

By Senator Rader

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1                   A bill to be entitled  
2       An act relating to motor vehicles; amending s.  
3       316.235, F.S.; authorizing a motor vehicle to be  
4       equipped with certain lamps or devices under certain  
5       circumstances; amending s. 316.2397, F.S.; authorizing  
6       certain vehicles to display red and white lights;  
7       amending s. 316.2398, F.S.; authorizing certain  
8       vehicles to display red and white warning signals  
9       under certain circumstances; providing requirements  
10      and penalties; amending s. 316.224, F.S.; conforming a  
11      cross-reference; amending s. 316.646, F.S.; requiring  
12      law enforcement officers to access certain information  
13      during traffic stops or crash investigations for  
14      certain purposes; amending s. 319.30, F.S.; revising  
15      the manner in which insurance companies must forward  
16      motor vehicle or mobile home titles to the Department  
17      of Highway Safety and Motor Vehicles under certain  
18      circumstances; revising a specified date by which  
19      certain provisions are effective relating to requests  
20      for a salvage certificate of title or certificate of  
21      destruction; authorizing electronic signatures for  
22      certain purposes; amending s. 320.02, F.S.;  
23      authorizing insurance online verification for motor  
24      vehicle registration; amending s. 324.0221, F.S.;  
25      requiring insurers to transmit certain information to  
26      the department; authorizing the department to verify  
27      certain information; authorizing the department to  
28      implement a method of insurance verification; amending  
29      s. 324.151, F.S.; conforming provisions to changes

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30 made by the act; creating s. 324.252, F.S.; requiring  
31 the department to establish an online verification  
32 system for motor vehicle insurance; providing system  
33 requirements; providing powers and duties of the  
34 department; providing requirements for insurers and  
35 law enforcement officers; providing immunity from  
36 liability; prohibiting the use of an online  
37 verification request or response for a civil action;  
38 providing applicability; providing rulemaking  
39 authority; creating s. 324.255, F.S.; creating the  
40 Motor Vehicle Insurance Online Verification Task  
41 Force; providing duties of the task force; providing  
42 membership; providing meeting requirements; requiring  
43 the department to provide support; providing report  
44 requirements; providing the date by which the task  
45 force must complete its work and submit its final  
46 report; providing for expiration of the task force;  
47 amending s. 627.7295, F.S.; reducing the amount that  
48 must be collected from insureds before policies or  
49 binders are issued; amending ss. 627.736 and 627.7407,  
50 F.S.; conforming provisions to changes made by the  
51 act; deleting obsolete language; creating s. 627.747,  
52 F.S.; authorizing motor vehicle policies to exclude  
53 named individuals from coverage; providing exceptions;  
54 providing effective dates.

55  
56 Be It Enacted by the Legislature of the State of Florida:

57  
58 Section 1. Effective October 1, 2019, present subsections

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59 (3) through (6) of section 316.235, Florida Statutes, are  
 60 renumbered as subsections (4) through (7), respectively, and a  
 61 new subsection (3) is added to that section, to read:

62 316.235 Additional lighting equipment.—

63 (3) Any motor vehicle may be equipped with one or more  
 64 lamps or devices underneath the motor vehicle as long as such  
 65 lamps or devices do not emit light in violation of s.  
 66 316.2397(1) or (7) or s. 316.238.

67 Section 2. Effective October 1, 2019, subsections (1) and  
 68 (3) and paragraph (c) of subsection (7) of section 316.2397,  
 69 Florida Statutes, are amended to read:

70 316.2397 Certain lights prohibited; exceptions.—

71 (1) A ~~No~~ person may not ~~shall~~ drive or move or cause to be  
 72 moved any vehicle or equipment upon any highway within this  
 73 state with any lamp or device thereon showing or displaying a  
 74 red, red and white, or blue light visible from directly in front  
 75 thereof except for certain vehicles ~~hereinafter~~ provided in this  
 76 section.

77 (3) Vehicles of the fire department and fire patrol,  
 78 including vehicles of volunteer firefighters as permitted under  
 79 s. 316.2398, may show or display red or red and white lights.  
 80 Vehicles of medical staff physicians or technicians of medical  
 81 facilities licensed by the state as authorized under s.  
 82 316.2398, ambulances as authorized under this chapter, and buses  
 83 and taxicabs as authorized under s. 316.2399 may show or display  
 84 red lights. Vehicles of the fire department, fire patrol, police  
 85 vehicles, and such ambulances and emergency vehicles of  
 86 municipal and county departments, public service corporations  
 87 operated by private corporations, the Fish and Wildlife

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88 Conservation Commission, the Department of Environmental  
89 Protection, the Department of Transportation, the Department of  
90 Agriculture and Consumer Services, and the Department of  
91 Corrections as are designated or authorized by their respective  
92 department or the chief of police of an incorporated city or any  
93 sheriff of any county may operate emergency lights and sirens in  
94 an emergency. Wreckers, mosquito control fog and spray vehicles,  
95 and emergency vehicles of governmental departments or public  
96 service corporations may show or display amber lights when in  
97 actual operation or when a hazard exists provided they are not  
98 used going to and from the scene of operation or hazard without  
99 specific authorization of a law enforcement officer or law  
100 enforcement agency. Wreckers must use amber rotating or flashing  
101 lights while performing recoveries and loading on the roadside  
102 day or night, and may use such lights while towing a vehicle on  
103 wheel lifts, slings, or under reach if the operator of the  
104 wrecker deems such lights necessary. A flatbed, car carrier, or  
105 rollback may not use amber rotating or flashing lights when  
106 hauling a vehicle on the bed unless it creates a hazard to other  
107 motorists because of protruding objects. Further, escort  
108 vehicles may show or display amber lights when in the actual  
109 process of escorting overdimensioned equipment, material, or  
110 buildings as authorized by law. Vehicles owned or leased by  
111 private security agencies may show or display green and amber  
112 lights, with either color being no greater than 50 percent of  
113 the lights displayed, while the security personnel are engaged  
114 in security duties on private or public property.

115 (7) Flashing lights are prohibited on vehicles except:

116 (c) For the lamps authorized under subsections (1), (2),

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117 (3), (4), and (9), s. 316.2065, or s. 316.235(6) ~~s. 316.235(5)~~  
118 which may flash.

119 Section 3. Effective October 1, 2019, section 316.2398,  
120 Florida Statutes, is amended to read:

121 316.2398 Display or use of red or red and white warning  
122 signals; motor vehicles of volunteer firefighters or medical  
123 staff.—

124 (1) A privately owned vehicle belonging to an active  
125 firefighter member of a regularly organized volunteer  
126 firefighting company or association, while en route to the fire  
127 station for the purpose of proceeding to the scene of a fire or  
128 other emergency or while en route to the scene of a fire or  
129 other emergency in the line of duty as an active firefighter  
130 member of a regularly organized firefighting company or  
131 association, may display or use red or red and white warning  
132 signals. ~~or~~ A privately owned vehicle belonging to a medical  
133 staff physician or technician of a medical facility licensed by  
134 the state, while responding to an emergency in the line of duty,  
135 may display or use red warning signals. Warning signals must be  
136 visible from the front and from the rear of such vehicle,  
137 subject to the following restrictions and conditions:

138 (a) No more than two red or red and white warning signals  
139 may be displayed.

140 (b) No inscription of any kind may appear across the face  
141 of the lens of the red or red and white warning signal.

142 (c) In order for an active volunteer firefighter to display  
143 such red or red and white warning signals on his or her vehicle,  
144 the volunteer firefighter must first secure a written permit  
145 from the chief executive officers of the firefighting

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146 organization to use the red or red and white warning signals,  
147 and this permit must be carried by the volunteer firefighter at  
148 all times while the red or red and white warning signals are  
149 displayed.

150 (2) A ~~It is unlawful for any~~ person who is not an active  
151 firefighter member of a regularly organized volunteer  
152 firefighting company or association or a physician or technician  
153 of the medical staff of a medical facility licensed by the state  
154 may not ~~to~~ display on any motor vehicle owned by him or her, at  
155 any time, any red or red and white warning signals as described  
156 in subsection (1).

157 (3) ~~It is unlawful for~~ An active volunteer firefighter may  
158 not ~~to~~ operate any red or red and white warning signals as  
159 authorized in subsection (1), except while en route to the fire  
160 station for the purpose of proceeding to the scene of a fire or  
161 other emergency, or while at or en route to the scene of a fire  
162 or other emergency, in the line of duty.

163 (4) ~~It is unlawful for~~ A physician or technician of the  
164 medical staff of a medical facility may not ~~to~~ operate any red  
165 warning signals as authorized in subsection (1), except when  
166 responding to an emergency in the line of duty.

167 (5) A violation of this section is a nonmoving violation,  
168 punishable as provided in chapter 318. In addition, a ~~any~~  
169 volunteer firefighter who violates this section shall be  
170 dismissed from membership in the firefighting organization by  
171 the chief executive officers thereof.

172 Section 4. Effective October 1, 2019, subsection (3) of  
173 section 316.224, Florida Statutes, is amended to read:

174 316.224 Color of clearance lamps, identification lamps,

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175 side marker lamps, backup lamps, reflectors, and deceleration  
176 lights.-

177 (3) All lighting devices and reflectors mounted on the rear  
178 of any vehicle shall display or reflect a red color, except the  
179 stop light or other signal device, which may be red, amber, or  
180 yellow, and except that the light illuminating the license plate  
181 shall be white and the light emitted by a backup lamp shall be  
182 white or amber. Deceleration lights as authorized by s.  
183 316.235(6) ~~s. 316.235(5)~~ shall display an amber color.

184 Section 5. Present subsection (5) of section 316.646,  
185 Florida Statutes, is renumbered as subsection (6), and a new  
186 subsection (5) is added to that section, to read:

187 316.646 Security required; proof of security and display  
188 thereof.-

189 (5) Upon implementation of the motor vehicle insurance  
190 online verification system established in s. 324.252, a law  
191 enforcement officer, during a traffic stop or crash  
192 investigation, shall access information from the online  
193 verification system to establish compliance with this chapter  
194 and chapter 324 and to verify the current validity of the policy  
195 described on any insurance identification card produced by the  
196 operator of a motor vehicle during the traffic stop or crash  
197 investigation.

198 Section 6. Paragraph (b) of subsection (3) of section  
199 319.30, Florida Statutes, is amended, and paragraph (d) is added  
200 to that subsection, to read:

201 319.30 Definitions; dismantling, destruction, change of  
202 identity of motor vehicle or mobile home; salvage.-

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204 (b) The owner, including persons who are self-insured, of a  
205 motor vehicle or mobile home that is considered to be salvage  
206 shall, within 72 hours after the motor vehicle or mobile home  
207 becomes salvage, forward the title to the motor vehicle or  
208 mobile home to the department for processing. However, an  
209 insurance company that pays money as compensation for the total  
210 loss of a motor vehicle or mobile home shall obtain the  
211 certificate of title for the motor vehicle or mobile home, make  
212 the required notification to the National Motor Vehicle Title  
213 Information System, and, within 72 hours after receiving such  
214 certificate of title, forward such title via electronic means or  
215 the United States Postal Service to the department for  
216 processing. The owner or insurance company, as applicable, may  
217 not dispose of a vehicle or mobile home that is a total loss  
218 before it obtains a salvage certificate of title or certificate  
219 of destruction from the department. Effective July 1, 2020 ~~2023~~:

220 1. Thirty days after payment of a claim for compensation  
221 pursuant to this paragraph, the insurance company may receive a  
222 salvage certificate of title or certificate of destruction from  
223 the department if the insurance company is unable to obtain a  
224 properly assigned certificate of title from the owner or  
225 lienholder of the motor vehicle or mobile home, if the motor  
226 vehicle or mobile home does not carry an electronic lien on the  
227 title and the insurance company:

228 a. Has obtained the release of all liens on the motor  
229 vehicle or mobile home;

230 b. Has provided proof of payment of the total loss claim;  
231 and

232 c. Has provided an affidavit on letterhead signed by the



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233 insurance company or its authorized agent stating the attempts  
234 that have been made to obtain the title from the owner or  
235 lienholder and further stating that all attempts are to no  
236 avail. The affidavit must include a request that the salvage  
237 certificate of title or certificate of destruction be issued in  
238 the insurance company's name due to payment of a total loss  
239 claim to the owner or lienholder. The attempts to contact the  
240 owner may be by written request delivered in person or by first-  
241 class mail with a certificate of mailing to the owner's or  
242 lienholder's last known address.

243 2. If the owner or lienholder is notified of the request  
244 for title in person, the insurance company must provide an  
245 affidavit attesting to the in-person request for a certificate  
246 of title.

247 3. The request to the owner or lienholder for the  
248 certificate of title must include a complete description of the  
249 motor vehicle or mobile home and the statement that a total loss  
250 claim has been paid on the motor vehicle or mobile home.

251 (d) An electronic signature that is consistent with chapter  
252 668 satisfies any signature required under this subsection.

253 Section 7. Paragraph (f) is added to subsection (5) of  
254 section 320.02, Florida Statutes, to read:

255 320.02 Registration required; application for registration;  
256 forms.—

257 (5)

258 (f) Upon implementation of the motor vehicle insurance  
259 online verification system established in s. 324.252, the online  
260 verification system may be used in lieu of the verification  
261 procedures in this subsection.

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262 Section 8. Paragraphs (c) and (d) are added to subsection  
263 (1) of section 324.0221, Florida Statutes, and subsection (4) is  
264 added to that section, to read:

265 324.0221 Reports by insurers to the department; suspension  
266 of driver license and vehicle registrations; reinstatement.—

267 (1)

268 (c) An insurer must transmit weekly, in a format prescribed  
269 by the department, the insurer's records of all active insurance  
270 policies, commonly known as the "book of business," to enable  
271 the department to identify uninsured vehicles.

272 (d) The department may verify information from an insurer  
273 as provided in s. 324.252. This paragraph does not relieve an  
274 insurer from the reporting requirements of this section.

275 (4) The department may implement by rule a method of  
276 insurance verification.

277 Section 9. Paragraph (a) of subsection (1) of section  
278 324.151, Florida Statutes, is amended to read:

279 324.151 Motor vehicle liability policies; required  
280 provisions.—

281 (1) A motor vehicle liability policy to be proof of  
282 financial responsibility under s. 324.031(1), shall be issued to  
283 owners or operators under the following provisions:

284 (a) An owner's liability insurance policy must ~~shall~~  
285 designate by explicit description or by appropriate reference  
286 all motor vehicles with respect to which coverage is thereby  
287 granted and must ~~shall~~ insure the owner named therein and,  
288 except for a named driver excluded under s. 627.747, any other  
289 person as operator using such motor vehicle or motor vehicles  
290 with the express or implied permission of such owner against

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291 loss from the liability imposed by law for damage arising out of  
292 the ownership, maintenance, or use of such motor vehicle or  
293 motor vehicles within the United States or the Dominion of  
294 Canada, subject to limits, exclusive of interest and costs with  
295 respect to each such motor vehicle as is provided for under s.  
296 324.021(7). Insurers may make available, with respect to  
297 property damage liability coverage, a deductible amount not to  
298 exceed \$500. In the event of a property damage loss covered by a  
299 policy containing a property damage deductible provision, the  
300 insurer shall pay to the third-party claimant the amount of any  
301 property damage liability settlement or judgment, subject to  
302 policy limits, as if no deductible existed.

303 Section 10. Section 324.252, Florida Statutes, is created  
304 to read:

305 324.252 Insurance online verification system.—The  
306 department shall establish an online verification system for  
307 motor vehicle insurance. The goal of the system is to identify  
308 uninsured motorists and to aid the department in the enforcement  
309 of financial responsibility law.

310 (1) The online verification system must meet all of the  
311 following requirements:

312 (a) Be accessible through the Internet by authorized  
313 personnel of the department, the courts, law enforcement  
314 personnel, any other entities authorized by the department, and  
315 insurers authorized by the Office of Insurance Regulation to  
316 offer motor vehicle insurance.

317 (b) Send requests to insurers for verification of evidence  
318 of insurance for motor vehicles registered in this state via  
319 online services established by the insurers in compliance with

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320 the specifications and standards of the Insurance Industry  
321 Committee on Motor Vehicle Administration (IICMVA), with  
322 enhancements, additions, and modifications as required by the  
323 department. However, the enhancements, additions, and  
324 modifications may not conflict with, nullify, or add  
325 requirements that are inconsistent with the specifications or  
326 standards of the IICMVA.

327 (c) Be operational by July 1, 2022. The Motor Vehicle  
328 Insurance Online Verification Task Force established in s.  
329 324.255 must conduct a pilot program for at least 9 months to  
330 test the system before statewide use. The system may not be used  
331 in any enforcement action until successful completion of the  
332 pilot program.

333 (d) Be available 24 hours per day, except for allowed  
334 downtime for system maintenance and other work, as needed, to  
335 verify the insurance status of any vehicle registered in this  
336 state through the insurer's National Association of Insurance  
337 Commissioners (NAIC) company code, in combination with other  
338 identifiers such as vehicle identification number, policy  
339 number, or other characteristics or markers as specified by the  
340 Motor Vehicle Insurance Online Verification Task Force.

341 (e) Include appropriate provisions, consistent with  
342 industry standards as specified by the Motor Vehicle Insurance  
343 Online Verification Task Force, to secure the system's data  
344 against unauthorized access.

345 (f) Include a disaster recovery plan to ensure service  
346 continuity in the event of a disaster.

347 (g) Include information that enables the department to make  
348 inquiries of evidence of insurance by using multiple data

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349 elements for greater matching accuracy, specifically the  
350 insurer's NAIC company code, in combination with other  
351 identifiers such as vehicle identification number, policy  
352 number, or other characteristics or markers as specified by the  
353 Motor Vehicle Insurance Online Verification Task Force.

354 (h) Include a self-reporting mechanism for insurers with  
355 fewer than 2,000 vehicles insured within this state or for  
356 individual entities that are self-insured.

357 (2) The department has the following powers and duties:

358 (a) Upon advance notice, the department shall allow online  
359 services established by an insurer to have reasonable downtime  
360 for system maintenance and other work, as needed. An insurer is  
361 not subject to administrative penalties or disciplinary actions  
362 when its online services are not available under such  
363 circumstances or when an outage is unplanned by the insurer and  
364 is reasonably outside its control.

365 (b) Upon recommendation of the Motor Vehicle Insurance  
366 Online Verification Task Force, the department may contract with  
367 a private vendor that has personnel with extensive operational  
368 and management experience in the development, deployment, and  
369 operation of insurance online verification systems.

370 (c) The department and its private vendor, if any, shall  
371 each maintain a contact person for the insurers during the  
372 establishment, implementation, and operation of the system.

373 (d) The department shall maintain a historical record of  
374 the system data for 6 months after the date of any verification  
375 request and response.

376 (3) An insurance company authorized to issue insurance  
377 policies for motor vehicles registered in this state:

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378 (a) Shall comply with the verification requirements of  
379 motor vehicle insurance for every motor vehicle insured by that  
380 company in this state as required by department rule;

381 (b) Shall maintain policyholder records in order to confirm  
382 insurance coverage for 6 months after the date of any  
383 verification request and response;

384 (c) Shall cooperate with the department in establishing,  
385 implementing, and maintaining the system; and

386 (d) Is immune from civil liability for good faith efforts  
387 to comply with this section. An online verification request or  
388 response may not be used as the basis of a civil action against  
389 an insurer.

390 (4) A law enforcement officer during a traffic stop or  
391 crash investigation shall query information from the online  
392 verification system to establish compliance with this chapter  
393 and to verify the current validity of the policy described on  
394 any insurance identification card produced by the operator of a  
395 motor vehicle during the traffic stop or crash investigation.

396 (5) This section does not apply to vehicles insured under  
397 commercial motor vehicle coverage. As used in this paragraph,  
398 the term "commercial motor vehicle coverage" means any coverage  
399 provided to an insured under a commercial coverage form and  
400 rated from a commercial manual approved by the Office of  
401 Insurance Regulation. However, insurers of such vehicles may  
402 participate in the online verification system on a voluntary  
403 basis.

404 (6) The department may adopt rules to administer this  
405 section.

406 Section 11. Section 324.255, Florida Statutes, is created

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407 to read:

408 324.255 Motor Vehicle Insurance Online Verification Task  
409 Force.—The Motor Vehicle Insurance Online Verification Task  
410 Force, a task forces as defined in s. 20.03, is established  
411 adjunct to the department.

412 (1) The task force shall do all of the following:

413 (a) Facilitate the implementation of the motor vehicle  
414 insurance online verification system established in s. 324.252,  
415 including recommending data and cybersecurity processes and  
416 protocols.

417 (b) Assist in the development of a detailed guide for  
418 insurers by providing data fields and other information  
419 necessary for compliance with the online verification system.

420 (c) Coordinate a pilot program and conduct the program for  
421 at least 9 months to test the online verification system and to  
422 identify necessary changes to be implemented before statewide  
423 use.

424 (d) Issue recommendations based on periodic reviews of the  
425 online verification system.

426 (2) The task force shall consist of nine voting members and  
427 one nonvoting member.

428 (a) The nine voting members must be appointed by July 31,  
429 2019, in the following manner:

430 1. Three representatives of the department, representing  
431 the Florida Highway Patrol, the Division of Motorist Services,  
432 and the Information Systems Administration, appointed by the  
433 executive director of the department.

434 2. One representative of the Office of Insurance  
435 Regulation, appointed by the Commissioner of Insurance.

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436 3. Three representatives of the motor vehicle insurance  
437 industry, appointed by the Chief Financial Officer as follows:

438 a. One member must represent the motor vehicle insurer with  
439 the largest national market share as of December 31, 2018.

440 b. One member must represent the motor vehicle insurer with  
441 the largest Florida market share as of December 31, 2018.

442 c. One member must be selected from a list of  
443 representatives recommended by the Insurance Industry Committee  
444 on Motor Vehicle Administration.

445 4. One representative of the Department of Financial  
446 Services, appointed by the Chief Financial Officer.

447 5. One representative of the Agency for State Technology,  
448 appointed by the executive director of the agency.

449 (b) The executive director of the department, who shall be  
450 a nonvoting member, shall serve as chair of the task force.

451 (3) By September 30, 2019, the task force shall meet to  
452 establish procedures for the conduct of its business, and the  
453 voting members shall elect a vice chair at that meeting. The  
454 task force shall meet at the call of the chair, who shall  
455 prepare the agenda for each meeting with the consent of the task  
456 force. A majority of the voting members of the task force  
457 constitutes a quorum, and a quorum is necessary for the purpose  
458 of voting on any action or recommendation of the task force. All  
459 meetings must be held in Tallahassee.

460 (4) The department shall provide the task force members  
461 with administrative and technical support. Task force members  
462 shall serve without compensation and are not entitled to  
463 reimbursement for per diem or travel expenses.

464 (5) The task force shall issue a report to the department,



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465 the President of the Senate, and the Speaker of the House of  
466 Representatives not later than 6 months after the pilot program  
467 concludes. The report must evaluate the online verification  
468 system's effectiveness in identifying uninsured motorists. The  
469 task force may also make recommendations for system enhancements  
470 in the report or at any time before the task force's completion  
471 of its work.

472 (6) By July 1, 2022, the task force shall complete its work  
473 and submit its final report evaluating the online verification  
474 system's effectiveness and making recommendations for system  
475 enhancements to the department, the President of the Senate, and  
476 the Speaker of the House of Representatives. Upon submission of  
477 the report, the task force expires.

478 Section 12. Subsection (7) of section 627.7295, Florida  
479 Statutes, is amended to read:

480 627.7295 Motor vehicle insurance contracts.—

481 (7) A policy of private passenger motor vehicle insurance  
482 or a binder for such a policy may be initially issued in this  
483 state only if, before the effective date of such binder or  
484 policy, the insurer or agent has collected from the insured an  
485 amount equal to at least 1 month's ~~2 months'~~ premium. An  
486 insurer, agent, or premium finance company may not, directly or  
487 indirectly, take any action resulting in the insured having paid  
488 from the insured's own funds an amount less than the 1 month's ~~2~~  
489 ~~months'~~ premium required by this subsection. This subsection  
490 applies without regard to whether the premium is financed by a  
491 premium finance company or is paid pursuant to a periodic  
492 payment plan of an insurer or an insurance agent. This  
493 subsection does not apply if an insured or member of the

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494 insured's family is renewing or replacing a policy or a binder  
495 for such policy written by the same insurer or a member of the  
496 same insurer group. This subsection does not apply to an insurer  
497 that issues private passenger motor vehicle coverage primarily  
498 to active duty or former military personnel or their dependents.  
499 This subsection does not apply if all policy payments are paid  
500 pursuant to a payroll deduction plan, an automatic electronic  
501 funds transfer payment plan from the policyholder, or a  
502 recurring credit card or debit card agreement with the insurer.  
503 This subsection and subsection (4) do not apply if all policy  
504 payments to an insurer are paid pursuant to an automatic  
505 electronic funds transfer payment plan from an agent, a managing  
506 general agent, or a premium finance company and if the policy  
507 includes, at a minimum, personal injury protection pursuant to  
508 ss. 627.730-627.7405; motor vehicle property damage liability  
509 pursuant to s. 627.7275; and bodily injury liability in at least  
510 the amount of \$10,000 because of bodily injury to, or death of,  
511 one person in any one accident and in the amount of \$20,000  
512 because of bodily injury to, or death of, two or more persons in  
513 any one accident. This subsection and subsection (4) do not  
514 apply if an insured has had a policy in effect for at least 6  
515 months, the insured's agent is terminated by the insurer that  
516 issued the policy, and the insured obtains coverage on the  
517 policy's renewal date with a new company through the terminated  
518 agent.

519 Section 13. Subsection (1) of section 627.736, Florida  
520 Statutes, is amended to read:

521 627.736 Required personal injury protection benefits;  
522 exclusions; priority; claims.-

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523 (1) REQUIRED BENEFITS.—Except for a named driver who is  
524 excluded from insurance policy coverage under s. 627.747, an  
525 insurance policy complying with the security requirements of s.  
526 627.733 must provide personal injury protection to the named  
527 insured, relatives residing in the same household, persons  
528 operating the insured motor vehicle, passengers in the motor  
529 vehicle, and other persons struck by the motor vehicle and  
530 suffering bodily injury while not an occupant of a self-  
531 propelled vehicle, subject to subsection (2) and paragraph  
532 (4) (e), to a limit of \$10,000 in medical and disability benefits  
533 and \$5,000 in death benefits resulting from bodily injury,  
534 sickness, disease, or death arising out of the ownership,  
535 maintenance, or use of a motor vehicle as follows:

536 (a) *Medical benefits.*—Eighty percent of all reasonable  
537 expenses for medically necessary medical, surgical, X-ray,  
538 dental, and rehabilitative services, including prosthetic  
539 devices and medically necessary ambulance, hospital, and nursing  
540 services if the individual receives initial services and care  
541 pursuant to subparagraph 1. within 14 days after the motor  
542 vehicle accident. The medical benefits provide reimbursement  
543 only for:

544 1. Initial services and care that are lawfully provided,  
545 supervised, ordered, or prescribed by a physician licensed under  
546 chapter 458 or chapter 459, a dentist licensed under chapter  
547 466, or a chiropractic physician licensed under chapter 460 or  
548 that are provided in a hospital or in a facility that owns, or  
549 is wholly owned by, a hospital. Initial services and care may  
550 also be provided by a person or entity licensed under part III  
551 of chapter 401 which provides emergency transportation and

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552 treatment.

553       2. Upon referral by a provider described in subparagraph  
554 1., followup services and care consistent with the underlying  
555 medical diagnosis rendered pursuant to subparagraph 1. which may  
556 be provided, supervised, ordered, or prescribed only by a  
557 physician licensed under chapter 458 or chapter 459, a  
558 chiropractic physician licensed under chapter 460, a dentist  
559 licensed under chapter 466, or, to the extent permitted by  
560 applicable law and under the supervision of such physician,  
561 osteopathic physician, chiropractic physician, or dentist, by a  
562 physician assistant licensed under chapter 458 or chapter 459 or  
563 an advanced practice registered nurse licensed under chapter  
564 464. Followup services and care may also be provided by the  
565 following persons or entities:

566       a. A hospital or ambulatory surgical center licensed under  
567 chapter 395.

568       b. An entity wholly owned by one or more physicians  
569 licensed under chapter 458 or chapter 459, chiropractic  
570 physicians licensed under chapter 460, or dentists licensed  
571 under chapter 466 or by such practitioners and the spouse,  
572 parent, child, or sibling of such practitioners.

573       c. An entity that owns or is wholly owned, directly or  
574 indirectly, by a hospital or hospitals.

575       d. A physical therapist licensed under chapter 486, based  
576 upon a referral by a provider described in this subparagraph.

577       e. A health care clinic licensed under part X of chapter  
578 400 which is accredited by an accrediting organization whose  
579 standards incorporate comparable regulations required by this  
580 state, or:

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581 (I) Has a medical director licensed under chapter 458,  
582 chapter 459, or chapter 460;

583 (II) Has been continuously licensed for more than 3 years  
584 or is a publicly traded corporation that issues securities  
585 traded on an exchange registered with the United States  
586 Securities and Exchange Commission as a national securities  
587 exchange; and

588 (III) Provides at least four of the following medical  
589 specialties:

590 (A) General medicine.

591 (B) Radiography.

592 (C) Orthopedic medicine.

593 (D) Physical medicine.

594 (E) Physical therapy.

595 (F) Physical rehabilitation.

596 (G) Prescribing or dispensing outpatient prescription  
597 medication.

598 (H) Laboratory services.

599 3. ~~Reimbursement for~~ Services and care provided in  
600 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician  
601 licensed under chapter 458 or chapter 459, a dentist licensed  
602 under chapter 466, a physician assistant licensed under chapter  
603 458 or chapter 459, or an advanced practice registered nurse  
604 licensed under chapter 464 has determined that the injured  
605 person had an emergency medical condition.

606 4. ~~Reimbursement for~~ Services and care provided in  
607 subparagraph 1. or subparagraph 2. up is limited to \$2,500 if a  
608 provider listed in subparagraph 1. or subparagraph 2. determines  
609 that the injured person did not have an emergency medical

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610 condition.

611 ~~5.~~ Medical benefits do not include massage as defined in s.  
612 480.033 or acupuncture as defined in s. 457.102, regardless of  
613 the person, entity, or licensee providing massage or  
614 acupuncture, and a licensed massage therapist or licensed  
615 acupuncturist may not be reimbursed for medical benefits under  
616 this section.

617 ~~6.~~ The Financial Services Commission shall adopt by rule  
618 the form that must be used by an insurer and a health care  
619 provider specified in sub-subparagraph 2.b., sub-subparagraph  
620 2.c., or sub-subparagraph 2.e. to document that the health care  
621 provider meets the criteria of this paragraph. Such rule must  
622 include a requirement for a sworn statement or affidavit.

623 (b) *Disability benefits.*—Sixty percent of any loss of gross  
624 income and loss of earning capacity per individual from  
625 inability to work proximately caused by the injury sustained by  
626 the injured person, plus all expenses reasonably incurred in  
627 obtaining from others ordinary and necessary services in lieu of  
628 those that, but for the injury, the injured person would have  
629 performed without income for the benefit of his or her  
630 household. All disability benefits payable under this paragraph  
631 ~~provision~~ must be paid at least every 2 weeks.

632 (c) *Death benefits.*—Death benefits of \$5,000 per  
633 individual. Death benefits are in addition to the medical and  
634 disability benefits provided under the insurance policy. The  
635 insurer may pay death benefits to the executor or administrator  
636 of the deceased, to any of the deceased's relatives by blood,  
637 legal adoption, or marriage, or to any person appearing to the  
638 insurer to be equitably entitled to such benefits.

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639  
640 Only insurers writing motor vehicle liability insurance in this  
641 state may provide the required benefits of this section, and  
642 such insurer may not require the purchase of any other motor  
643 vehicle coverage other than the purchase of property damage  
644 liability coverage as required by s. 627.7275 as a condition for  
645 providing such benefits. Insurers may not require that property  
646 damage liability insurance in an amount greater than \$10,000 be  
647 purchased in conjunction with personal injury protection. Such  
648 insurers shall make benefits and required property damage  
649 liability insurance coverage available through normal marketing  
650 channels. An insurer writing motor vehicle liability insurance  
651 in this state who fails to comply with such availability  
652 requirement as a general business practice violates part IX of  
653 chapter 626, and such violation constitutes an unfair method of  
654 competition or an unfair or deceptive act or practice involving  
655 the business of insurance. An insurer committing such violation  
656 is subject to the penalties provided under that part, as well as  
657 those provided elsewhere in the insurance code.

658 Section 14. Subsection (5) of section 627.7407, Florida  
659 Statutes, is amended, and subsection (1) of that section is  
660 republished, to read:

661 627.7407 Application of the Florida Motor Vehicle No-Fault  
662 Law.—

663 (1) Any person subject to the requirements of ss. 627.730-  
664 627.7405, the Florida Motor Vehicle No-Fault Law, as revived and  
665 amended by this act, must maintain security for personal injury  
666 protection as required by the Florida Motor Vehicle No-Fault  
667 Law, as revived and amended by this act, beginning on January 1,

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668 2008.

669 (5) ~~No later than November 15, 2007,~~ Each motor vehicle  
670 insurer shall provide notice of the provisions of this section  
671 to each motor vehicle insured who is subject to subsection (1).  
672 The notice is not subject to approval by the Office of Insurance  
673 Regulation. The notice must clearly inform the policyholder:

674 (a) That ~~beginning on January 1, 2008,~~ Florida law requires  
675 the policyholder to maintain personal injury protection ("PIP")  
676 insurance coverage and that this insurance pays covered medical  
677 expenses for injuries sustained in a motor vehicle crash by the  
678 policyholder, passengers, and relatives residing in the  
679 policyholder's household unless excluded under s. 627.747.

680 (b) That if the policyholder does not maintain personal  
681 injury protection coverage, the State of Florida may suspend the  
682 policyholder's driver license and vehicle registration.

683 (c) That if the policyholder already has personal injury  
684 protection coverage, ~~that~~ coverage will be amended ~~effective~~  
685 ~~January 1, 2008,~~ to incorporate legally required changes without  
686 any additional premium and ~~that~~ the policyholder is not required  
687 to take any further action.

688 (d) That~~,~~ if the policyholder does not currently have  
689 personal injury protection coverage, the current motor vehicle  
690 policy will be amended to incorporate the required personal  
691 injury protection coverage ~~effective January 1, 2008.~~

692 (e) The additional premium that is due, if any, and the  
693 date that it is due, ~~which may be no earlier than January 1,~~  
694 ~~2008.~~

695 (f) That if the policyholder has any questions, the name  
696 and phone number of whom they should contact.



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697 Section 15. Section 627.747, Florida Statutes, is created  
698 to read:

699 627.747 Named driver exclusion.—

700 (1) A private passenger motor vehicle policy may exclude an  
701 identified individual from any of the following coverages while  
702 the identified individual is operating a motor vehicle if the  
703 identified individual is specifically excluded by name on the  
704 declarations page or by endorsement and if a policyholder  
705 consents in writing to such exclusion:

706 (a) Notwithstanding the Florida Motor Vehicle No-Fault Law,  
707 the personal injury protection coverage specifically applicable  
708 to the identified excluded individual's injuries, lost wages,  
709 and death benefits.

710 (b) Property damage liability coverage.

711 (c) Bodily injury liability coverage.

712 (d) Uninsured motorist coverage for any damages sustained  
713 by the identified excluded individual, if the policyholder has  
714 purchased such coverage.

715 (e) Any coverage the policyholder is not required by law to  
716 purchase.

717 (2) A private passenger motor vehicle policy may not  
718 exclude coverage when:

719 (a) The identified excluded individual is injured while not  
720 operating a motor vehicle;

721 (b) The exclusion is unfairly discriminatory under the  
722 Florida Insurance Code, as determined by the office; or

723 (c) The exclusion is inconsistent with the underwriting  
724 rules filed by the insurer pursuant to s. 627.0651(13)(a).

725 Section 16. Except as otherwise expressly provided in this

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726 act, this act shall take effect July 1, 2019.