility~~  
294 ~~insurance~~ and the issuance or failure to issue the motor vehicle  
295 registration under ~~the provisions of~~ this chapter may not be  
296 construed in any court as a warranty of the reliability or  
297 accuracy of the evidence of such proof, or as meaning that the  
298 provisions of any insurance policy furnished as proof of  
299 financial responsibility comply with state law. Neither the  
300 department nor any tax collector is not liable in damages for  
301 any inadequacy, insufficiency, falsification, or unauthorized  
302 modification of any item of ~~the proof of personal injury~~  
303 ~~protection insurance, proof of property damage liability~~  
304 ~~insurance, proof of combined bodily liability insurance and~~  
305 ~~property damage liability insurance, or proof of financial~~  
306 responsibility before insurance prior to, during, or subsequent  
307 to the verification of the proof. The issuance of a motor  
308 vehicle registration does not constitute prima facie evidence or  
309 a presumption of insurance coverage.

310 Section 6. Paragraph (b) of subsection (1) of section  
311 320.0609, Florida Statutes, is amended to read:

312 320.0609 Transfer and exchange of registration license  
313 plates; transfer fee.—

314 (1)

315 (b) The transfer of a license plate from a vehicle disposed  
316 of to a newly acquired vehicle does not constitute a new  
317 registration. The application for transfer shall be accepted  
318 without requiring proof of ~~personal injury protection or~~  
319 liability insurance.

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

323 320.27 Motor vehicle dealers.—

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

328 (g) "Garage liability insurance" means, beginning January  
329 1, 2020, combined single-limit liability coverage, including  
330 property damage and bodily injury liability coverage, in the  
331 amount of at least \$60,000.

332 (3) APPLICATION AND FEE.—~~The application for the license~~  
333 application must ~~shall~~ be in such form as may be prescribed by  
334 the department and is ~~shall~~ be subject to such rules ~~with~~  
335 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.  
336 Such application must ~~shall~~ be verified by oath or affirmation  
337 and must ~~shall~~ contain a full statement of the name and birth  
338 date of the person or persons applying for the license ~~therefor~~;  
339 the name of the firm or copartnership, with the names and places  
340 of residence of all members ~~thereof~~, if such applicant is a firm  
341 or copartnership; the names and places of residence of the  
342 principal officers, if the applicant is a body corporate or  
343 other artificial body; the name of the state under whose laws  
344 the corporation is organized; the present and former place or  
345 places of residence of the applicant; and the prior business in  
346 which the applicant has been engaged and its ~~the~~ location  
347 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact  
348 location of the place of business and must ~~shall~~ state whether

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349 the place of business is owned by the applicant and when  
350 acquired, or, if leased, a true copy of the lease must ~~shall~~ be  
351 attached to the application. The applicant shall certify that  
352 the location provides an adequately equipped office and is not a  
353 residence; that the location affords sufficient unoccupied space  
354 upon and within which adequately to store all motor vehicles  
355 offered and displayed for sale; and that the location is a  
356 suitable place where the applicant can in good faith carry on  
357 such business and keep and maintain books, records, and files  
358 necessary to conduct such business, which must ~~shall~~ be  
359 available at all reasonable hours to inspection by the  
360 department or any of its inspectors or other employees. The  
361 applicant shall certify that the business of a motor vehicle  
362 dealer is the principal business that will ~~which shall~~ be  
363 conducted at that location. The application must ~~shall~~ contain a  
364 statement that the applicant is either franchised by a  
365 manufacturer of motor vehicles, in which case the name of each  
366 motor vehicle that the applicant is franchised to sell must  
367 ~~shall~~ be included, or an independent (nonfranchised) motor  
368 vehicle dealer. The application must ~~shall~~ contain other  
369 relevant information as may be required by the department. The  
370 applicant shall furnish, including evidence, in a form approved  
371 by the department, that the applicant is insured under a garage  
372 liability insurance policy or a general liability insurance  
373 policy coupled with a business automobile policy having the  
374 coverages and limits of the garage liability insurance coverage  
375 in accordance with paragraph (1) (g), which shall include, at a  
376 minimum, \$25,000 combined single-limit liability coverage  
377 including bodily injury and property damage protection and

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378 ~~\$10,000 personal injury protection~~. However, a salvage motor  
379 vehicle dealer as defined in subparagraph (1)(c)5. is exempt  
380 from the requirements for garage liability insurance ~~and~~  
381 ~~personal injury protection insurance~~ on those vehicles that  
382 cannot be legally operated on roads, highways, or streets in  
383 this state. Franchise dealers must submit a garage liability  
384 insurance policy, and all other dealers must submit a garage  
385 liability insurance policy or a general liability insurance  
386 policy coupled with a business automobile policy. Such policy  
387 must ~~shall~~ be for the license period, and evidence of a new or  
388 continued policy must ~~shall~~ be delivered to the department at  
389 the beginning of each license period. Upon making an initial  
390 application, the applicant shall pay to the department a fee of  
391 \$300 in addition to any other fees required by law. Applicants  
392 may choose to extend the licensure period for 1 additional year  
393 for a total of 2 years. An initial applicant shall pay to the  
394 department a fee of \$300 for the first year and \$75 for the  
395 second year, in addition to any other fees required by law. An  
396 applicant for renewal shall pay to the department \$75 for a 1-  
397 year renewal or \$150 for a 2-year renewal, in addition to any  
398 other fees required by law. Upon making an application for a  
399 change of location, the applicant ~~person~~ shall pay a fee of \$50  
400 in addition to any other fees now required by law. The  
401 department shall, in the case of every application for initial  
402 licensure, verify whether certain facts set forth in the  
403 application are true. Each applicant, general partner in the  
404 case of a partnership, or corporate officer and director in the  
405 case of a corporate applicant shall, ~~must~~ file a set of  
406 fingerprints with the department for the purpose of determining

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407 any prior criminal record or any outstanding warrants. The  
408 department shall submit the fingerprints to the Department of  
409 Law Enforcement for state processing and forwarding to the  
410 Federal Bureau of Investigation for federal processing. The  
411 actual cost of state and federal processing must ~~shall~~ be borne  
412 by the applicant and is in addition to the fee for licensure.  
413 The department may issue a license to an applicant pending the  
414 results of the fingerprint investigation, which license is fully  
415 revocable if the department subsequently determines that any  
416 facts set forth in the application are not true or correctly  
417 represented.

418 Section 8. Paragraph (j) of subsection (3) of section  
419 320.771, Florida Statutes, is amended to read:

420 320.771 License required of recreational vehicle dealers.-

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

425 (j) A statement that the applicant is insured under a  
426 garage liability insurance policy in accordance with s.  
427 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~  
428 ~~combined single-limit liability coverage, including bodily~~  
429 ~~injury and property damage protection, and \$10,000 personal~~  
430 ~~injury protection~~, if the applicant is to be licensed as a  
431 dealer in, or intends to sell, recreational vehicles.

432  
433 The department shall, if it deems necessary, cause an  
434 investigation to be made to ascertain if the facts set forth in  
435 the application are true and shall not issue a license to the

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436 applicant until it is satisfied that the facts set forth in the  
437 application are true.

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

440 322.251 Notice of cancellation, suspension, revocation, or  
441 disqualification of license.—

442 (1) All orders of cancellation, suspension, revocation, or  
443 disqualification issued under ~~the provisions of~~ this chapter,  
444 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~  
445 be given either by personal delivery thereof to the licensee  
446 whose license is being canceled, suspended, revoked, or  
447 disqualified or by deposit in the United States mail in an  
448 envelope, first class, postage prepaid, addressed to the  
449 licensee at his or her last known mailing address furnished to  
450 the department. Such mailing by the department constitutes  
451 notification, and any failure by the person to receive the  
452 mailed order will not affect or stay the effective date or term  
453 of the cancellation, suspension, revocation, or disqualification  
454 of the licensee's driving privilege.

455 (2) The giving of notice and an order of cancellation,  
456 suspension, revocation, or disqualification by mail is complete  
457 upon expiration of 20 days after deposit in the United States  
458 mail for all notices except those issued under chapter 324 ~~or~~  
459 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in  
460 the United States mail. Proof of the giving of notice and an  
461 order of cancellation, suspension, revocation, or  
462 disqualification in either manner must ~~shall~~ be made by entry in  
463 the records of the department that such notice was given. The  
464 entry is admissible in the courts of this state and constitutes



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465 sufficient proof that such notice was given.

466 Section 10. Paragraph (a) of subsection (8) of section  
467 322.34, Florida Statutes, is amended to read:

468 322.34 Driving while license suspended, revoked, canceled,  
469 or disqualified.—

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

473 1. Whether the person's driver license is suspended or  
474 revoked.

475 2. Whether the person's driver license has remained  
476 suspended or revoked since a conviction for the offense of  
477 driving with a suspended or revoked license.

478 3. Whether the suspension or revocation was made under s.  
479 316.646 ~~or s. 627.733~~, relating to failure to maintain required  
480 security, or under s. 322.264, relating to habitual traffic  
481 offenders.

482 4. Whether the driver is the registered owner or coowner of  
483 the vehicle.

484 Section 11. Section 324.011, Florida Statutes, is amended  
485 to read:

486 324.011 Legislative intent and purpose of chapter.—It is  
487 the Legislature's intent of this chapter to ensure that the  
488 privilege of owning or operating a motor vehicle in this state  
489 is exercised ~~recognize the existing privilege to own or operate~~  
490 ~~a motor vehicle on the public streets and highways of this state~~  
491 ~~when such vehicles are used with due consideration for others'~~  
492 safety ~~others~~ and their property, ~~and~~ to promote safety, and to  
493 provide financial security requirements for ~~such~~ owners and ~~or~~

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494 operators whose responsibility it is to recompense others for  
495 injury to person or property caused by the operation of a motor  
496 vehicle. Therefore, this chapter requires that every owner or  
497 operator of a motor vehicle required to be registered in this  
498 state establish, maintain, and it is required herein that the  
499 operator of a motor vehicle involved in a crash or convicted of  
500 certain traffic offenses meeting the operative provisions of s.  
501 324.051(2) shall respond for such damages and show proof of  
502 financial ability to respond for damages arising out of the  
503 ownership, maintenance, or use of a motor vehicle in future  
504 accidents as a requisite to owning or operating a motor vehicle  
505 in this state his or her future exercise of such privileges.

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

509 324.021 Definitions; minimum insurance required.—The  
510 following words and phrases when used in this chapter shall, for  
511 the purpose of this chapter, have the meanings respectively  
512 ascribed to them in this section, except in those instances  
513 where the context clearly indicates a different meaning:

514 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is  
515 designed and required to be licensed for use upon a highway,  
516 including trailers and semitrailers designed for use with such  
517 vehicles, except traction engines, road rollers, farm tractors,  
518 power shovels, and well drillers, and every vehicle that is  
519 propelled by electric power obtained from overhead wires but not  
520 operated upon rails, but not including any personal delivery  
521 device or mobile carrier as defined in s. 316.003, bicycle, or  
522 moped. ~~However, the term "motor vehicle" does not include a~~

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523 ~~motor vehicle as defined in s. 627.732(3) when the owner of such~~  
 524 ~~vehicle has complied with the requirements of ss. 627.730-~~  
 525 ~~627.7405, inclusive, unless the provisions of s. 324.051 apply;~~  
 526 ~~and, in such case, the applicable proof of insurance provisions~~  
 527 ~~of s. 320.02 apply.~~

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

532 (a) Beginning January 1, 2020, with respect to a motor  
 533 vehicle that is not a commercial motor vehicle, nonpublic sector  
 534 bus, or for-hire passenger transportation vehicle, in the amount  
 535 of:

536 1. Twenty-five thousand dollars for \$10,000 because of  
 537 bodily injury to, or the death of, one person in any one crash  
 538 and,†

539 ~~(b)~~ subject to such limits for one person, in the amount of  
 540 \$50,000 for \$20,000 because of bodily injury to, or the death  
 541 of, two or more persons in any one crash; and

542 2.(c) Ten thousand dollars for damage ~~In the amount of~~  
 543 ~~\$10,000 because of injury to, or destruction of, property of~~  
 544 ~~others in any one crash.† and~~

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

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

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

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552 (9) OWNER; OWNER/LESSOR.—

553 (c) *Application*.—

554 1. The limits on liability in subparagraphs (b)2. and 3. do  
555 not apply to an owner of motor vehicles that are used for  
556 commercial activity in the owner's ordinary course of business,  
557 other than a rental company that rents or leases motor vehicles.  
558 For purposes of this paragraph, the term "rental company"  
559 includes only an entity that is engaged in the business of  
560 renting or leasing motor vehicles to the general public and that  
561 rents or leases a majority of its motor vehicles to persons with  
562 no direct or indirect affiliation with the rental company. The  
563 term also includes a motor vehicle dealer that provides  
564 temporary replacement vehicles to its customers for up to 10  
565 days. The term "rental company" also includes:

566 a. A related rental or leasing company that is a subsidiary  
567 of the same parent company as that of the renting or leasing  
568 company that rented or leased the vehicle.

569 b. The holder of a motor vehicle title or an equity  
570 interest in a motor vehicle title if the title or equity  
571 interest is held pursuant to or to facilitate an asset-backed  
572 securitization of a fleet of motor vehicles used solely in the  
573 business of renting or leasing motor vehicles to the general  
574 public and under the dominion and control of a rental company,  
575 as described in this subparagraph, in the operation of such  
576 rental company's business.

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

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

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

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

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

599 Section 13. Section 324.022, Florida Statutes, is amended  
600 to read:

601 324.022 Financial responsibility requirements ~~for property~~  
602 ~~damage.—~~

603 (1) (a) Beginning January 1, 2020, every owner or operator  
604 of a motor vehicle required to be registered in this state shall  
605 establish and continuously maintain the ability to respond in  
606 damages for liability on account of accidents arising out of the  
607 use of the motor vehicle in the amount of:

608 1. Twenty-five thousand dollars for bodily injury to, or  
609 the death of, one person in any one crash and, subject to such

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

613 2. Ten thousand dollars for ~~\$10,000 because of~~ damage to,  
614 or destruction of, property of others in any one crash.

615 (b) The requirements of paragraph (a) ~~this section~~ may be  
616 met by one of the methods established in s. 324.031; by self-  
617 insuring as authorized by s. 768.28(16); or by maintaining a  
618 motor vehicle liability insurance policy that ~~an insurance~~  
619 ~~policy providing coverage for property damage liability in the~~  
620 ~~amount of at least \$10,000 because of damage to, or destruction~~  
621 ~~of, property of others in any one accident arising out of the~~  
622 ~~use of the motor vehicle. The requirements of this section may~~  
623 ~~also be met by having a policy which provides~~ combined property  
624 damage liability and bodily injury liability coverage for any  
625 one crash arising out of the ownership, maintenance, or use of a  
626 motor vehicle which conforms to the requirements of s. 324.151  
627 in the amount of at least \$60,000 for every owner or operator  
628 subject to the financial responsibility required in paragraph  
629 (a) \$30,000 for combined property damage liability and bodily  
630 injury liability for any one crash arising out of the use of the  
631 motor vehicle. The policy, with respect to coverage for property  
632 damage liability, must meet the applicable requirements of s.  
633 324.151, subject to the usual policy exclusions that have been  
634 approved in policy forms by the Office of Insurance Regulation.  
635 No insurer shall have any duty to defend uncovered claims  
636 irrespective of their joinder with covered claims.

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

638 (a) "Motor vehicle" means any self-propelled vehicle that

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639 has four or more wheels and that is of a type designed and  
640 required to be licensed for use on the highways of this state,  
641 and any trailer or semitrailer designed for use with such  
642 vehicle. The term does not include the following:

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

644 2. A motor vehicle that is used in mass transit and  
645 designed to transport more than five passengers, exclusive of  
646 the operator of the motor vehicle, and that is owned by a  
647 municipality, transit authority, or political subdivision of the  
648 state.

649 3. A school bus as defined in s. 1006.25, which must  
650 maintain security as required under s. 316.615.

651 4. A commercial motor vehicle as defined in s. 207.002 or  
652 s. 320.01, which must maintain security as required under ss.  
653 324.031 and 627.7415.

654 5. A nonpublic sector bus, which must maintain security as  
655 required under ss. 324.031 and 627.742.

656 ~~6.4. A vehicle providing for-hire passenger transportation~~  
657 ~~vehicle, which must that is subject to the provisions of s.~~  
658 ~~324.031. A taxicab shall maintain security as required under s.~~  
659 ~~324.032 s. 324.032(1).~~

660 ~~7.5.~~ A personal delivery device as defined in s. 316.003.

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

665 (3) Each nonresident owner or registrant of a motor vehicle  
666 that, whether operated or not, has been physically present  
667 within this state for more than 90 days during the preceding 365

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668 days shall maintain security as required by subsection (1). The  
669 security must be ~~that is~~ in effect continuously throughout the  
670 period the motor vehicle remains within this state.

671 (4) An ~~The~~ owner or registrant of a motor vehicle who is  
672 ~~exempt from the requirements of this section if she or he is a~~  
673 member of the United States Armed Forces and is called to or on  
674 active duty outside the United States in an emergency situation  
675 is exempt from this section while he or she. ~~The exemption~~  
676 ~~provided by this subsection applies only as long as the member~~  
677 ~~of the Armed Forces is on such active duty.~~ This exemption  
678 ~~outside the United States and applies only while the vehicle~~  
679 covered by the security is not operated by any person. Upon  
680 receipt of a written request by the insured to whom the  
681 exemption provided in this subsection applies, the insurer shall  
682 cancel the coverages and return any unearned premium or suspend  
683 the security required by this section. Notwithstanding s.  
684 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the  
685 registration or operator's license of an ~~any~~ owner or registrant  
686 of a motor vehicle during the time she or he qualifies for the  
687 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant  
688 of a motor vehicle who qualifies for the ~~an~~ exemption under this  
689 subsection shall immediately notify the department before ~~prior~~  
690 ~~to~~ and at the end of the expiration of the exemption.

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

693 324.0221 Reports by insurers to the department; suspension  
694 of driver license and vehicle registrations; reinstatement.—

695 (1) (a) Each insurer that has issued a policy providing  
696 ~~personal injury protection coverage or property damage liability~~



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697 coverage shall report the cancellation or nonrenewal thereof to  
698 the department within 10 days after the processing date or  
699 effective date of each cancellation or nonrenewal. Upon the  
700 issuance of a policy providing ~~personal injury protection~~  
701 ~~coverage or property damage~~ liability coverage to a named  
702 insured not previously insured by the insurer during that  
703 calendar year, the insurer shall report the issuance of the new  
704 policy to the department within 10 days. The report must ~~shall~~  
705 be in the form ~~and format~~ and contain any information required  
706 by the department and must be provided in a format that is  
707 compatible with the data processing capabilities of the  
708 department. Failure by an insurer to file proper reports with  
709 the department as required by this subsection constitutes a  
710 violation of the Florida Insurance Code. These records may ~~shall~~  
711 be used by the department only for enforcement and regulatory  
712 purposes, including the generation by the department of data  
713 regarding compliance by owners of motor vehicles with the  
714 requirements for financial responsibility coverage.

715 (b) With respect to an insurance policy providing ~~personal~~  
716 ~~injury protection coverage or property damage~~ liability  
717 coverage, each insurer shall notify the named insured, or the  
718 first-named insured in the case of a commercial fleet policy, in  
719 writing that any cancellation or nonrenewal of the policy will  
720 be reported by the insurer to the department. The notice must  
721 also inform the named insured that failure to maintain bodily  
722 injury liability ~~personal injury protection~~ coverage and  
723 property damage liability coverage on a motor vehicle when  
724 required by law may result in the loss of registration and  
725 driving privileges in this state and inform the named insured of

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726 the amount of the reinstatement fees required by this section.  
727 This notice is for informational purposes only, and an insurer  
728 is not civilly liable for failing to provide this notice.

729 (2) The department shall suspend, after due notice and an  
730 opportunity to be heard, the registration and driver license of  
731 any owner or registrant of a motor vehicle for ~~with respect to~~  
732 which security is required under s. 324.022, s. 324.032, s.  
733 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

738 (b) Notification by the insurer to the department, in a  
739 form approved by the department, of cancellation or termination  
740 of the required security.

741 Section 15. Section 324.023, Florida Statutes, is amended  
742 to read:

743 324.023 Financial responsibility for bodily injury or  
744 death.—In addition to any other financial responsibility  
745 required by law, every owner or operator of a motor vehicle that  
746 is required to be registered in this state, or that is located  
747 within this state, and who, regardless of adjudication of guilt,  
748 has been found guilty of or entered a plea of guilty or nolo  
749 contendere to a charge of driving under the influence under s.  
750 316.193 after October 1, 2007, shall, by one of the methods  
751 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,  
752 establish and maintain the ability to respond in damages for  
753 liability on account of accidents arising out of the use of a  
754 motor vehicle in the amount of \$100,000 because of bodily injury

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755 to, or death of, one person in any one crash and, subject to  
756 such limits for one person, in the amount of \$300,000 because of  
757 bodily injury to, or death of, two or more persons in any one  
758 crash and in the amount of \$50,000 because of property damage in  
759 any one crash. If the owner or operator chooses to establish and  
760 maintain such ability by furnishing a certificate of deposit  
761 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of  
762 deposit must be at least \$350,000. Such higher limits must be  
763 carried for a minimum period of 3 years. If the owner or  
764 operator has not been convicted of driving under the influence  
765 or a felony traffic offense for a period of 3 years from the  
766 date of reinstatement of driving privileges for a violation of  
767 s. 316.193, the owner or operator shall be exempt from this  
768 section.

769 Section 16. Section 324.031, Florida Statutes, is amended  
770 to read:

771 324.031 Manner of proving financial responsibility.—

772 (1) ~~The owner or operator of a taxicab, limousine, jitney,~~  
773 ~~or any other for-hire passenger transportation vehicle may prove~~  
774 ~~financial responsibility by providing satisfactory evidence of~~  
775 ~~holding a motor vehicle liability policy as defined in s.~~  
776 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~  
777 ~~carrier which is a member of the Florida Insurance Guaranty~~  
778 ~~Association.~~ The operator or owner of a motor vehicle other than  
779 a for-hire passenger transportation vehicle ~~any other vehicle~~  
780 may prove his or her financial responsibility by:

781 (a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor  
782 vehicle liability policy as defined in ss. 324.021(8) and  
783 324.151;

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

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

788 (2) (a) Beginning January 1, 2020, any person, including any  
789 firm, partnership, association, corporation, or other person,  
790 other than a natural person, electing to use the method of proof  
791 specified in paragraph (1) (b) subsection (2) shall furnish a  
792 certificate of deposit equal to the number of vehicles owned  
793 times \$60,000 ~~\$30,000~~, to a maximum of \$240,000. ~~\$120,000;~~

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

798 1. One hundred twenty-five thousand dollars for bodily  
799 injury to, or the death of, one person in any one crash and,  
800 subject to such limits for one person, in the amount of \$250,000  
801 for bodily injury to, or the death of, two or more persons in  
802 any one crash, and \$50,000 for damage to, or destruction of,  
803 property of others in any one crash; or

804 2. Three hundred thousand dollars for combined bodily  
805 injury liability and property damage liability for any one crash  
806 \$10,000/20,000/10,000 or \$30,000 combined single limits, and  
807 such excess insurance shall provide minimum limits of  
808 \$125,000/250,000/50,000 or \$300,000 combined single limits.  
809 These increased limits shall not affect the requirements for  
810 proving financial responsibility under s. 324.032(1).

811 Section 17. Section 324.032, Florida Statutes, is amended  
812 to read:

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813           324.032 ~~Manner of proving~~ Financial responsibility for,  
814 for-hire passenger transportation vehicles. ~~Notwithstanding the~~  
815 ~~provisions of s. 324.031:~~

816           (1) An owner or lessee of a for-hire passenger  
817 transportation vehicle that is required to be registered in this  
818 state shall establish and continuously maintain the ability to  
819 respond in damages for liability on account of accidents arising  
820 out of the ownership, maintenance, or use of the for-hire  
821 passenger transportation vehicle, in the amount of:

822           (a) One hundred twenty-five thousand dollars for bodily  
823 injury to, or the death of, one person in any one crash and,  
824 subject to such limits for one person, in the amount of \$250,000  
825 for bodily injury to, or the death of, two or more persons in  
826 any one crash; and ~~A person who is either the owner or a lessee~~  
827 ~~required to maintain insurance under s. 627.733(1) (b) and who~~  
828 ~~operates one or more taxicabs, limousines, jitneys, or any other~~  
829 ~~for-hire passenger transportation vehicles may prove financial~~  
830 ~~responsibility by furnishing satisfactory evidence of holding a~~  
831 ~~motor vehicle liability policy, but with minimum limits of~~  
832 ~~\$125,000/250,000/50,000.~~

833           (b) Fifty thousand dollars for damage to, or destruction  
834 of, property of others in any one crash ~~A person who is either~~  
835 ~~the owner or a lessee required to maintain insurance under s.~~  
836 ~~324.021(9) (b) and who operates limousines, jitneys, or any other~~  
837 ~~for-hire passenger vehicles, other than taxicabs, may prove~~  
838 ~~financial responsibility by furnishing satisfactory evidence of~~  
839 ~~holding a motor vehicle liability policy as defined in s.~~  
840 ~~324.031.~~

841           (2) Except as provided in subsection (3), the requirements

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842 of this section must be met by the owner or lessee providing  
843 satisfactory evidence of holding a motor vehicle liability  
844 policy conforming to the requirements of s. 324.151 which is  
845 issued by an insurance carrier that is a member of the Florida  
846 Insurance Guaranty Association.

847 (3)~~(2)~~ An owner or a lessee who ~~is required to maintain~~  
848 ~~insurance under s. 324.021(9)(b) and who~~ operates at least 300  
849 ~~taxicabs, limousines, jitneys, or any other~~ for-hire passenger  
850 transportation vehicles may provide financial responsibility by  
851 complying with ~~the provisions of~~ s. 324.171, which must such  
852 ~~compliance~~ to be demonstrated by maintaining at its principal  
853 place of business an audited financial statement, prepared in  
854 accordance with generally accepted accounting principles, and  
855 providing to the department a certification issued by a  
856 certified public accountant that the applicant's net worth is at  
857 least equal to the requirements of s. 324.171 as determined by  
858 the Office of Insurance Regulation of the Financial Services  
859 Commission, including claims liabilities in an amount certified  
860 as adequate by a Fellow of the Casualty Actuarial Society.

861  
862 Upon request by the department, the applicant shall ~~must~~ provide  
863 the department at the applicant's principal place of business in  
864 this state access to the applicant's underlying financial  
865 information and financial statements that provide the basis of  
866 the certified public accountant's certification. The applicant  
867 shall reimburse the requesting department for all reasonable  
868 costs incurred by it in reviewing the supporting information.  
869 The maximum amount of self-insurance permissible under this  
870 subsection is \$300,000 and must be stated on a per-occurrence

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871 basis, and the applicant shall maintain adequate excess  
872 insurance issued by an authorized or eligible insurer licensed  
873 or approved by the Office of Insurance Regulation. All risks  
874 self-insured shall remain with the owner or lessee providing it,  
875 and the risks are not transferable to any other person, unless a  
876 policy complying with subsections (1) and (2) ~~subsection (1)~~ is  
877 obtained.

878 Section 18. Paragraph (b) of subsection (2) of section  
879 324.051, Florida Statutes, is amended to read:

880 324.051 Reports of crashes; suspensions of licenses and  
881 registrations.—

882 (2)

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

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

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

894 3. To such operator or owner if the liability of such  
895 operator or owner for damages resulting from such crash is, in  
896 the judgment of the department, covered by any other form of  
897 liability insurance or bond.

898 4. To any person who has obtained from the department a  
899 certificate of self-insurance, in accordance with s. 324.171, or

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900 to any person operating a motor vehicle for such self-insurer.

901  
902 No such policy or bond shall be effective under this subsection  
903 unless it contains limits of not less than those specified in s.  
904 324.021(7).

905 Section 19. Section 324.071, Florida Statutes, is amended  
906 to read:

907 324.071 Reinstatement; renewal of license; reinstatement  
908 fee.—An Any operator or owner whose license or registration has  
909 been suspended pursuant to s. 324.051(2), s. 324.072, s.  
910 324.081, or s. 324.121 may effect its reinstatement upon  
911 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or  
912 s. 324.081(2) and (3), as the case may be, and with one of the  
913 provisions of s. 324.031 and upon payment to the department of a  
914 nonrefundable reinstatement fee of \$15. Only one such fee may  
915 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the  
916 number of licenses and registrations to be then reinstated or  
917 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to  
918 a department trust fund. If ~~When~~ the reinstatement of any  
919 license or registration is effected by compliance with s.  
920 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the  
921 license or registration within ~~a period of~~ 3 years after ~~from~~  
922 such reinstatement, nor may ~~shall~~ any other license or  
923 registration be issued in the name of such person, unless the  
924 operator continues ~~is continuing~~ to comply with ~~one of the~~  
925 ~~provisions of~~ s. 324.031.

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

928 324.091 Notice to department; notice to insurer.—



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929 (1) Each owner and operator involved in a crash or  
930 conviction case within the purview of this chapter shall furnish  
931 evidence of ~~automobile liability insurance~~ or motor vehicle  
932 liability insurance within 14 days after the date of the mailing  
933 of notice of crash by the department in the form and manner as  
934 it may designate. Upon receipt of evidence that a ~~an automobile~~  
935 ~~liability policy~~ or motor vehicle liability policy was in effect  
936 at the time of the crash or conviction case, the department  
937 shall forward to the insurer such information for verification  
938 in a method as determined by the department. The insurer shall  
939 respond to the department within 20 days after the notice as to  
940 whether ~~or not~~ such information is valid. If the department  
941 determines that a ~~an automobile liability policy~~ or motor  
942 vehicle liability policy was not in effect and did not provide  
943 coverage for both the owner and the operator, it must ~~shall~~ take  
944 action as it is authorized to do under this chapter.

945 Section 21. Section 324.151, Florida Statutes, is amended  
946 to read:

947 324.151 Motor vehicle liability policies; required  
948 provisions.—

949 (1) A motor vehicle liability policy that serves as ~~to be~~  
950 proof of financial responsibility under s. 324.031(1)(a) must ~~s.~~  
951 ~~324.031(1), shall~~ be issued to owners or operators of motor  
952 vehicles under the following provisions:

953 (a) A motor vehicle ~~An owner's~~ liability insurance policy  
954 issued to an owner of a motor vehicle registered in this state  
955 must ~~shall~~ designate by explicit description or by appropriate  
956 reference all motor vehicles for ~~with respect to~~ which coverage  
957 is thereby granted. The policy must ~~and shall~~ insure the person

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958 or persons ~~owner~~ named therein and any other person as operator  
 959 using such motor vehicle or motor vehicles with the express or  
 960 implied permission of such owner against loss from the liability  
 961 imposed by law for damage arising out of the ownership,  
 962 maintenance, or use of any ~~such~~ motor vehicle or motor vehicles  
 963 within the United States or ~~the Dominion of~~ Canada, subject to  
 964 limits, exclusive of interest and costs with respect to each  
 965 such motor vehicle, as is provided for under s. 324.021(7).  
 966 Insurers may make available, with respect to property damage  
 967 liability coverage, a deductible amount not to exceed \$500. In  
 968 the event of a property damage loss covered by a policy  
 969 containing a property damage deductible provision, the insurer  
 970 shall pay to the third-party claimant the amount of any property  
 971 damage liability settlement or judgment, subject to policy  
 972 limits, as if no deductible existed.

973 (b) An operator's motor vehicle liability policy of  
 974 insurance must ~~shall~~ insure the person or persons named therein  
 975 against loss from the liability imposed ~~upon him or her~~ by law  
 976 for damages arising out of the use by the person of any motor  
 977 vehicle not owned by him or her, with the same territorial  
 978 limits and subject to the same limits of liability as referred  
 979 to above with respect to an owner's policy of liability  
 980 insurance.

981 (c) All such motor vehicle liability policies must ~~shall~~  
 982 state the name and address of the named insured, the coverage  
 983 afforded by the policy, the premium charged therefor, the policy  
 984 period, and the limits of liability, and must ~~shall~~ contain an  
 985 agreement or be endorsed that insurance is provided in  
 986 accordance with the coverage defined in this chapter ~~as respects~~

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987 ~~bodily injury and death or property damage or both and is~~  
 988 ~~subject to all provisions of this chapter. The said policies~~  
 989 ~~must shall also contain a provision that the satisfaction by an~~  
 990 ~~insured of a judgment for such injury or damage may shall not be~~  
 991 ~~a condition precedent to the right or duty of the insurance~~  
 992 ~~carrier to make payment on account of such injury or damage, and~~  
 993 ~~must shall also contain a provision that bankruptcy or~~  
 994 ~~insolvency of the insured or of the insured's estate may shall~~  
 995 ~~not relieve the insurance carrier of any of its obligations~~  
 996 ~~under the said policy.~~

997 (2) ~~The provisions of This section is shall not be~~  
 998 ~~applicable to any motor vehicle automobile liability policy~~  
 999 ~~unless and until it is furnished as proof of financial~~  
 1000 ~~responsibility for the future pursuant to s. 324.031, and then~~  
 1001 ~~applies only from ~~and after~~ the date the said policy is ~~so~~~~  
 1002 ~~furnished.~~

1003 Section 22. Section 324.161, Florida Statutes, is amended  
 1004 to read:

1005 324.161 Proof of financial responsibility; deposit.—~~If a~~  
 1006 ~~person elects to prove his or her financial responsibility under~~  
 1007 ~~the method of proof specified in s. 324.031(1)(b), he or she~~  
 1008 ~~annually must obtain and submit to the department proof of a~~  
 1009 ~~certificate of deposit in the amount required under s.~~  
 1010 ~~324.031(2) from a financial institution insured by the Federal~~  
 1011 ~~Deposit Insurance Corporation or the National Credit Union~~  
 1012 ~~Administration Annually, before any certificate of insurance may~~  
 1013 ~~be issued to a person, including any firm, partnership,~~  
 1014 ~~association, corporation, or other person, other than a natural~~  
 1015 ~~person, proof of a certificate of deposit of \$30,000 issued and~~

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1016 ~~held by a financial institution must be submitted to the~~  
 1017 ~~department.~~ A power of attorney will be issued to and held by  
 1018 the department and may be executed upon a judgment issued  
 1019 against such person making the deposit, for damages for ~~because~~  
 1020 ~~of~~ bodily injury to or death of any person or for damages for  
 1021 ~~because of~~ injury to or destruction of property resulting from  
 1022 the use or operation of any motor vehicle occurring after such  
 1023 deposit was made. Money so deposited is ~~shall not be~~ subject to  
 1024 attachment or execution unless such attachment or execution  
 1025 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as  
 1026 ~~aforsaid.~~

1027 Section 23. Subsections (1) and (2) of section 324.171,  
 1028 Florida Statutes, are amended to read:

1029 324.171 Self-insurer.—

1030 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining  
 1031 a certificate of self-insurance from the department. ~~which may,~~  
 1032 ~~in its discretion and~~ Upon application of such a person, the  
 1033 department may issue a said certificate of self-insurance to an  
 1034 applicant who satisfies ~~when such person has satisfied~~ the  
 1035 requirements of this section. Effective January 1, 2020 ~~to~~  
 1036 ~~qualify as a self-insurer under this section:~~

1037 (a) A private individual with private passenger vehicles  
 1038 shall possess a net unencumbered worth of at least \$100,000  
 1039 ~~\$40,000.~~

1040 (b) A person, including any firm, partnership, association,  
 1041 corporation, or other person, other than a natural person,  
 1042 shall:

1043 1. Possess a net unencumbered worth of at least \$100,000  
 1044 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each

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1045 additional motor vehicle; or

1046 2. Maintain sufficient net worth, in an amount determined  
1047 by the department, to be financially responsible for potential  
1048 losses. The department annually shall determine the minimum net  
1049 worth sufficient to satisfy this subparagraph ~~as determined~~  
1050 ~~annually by the department,~~ pursuant to rules adopted  
1051 ~~promulgated~~ by the department, with the assistance of the Office  
1052 of Insurance Regulation of the Financial Services Commission, ~~to~~  
1053 ~~be financially responsible for potential losses.~~ The rules must  
1054 consider any ~~shall take into consideration~~ excess insurance  
1055 carried by the applicant. The department's determination must  
1056 ~~shall~~ be based upon reasonable actuarial principles considering  
1057 the frequency, severity, and loss development of claims incurred  
1058 by casualty insurers writing coverage on the type of motor  
1059 vehicles for which a certificate of self-insurance is desired.

1060 (c) The owner of a commercial motor vehicle, as defined in  
1061 s. 207.002 or s. 320.01, may qualify as a self-insurer subject  
1062 to the standards provided ~~for~~ in subparagraph (b)2.

1063 (2) The self-insurance certificate must ~~shall~~ provide  
1064 limits of liability insurance in the amounts specified under s.  
1065 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~  
1066 ~~protection coverage under s. 627.733(3)(b).~~

1067 Section 24. Section 324.251, Florida Statutes, is amended  
1068 to read:

1069 324.251 Short title.—This chapter may be cited as the  
1070 "Financial Responsibility Law of 2019 1955" and is ~~shall become~~  
1071 effective at 12:01 a.m., January 1, 2020 ~~October 1, 1955.~~

1072 Section 25. Subsection (4) of section 400.9905, Florida  
1073 Statutes, is amended to read:

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1074 400.9905 Definitions.—

1075 (4) (a) "Clinic" means an entity where health care services  
1076 are provided to individuals and which tenders charges for  
1077 reimbursement for such services, including a mobile clinic and a  
1078 portable equipment provider. As used in this part, the term does  
1079 not include and the licensure requirements of this part do not  
1080 apply to:

1081 1. ~~(a)~~ Entities licensed or registered by the state under  
1082 chapter 395; entities licensed or registered by the state and  
1083 providing only health care services within the scope of services  
1084 authorized under their respective licenses under ss. 383.30-  
1085 383.332, chapter 390, chapter 394, chapter 397, this chapter  
1086 except part X, chapter 429, chapter 463, chapter 465, chapter  
1087 466, chapter 478, chapter 484, or chapter 651; end-stage renal  
1088 disease providers authorized under 42 C.F.R. part 405, subpart  
1089 U; providers certified under 42 C.F.R. part 485, subpart B or  
1090 subpart H; or any entity that provides neonatal or pediatric  
1091 hospital-based health care services or other health care  
1092 services by licensed practitioners solely within a hospital  
1093 licensed under chapter 395.

1094 2. ~~(b)~~ Entities that own, directly or indirectly, entities  
1095 licensed or registered by the state pursuant to chapter 395;  
1096 entities that own, directly or indirectly, entities licensed or  
1097 registered by the state and providing only health care services  
1098 within the scope of services authorized pursuant to their  
1099 respective licenses under ss. 383.30-383.332, chapter 390,  
1100 chapter 394, chapter 397, this chapter except part X, chapter  
1101 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
1102 484, or chapter 651; end-stage renal disease providers

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1103 authorized under 42 C.F.R. part 405, subpart U; providers  
1104 certified under 42 C.F.R. part 485, subpart B or subpart H; or  
1105 any entity that provides neonatal or pediatric hospital-based  
1106 health care services by licensed practitioners solely within a  
1107 hospital licensed under chapter 395.

1108 3.~~(e)~~ Entities that are owned, directly or indirectly, by  
1109 an entity licensed or registered by the state pursuant to  
1110 chapter 395; entities that are owned, directly or indirectly, by  
1111 an entity licensed or registered by the state and providing only  
1112 health care services within the scope of services authorized  
1113 pursuant to their respective licenses under ss. 383.30-383.332,  
1114 chapter 390, chapter 394, chapter 397, this chapter except part  
1115 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter  
1116 478, chapter 484, or chapter 651; end-stage renal disease  
1117 providers authorized under 42 C.F.R. part 405, subpart U;  
1118 providers certified under 42 C.F.R. part 485, subpart B or  
1119 subpart H; or any entity that provides neonatal or pediatric  
1120 hospital-based health care services by licensed practitioners  
1121 solely within a hospital under chapter 395.

1122 4.~~(d)~~ Entities that are under common ownership, directly or  
1123 indirectly, with an entity licensed or registered by the state  
1124 pursuant to chapter 395; entities that are under common  
1125 ownership, directly or indirectly, with an entity licensed or  
1126 registered by the state and providing only health care services  
1127 within the scope of services authorized pursuant to their  
1128 respective licenses under ss. 383.30-383.332, chapter 390,  
1129 chapter 394, chapter 397, this chapter except part X, chapter  
1130 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
1131 484, or chapter 651; end-stage renal disease providers

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1132 authorized under 42 C.F.R. part 405, subpart U; providers  
1133 certified under 42 C.F.R. part 485, subpart B or subpart H; or  
1134 any entity that provides neonatal or pediatric hospital-based  
1135 health care services by licensed practitioners solely within a  
1136 hospital licensed under chapter 395.

1137 5.~~(e)~~ An entity that is exempt from federal taxation under  
1138 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan  
1139 under 26 U.S.C. s. 409 that has a board of trustees at least  
1140 two-thirds of which are Florida-licensed health care  
1141 practitioners and provides only physical therapy services under  
1142 physician orders, any community college or university clinic,  
1143 and any entity owned or operated by the federal or state  
1144 government, including agencies, subdivisions, or municipalities  
1145 thereof.

1146 6.~~(f)~~ A sole proprietorship, group practice, partnership,  
1147 or corporation that provides health care services by physicians  
1148 covered by s. 627.419, that is directly supervised by one or  
1149 more of such physicians, and that is wholly owned by one or more  
1150 of those physicians or by a physician and the spouse, parent,  
1151 child, or sibling of that physician.

1152 7.~~(g)~~ A sole proprietorship, group practice, partnership,  
1153 or corporation that provides health care services by licensed  
1154 health care practitioners under chapter 457, chapter 458,  
1155 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
1156 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
1157 chapter 490, chapter 491, or part I, part III, part X, part  
1158 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
1159 wholly owned by one or more licensed health care practitioners,  
1160 or the licensed health care practitioners set forth in this



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1161 paragraph and the spouse, parent, child, or sibling of a  
1162 licensed health care practitioner if one of the owners who is a  
1163 licensed health care practitioner is supervising the business  
1164 activities and is legally responsible for the entity's  
1165 compliance with all federal and state laws. However, a health  
1166 care practitioner may not supervise services beyond the scope of  
1167 the practitioner's license, except that, for the purposes of  
1168 this part, a clinic owned by a licensee in s. 456.053(3) (b)  
1169 which provides only services authorized pursuant to s.  
1170 456.053(3) (b) may be supervised by a licensee specified in s.  
1171 456.053(3) (b).

1172 8.~~(h)~~ Clinical facilities affiliated with an accredited  
1173 medical school at which training is provided for medical  
1174 students, residents, or fellows.

1175 9.~~(i)~~ Entities that provide only oncology or radiation  
1176 therapy services by physicians licensed under chapter 458 or  
1177 chapter 459 or entities that provide oncology or radiation  
1178 therapy services by physicians licensed under chapter 458 or  
1179 chapter 459 which are owned by a corporation whose shares are  
1180 publicly traded on a recognized stock exchange.

1181 10.~~(j)~~ Clinical facilities affiliated with a college of  
1182 chiropractic accredited by the Council on Chiropractic Education  
1183 at which training is provided for chiropractic students.

1184 11.~~(k)~~ Entities that provide licensed practitioners to  
1185 staff emergency departments or to deliver anesthesia services in  
1186 facilities licensed under chapter 395 and that derive at least  
1187 90 percent of their gross annual revenues from the provision of  
1188 such services. Entities claiming an exemption from licensure  
1189 under this paragraph must provide documentation demonstrating

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1190 compliance.

1191 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or  
1192 perinatology clinical facilities or anesthesia clinical  
1193 facilities that are not otherwise exempt under subparagraph 1.  
1194 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are  
1195 a publicly traded corporation or are wholly owned, directly or  
1196 indirectly, by a publicly traded corporation. As used in this  
1197 paragraph, a publicly traded corporation is a corporation that  
1198 issues securities traded on an exchange registered with the  
1199 United States Securities and Exchange Commission as a national  
1200 securities exchange.

1201 13.~~(m)~~ Entities that are owned by a corporation that has  
1202 \$250 million or more in total annual sales of health care  
1203 services provided by licensed health care practitioners where  
1204 one or more of the persons responsible for the operations of the  
1205 entity is a health care practitioner who is licensed in this  
1206 state and who is responsible for supervising the business  
1207 activities of the entity and is responsible for the entity's  
1208 compliance with state law for purposes of this part.

1209 14.~~(n)~~ Entities that employ 50 or more licensed health care  
1210 practitioners licensed under chapter 458 or chapter 459 where  
1211 the billing for medical services is under a single tax  
1212 identification number. The application for exemption under this  
1213 subsection must include ~~shall contain information that includes:~~  
1214 the name, residence, and business address and telephone ~~phone~~  
1215 number of the entity that owns the practice; a complete list of  
1216 the names and contact information of all the officers and  
1217 directors of the corporation; the name, residence address,  
1218 business address, and medical license number of each licensed

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1219 Florida health care practitioner employed by the entity; the  
1220 corporate tax identification number of the entity seeking an  
1221 exemption; a listing of health care services to be provided by  
1222 the entity at the health care clinics owned or operated by the  
1223 entity; and a certified statement prepared by an independent  
1224 certified public accountant which states that the entity and the  
1225 health care clinics owned or operated by the entity have not  
1226 received payment for health care services under medical payments  
1227 ~~personal injury protection~~ insurance coverage for the preceding  
1228 year. If the agency determines that an entity that ~~which~~ is  
1229 exempt under this subsection has received payments for medical  
1230 services under medical payments ~~personal injury protection~~  
1231 insurance coverage, the agency may deny or revoke the exemption  
1232 from licensure under this subsection.

1233 (b) Notwithstanding paragraph (a) ~~this subsection~~, an  
1234 entity is ~~shall be~~ deemed a clinic and must be licensed under  
1235 this part in order to receive medical payments coverage  
1236 reimbursement under s. 627.7265 unless the entity is: ~~the~~  
1237 ~~Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~  
1238 ~~exempted under s. 627.736(5)(h).~~

1239 1. Wholly owned by a physician licensed under chapter 458  
1240 or chapter 459, or by the physician and the spouse, parent,  
1241 child, or sibling of the physician;

1242 2. Wholly owned by a dentist licensed under chapter 466, or  
1243 by the dentist and the spouse, parent, child, or sibling of the  
1244 dentist;

1245 3. Wholly owned by a chiropractic physician licensed under  
1246 chapter 460, or by the chiropractic physician and the spouse,  
1247 parent, child, or sibling of the chiropractic physician;

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- 1248       4. A hospital or ambulatory surgical center licensed under  
1249 chapter 395;
- 1250       5. An entity that wholly owns or is wholly owned, directly  
1251 or indirectly, by a hospital or hospitals licensed under chapter  
1252 395;
- 1253       6. A clinical facility affiliated with an accredited  
1254 medical school at which training is provided for medical  
1255 students, residents, or fellows;
- 1256       7. Certified under 42 C.F.R. part 485, subpart H; or
- 1257       8. Owned by a publicly traded corporation, either directly  
1258 or indirectly through its subsidiaries, which has \$250 million  
1259 or more in total annual sales of health care services provided  
1260 by licensed health care practitioners, if one or more of the  
1261 persons responsible for the operations of the entity are health  
1262 care practitioners who are licensed in this state and are  
1263 responsible for supervising the business activities of the  
1264 entity and the entity's compliance with state law for purposes  
1265 of this section.

1266       Section 26. Subsection (6) of section 400.991, Florida  
1267 Statutes, is amended to read:

1268       400.991 License requirements; background screenings;  
1269 prohibitions.—

1270       (6) All agency forms for licensure application or exemption  
1271 from licensure under this part must contain the following  
1272 statement:

1274       INSURANCE FRAUD NOTICE.—A person commits a fraudulent  
1275 insurance act, as defined in s. 626.989, Florida  
1276 Statutes, if the person ~~who~~ knowingly submits a false,

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1277 misleading, or fraudulent application or other  
 1278 document when applying for licensure as a health care  
 1279 clinic, seeking an exemption from licensure as a  
 1280 health care clinic, or demonstrating compliance with  
 1281 part X of chapter 400, Florida Statutes, with the  
 1282 intent to use the license, exemption from licensure,  
 1283 or demonstration of compliance to provide services or  
 1284 seek reimbursement under a motor vehicle liability  
 1285 insurance policy's medical payments coverage ~~the~~  
 1286 ~~Florida Motor Vehicle No-Fault Law, commits a~~  
 1287 ~~fraudulent insurance act, as defined in s. 626.989,~~  
 1288 ~~Florida Statutes.~~ A person who presents a claim for  
 1289 benefits under medical payments coverage, ~~personal~~  
 1290 ~~injury protection benefits~~ knowing that the payee  
 1291 knowingly submitted such health care clinic  
 1292 application or document, commits insurance fraud, as  
 1293 defined in s. 817.234, Florida Statutes.

1294  
 1295 Section 27. Paragraph (g) of subsection (1) of section  
 1296 400.9935, Florida Statutes, is amended to read:

1297 400.9935 Clinic responsibilities.—

1298 (1) Each clinic shall appoint a medical director or clinic  
 1299 director who shall agree in writing to accept legal  
 1300 responsibility for the following activities on behalf of the  
 1301 clinic. The medical director or the clinic director shall:

1302 (g) Conduct systematic reviews of clinic billings to ensure  
 1303 that the billings are not fraudulent or unlawful. Upon discovery  
 1304 of an unlawful charge, the medical director or clinic director  
 1305 shall take immediate corrective action. If the clinic performs

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1306 only the technical component of magnetic resonance imaging,  
1307 static radiographs, computed tomography, or positron emission  
1308 tomography, and provides the professional interpretation of such  
1309 services, in a fixed facility that is accredited by a national  
1310 accrediting organization that is approved by the Centers for  
1311 Medicare and Medicaid Services for magnetic resonance imaging  
1312 and advanced diagnostic imaging services and if, in the  
1313 preceding quarter, the percentage of scans performed by that  
1314 clinic which was billed to motor vehicle ~~all personal injury~~  
1315 ~~protection~~ insurance carriers under medical payments coverage  
1316 was less than 15 percent, the chief financial officer of the  
1317 clinic may, in a written acknowledgment provided to the agency,  
1318 assume the responsibility for the conduct of the systematic  
1319 reviews of clinic billings to ensure that the billings are not  
1320 fraudulent or unlawful.

1321 Section 28. Subsection (28) of section 409.901, Florida  
1322 Statutes, is amended to read:

1323 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
1324 409.901-409.920, except as otherwise specifically provided, the  
1325 term:

1326 (28) "Third-party benefit" means any benefit that is or may  
1327 be available at any time through contract, court award,  
1328 judgment, settlement, agreement, or any arrangement between a  
1329 third party and any person or entity, including, without  
1330 limitation, a Medicaid recipient, a provider, another third  
1331 party, an insurer, or the agency, for any Medicaid-covered  
1332 injury, illness, goods, or services, including costs of medical  
1333 services related thereto, for bodily ~~personal~~ injury or for  
1334 death of the recipient, but specifically excluding ~~policies of~~

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1335 life insurance policies on the recipient, unless available under  
1336 terms of the policy to pay medical expenses before ~~prior to~~  
1337 death. The term includes, without limitation, collateral, as  
1338 defined in this section;; health insurance;; any benefit under a  
1339 health maintenance organization, a preferred provider  
1340 arrangement, a prepaid health clinic, liability insurance,  
1341 uninsured motorist insurance, or medical payments coverage; or  
1342 ~~personal injury protection coverage,~~ medical benefits under  
1343 workers' compensation, and any obligation under law or equity to  
1344 provide medical support.

1345 Section 29. Paragraph (f) of subsection (11) of section  
1346 409.910, Florida Statutes, is amended to read:

1347 409.910 Responsibility for payments on behalf of Medicaid-  
1348 eligible persons when other parties are liable.-

1349 (11) The agency may, as a matter of right, in order to  
1350 enforce its rights under this section, institute, intervene in,  
1351 or join any legal or administrative proceeding in its own name  
1352 in one or more of the following capacities: individually, as  
1353 subrogee of the recipient, as assignee of the recipient, or as  
1354 lienholder of the collateral.

1355 (f) Notwithstanding any provision in this section to the  
1356 contrary, in the event of an action in tort against a third  
1357 party in which the recipient or his or her legal representative  
1358 is a party which results in a judgment, award, or settlement  
1359 from a third party, the amount recovered shall be distributed as  
1360 follows:

1361 1. After attorney ~~attorney's~~ fees and taxable costs as  
1362 defined by the Florida Rules of Civil Procedure, one-half of the  
1363 remaining recovery shall be paid to the agency up to the total

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1364 amount of medical assistance provided by Medicaid.

1365 2. The remaining amount of the recovery shall be paid to  
1366 the recipient.

1367 3. For purposes of calculating the agency's recovery of  
1368 medical assistance benefits paid, the fee for services of an  
1369 attorney retained by the recipient or his or her legal  
1370 representative shall be calculated at 25 percent of the  
1371 judgment, award, or settlement.

1372 4. Notwithstanding any other provision of this section to  
1373 the contrary, the agency shall be entitled to all medical  
1374 coverage benefits up to the total amount of medical assistance  
1375 provided by Medicaid. For purposes of this paragraph, the term  
1376 "medical coverage" means any benefits under health insurance, a  
1377 health maintenance organization, a preferred provider  
1378 arrangement, or a prepaid health clinic, and the portion of  
1379 benefits designated for medical payments under ~~coverage for~~  
1380 workers' compensation coverage, motor vehicle insurance  
1381 coverage, personal injury protection, and casualty coverage.

1382 Section 30. Paragraph (k) of subsection (2) of section  
1383 456.057, Florida Statutes, is amended to read:

1384 456.057 Ownership and control of patient records; report or  
1385 copies of records to be furnished; disclosure of information.-

1386 (2) As used in this section, the terms "records owner,"  
1387 "health care practitioner," and "health care practitioner's  
1388 employer" do not include any of the following persons or  
1389 entities; furthermore, the following persons or entities are not  
1390 authorized to acquire or own medical records, but are authorized  
1391 under the confidentiality and disclosure requirements of this  
1392 section to maintain those documents required by the part or



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1393 chapter under which they are licensed or regulated:

1394 (k) Persons or entities practicing under s. 627.7265 ~~s.~~  
1395 ~~627.736(7)~~.

1396 Section 31. Paragraphs (ee) and (ff) of subsection (1) of  
1397 section 456.072, Florida Statutes, are amended to read:

1398 456.072 Grounds for discipline; penalties; enforcement.—

1399 (1) The following acts shall constitute grounds for which  
1400 the disciplinary actions specified in subsection (2) may be  
1401 taken:

1402 (ee) With respect to making a medical payments coverage  
1403 ~~personal injury protection~~ claim under s. 627.7265 as required  
1404 ~~by s. 627.736~~, intentionally submitting a claim, statement, or  
1405 bill that has been upcoded. As used in this paragraph, the term  
1406 "upcoded" means an action that submits a billing code that would  
1407 result in payment greater in amount than would be paid using a  
1408 billing code that accurately describes the services performed.  
1409 The term does not include an otherwise lawful bill by a magnetic  
1410 resonance imaging facility, which globally combines both  
1411 technical and professional components, if the amount of the  
1412 global bill is not more than the components if billed  
1413 separately; however, payment of such a bill constitutes payment  
1414 in full for all components of such service "upcoded" as defined  
1415 in s. 627.732.

1416 (ff) With respect to making a medical payments coverage  
1417 ~~personal injury protection~~ claim as required under s. 627.7265  
1418 ~~by s. 627.736~~, intentionally submitting a claim, statement, or  
1419 bill for payment of services that were not rendered.

1420 Section 32. Paragraphs (i) and (o) of subsection (1) of  
1421 section 626.9541, Florida Statutes, are amended to read:

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1422           626.9541 Unfair methods of competition and unfair or  
1423 deceptive acts or practices defined.—

1424           (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
1425 ACTS.—The following are defined as unfair methods of competition  
1426 and unfair or deceptive acts or practices:

1427           (i) *Unfair claim settlement practices.*—

1428           1. Attempting to settle claims on the basis of an  
1429 application, when serving as a binder or intended to become a  
1430 part of the policy, or any other material document which was  
1431 altered without notice to, or knowledge or consent of, the  
1432 insured;

1433           2. A material misrepresentation made to an insured or any  
1434 other person having an interest in the proceeds payable under  
1435 such contract or policy, for the purpose and with the intent of  
1436 effecting settlement of such claims, loss, or damage under such  
1437 contract or policy on less favorable terms than those provided  
1438 in, and contemplated by, such contract or policy; ~~or~~

1439           3. Committing or performing with such frequency as to  
1440 indicate a general business practice any of the following:

1441           a. Failing to adopt and implement standards for the proper  
1442 investigation of claims;

1443           b. Misrepresenting pertinent facts or insurance policy  
1444 provisions relating to coverages at issue;

1445           c. Failing to acknowledge and act promptly upon  
1446 communications with respect to claims;

1447           d. Denying claims without conducting reasonable  
1448 investigations based upon available information;

1449           e. Failing to affirm or deny full or partial coverage of  
1450 claims, and, as to partial coverage, the dollar amount or extent

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1451 of coverage, or failing to provide a written statement that the  
1452 claim is being investigated, upon the written request of the  
1453 insured within 30 days after proof-of-loss statements have been  
1454 completed;

1455 f. Failing to promptly provide a reasonable explanation in  
1456 writing to the insured of the basis in the insurance policy, in  
1457 relation to the facts or applicable law, for denial of a claim  
1458 or for the offer of a compromise settlement;

1459 g. Failing to promptly notify the insured of any additional  
1460 information necessary for the processing of a claim; or

1461 h. Failing to clearly explain the nature of the requested  
1462 information and the reasons why such information is necessary.

1463 ~~i. Failing to pay personal injury protection insurance~~  
1464 ~~claims within the time periods required by s. 627.736(4)(b). The~~  
1465 ~~office may order the insurer to pay restitution to a~~  
1466 ~~policyholder, medical provider, or other claimant, including~~  
1467 ~~interest at a rate consistent with the amount set forth in s.~~  
1468 ~~55.03(1), for the time period within which an insurer fails to~~  
1469 ~~pay claims as required by law. Restitution is in addition to any~~  
1470 ~~other penalties allowed by law, including, but not limited to,~~  
1471 ~~the suspension of the insurer's certificate of authority.~~

1472 4. Failing to pay undisputed amounts of partial or full  
1473 benefits owed under first-party property insurance policies  
1474 within 90 days after an insurer receives notice of a residential  
1475 property insurance claim, determines the amounts of partial or  
1476 full benefits, and agrees to coverage, unless payment of the  
1477 undisputed benefits is prevented by an act of God, prevented by  
1478 the impossibility of performance, or due to actions by the  
1479 insured or claimant that constitute fraud, lack of cooperation,

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1480 or intentional misrepresentation regarding the claim for which  
1481 benefits are owed.

1482 (o) *Illegal dealings in premiums; excess or reduced charges*  
1483 *for insurance.*—

1484 1. Knowingly collecting any sum as a premium or charge for  
1485 insurance, which is not then provided, or is not in due course  
1486 to be provided, subject to acceptance of the risk by the  
1487 insurer, by an insurance policy issued by an insurer as  
1488 permitted by this code.

1489 2. Knowingly collecting as a premium or charge for  
1490 insurance any sum in excess of or less than the premium or  
1491 charge applicable to such insurance, in accordance with the  
1492 applicable classifications and rates as filed with and approved  
1493 by the office, and as specified in the policy; or, in cases when  
1494 classifications, premiums, or rates are not required by this  
1495 code to be so filed and approved, premiums and charges collected  
1496 from a Florida resident in excess of or less than those  
1497 specified in the policy and as fixed by the insurer.

1498 Notwithstanding any other provision of law, this provision shall  
1499 not be deemed to prohibit the charging and collection, by  
1500 surplus lines agents licensed under part VIII of this chapter,  
1501 of the amount of applicable state and federal taxes, or fees as  
1502 authorized by s. 626.916(4), in addition to the premium required  
1503 by the insurer or the charging and collection, by licensed  
1504 agents, of the exact amount of any discount or other such fee  
1505 charged by a credit card facility in connection with the use of  
1506 a credit card, as authorized by subparagraph (q)3., in addition  
1507 to the premium required by the insurer. This subparagraph shall  
1508 not be construed to prohibit collection of a premium for a

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1509 universal life or a variable or indeterminate value insurance  
1510 policy made in accordance with the terms of the contract.

1511 3.a. Imposing or requesting an additional premium for  
1512 bodily injury liability coverage, property damage liability  
1513 coverage ~~a policy of motor vehicle liability, personal injury~~  
1514 ~~protection,~~ medical payments coverage ~~payment,~~ or collision  
1515 coverage in a motor vehicle liability insurance policy ~~insurance~~  
1516 ~~or any combination thereof~~ or refusing to renew the policy  
1517 solely because the insured was involved in a motor vehicle  
1518 accident unless the insurer's file contains information from  
1519 which the insurer in good faith determines that the insured was  
1520 substantially at fault in the accident.

1521 b. An insurer which imposes and collects such a surcharge  
1522 or which refuses to renew such policy shall, in conjunction with  
1523 the notice of premium due or notice of nonrenewal, notify the  
1524 named insured that he or she is entitled to reimbursement of  
1525 such amount or renewal of the policy under the conditions listed  
1526 below and will subsequently reimburse him or her or renew the  
1527 policy, if the named insured demonstrates that the operator  
1528 involved in the accident was:

1529 (I) Lawfully parked;

1530 (II) Reimbursed by, or on behalf of, a person responsible  
1531 for the accident or has a judgment against such person;

1532 (III) Struck in the rear by another vehicle headed in the  
1533 same direction and was not convicted of a moving traffic  
1534 violation in connection with the accident;

1535 (IV) Hit by a "hit-and-run" driver, if the accident was  
1536 reported to the proper authorities within 24 hours after  
1537 discovering the accident;

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1538 (V) Not convicted of a moving traffic violation in  
1539 connection with the accident, but the operator of the other  
1540 automobile involved in such accident was convicted of a moving  
1541 traffic violation;

1542 (VI) Finally adjudicated not to be liable by a court of  
1543 competent jurisdiction;

1544 (VII) In receipt of a traffic citation which was dismissed  
1545 or nolle prossed; or

1546 (VIII) Not at fault as evidenced by a written statement  
1547 from the insured establishing facts demonstrating lack of fault  
1548 which are not rebutted by information in the insurer's file from  
1549 which the insurer in good faith determines that the insured was  
1550 substantially at fault.

1551 c. In addition to the other provisions of this  
1552 subparagraph, an insurer may not fail to renew a policy if the  
1553 insured has had only one accident in which he or she was at  
1554 fault within the current 3-year period. However, an insurer may  
1555 nonrenew a policy for reasons other than accidents in accordance  
1556 with s. 627.728. This subparagraph does not prohibit nonrenewal  
1557 of a policy under which the insured has had three or more  
1558 accidents, regardless of fault, during the most recent 3-year  
1559 period.

1560 4. Imposing or requesting an additional premium for, or  
1561 refusing to renew, a policy for motor vehicle insurance solely  
1562 because the insured committed a noncriminal traffic infraction  
1563 as described in s. 318.14 unless the infraction is:

1564 a. A second infraction committed within an 18-month period,  
1565 or a third or subsequent infraction committed within a 36-month  
1566 period.

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1567           b. A violation of s. 316.183, when such violation is a  
1568 result of exceeding the lawful speed limit by more than 15 miles  
1569 per hour.

1570           5. Upon the request of the insured, the insurer and  
1571 licensed agent shall supply to the insured the complete proof of  
1572 fault or other criteria which justifies the additional charge or  
1573 cancellation.

1574           6. No insurer shall impose or request an additional premium  
1575 for motor vehicle insurance, cancel or refuse to issue a policy,  
1576 or refuse to renew a policy because the insured or the applicant  
1577 is a handicapped or physically disabled person, so long as such  
1578 handicap or physical disability does not substantially impair  
1579 such person's mechanically assisted driving ability.

1580           7. No insurer may cancel or otherwise terminate any  
1581 insurance contract or coverage, or require execution of a  
1582 consent to rate endorsement, during the stated policy term for  
1583 the purpose of offering to issue, or issuing, a similar or  
1584 identical contract or coverage to the same insured with the same  
1585 exposure at a higher premium rate or continuing an existing  
1586 contract or coverage with the same exposure at an increased  
1587 premium.

1588           8. No insurer may issue a nonrenewal notice on any  
1589 insurance contract or coverage, or require execution of a  
1590 consent to rate endorsement, for the purpose of offering to  
1591 issue, or issuing, a similar or identical contract or coverage  
1592 to the same insured at a higher premium rate or continuing an  
1593 existing contract or coverage at an increased premium without  
1594 meeting any applicable notice requirements.

1595           9. No insurer shall, with respect to premiums charged for

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1596 motor vehicle insurance, unfairly discriminate solely on the  
1597 basis of age, sex, marital status, or scholastic achievement.

1598 10. Imposing or requesting an additional premium for motor  
1599 vehicle comprehensive or uninsured motorist coverage solely  
1600 because the insured was involved in a motor vehicle accident or  
1601 was convicted of a moving traffic violation.

1602 11. No insurer shall cancel or issue a nonrenewal notice on  
1603 any insurance policy or contract without complying with any  
1604 applicable cancellation or nonrenewal provision required under  
1605 the Florida Insurance Code.

1606 12. No insurer shall impose or request an additional  
1607 premium, cancel a policy, or issue a nonrenewal notice on any  
1608 insurance policy or contract because of any traffic infraction  
1609 when adjudication has been withheld and no points have been  
1610 assessed pursuant to s. 318.14(9) and (10). However, this  
1611 subparagraph does not apply to traffic infractions involving  
1612 accidents in which the insurer has incurred a loss due to the  
1613 fault of the insured.

1614 Section 33. Paragraph (a) of subsection (1) of section  
1615 626.989, Florida Statutes, is amended to read:

1616 626.989 Investigation by department or Division of  
1617 Investigative and Forensic Services; compliance; immunity;  
1618 confidential information; reports to division; division  
1619 investigator's power of arrest.—

1620 (1) For the purposes of this section:

1621 (a) A person commits a "fraudulent insurance act" if the  
1622 person:

1623 1. Knowingly and with intent to defraud presents, causes to  
1624 be presented, or prepares with knowledge or belief that it will



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1625 be presented, to or by an insurer, self-insurer, self-insurance  
1626 fund, servicing corporation, purported insurer, broker, or any  
1627 agent thereof, any written statement as part of, or in support  
1628 of, an application for the issuance of, or the rating of, any  
1629 insurance policy, or a claim for payment or other benefit  
1630 pursuant to any insurance policy, which the person knows to  
1631 contain materially false information concerning any fact  
1632 material thereto or if the person conceals, for the purpose of  
1633 misleading another, information concerning any fact material  
1634 thereto.

1635 2. Knowingly submits:

1636 a. A false, misleading, or fraudulent application or other  
1637 document when applying for licensure as a health care clinic,  
1638 seeking an exemption from licensure as a health care clinic, or  
1639 demonstrating compliance with part X of chapter 400 with an  
1640 intent to use the license, exemption from licensure, or  
1641 demonstration of compliance to provide services or seek  
1642 reimbursement under a motor vehicle liability insurance policy's  
1643 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~  
1644 ~~Law.~~

1645 b. A claim for payment or other benefit under medical  
1646 payments coverage ~~pursuant to a personal injury protection~~  
1647 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if  
1648 the person knows that the payee knowingly submitted a false,  
1649 misleading, or fraudulent application or other document when  
1650 applying for licensure as a health care clinic, seeking an  
1651 exemption from licensure as a health care clinic, or  
1652 demonstrating compliance with part X of chapter 400.

1653 Section 34. Subsection (1) of section 627.06501, Florida

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1654 Statutes, is amended to read:

1655       627.06501 Insurance discounts for certain persons  
1656 completing driver improvement course.-

1657       (1) Any rate, rating schedule, or rating manual for the  
1658 liability, medical payments ~~personal injury protection~~, and  
1659 collision coverages of a motor vehicle insurance policy filed  
1660 with the office may provide for an appropriate reduction in  
1661 premium charges as to such coverages if ~~when~~ the principal  
1662 operator on the covered vehicle has successfully completed a  
1663 driver improvement course approved and certified by the  
1664 Department of Highway Safety and Motor Vehicles which is  
1665 effective in reducing crash or violation rates, or both, as  
1666 determined pursuant to s. 318.1451(5). Any discount, not to  
1667 exceed 10 percent, used by an insurer is presumed to be  
1668 appropriate unless credible data demonstrates otherwise.

1669       Section 35. Subsection (1) of section 627.0652, Florida  
1670 Statutes, is amended to read:

1671       627.0652 Insurance discounts for certain persons completing  
1672 safety course.-

1673       (1) Any rates, rating schedules, or rating manuals for the  
1674 liability, medical payments ~~personal injury protection~~, and  
1675 collision coverages of a motor vehicle insurance policy filed  
1676 with the office must ~~shall~~ provide for an appropriate reduction  
1677 in premium charges as to such coverages if ~~when~~ the principal  
1678 operator on the covered vehicle is an insured 55 years of age or  
1679 older who has successfully completed a motor vehicle accident  
1680 prevention course approved by the Department of Highway Safety  
1681 and Motor Vehicles. Any discount used by an insurer is presumed  
1682 to be appropriate unless credible data demonstrates otherwise.

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1683 Section 36. Subsections (1), (3), and (6) of section  
1684 627.0653, Florida Statutes, are amended to read:

1685 627.0653 Insurance discounts for specified motor vehicle  
1686 equipment.—

1687 (1) Any rates, rating schedules, or rating manuals for the  
1688 liability, medical payments ~~personal injury protection~~, and  
1689 collision coverages of a motor vehicle insurance policy filed  
1690 with the office must ~~shall~~ provide a premium discount if the  
1691 insured vehicle is equipped with factory-installed, four-wheel  
1692 antilock brakes.

1693 (3) Any rates, rating schedules, or rating manuals for  
1694 ~~personal injury protection coverage and~~ medical payments  
1695 coverage, ~~if offered~~, of a motor vehicle insurance policy filed  
1696 with the office must ~~shall~~ provide a premium discount if the  
1697 insured vehicle is equipped with one or more air bags that ~~which~~  
1698 are factory installed.

1699 (6) The Office of Insurance Regulation may approve a  
1700 premium discount to any rates, rating schedules, or rating  
1701 manuals for the liability, medical payments ~~personal injury~~  
1702 ~~protection~~, and collision coverages of a motor vehicle insurance  
1703 policy filed with the office if the insured vehicle is equipped  
1704 with autonomous driving technology or electronic vehicle  
1705 collision avoidance technology that is factory installed or a  
1706 retrofitted system and that complies with National Highway  
1707 Traffic Safety Administration standards.

1708 Section 37. Section 627.4132, Florida Statutes, is amended  
1709 to read:

1710 627.4132 Stacking of coverages prohibited.—If an insured or  
1711 named insured is protected by any type of motor vehicle

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1712 insurance policy for bodily injury and property damage  
 1713 ~~liability, personal injury protection, or other coverage~~, the  
 1714 policy must ~~shall~~ provide that the insured or named insured is  
 1715 protected only to the extent of the coverage she or he has on  
 1716 the vehicle involved in the accident. However, if none of the  
 1717 insured's or named insured's vehicles are ~~is~~ involved in the  
 1718 accident, coverage is available only to the extent of coverage  
 1719 on any one of the vehicles with applicable coverage. Coverage on  
 1720 any other vehicles may ~~shall~~ not be added to or stacked upon  
 1721 that coverage. This section does not apply:

1722 (1) To uninsured motorist coverage that ~~which~~ is separately  
 1723 governed by s. 627.727.

1724 (2) To reduce the coverage available by reason of insurance  
 1725 policies insuring different named insureds.

1726 Section 38. Section 627.7263, Florida Statutes, is amended  
 1727 to read:

1728 627.7263 Rental and leasing driver's insurance to be  
 1729 primary; exception.—

1730 (1) The valid and collectible liability insurance and  
 1731 medical payments coverage ~~or personal injury protection~~  
 1732 ~~insurance providing coverage~~ for the lessor of a motor vehicle  
 1733 for rent or lease is primary unless otherwise stated in at least  
 1734 10-point type on the face of the rental or lease agreement. Such  
 1735 insurance is primary for the limits of liability ~~and personal~~  
 1736 ~~injury protection~~ coverage as required by s. 324.021(7) and the  
 1737 medical payments coverage limit specified under s. 627.7265 ~~ss.~~  
 1738 ~~324.021(7) and 627.736~~.

1739 (2) If the lessee's coverage is to be primary, the rental  
 1740 or lease agreement must contain the following language, in at

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1741 least 10-point type:

1742

1743 "The valid and collectible liability insurance and  
1744 medical payments coverage ~~personal injury protection~~  
1745 ~~insurance~~ of an ~~any~~ authorized rental or leasing  
1746 driver is primary for the limits of liability ~~and~~  
1747 ~~personal injury protection~~ coverage required under  
1748 section 324.021(7), Florida Statutes, and the medical  
1749 payments coverage limit specified under section  
1750 627.7265 ~~by ss. 324.021(7) and 627.736~~, Florida  
1751 Statutes."

1752 Section 39. Section 627.7265, Florida Statutes, is created  
1753 to read:

1754 627.7265 Motor vehicle insurance; medical payments  
1755 coverage.-

1756 (1) Medical payments coverage must protect the named  
1757 insured, resident relatives, persons operating the insured motor  
1758 vehicle, passengers in the insured motor vehicle, and persons  
1759 who are struck by the insured motor vehicle and suffer bodily  
1760 injury while not an occupant of a self-propelled motor vehicle  
1761 at a limit of at least \$5,000 for medical expense incurred due  
1762 to bodily injury, sickness, or disease arising out of the  
1763 ownership, maintenance, or use of a motor vehicle. The coverage  
1764 must provide an additional death benefit of at least \$5,000.

1765 (a) Before issuing a motor vehicle liability insurance  
1766 policy that is furnished as proof of financial responsibility  
1767 under s. 324.031, the insurer must offer medical payments  
1768 coverage at limits of \$5,000 and \$10,000. The insurer may also  
1769 offer medical payments coverage at limits greater than \$5,000.

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1770 (b) The medical payments coverage must be offered with an  
1771 option with no deductible. The insurer may also offer medical  
1772 payments coverage with a deductible not to exceed \$500.

1773 (c) Each motor vehicle liability insurance policy that is  
1774 furnished as proof of financial responsibility under s. 324.0031  
1775 is deemed to have:

1776 1. Medical payments coverage to a limit of \$10,000, unless  
1777 the insurer obtains the policyholder's written refusal of  
1778 medical payments coverage or written selection of medical  
1779 payments coverage at a limit other than \$10,000. The rejection  
1780 or selection of coverage at a limit other than \$10,000 must be  
1781 made on a form approved by the office.

1782 2. No medical payments coverage deductible, unless the  
1783 insurer obtains the policyholder's written selection of a  
1784 deductible of up to \$500. The selection of a deductible must be  
1785 made on a form approved by the office.

1786 (d)1. The forms in subparagraphs (c)1. and 2. must fully  
1787 advise the applicant of the nature of the coverage being  
1788 rejected or the policy limit or deductible being selected. If  
1789 such form is signed by a named insured, it is conclusively  
1790 presumed that there was an informed, knowing rejection of the  
1791 coverage or election of the policy limit or deductible selected.

1792 2. Unless the policyholder requests in writing the coverage  
1793 specified in this section, it need not be provided in or  
1794 supplemental to any other policy that renews, insures, extends,  
1795 changes, supersedes, or replaces an existing policy if the  
1796 policyholder has rejected the coverage specified in this section  
1797 or has selected an alternative coverage limit or deductible. At  
1798 least annually, the insurer shall provide the policyholder with

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1799 a notice of the availability of such coverage in a form approved  
1800 by the office. Such notice must be part of, and attached to, the  
1801 notice of premium and must provide for a means to allow the  
1802 insured to request medical payments coverage at the limits and  
1803 deductibles required to be offered under this section. The  
1804 notice must be given in a manner approved by the office. Receipt  
1805 of this notice does not constitute an affirmative waiver of the  
1806 insured's right to medical payments coverage if the insured has  
1807 not signed a selection or rejection form.

1808 (e) This section may not be construed to limit any other  
1809 coverage made available by an insurer.

1810 (2) Upon receiving notice of an accident that is  
1811 potentially covered by medical payments coverage benefits, the  
1812 insurer must reserve \$5,000 of medical payments coverage  
1813 benefits for payment to physicians licensed under chapter 458 or  
1814 chapter 459 or dentists licensed under chapter 466 who provide  
1815 emergency services and care, as defined in s. 395.002, or who  
1816 provide hospital inpatient care. The amount required to be held  
1817 in reserve may be used only to pay claims from such physicians  
1818 or dentists until 30 days after the date the insurer receives  
1819 notice of the accident. After the 30-day period, any amount of  
1820 the reserve for which the insurer has not received notice of  
1821 such claims may be used by the insurer to pay other claims. This  
1822 subsection does not require an insurer to establish a claim  
1823 reserve for insurance accounting purposes.

1824 (3) An insurer providing medical payments coverage benefits  
1825 may not have a:

1826 (a) Lien on any recovery in tort by judgment, settlement,  
1827 or otherwise for medical payments coverage benefits, whether

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1828 suit has been filed or settlement has been reached without suit;

1829 (b) Cause of action against an alleged tortfeasor for  
1830 benefits paid under medical payments coverage; or

1831 (c) Cause of action against a person to whom or for whom  
1832 medical payments coverage benefits were paid, except when  
1833 medical payments coverage benefits are paid by reason of fraud  
1834 by such person.

1835 Section 40. Subsections (1) and (7) of section 627.727,  
1836 Florida Statutes, are amended, and present subsections (8), (9),  
1837 and (10) of that section are redesignated as subsections (7),  
1838 (8), and (9), respectively, to read:

1839 627.727 Motor vehicle insurance; uninsured and underinsured  
1840 vehicle coverage; insolvent insurer protection.—

1841 (1) A ~~No~~ motor vehicle liability insurance policy that  
1842 ~~which~~ provides bodily injury liability coverage may not shall be  
1843 delivered or issued for delivery in this state with respect to  
1844 any specifically insured or identified motor vehicle registered  
1845 or principally garaged in this state, unless uninsured motor  
1846 vehicle coverage is provided therein or supplemental thereto for  
1847 the protection of persons insured thereunder who are legally  
1848 entitled to recover damages from owners or operators of  
1849 uninsured motor vehicles because of bodily injury, sickness, or  
1850 disease, including death, resulting therefrom. However, the  
1851 coverage required under this section is not applicable if when,  
1852 or to the extent that, an insured named in the policy makes a  
1853 written rejection of the coverage on behalf of all insureds  
1854 under the policy. If when a motor vehicle is leased for ~~a period~~  
1855 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms  
1856 of the lease contract, provides liability coverage on the leased



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1857 vehicle, the lessee of such vehicle has ~~shall have~~ the sole  
1858 privilege to reject uninsured motorist coverage or to select  
1859 lower limits than the bodily injury liability limits, regardless  
1860 of whether the lessor is qualified as a self-insurer pursuant to  
1861 s. 324.171. Unless an insured, or a lessee having the privilege  
1862 of rejecting uninsured motorist coverage, requests such coverage  
1863 or requests higher uninsured motorist limits in writing, the  
1864 coverage or such higher uninsured motorist limits need not be  
1865 provided in or supplemental to any other policy that ~~which~~  
1866 renews, extends, changes, supersedes, or replaces an existing  
1867 policy with the same bodily injury liability limits when an  
1868 insured or lessee had rejected the coverage. When an insured or  
1869 lessee has initially selected limits of uninsured motorist  
1870 coverage lower than her or his bodily injury liability limits,  
1871 higher limits of uninsured motorist coverage need not be  
1872 provided in or supplemental to any other policy that ~~which~~  
1873 renews, extends, changes, supersedes, or replaces an existing  
1874 policy with the same bodily injury liability limits unless an  
1875 insured requests higher uninsured motorist coverage in writing.  
1876 The rejection or selection of lower limits must ~~shall~~ be made on  
1877 a form approved by the office. The form must ~~shall~~ fully advise  
1878 the applicant of the nature of the coverage and must ~~shall~~ state  
1879 that the coverage is equal to bodily injury liability limits  
1880 unless lower limits are requested or the coverage is rejected.  
1881 The heading of the form must ~~shall~~ be in 12-point bold type and  
1882 must ~~shall~~ state: "You are electing not to purchase certain  
1883 valuable coverage that ~~which~~ protects you and your family or you  
1884 are purchasing uninsured motorist limits less than your bodily  
1885 injury liability limits when you sign this form. Please read

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1886 carefully." If this form is signed by a named insured, it will  
1887 be conclusively presumed that there was an informed, knowing  
1888 rejection of coverage or election of lower limits on behalf of  
1889 all insureds. The insurer shall notify the named insured at  
1890 least annually of her or his options as to the coverage required  
1891 by this section. Such notice must ~~shall~~ be part of, and attached  
1892 to, the notice of premium, must ~~shall~~ provide for a means to  
1893 allow the insured to request such coverage, and must ~~shall~~ be  
1894 given in a manner approved by the office. Receipt of this notice  
1895 does not constitute an affirmative waiver of the insured's right  
1896 to uninsured motorist coverage if ~~where~~ the insured has not  
1897 signed a selection or rejection form. The coverage described  
1898 under this section must ~~shall~~ be over and above, but may ~~shall~~  
1899 not duplicate, the benefits available to an insured under any  
1900 workers' compensation law, ~~personal injury protection benefits,~~  
1901 disability benefits law, or similar law; under any automobile  
1902 medical payments ~~expense~~ coverage; under any motor vehicle  
1903 liability insurance coverage; or from the owner or operator of  
1904 the uninsured motor vehicle or any other person or organization  
1905 jointly or severally liable together with such owner or operator  
1906 for the accident, ~~+~~ and such coverage must ~~shall~~ cover the  
1907 difference, if any, between the sum of such benefits and the  
1908 damages sustained, up to the maximum amount of such coverage  
1909 provided under this section. The amount of coverage available  
1910 under this section may ~~shall~~ not be reduced by a setoff against  
1911 any coverage, including liability insurance. Such coverage does  
1912 ~~shall~~ not inure directly or indirectly to the benefit of any  
1913 workers' compensation or disability benefits carrier or any  
1914 person or organization qualifying as a self-insurer under any

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1915 workers' compensation or disability benefits law or similar law.

1916 ~~(7) The legal liability of an uninsured motorist coverage~~  
1917 ~~insurer does not include damages in tort for pain, suffering,~~  
1918 ~~mental anguish, and inconvenience unless the injury or disease~~  
1919 ~~is described in one or more of paragraphs (a) (d) of s.~~  
1920 ~~627.737(2).~~

1921 Section 41. Subsection (1) and paragraphs (a) and (b) of  
1922 subsection (2) of section 627.7275, Florida Statutes, are  
1923 amended to read:

1924 627.7275 Motor vehicle liability.—

1925 (1) A motor vehicle insurance policy ~~providing personal~~  
1926 ~~injury protection as set forth in s. 627.736~~ may not be  
1927 delivered or issued for delivery in this state for a with  
1928 ~~respect to any~~ specifically insured or identified motor vehicle  
1929 registered or principally garaged in this state must provide  
1930 bodily injury liability coverage and unless the policy also  
1931 ~~provides coverage for~~ property damage liability coverage as  
1932 required under ~~by~~ s. 324.022.

1933 (2) (a) Insurers writing motor vehicle insurance in this  
1934 state shall make available, subject to the insurers' usual  
1935 underwriting restrictions:

1936 1. Coverage under policies as described in subsection (1)  
1937 to an applicant for private passenger motor vehicle insurance  
1938 coverage who is seeking the coverage in order to reinstate the  
1939 applicant's driving privileges in this state if the driving  
1940 privileges were revoked or suspended pursuant to s. 316.646 or  
1941 s. 324.0221 due to the failure of the applicant to maintain  
1942 required security.

1943 2. Coverage under policies as described in subsection (1),

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1944 which includes bodily injury ~~also provides~~ liability coverage  
1945 and property damage liability coverage, ~~for bodily injury,~~  
1946 ~~death, and property damage arising out of the ownership,~~  
1947 ~~maintenance, or use of the motor vehicle~~ in an amount not less  
1948 than the minimum limits required under ~~described in~~ s.  
1949 324.021(7) or s. 324.023 and which conforms to the requirements  
1950 of s. 324.151, to an applicant for private passenger motor  
1951 vehicle insurance coverage who is seeking the coverage in order  
1952 to reinstate the applicant's driving privileges in this state  
1953 after such privileges were revoked or suspended under s. 316.193  
1954 or s. 322.26(2) for driving under the influence.

1955 (b) The policies described in paragraph (a) must ~~shall~~ be  
1956 issued for at least 6 months and, as to the minimum coverages  
1957 required under this section, may not be canceled by the insured  
1958 for any reason or by the insurer after 60 days, during which  
1959 period the insurer is completing the underwriting of the policy.  
1960 After the insurer has completed underwriting the policy, the  
1961 insurer shall notify the Department of Highway Safety and Motor  
1962 Vehicles that the policy is in full force and effect and is not  
1963 cancelable for the remainder of the policy period. A premium  
1964 must ~~shall~~ be collected and the coverage is in effect for the  
1965 60-day period during which the insurer is completing the  
1966 underwriting of the policy, whether or not the person's driver  
1967 license, motor vehicle tag, and motor vehicle registration are  
1968 in effect. Once the noncancelable provisions of the policy  
1969 become effective, the bodily injury liability and property  
1970 damage liability coverages ~~for bodily injury, property damage,~~  
1971 ~~and personal injury protection~~ may not be reduced below the  
1972 minimum limits required under s. 324.021 or s. 324.023 during

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1973 the policy period.

1974 Section 42. Paragraph (a) of subsection (1) of section  
1975 627.728, Florida Statutes, is amended to read:

1976 627.728 Cancellations; nonrenewals.—

1977 (1) As used in this section, the term:

1978 (a) "Policy" means the bodily injury and property damage  
1979 liability, ~~personal injury protection~~, medical payments,  
1980 comprehensive, collision, and uninsured motorist coverage  
1981 portions of a policy of motor vehicle insurance delivered or  
1982 issued for delivery in this state:

1983 1. Insuring a natural person as named insured or one or  
1984 more related individuals who are residents ~~resident~~ of the same  
1985 household; and

1986 2. Insuring only a motor vehicle of the private passenger  
1987 type or station wagon type which is not used as a public or  
1988 livery conveyance for passengers or rented to others; or  
1989 insuring any other four-wheel motor vehicle having a load  
1990 capacity of 1,500 pounds or less which is not used in the  
1991 occupation, profession, or business of the insured other than  
1992 farming; other than any policy issued under an automobile  
1993 insurance assigned risk plan or covering garage, automobile  
1994 sales agency, repair shop, service station, or public parking  
1995 place operation hazards.

1996  
1997 The term "policy" does not include a binder as defined in s.  
1998 627.420 unless the duration of the binder period exceeds 60  
1999 days.

2000 Section 43. Subsection (1), paragraph (a) of subsection  
2001 (5), and subsections (6) and (7) of section 627.7295, Florida

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2002 Statutes, are amended to read:

2003 627.7295 Motor vehicle insurance contracts.—

2004 (1) As used in this section, the term:

2005 (a) "Policy" means a motor vehicle insurance policy that  
2006 provides bodily injury liability ~~personal injury protection~~  
2007 coverage and, ~~property damage liability coverage, or both.~~

2008 (b) "Binder" means a binder that provides motor vehicle  
2009 bodily injury liability coverage ~~personal injury protection~~ and  
2010 property damage liability coverage.

2011 (5) (a) A licensed general lines agent may charge a per-  
2012 policy fee up to ~~not to exceed~~ \$10 to cover the administrative  
2013 costs of the agent associated with selling the motor vehicle  
2014 insurance policy if the policy covers only bodily injury  
2015 liability coverage ~~personal injury protection coverage as~~  
2016 ~~provided by s. 627.736~~ and property damage liability coverage as  
2017 provided by s. 627.7275 and if no other insurance is sold or  
2018 issued in conjunction with or collateral to the policy. The fee  
2019 is not ~~considered~~ part of the premium.

2020 (6) If a motor vehicle owner's driver license, license  
2021 plate, and registration have previously been suspended pursuant  
2022 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy  
2023 only as provided in s. 627.7275.

2024 (7) A policy of private passenger motor vehicle insurance  
2025 or a binder for such a policy may be initially issued in this  
2026 state only if, before the effective date of such binder or  
2027 policy, the insurer or agent has collected ~~from the insured an~~  
2028 ~~amount equal to~~ 2 months' premium from the insured. An insurer,  
2029 agent, or premium finance company may not, directly or  
2030 indirectly, take any action that results ~~resulting~~ in the

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2031 insured paying ~~having paid~~ from the insured's own funds an  
2032 amount less than the 2 months' premium required by this  
2033 subsection. This subsection applies without regard to whether  
2034 the premium is financed by a premium finance company or is paid  
2035 pursuant to a periodic payment plan of an insurer or an  
2036 insurance agent.

2037 (a) This subsection does not apply:

2038 1. If an insured or member of the insured's family is  
2039 renewing or replacing a policy or a binder for such policy  
2040 written by the same insurer or a member of the same insurer  
2041 group. ~~This subsection does not apply~~

2042 2. To an insurer that issues private passenger motor  
2043 vehicle coverage primarily to active duty or former military  
2044 personnel or their dependents. ~~This subsection does not apply~~

2045 3. If all policy payments are paid pursuant to a payroll  
2046 deduction plan, an automatic electronic funds transfer payment  
2047 plan from the policyholder, or a recurring credit card or debit  
2048 card agreement with the insurer.

2049 (b) This subsection and subsection (4) do not apply if:

2050 1. All policy payments to an insurer are paid pursuant to  
2051 an automatic electronic funds transfer payment plan from an  
2052 agent, a managing general agent, or a premium finance company  
2053 and if the policy includes, at a minimum, bodily injury  
2054 liability coverage and ~~personal injury protection pursuant to~~  
2055 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~  
2056 coverage pursuant to s. 627.7275; or ~~and bodily injury liability~~  
2057 ~~in at least the amount of \$10,000 because of bodily injury to,~~  
2058 ~~or death of, one person in any one accident and in the amount of~~  
2059 ~~\$20,000 because of bodily injury to, or death of, two or more~~

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2060 ~~persons in any one accident. This subsection and subsection (4)~~  
2061 ~~do not apply if~~

2062 2. An insured has had a policy in effect for at least 6  
2063 months, the insured's agent is terminated by the insurer that  
2064 issued the policy, and the insured obtains coverage on the  
2065 policy's renewal date with a new company through the terminated  
2066 agent.

2067 Section 44. Section 627.7415, Florida Statutes, is amended  
2068 to read:

2069 627.7415 Commercial motor vehicles; additional liability  
2070 insurance coverage.—Beginning January 1, 2020, commercial motor  
2071 vehicles, as defined in s. 207.002 or s. 320.01, operated upon  
2072 the roads and highways of this state must ~~shall~~ be insured with  
2073 the following minimum levels of combined bodily liability  
2074 insurance and property damage liability insurance in addition to  
2075 any other insurance requirements:

2076 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a  
2077 commercial motor vehicle with a gross vehicle weight of 26,000  
2078 pounds or more, but less than 35,000 pounds.

2079 (2) One hundred twenty thousand dollars per occurrence for  
2080 a commercial motor vehicle with a gross vehicle weight of 35,000  
2081 pounds or more, but less than 44,000 pounds.

2082 (3) Three hundred thousand dollars per occurrence for a  
2083 commercial motor vehicle with a gross vehicle weight of 44,000  
2084 pounds or more.

2085 (4) All commercial motor vehicles subject to regulations of  
2086 the United States Department of Transportation, 49 C.F.R. part  
2087 387, subpart A, and as may be hereinafter amended, shall be  
2088 insured in an amount equivalent to the minimum levels of



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2089 financial responsibility as set forth in such regulations.

2090  
2091 A violation of this section is a noncriminal traffic infraction,  
2092 punishable as a nonmoving violation as provided in chapter 318.

2093 Section 45. Paragraphs (b), (c), and (g) of subsection (7)  
2094 and paragraphs (a) and (b) of subsection (8) of section 627.748,  
2095 Florida Statutes, are amended to read:

2096 627.748 Transportation network companies.—

2097 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE  
2098 REQUIREMENTS.—

2099 (b) The following automobile insurance requirements apply  
2100 while a participating TNC driver is logged on to the digital  
2101 network but is not engaged in a prearranged ride:

2102 1. Automobile insurance that provides:

2103 a. A primary automobile liability coverage of at least  
2104 \$50,000 for death and bodily injury per person, \$100,000 for  
2105 death and bodily injury per incident, and \$25,000 for property  
2106 damage; and

2107 ~~b. Personal injury protection benefits that meet the~~  
2108 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~  
2109 ~~and~~

2110 ~~e.~~ Uninsured and underinsured vehicle coverage as required  
2111 by s. 627.727.

2112 2. The coverage requirements of this paragraph may be  
2113 satisfied by any of the following:

2114 a. Automobile insurance maintained by the TNC driver;

2115 b. Automobile insurance maintained by the TNC; or

2116 c. A combination of sub-subparagraphs a. and b.

2117 (c) The following automobile insurance requirements apply

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- 2118 while a TNC driver is engaged in a prearranged ride:
- 2119 1. Automobile insurance that provides:
- 2120 a. A primary automobile liability coverage of at least \$1
- 2121 million for death, bodily injury, and property damage; and
- 2122 ~~b. Personal injury protection benefits that meet the~~
- 2123 ~~minimum coverage amounts required of a limousine under ss.~~
- 2124 ~~627.730-627.7405; and~~
- 2125 ~~e.~~ Uninsured and underinsured vehicle coverage as required
- 2126 by s. 627.727.
- 2127 2. The coverage requirements of this paragraph may be
- 2128 satisfied by any of the following:
- 2129 a. Automobile insurance maintained by the TNC driver;
- 2130 b. Automobile insurance maintained by the TNC; or
- 2131 c. A combination of sub-subparagraphs a. and b.
- 2132 (g) Insurance satisfying the requirements under this
- 2133 subsection is deemed to satisfy the financial responsibility
- 2134 requirement for a motor vehicle under chapter 324 ~~and the~~
- 2135 ~~security required under s. 627.733~~ for any period when the TNC
- 2136 driver is logged onto the digital network or engaged in a
- 2137 prearranged ride.
- 2138 (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;
- 2139 EXCLUSIONS.—
- 2140 (a) Before a TNC driver is allowed to accept a request for
- 2141 a prearranged ride on the digital network, the TNC must disclose
- 2142 in writing to the TNC driver:
- 2143 1. The insurance coverage, including the types of coverage
- 2144 and the limits for each coverage, which the TNC provides while
- 2145 the TNC driver uses a TNC vehicle in connection with the TNC's
- 2146 digital network.

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2147           2. That the TNC driver's own automobile insurance policy  
2148 might not provide any coverage while the TNC driver is logged on  
2149 to the digital network or is engaged in a prearranged ride,  
2150 depending on the terms of the TNC driver's own automobile  
2151 insurance policy.

2152           3. That the provision of rides for compensation which are  
2153 not prearranged rides subjects the driver to the coverage  
2154 requirements imposed under s. 324.032(1) and (2) and that  
2155 failure to meet such coverage requirements subjects the TNC  
2156 driver to penalties provided in s. 324.221, up to and including  
2157 a misdemeanor of the second degree.

2158           (b)1. An insurer that provides an automobile liability  
2159 insurance policy under this part may exclude any and all  
2160 coverage afforded under the policy issued to an owner or  
2161 operator of a TNC vehicle while driving that vehicle for any  
2162 loss or injury that occurs while a TNC driver is logged on to a  
2163 digital network or while a TNC driver provides a prearranged  
2164 ride. Exclusions imposed under this subsection are limited to  
2165 coverage while a TNC driver is logged on to a digital network or  
2166 while a TNC driver provides a prearranged ride. This right to  
2167 exclude all coverage may apply to any coverage included in an  
2168 automobile insurance policy, including, but not limited to:

- 2169           a. Liability coverage for bodily injury and property  
2170 damage;
- 2171           b. Uninsured and underinsured motorist coverage;
- 2172           c. Medical payments coverage;
- 2173           d. Comprehensive physical damage coverage; and
- 2174           e. Collision physical damage coverage; ~~and~~
- 2175           ~~f. Personal injury protection.~~

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2176           2. The exclusions described in subparagraph 1. apply  
 2177 notwithstanding any requirement under chapter 324. These  
 2178 exclusions do not affect or diminish coverage otherwise  
 2179 available for permissive drivers or resident relatives under the  
 2180 personal automobile insurance policy of the TNC driver or owner  
 2181 of the TNC vehicle who are not occupying the TNC vehicle at the  
 2182 time of loss. This section does not require that a personal  
 2183 automobile insurance policy provide coverage while the TNC  
 2184 driver is logged on to a digital network, while the TNC driver  
 2185 is engaged in a prearranged ride, or while the TNC driver  
 2186 otherwise uses a vehicle to transport riders for compensation.

2187           3. This section must not be construed to require an insurer  
 2188 to use any particular policy language or reference to this  
 2189 section in order to exclude any and all coverage for any loss or  
 2190 injury that occurs while a TNC driver is logged on to a digital  
 2191 network or while a TNC driver provides a prearranged ride.

2192           4. This section does not preclude an insurer from providing  
 2193 primary or excess coverage for the TNC driver's vehicle by  
 2194 contract or endorsement.

2195           Section 46. Section 627.8405, Florida Statutes, is amended  
 2196 to read:

2197           627.8405 Prohibited acts; financing companies.—A ~~No~~ premium  
 2198 finance company ~~shall~~, in a premium finance agreement or other  
 2199 agreement, may not finance the cost of or otherwise provide for  
 2200 the collection or remittance of dues, assessments, fees, or  
 2201 other periodic payments of money for the cost of:

2202           (1) A membership in an automobile club. The term  
 2203 "automobile club" means a legal entity that ~~which~~, in  
 2204 consideration of dues, assessments, or periodic payments of

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2205 money, promises its members or subscribers to assist them in  
2206 matters relating to the ownership, operation, use, or  
2207 maintenance of a motor vehicle; however, the term ~~this~~  
2208 ~~definition of "automobile club"~~ does not include persons,  
2209 associations, or corporations ~~which are~~ organized and operated  
2210 solely for the purpose of conducting, sponsoring, or sanctioning  
2211 motor vehicle races, exhibitions, or contests upon racetracks,  
2212 or upon racecourses established and marked as such for the  
2213 duration of such particular events. The term ~~words~~ "motor  
2214 vehicle" used herein has ~~have~~ the same meaning as defined in  
2215 chapter 320.

2216 (2) An accidental death and dismemberment policy sold in  
2217 combination with a policy providing only bodily injury liability  
2218 coverage ~~personal injury protection~~ and property damage  
2219 liability coverage ~~only policy~~.

2220 (3) Any product not regulated under ~~the provisions of this~~  
2221 insurance code.

2222  
2223 This section also applies to premium financing by any insurance  
2224 agent or insurance company under part XVI. The commission shall  
2225 adopt rules to assure disclosure, at the time of sale, of  
2226 coverages financed ~~with personal injury protection~~ and shall  
2227 prescribe the form of such disclosure.

2228 Section 47. Subsection (1) of section 627.915, Florida  
2229 Statutes, is amended to read:

2230 627.915 Insurer experience reporting.—

2231 (1) Each insurer transacting private passenger automobile  
2232 insurance in this state shall report certain information  
2233 annually to the office. The information will be due on or before

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2234 July 1 of each year. The information must ~~shall~~ be divided into  
2235 the following categories: bodily injury liability; property  
2236 damage liability; uninsured motorist; ~~personal injury protection~~  
2237 ~~benefits~~; medical payments; and comprehensive and collision. The  
2238 information given must ~~shall~~ be on direct insurance writings in  
2239 the state alone and ~~shall~~ represent total limits data. The  
2240 information set forth in paragraphs (a)-(f) is applicable to  
2241 voluntary private passenger and Joint Underwriting Association  
2242 private passenger writings and must ~~shall~~ be reported for each  
2243 of the latest 3 calendar-accident years, with an evaluation date  
2244 of March 31 of the current year. The information set forth in  
2245 paragraphs (g)-(j) is applicable to voluntary private passenger  
2246 writings and must ~~shall~~ be reported on a calendar-accident year  
2247 basis ultimately seven times at seven different stages of  
2248 development.

2249 (a) Premiums earned for the latest 3 calendar-accident  
2250 years.

2251 (b) Loss development factors and the historic development  
2252 of those factors.

2253 (c) Policyholder dividends incurred.

2254 (d) Expenses for other acquisition and general expense.

2255 (e) Expenses for agents' commissions and taxes, licenses,  
2256 and fees.

2257 (f) Profit and contingency factors as utilized in the  
2258 insurer's automobile rate filings for the applicable years.

2259 (g) Losses paid.

2260 (h) Losses unpaid.

2261 (i) Loss adjustment expenses paid.

2262 (j) Loss adjustment expenses unpaid.

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2263 Section 48. Subsections (2) and (3) of section 628.909,  
2264 Florida Statutes, are amended to read:

2265 628.909 Applicability of other laws.—

2266 (2) The following provisions of the Florida Insurance Code  
2267 apply to captive insurance companies that ~~who~~ are not industrial  
2268 insured captive insurance companies to the extent that such  
2269 provisions are not inconsistent with this part:

2270 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
2271 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2272 (b) Chapter 625, part II.

2273 (c) Chapter 626, part IX.

2274 (d) ~~Sections 627.730-627.7405, when no fault coverage is~~  
2275 ~~provided.~~

2276 ~~(e) Chapter 628.~~

2277 (3) The following provisions of the Florida Insurance Code  
2278 ~~shall~~ apply to industrial insured captive insurance companies to  
2279 the extent that such provisions are not inconsistent with this  
2280 part:

2281 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
2282 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2283 (b) Chapter 625, part II, if the industrial insured captive  
2284 insurance company is incorporated in this state.

2285 (c) Chapter 626, part IX.

2286 (d) ~~Sections 627.730-627.7405 when no fault coverage is~~  
2287 ~~provided.~~

2288 ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~  
2289 ~~628.6018.~~

2290 Section 49. Subsections (2), (6), and (7) of section  
2291 705.184, Florida Statutes, are amended to read:

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2292           705.184 Derelict or abandoned motor vehicles on the  
2293 premises of public-use airports.—

2294           (2) The airport director or the director's designee shall  
2295 contact the Department of Highway Safety and Motor Vehicles to  
2296 notify that department that the airport has possession of the  
2297 abandoned or derelict motor vehicle and to determine the name  
2298 and address of the owner of the motor vehicle, the insurance  
2299 company insuring the motor vehicle, ~~notwithstanding the~~  
2300 ~~provisions of s. 627.736,~~ and any person who has filed a lien on  
2301 the motor vehicle. Within 7 business days after receipt of the  
2302 information, the director or the director's designee shall send  
2303 notice by certified mail, return receipt requested, to the owner  
2304 of the motor vehicle, the insurance company insuring the motor  
2305 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
2306 persons of record claiming a lien against the motor vehicle. The  
2307 notice must ~~shall~~ state the fact of possession of the motor  
2308 vehicle, that charges for reasonable towing, storage, and  
2309 parking fees, if any, have accrued and the amount thereof, that  
2310 a lien as provided in subsection (6) will be claimed, that the  
2311 lien is subject to enforcement pursuant to law, that the owner  
2312 or lienholder, if any, has the right to a hearing as set forth  
2313 in subsection (4), and that any motor vehicle which, at the end  
2314 of 30 calendar days after receipt of the notice, has not been  
2315 removed from the airport upon payment in full of all accrued  
2316 charges for reasonable towing, storage, and parking fees, if  
2317 any, may be disposed of as provided in s. 705.182(2)(a), (b),  
2318 (d), or (e), including, but not limited to, the motor vehicle  
2319 being sold free of all prior liens after 35 calendar days after  
2320 the time the motor vehicle is stored if any prior liens on the



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2321 motor vehicle are more than 5 years of age or after 50 calendar  
2322 days after the time the motor vehicle is stored if any prior  
2323 liens on the motor vehicle are 5 years of age or less.

2324 (6) The airport pursuant to this section or, if used, a  
2325 licensed independent wrecker company pursuant to s. 713.78 shall  
2326 have a lien on an abandoned or derelict motor vehicle for all  
2327 reasonable towing, storage, and accrued parking fees, if any,  
2328 except that no storage fee may ~~shall~~ be charged if the motor  
2329 vehicle is stored less than 6 hours. As a prerequisite to  
2330 perfecting a lien under this section, the airport director or  
2331 the director's designee must serve a notice in accordance with  
2332 subsection (2) on the owner of the motor vehicle, the insurance  
2333 company insuring the motor vehicle, ~~notwithstanding the~~  
2334 ~~provisions of s. 627.736,~~ and all persons of record claiming a  
2335 lien against the motor vehicle. If attempts to notify the owner,  
2336 the insurance company insuring the motor vehicle,  
2337 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are  
2338 not successful, the requirement of notice by mail shall be  
2339 considered met. Serving of the notice does not dispense with  
2340 recording the claim of lien.

2341 (7) (a) For the purpose of perfecting its lien under this  
2342 section, the airport shall record a claim of lien which states  
2343 ~~shall state:~~

- 2344 1. The name and address of the airport.
- 2345 2. The name of the owner of the motor vehicle, the  
2346 insurance company insuring the motor vehicle, ~~notwithstanding~~  
2347 ~~the provisions of s. 627.736,~~ and all persons of record claiming  
2348 a lien against the motor vehicle.
- 2349 3. The costs incurred from reasonable towing, storage, and

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2350 parking fees, if any.

2351 4. A description of the motor vehicle sufficient for  
2352 identification.

2353 (b) The claim of lien must ~~shall~~ be signed and sworn to or  
2354 affirmed by the airport director or the director's designee.

2355 (c) The claim of lien is ~~shall be~~ sufficient if it is in  
2356 substantially the following form:

2357

2358 CLAIM OF LIEN

2359 State of .....

2360 County of .....

2361 Before me, the undersigned notary public, personally appeared  
2362 ....., who was duly sworn and says that he/she is the  
2363 ..... of ....., whose address is.....; and that the  
2364 following described motor vehicle:

2365 ...(Description of motor vehicle)...

2366 owned by ....., whose address is ....., has accrued  
2367 \$..... in fees for a reasonable tow, for storage, and for  
2368 parking, if applicable; that the lienor served its notice to the  
2369 owner, the insurance company insuring the motor vehicle  
2370 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~  
2371 and all persons of record claiming a lien against the motor  
2372 vehicle on ....., ...(year)...., by.....

2373 ...(Signature)...

2374 Sworn to (or affirmed) and subscribed before me this .... day of  
2375 ....., ...(year)...., by ...(name of person making statement)....

2376 ...(Signature of Notary Public).....(Print, Type, or Stamp  
2377 Commissioned name of Notary Public)...

2378 Personally Known....OR Produced....as identification.

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2379

2380 However, the negligent inclusion or omission of any information  
2381 in this claim of lien which does not prejudice the owner does  
2382 not constitute a default that operates to defeat an otherwise  
2383 valid lien.

2384 (d) The claim of lien must ~~shall~~ be served on the owner of  
2385 the motor vehicle, the insurance company insuring the motor  
2386 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
2387 persons of record claiming a lien against the motor vehicle. If  
2388 attempts to notify the owner, the insurance company insuring the  
2389 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or  
2390 lienholders are not successful, the requirement of notice by  
2391 mail shall be considered met. The claim of lien must ~~shall~~ be so  
2392 served before recordation.

2393 (e) The claim of lien must ~~shall~~ be recorded with the clerk  
2394 of court in the county where the airport is located. The  
2395 recording of the claim of lien shall be constructive notice to  
2396 all persons of the contents and effect of such claim. The lien  
2397 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~  
2398 ~~take~~ priority as of that time.

2399 Section 50. Subsection (4) of section 713.78, Florida  
2400 Statutes, is amended to read:

2401 713.78 Liens for recovering, towing, or storing vehicles  
2402 and vessels.—

2403 (4) (a) Any person regularly engaged in the business of  
2404 recovering, towing, or storing vehicles or vessels who comes  
2405 into possession of a vehicle or vessel pursuant to subsection  
2406 (2), and who claims a lien for recovery, towing, or storage  
2407 services, shall give notice to the registered owner, the

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2408 insurance company insuring the vehicle ~~notwithstanding the~~  
2409 ~~provisions of s. 627.736~~, and to all persons claiming a lien  
2410 thereon, as disclosed by the records in the Department of  
2411 Highway Safety and Motor Vehicles or as disclosed by the records  
2412 of any corresponding agency in any other state in which the  
2413 vehicle is identified through a records check of the National  
2414 Motor Vehicle Title Information System or an equivalent  
2415 commercially available system as being titled or registered.

2416 (b) If a ~~Whenever any~~ law enforcement agency authorizes the  
2417 removal of a vehicle or vessel or if a ~~whenever any~~ towing  
2418 service, garage, repair shop, or automotive service, storage, or  
2419 parking place notifies the law enforcement agency of possession  
2420 of a vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
2421 enforcement agency of the jurisdiction where the vehicle or  
2422 vessel is stored shall contact the Department of Highway Safety  
2423 and Motor Vehicles, or the appropriate agency of the state of  
2424 registration, if known, within 24 hours through the medium of  
2425 electronic communications, giving the full description of the  
2426 vehicle or vessel. Upon receipt of the full description of the  
2427 vehicle or vessel, the department shall search its files to  
2428 determine the owner's name, the insurance company insuring the  
2429 vehicle or vessel, and whether any person has filed a lien upon  
2430 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
2431 notify the applicable law enforcement agency within 72 hours.  
2432 The person in charge of the towing service, garage, repair shop,  
2433 or automotive service, storage, or parking place shall obtain  
2434 such information from the applicable law enforcement agency  
2435 within 5 days after the date of storage and shall give notice  
2436 pursuant to paragraph (a). The department may release the

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2437 insurance company information to the requestor ~~notwithstanding~~  
2438 ~~the provisions of s. 627.736.~~

2439 (c) Notice by certified mail must ~~shall~~ be sent within 7  
2440 business days after the date of storage of the vehicle or vessel  
2441 to the registered owner, the insurance company insuring the  
2442 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all  
2443 persons of record claiming a lien against the vehicle or vessel.  
2444 The notice must ~~It shall~~ state the fact of possession of the  
2445 vehicle or vessel, that a lien as provided in subsection (2) is  
2446 claimed, that charges have accrued and the amount thereof, that  
2447 the lien is subject to enforcement pursuant to law, ~~and~~ that the  
2448 owner or lienholder, if any, has the right to a hearing as set  
2449 forth in subsection (5), and that any vehicle or vessel which  
2450 remains unclaimed, or for which the charges for recovery,  
2451 towing, or storage services remain unpaid, may be sold free of  
2452 all prior liens after 35 days if the vehicle or vessel is more  
2453 than 3 years of age or after 50 days if the vehicle or vessel is  
2454 3 years of age or less.

2455 (d) If attempts to locate the name and address of the owner  
2456 or lienholder prove unsuccessful, the towing-storage operator  
2457 must ~~shall~~, after 7 working days, excluding Saturday and Sunday,  
2458 of the initial tow or storage, notify the public agency of  
2459 jurisdiction where the vehicle or vessel is stored in writing by  
2460 certified mail or acknowledged hand delivery that the towing-  
2461 storage company has been unable to locate the name and address  
2462 of the owner or lienholder and a physical search of the vehicle  
2463 or vessel has disclosed no ownership information and a good  
2464 faith effort has been made, including records checks of the  
2465 Department of Highway Safety and Motor Vehicles database and the

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2466 National Motor Vehicle Title Information System or an equivalent  
2467 commercially available system. As used in ~~For purposes of~~ this  
2468 paragraph and subsection (9), the term "good faith effort" means  
2469 that the following checks have been performed by the company to  
2470 establish prior state of registration and for title:

2471 1. Check of the Department of Highway Safety and Motor  
2472 Vehicles database for the owner and any lienholder.

2473 2. Check of the electronic National Motor Vehicle Title  
2474 Information System or an equivalent commercially available  
2475 system to determine the state of registration when there is not  
2476 a current registration record for the vehicle on file with the  
2477 Department of Highway Safety and Motor Vehicles.

2478 3. Check of vehicle or vessel for any type of tag, tag  
2479 record, temporary tag, or regular tag.

2480 4. Check of law enforcement report for tag number or other  
2481 information identifying the vehicle or vessel, if the vehicle or  
2482 vessel was towed at the request of a law enforcement officer.

2483 5. Check of trip sheet or tow ticket of tow truck operator  
2484 to see if a tag was on vehicle or vessel at beginning of tow, if  
2485 private tow.

2486 6. If there is no address of the owner on the impound  
2487 report, check of law enforcement report to see if an out-of-  
2488 state address is indicated from driver license information.

2489 7. Check of vehicle or vessel for inspection sticker or  
2490 other stickers and decals that may indicate a state of possible  
2491 registration.

2492 8. Check of the interior of the vehicle or vessel for any  
2493 papers that may be in the glove box, trunk, or other areas for a  
2494 state of registration.

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2495 9. Check of vehicle for vehicle identification number.

2496 10. Check of vessel for vessel registration number.

2497 11. Check of vessel hull for a hull identification number  
 2498 which should be carved, burned, stamped, embossed, or otherwise  
 2499 permanently affixed to the outboard side of the transom or, if  
 2500 there is no transom, to the outmost seaboard side at the end of  
 2501 the hull that bears the rudder or other steering mechanism.

2502 Section 51. Paragraph (a) of subsection (1), paragraph (c)  
 2503 of subsection (7), paragraphs (a), (b), and (c) of subsection  
 2504 (8), and subsections (9) and (10) of section 817.234, Florida  
 2505 Statutes, are amended to read:

2506 817.234 False and fraudulent insurance claims.—

2507 (1)(a) A person commits insurance fraud punishable as  
 2508 provided in subsection (11) if that person, with the intent to  
 2509 injure, defraud, or deceive any insurer:

2510 1. Presents or causes to be presented any written or oral  
 2511 statement as part of, or in support of, a claim for payment or  
 2512 other benefit pursuant to an insurance policy or a health  
 2513 maintenance organization subscriber or provider contract,  
 2514 knowing that such statement contains ~~any~~ false, incomplete, or  
 2515 misleading information concerning any fact or thing material to  
 2516 such claim;

2517 2. Prepares or makes any written or oral statement that is  
 2518 intended to be presented to an ~~any~~ insurer in connection with,  
 2519 or in support of, any claim for payment or other benefit  
 2520 pursuant to an insurance policy or a health maintenance  
 2521 organization subscriber or provider contract, knowing that such  
 2522 statement contains ~~any~~ false, incomplete, or misleading  
 2523 information concerning any fact or thing material to such claim;

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2524 3.a. Knowingly presents, causes to be presented, or  
2525 prepares or makes with knowledge or belief that it will be  
2526 presented to an ~~any~~ insurer, purported insurer, servicing  
2527 corporation, insurance broker, or insurance agent, or any  
2528 employee or agent thereof, ~~any~~ false, incomplete, or misleading  
2529 information or a written or oral statement as part of, or in  
2530 support of, an application for the issuance of, or the rating  
2531 of, any insurance policy, or a health maintenance organization  
2532 subscriber or provider contract; or

2533 b. Knowingly conceals information concerning any fact  
2534 material to such application; or

2535 4. Knowingly presents, causes to be presented, or prepares  
2536 or makes with knowledge or belief that it will be presented to  
2537 any insurer a claim for payment or other benefit under medical  
2538 payments coverage in a motor vehicle ~~a personal injury~~  
2539 ~~protection~~ insurance policy if the person knows that the payee  
2540 knowingly submitted a false, misleading, or fraudulent  
2541 application or other document when applying for licensure as a  
2542 health care clinic, seeking an exemption from licensure as a  
2543 health care clinic, or demonstrating compliance with part X of  
2544 chapter 400.

2545 (7)

2546 ~~(c) An insurer, or any person acting at the direction of or~~  
2547 ~~on behalf of an insurer, may not change an opinion in a mental~~  
2548 ~~or physical report prepared under s. 627.736(7) or direct the~~  
2549 ~~physician preparing the report to change such opinion; however,~~  
2550 ~~this provision does not preclude the insurer from calling to the~~  
2551 ~~attention of the physician errors of fact in the report based~~  
2552 ~~upon information in the claim file. Any person who violates this~~



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2553 ~~paragraph commits a felony of the third degree, punishable as~~  
2554 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

2555 (8) (a) It is unlawful for any person intending to defraud  
2556 any other person to solicit or cause to be solicited any  
2557 business from a person involved in a motor vehicle accident for  
2558 the purpose of making, adjusting, or settling motor vehicle tort  
2559 claims or claims for benefits under medical payments coverage in  
2560 a motor vehicle insurance policy ~~personal injury protection~~  
2561 ~~benefits required by s. 627.736.~~ Any person who violates ~~the~~  
2562 ~~provisions of~~ this paragraph commits a felony of the second  
2563 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
2564 775.084. A person who is convicted of a violation of this  
2565 subsection shall be sentenced to a minimum term of imprisonment  
2566 of 2 years.

2567 (b) A person may not solicit or cause to be solicited any  
2568 business from a person involved in a motor vehicle accident by  
2569 any means of communication other than advertising directed to  
2570 the public for the purpose of making motor vehicle tort claims  
2571 or claims for benefits under medical payments coverage in a  
2572 motor vehicle insurance policy ~~personal injury protection~~  
2573 ~~benefits required by s. 627.736,~~ within 60 days after the  
2574 occurrence of the motor vehicle accident. Any person who  
2575 violates this paragraph commits a felony of the third degree,  
2576 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2577 (c) A lawyer, health care practitioner as defined in s.  
2578 456.001, or owner or medical director of a clinic required to be  
2579 licensed pursuant to s. 400.9905 may not, at any time after 60  
2580 days have elapsed from the occurrence of a motor vehicle  
2581 accident, solicit or cause to be solicited any business from a

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2582 person involved in a motor vehicle accident by means of in  
 2583 person or telephone contact at the person's residence, for the  
 2584 purpose of making motor vehicle tort claims or claims for  
 2585 benefits under medical payments coverage in a motor vehicle  
 2586 insurance policy ~~personal injury protection benefits required by~~  
 2587 ~~s. 627.736~~. Any person who violates this paragraph commits a  
 2588 felony of the third degree, punishable as provided in s.  
 2589 775.082, s. 775.083, or s. 775.084.

2590 (9) A person may not organize, plan, or knowingly  
 2591 participate in an intentional motor vehicle crash or a scheme to  
 2592 create documentation of a motor vehicle crash that did not occur  
 2593 for the purpose of making motor vehicle tort claims or claims  
 2594 for benefits under medical payments coverage in a motor vehicle  
 2595 insurance policy ~~personal injury protection benefits as required~~  
 2596 ~~by s. 627.736~~. Any person who violates this subsection commits a  
 2597 felony of the second degree, punishable as provided in s.  
 2598 775.082, s. 775.083, or s. 775.084. A person who is convicted of  
 2599 a violation of this subsection shall be sentenced to a minimum  
 2600 term of imprisonment of 2 years.

2601 (10) A licensed health care practitioner who is found  
 2602 guilty of insurance fraud under this section for an act relating  
 2603 to a motor vehicle ~~personal injury protection~~ insurance policy  
 2604 loses his or her license to practice for 5 years and may not  
 2605 receive reimbursement under medical payments coverage in a motor  
 2606 vehicle insurance policy ~~for personal injury protection benefits~~  
 2607 for 10 years.

2608 Section 52. Applicability and construction; notice to  
 2609 policyholders.-

2610 (1) As used in this section, the term "minimum security

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2611 requirements” means security that enables a person to respond in  
2612 damages for liability on account of crashes arising out of the  
2613 ownership, maintenance, or use of a motor vehicle, in the  
2614 amounts required by s. 324.021(7), Florida Statutes.

2615 (2) Effective January 1, 2020:

2616 (a) Motor vehicle insurance policies issued or renewed on  
2617 or after that date may not include personal injury protection.

2618 (b) All persons subject to s. 324.022, s. 324.032, s.  
2619 627.7415, or s. 627.742, Florida Statutes, must maintain at  
2620 least minimum security requirements.

2621 (c) Any new or renewal motor vehicle insurance policy  
2622 delivered or issued for delivery in this state must provide  
2623 coverage that complies with minimum security requirements.

2624 (d) An existing motor vehicle insurance policy issued  
2625 before that date which provides personal injury protection and  
2626 property damage liability coverage that meets the requirements  
2627 of s. 324.022, Florida Statutes, on December 31, 2019, but which  
2628 does not meet minimum security requirements on or after January  
2629 1, 2020, is deemed to meet the security requirements of s.  
2630 324.022, Florida Statutes, until such policy is renewed,  
2631 nonrenewed, or canceled on or after January 1, 2020. Sections  
2632 627.730-627.7405, 400.9905, 400.991, 456.057, 456.072, 627.7263,  
2633 627.727, 627.748, 627.9541(1)(i), and 817.234, Florida Statutes  
2634 2018, remain in full force and effect for motor vehicle  
2635 accidents covered under a policy issued under the Florida Motor  
2636 Vehicle No-Fault Law before January 1, 2020, until the policy is  
2637 renewed, nonrenewed, or canceled.

2638 (3) Each insurer shall allow each insured who has a new or  
2639 renewal policy providing personal injury protection which

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2640 becomes effective before January 1, 2020, and whose policy does  
2641 not meet minimum security requirements on or after January 1,  
2642 2020, to change coverages so as to eliminate personal injury  
2643 protection and obtain coverage providing minimum security  
2644 requirements, which shall be effective on or after January 1,  
2645 2020. The insurer is not required to provide coverage complying  
2646 with minimum security requirements in such policies if the  
2647 insured does not pay the required premium, if any, by January 1,  
2648 2020, or such later date as the insurer may allow. The insurer  
2649 must also offer each insured medical payments coverage pursuant  
2650 to s. 627.7265, Florida Statutes. Any reduction in the premium  
2651 must be refunded by the insurer. The insurer may not impose on  
2652 the insured an additional fee or charge that applies solely to a  
2653 change in coverage; however, the insurer may charge an  
2654 additional required premium that is actuarially indicated.

2655 (4) By September 1, 2019, each motor vehicle insurer shall  
2656 provide notice of this section to each motor vehicle  
2657 policyholder who is subject to this section. The notice is  
2658 subject to approval by the Office of Insurance Regulation and  
2659 must clearly inform the policyholder that:

2660 (a) The Florida Motor Vehicle No-Fault Law is repealed,  
2661 effective January 1, 2020, and that on or after that date, the  
2662 insured is no longer required to maintain personal injury  
2663 protection insurance coverage, that personal injury protection  
2664 coverage is no longer available for purchase in this state, and  
2665 that all new or renewal policies issued on or after that date  
2666 will not contain such coverage.

2667 (b) Effective January 1, 2020, a person subject to the  
2668 financial responsibility requirements of s. 324.022, Florida

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2669 Statutes, must maintain minimum security requirements that  
2670 enable the person to respond to damages for liability on account  
2671 of accidents arising out of the use of a motor vehicle in the  
2672 following amounts:

2673 1. Twenty-five thousand dollars for bodily injury to, or  
2674 the death of, one person in any one crash and, subject to such  
2675 limits for one person, in the amount of \$50,000 for bodily  
2676 injury to, or the death of, two or more persons in any one  
2677 crash; and

2678 2. Ten thousand dollars for damage to, or destruction of,  
2679 the property of others in any one crash.

2680 (c) Bodily injury liability coverage protects the insured,  
2681 up to the coverage limits, against loss if the insured is  
2682 legally responsible for the death of or bodily injury to others  
2683 in a motor vehicle accident.

2684 (d) Effective January 1, 2020, each policyholder of motor  
2685 vehicle liability insurance purchased as proof of financial  
2686 responsibility must be offered medical payments coverage  
2687 benefits that comply with s. 627.7265, Florida Statutes. The  
2688 insurer must offer medical payments coverage at limits of \$5,000  
2689 and \$10,000 without a deductible. The insurer may also offer  
2690 medical payments coverage at other limits greater than \$5,000,  
2691 and may offer coverage with a deductible of up to \$500. Medical  
2692 payments coverage pays covered medical expenses, up to the  
2693 limits of such coverage, for injuries sustained in a motor  
2694 vehicle crash by the named insured, resident relatives, persons  
2695 operating the insured motor vehicle, passengers in the insured  
2696 motor vehicle, and persons who are struck by the insured motor  
2697 vehicle and suffer bodily injury while not an occupant of a

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2698 self-propelled motor vehicle as provided in s. 627.7265, Florida  
2699 Statutes. Medical payments coverage also provides a death  
2700 benefit of at least \$5,000.

2701 (e) The policyholder may obtain uninsured and underinsured  
2702 motorist coverage, which provides benefits, up to the limits of  
2703 such coverage, to a policyholder or other insured entitled to  
2704 recover damages for bodily injury, sickness, disease, or death  
2705 resulting from a motor vehicle accident with an uninsured or  
2706 underinsured owner or operator of a motor vehicle.

2707 (f) If the policyholder's new or renewal motor vehicle  
2708 insurance policy is effective before January 1, 2020, and  
2709 contains personal injury protection and property damage  
2710 liability coverage as required by state law before January 1,  
2711 2020, but does not meet minimum security requirements on or  
2712 after January 1, 2020, the policy is deemed to meet minimum  
2713 security requirements until it is renewed, nonrenewed, or  
2714 canceled on or after January 1, 2020.

2715 (g) A policyholder whose new or renewal policy becomes  
2716 effective before January 1, 2020, but does not meet minimum  
2717 security requirements on or after January 1, 2020, may change  
2718 coverages under the policy so as to eliminate personal injury  
2719 protection and to obtain coverage providing minimum security  
2720 requirements, including bodily injury liability coverage, which  
2721 are effective on or after January 1, 2020.

2722 (h) If the policyholder has any questions, he or she should  
2723 contact the person named at the telephone number provided in the  
2724 notice.

2725 (5) This section takes effect upon this act becoming a law.  
2726 Section 53. Application of suspensions for failure to

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2727 maintain security; reinstatement.-All suspensions for failure to  
2728 maintain required security as required by law in effect before  
2729 January 1, 2020, remain in full force and effect after January  
2730 1, 2020. A driver may reinstate a suspended driver license or  
2731 registration as provided under s. 324.0221, Florida Statutes.

2732 Section 54. For the 2019-2020 fiscal year, the sum of  
2733 \$83,651 in nonrecurring funds is appropriated from the Insurance  
2734 Regulatory Trust Fund to the Office of Insurance Regulation for  
2735 the purpose of implementing this act.

2736 Section 55. Except as otherwise expressly provided in this  
2737 act and except for this section, which shall take effect upon  
2738 this act becoming a law, this act shall take effect January 1,  
2739 2020.