

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

26 cross-references; providing certain conditions for the
27 suspension of a motor vehicle license or registration;
28 amending s. 324.151, F.S.; providing definitions;
29 revising provisions relating to certain motor vehicle
30 liability policies; amending s. 324.161, F.S.;
31 revising deposit requirements for self-insurers;
32 amending s. 324.171, F.S.; revising conditions under
33 which a person is able to obtain a certificate of
34 self-insurance; conforming provisions to changes made
35 by the act; amending s. 324.251, F.S.; revising a
36 short title; amending 456.44, F.S.; conforming a
37 cross-reference; amending ss. 626.9541 and 627.06501,
38 F.S.; conforming provisions to changes made by the
39 act; conforming cross-references; amending s. 627.727,
40 F.S.; conforming provisions to changes made by the
41 act; revising legal liability of an uninsured motorist
42 coverage insurer; repealing ss. 627.730, 627.731,
43 627.7311, 627.732, 627.733, 627.734, 627.736, 627.737,
44 627.739, 627.7401, 627.7403, and 627.7405, F.S.,
45 relating to Florida Motor Vehicle No-Fault Law;
46 repealing s. 627.7407, F.S., relating to the
47 application of the Florida Motor Vehicle No-Fault Law;
48 amending ss. 318.18, 320.02, 320.0609, 320.27,
49 320.771, 322.251, 322.34, 324.032, 324.051, 324.091,
50 400.9905, 400.991, 400.9935, 409.901, 409.910,

51 456.057, 456.072, 626.989, 627.0652, 627.0653,
 52 627.4132, 627.7263, 627.7275, 627.728, 627.7295,
 53 627.748, 627.8405, 628.909, 705.184, 713.78, and
 54 817.234, F.S.; conforming provisions to changes made
 55 by the act; providing effective dates.

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

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

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

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

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

74 (a) Such proof shall be in a uniform paper or electronic
 75 format, as prescribed by the department, a valid insurance

76 | policy, an insurance policy binder, a certificate of insurance,
77 | or such other proof as may be prescribed by the department.

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

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

85 | Section 3. Paragraph (b) of subsection (2) of section
86 | 318.18, Florida Statutes, is amended to read:

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

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

92 | (b) For all violations of ss. 320.0605, 320.07(1),
93 | 322.065, and 322.15(1). Any person who is cited for a violation
94 | of s. 320.07(1) shall be charged a delinquent fee pursuant to s.
95 | 320.07(4).

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

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

107 2. If a person who is cited for a violation of s. 322.03,
108 s. 322.065, or s. 322.15 can show a driver license issued to him
109 or her and valid at the time of arrest, the clerk of the court
110 may dismiss the case and may assess a dismissal fee of up to
111 \$10.

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

125 Section 4. Paragraphs (a) and (d) of subsection (5) of

126 section 320.02, Florida Statutes, are amended to read:

127 320.02 Registration required; application for
128 registration; forms.—

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

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

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

164
 165 Such affidavit must include the following warning:

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

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

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

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

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

207 Section 5. Paragraph (b) of subsection (1) of section
208 320.0609, Florida Statutes, is amended to read:

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

211 (1)

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

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

219 320.27 Motor vehicle dealers.—

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

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

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

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

301 the department subsequently determines that any facts set forth
302 in the application are not true or correctly represented.

303 Section 7. Paragraph (j) of subsection (3) of section
304 320.771, Florida Statutes, is amended to read:

305 320.771 License required of recreational vehicle dealers.—

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

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

317

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

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

325 322.251 Notice of cancellation, suspension, revocation, or

326 disqualification of license.—

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

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

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351 Section 9. Paragraph (a) of subsection (8) of section
352 322.34, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

371 324.011 Legislative intent and purpose of chapter.—It is
372 the intent of the Legislature ~~this chapter~~ to ensure that the
373 privilege of owning or operating a motor vehicle in this state
374 be exercised ~~recognize the existing privilege to own or operate~~
375 ~~a motor vehicle on the public streets and highways of this state~~

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

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

389 324.015 Applicability; notice to insured.-

390 (1) Effective January 1, 2020:

391 (a) Notwithstanding any other provision of law, motor
392 vehicle liability policies issued or renewed on or after January
393 1, 2020, may not include personal injury protection.

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

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

399 (d) An existing motor vehicle liability policy issued
400 before January 1, 2020, that provides personal injury protection

401 and property damage liability coverage and meets the financial
402 responsibility requirements on December 31, 2019, but does not
403 meet the financial responsibility requirements on or after
404 January 1, 2020, is deemed to meet the financial responsibility
405 requirements under this chapter until such policy is renewed,
406 nonrenewed, or canceled.

407 (2) An insurer must allow an insured who has a new or
408 renewal policy providing personal injury protection, which
409 becomes effective before January 1, 2020, and whose policy does
410 not meet the financial responsibility requirements on or after
411 January 1, 2020, to change coverages to meet the financial
412 responsibility requirements that becomes effective on or after
413 January 1, 2020. The insurer is not required to provide coverage
414 complying with financial responsibility requirements in such
415 policies if the insured does not pay the required premium by
416 January 1, 2020, or such later date as the insurer may allow.
417 The insurer must refund any reduction in the premium. The
418 insurer may not impose an additional fee or charge on the
419 insured for such changes in coverage; however, the insurer may
420 charge an additional premium that is actuarially indicated.

421 (3) By September 1, 2019, a motor vehicle insurer must
422 provide each insured a notice of the provisions of this section.
423 The notice is subject to approval by the Office of Insurance
424 Regulation and must clearly inform the insured that:

425 (a) The Florida Motor Vehicle No-Fault Law is repealed,

426 effective January 1, 2020, and that on or after that date, the
427 insured is no longer required to maintain personal injury
428 protection coverage, that personal injury protection coverage is
429 no longer available for purchase in this state, and that all new
430 or renewal policies issued on or after that date may not contain
431 such coverage.

432 (b) Effective January 1, 2020, a person subject to s.
433 324.022 must maintain financial responsibility requirements that
434 enable the person to respond in damages for liability on account
435 of accidents arising out of the ownership, maintenance, or use
436 of a motor vehicle in the following amounts:

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

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

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

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

451 in a motor vehicle accident.

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

458 (f) If the insured's new or renewal motor vehicle
459 liability policy is effective before January 1, 2020, and
460 contains personal injury protection and property damage
461 liability coverage as required by state law before January 1,
462 2020, but does not meet the financial responsibility
463 requirements on or after January 1, 2020, the policy is deemed
464 to meet the financial responsibility requirements until it is
465 renewed, nonrenewed, or canceled.

466 (g) An insured whose new or renewal policy becomes
467 effective before January 1, 2020, but does not meet the
468 financial responsibility requirements on or after January 1,
469 2020, may change coverages under the policy so as to eliminate
470 personal injury protection and to obtain coverage meeting the
471 financial responsibility requirements, including bodily injury
472 liability coverage, which are effective on or after January 1,
473 2020.

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

476 (4) The Florida Motor Vehicle No-Fault Law, ss. 627.730-
 477 627.7405, and ss. 400.9905, 400.991, 456.057, 456.072, 627.7263,
 478 817.234(7)(c), and 817.234(8) remain in full force and effect
 479 for motor vehicle accidents covered under a policy issued under
 480 the Florida Motor Vehicle No-Fault Law prior to January 1, 2020,
 481 until that policy is renewed, nonrenewed, or canceled.

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

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

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

501 ~~627.7405, inclusive, unless the provisions of s. 324.051 apply;~~
502 ~~and, in such case, the applicable proof of insurance provisions~~
503 ~~of s. 320.02 apply.~~

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

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

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

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

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

519 (9) OWNER; OWNER/LESSOR.—

520 (c) Application.—

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

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

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

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

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

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551 required pursuant to such act to carry placards warning others
552 of the hazardous cargo, unless at the time of lease or rental
553 either:

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

558 b. The lessee or other operator of the commercial motor
559 vehicle has in effect insurance with limits of at least
560 \$5,000,000 combined property damage and bodily injury liability.

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

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

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

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

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

575 3. Ten thousand dollars for damage to, or destruction of,

576 | property of others in any one accident ~~crash~~.

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

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

597 | (a) "Motor vehicle" means any self-propelled vehicle that
598 | has four or more wheels and that is of a type designed and
599 | required to be licensed for use on the highways of this state,
600 | and any trailer or semitrailer designed for use with such

601 vehicle. The term does not include:

602 1. A mobile home.

603 2. A motor vehicle that is used in mass transit and
 604 designed to transport more than five passengers, exclusive of
 605 the operator of the motor vehicle, and that is owned by a
 606 municipality, transit authority, or political subdivision of the
 607 state.

608 3. A school bus as defined in s. 1006.25.

609 4. A vehicle providing for-hire transportation that is
 610 subject to the provisions of s. 324.031. A taxicab shall
 611 maintain security as required under s. 324.032(1).

612 5. A personal delivery device as defined in s. 316.003.

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

617 (3) Each nonresident owner or registrant of a motor
 618 vehicle that, whether operated or not, has been physically
 619 present within this state for more than 90 days during the
 620 preceding 365 days shall maintain security as required by
 621 subsection (1) that is in effect continuously throughout the
 622 period the motor vehicle remains within this state.

623 (4) An ~~The~~ owner or registrant of a motor vehicle who is
 624 ~~exempt from the requirements of this section if she or he is a~~
 625 member of the United States Armed Forces and is called to or on

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

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

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

648 (1) (a) Each insurer that has issued a policy providing
649 ~~personal injury protection coverage or property damage~~ liability
650 coverage shall report the cancellation or nonrenewal thereof to

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

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

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

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

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

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

695 (4) All suspensions of license or registration under this
696 section for failure to maintain required security that occurred
697 before January 1, 2020, remain in full force and effect on the
698 effective date of this act.

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

701 324.032 Manner of proving financial responsibility; for-
702 hire passenger transportation vehicles.—Notwithstanding the
703 provisions of s. 324.031:

704 (1) (a) A person who is either the owner or a lessee of a
705 motor vehicle used as a taxicab ~~required to maintain insurance~~
706 ~~under s. 627.733(1)(b)~~ and who operates one or more taxicabs,
707 limousines, jitneys, or any other for-hire passenger
708 transportation vehicles may prove financial responsibility by
709 furnishing satisfactory evidence of holding a motor vehicle
710 liability policy, but with minimum limits of
711 \$125,000/250,000/50,000.

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

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

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

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

736 324.051 Reports of accidents ~~crashes~~; suspensions of
 737 licenses and registrations.—

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

750 1. The motor vehicle was legally parked at the time of

751 such accident ~~crash~~.

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

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

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

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

767 (b) This subsection shall not apply:

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

773 2. To such operator, if not the owner of such motor
774 vehicle, if there was in effect at the time of such accident
775 ~~crash~~ or traffic conviction a motor vehicle ~~an automobile~~

776 liability policy or bond with respect to his or her operation of
 777 motor vehicles not owned by him or her.

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

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

785
 786 No such policy or bond shall be effective under this subsection
 787 unless it contains limits of not less than those specified in s.
 788 324.021(7).

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

791 324.091 Notice to department; notice to insurer.—

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

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

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

811 324.151 Motor vehicle liability policies; required
812 provisions.—

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

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

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

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

826 policy when the vehicle designated on the policy is withdrawn
827 from normal use because of breakdown, repair, servicing, loss,
828 or destruction.

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

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

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

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

876 ~~owner's policy of liability insurance.~~

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

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

900 Section 19. Section 324.161, Florida Statutes, is amended

901 to read:

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

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

919 324.171 Self-insurer.—

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

926 ~~this section:~~

927 (a) A private individual with private passenger vehicles
 928 must ~~shall~~ possess a net unencumbered worth of at least \$60,000
 929 ~~\$40,000~~.

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

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

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

950 (c) The owner of a commercial motor vehicle, as defined in

951 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
952 to the standards provided ~~for~~ in subparagraph (b)2.

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

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

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

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

964 400.9905 Definitions.—

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

971 (a) Entities licensed or registered by the state under
972 chapter 395; entities licensed or registered by the state and
973 providing only health care services within the scope of services
974 authorized under their respective licenses under ss. 383.30-
975 383.332, chapter 390, chapter 394, chapter 397, this chapter

976 except part X, chapter 429, chapter 463, chapter 465, chapter
977 466, chapter 478, chapter 484, or chapter 651; end-stage renal
978 disease providers authorized under 42 C.F.R. part 405, subpart
979 U; providers certified under 42 C.F.R. part 485, subpart B or
980 subpart H; or any entity that provides neonatal or pediatric
981 hospital-based health care services or other health care
982 services by licensed practitioners solely within a hospital
983 licensed under chapter 395.

984 (b) Entities that own, directly or indirectly, entities
985 licensed or registered by the state pursuant to chapter 395;
986 entities that own, directly or indirectly, entities licensed or
987 registered by the state and providing only health care services
988 within the scope of services authorized pursuant to their
989 respective licenses under ss. 383.30-383.332, chapter 390,
990 chapter 394, chapter 397, this chapter except part X, chapter
991 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
992 484, or chapter 651; end-stage renal disease providers
993 authorized under 42 C.F.R. part 405, subpart U; providers
994 certified under 42 C.F.R. part 485, subpart B or subpart H; or
995 any entity that provides neonatal or pediatric hospital-based
996 health care services by licensed practitioners solely within a
997 hospital licensed under chapter 395.

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

1001 entity licensed or registered by the state and providing only
1002 health care services within the scope of services authorized
1003 pursuant to their respective licenses under ss. 383.30-383.332,
1004 chapter 390, chapter 394, chapter 397, this chapter except part
1005 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1006 478, chapter 484, or chapter 651; end-stage renal disease
1007 providers authorized under 42 C.F.R. part 405, subpart U;
1008 providers certified under 42 C.F.R. part 485, subpart B or
1009 subpart H; or any entity that provides neonatal or pediatric
1010 hospital-based health care services by licensed practitioners
1011 solely within a hospital under chapter 395.

1012 (d) Entities that are under common ownership, directly or
1013 indirectly, with an entity licensed or registered by the state
1014 pursuant to chapter 395; entities that are under common
1015 ownership, directly or indirectly, with an entity licensed or
1016 registered by the state and providing only health care services
1017 within the scope of services authorized pursuant to their
1018 respective licenses under ss. 383.30-383.332, chapter 390,
1019 chapter 394, chapter 397, this chapter except part X, chapter
1020 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1021 484, or chapter 651; end-stage renal disease providers
1022 authorized under 42 C.F.R. part 405, subpart U; providers
1023 certified under 42 C.F.R. part 485, subpart B or subpart H; or
1024 any entity that provides neonatal or pediatric hospital-based
1025 health care services by licensed practitioners solely within a

1026 hospital licensed under chapter 395.

1027 (e) An entity that is exempt from federal taxation under
1028 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1029 under 26 U.S.C. s. 409 that has a board of trustees at least
1030 two-thirds of which are Florida-licensed health care
1031 practitioners and provides only physical therapy services under
1032 physician orders, any community college or university clinic,
1033 and any entity owned or operated by the federal or state
1034 government, including agencies, subdivisions, or municipalities
1035 thereof.

1036 (f) A sole proprietorship, group practice, partnership, or
1037 corporation that provides health care services by physicians
1038 covered by s. 627.419, that is directly supervised by one or
1039 more of such physicians, and that is wholly owned by one or more
1040 of those physicians or by a physician and the spouse, parent,
1041 child, or sibling of that physician.

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

1051 paragraph and the spouse, parent, child, or sibling of a
1052 licensed health care practitioner if one of the owners who is a
1053 licensed health care practitioner is supervising the business
1054 activities and is legally responsible for the entity's
1055 compliance with all federal and state laws. However, a health
1056 care practitioner may not supervise services beyond the scope of
1057 the practitioner's license, except that, for the purposes of
1058 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1059 which provides only services authorized pursuant to s.
1060 456.053(3)(b) may be supervised by a licensee specified in s.
1061 456.053(3)(b).

1062 (h) Clinical facilities affiliated with an accredited
1063 medical school at which training is provided for medical
1064 students, residents, or fellows.

1065 (i) Entities that provide only oncology or radiation
1066 therapy services by physicians licensed under chapter 458 or
1067 chapter 459 or entities that provide oncology or radiation
1068 therapy services by physicians licensed under chapter 458 or
1069 chapter 459 which are owned by a corporation whose shares are
1070 publicly traded on a recognized stock exchange.

1071 (j) Clinical facilities affiliated with a college of
1072 chiropractic accredited by the Council on Chiropractic Education
1073 at which training is provided for chiropractic students.

1074 (k) Entities that provide licensed practitioners to staff
1075 emergency departments or to deliver anesthesia services in

1076 facilities licensed under chapter 395 and that derive at least
1077 90 percent of their gross annual revenues from the provision of
1078 such services. Entities claiming an exemption from licensure
1079 under this paragraph must provide documentation demonstrating
1080 compliance.

1081 (l) Orthotic, prosthetic, pediatric cardiology, or
1082 perinatology clinical facilities or anesthesia clinical
1083 facilities that are not otherwise exempt under paragraph (a) or
1084 paragraph (k) and that are a publicly traded corporation or are
1085 wholly owned, directly or indirectly, by a publicly traded
1086 corporation. As used in this paragraph, a publicly traded
1087 corporation is a corporation that issues securities traded on an
1088 exchange registered with the United States Securities and
1089 Exchange Commission as a national securities exchange.

1090 (m) Entities that are owned by a corporation that has \$250
1091 million or more in total annual sales of health care services
1092 provided by licensed health care practitioners where one or more
1093 of the persons responsible for the operations of the entity is a
1094 health care practitioner who is licensed in this state and who
1095 is responsible for supervising the business activities of the
1096 entity and is responsible for the entity's compliance with state
1097 law for purposes of this part.

1098 (n) Entities that employ 50 or more licensed health care
1099 practitioners licensed under chapter 458 or chapter 459 where
1100 the billing for medical services is under a single tax

1101 identification number. The application for exemption under this
 1102 subsection must include ~~shall contain information that includes:~~
 1103 the name, residence, and business address and telephone ~~phone~~
 1104 number of the entity that owns the practice; a complete list of
 1105 the names and contact information of all the officers and
 1106 directors of the corporation; the name, residence address,
 1107 business address, and medical license number of each licensed
 1108 Florida health care practitioner employed by the entity; the
 1109 corporate tax identification number of the entity seeking an
 1110 exemption; a listing of health care services to be provided by
 1111 the entity at the health care clinics owned or operated by the
 1112 entity and a certified statement prepared by an independent
 1113 certified public accountant which states that the entity and the
 1114 health care clinics owned or operated by the entity have not
 1115 received payment for health care services under motor vehicle
 1116 ~~personal injury protection~~ insurance coverage for the preceding
 1117 year. If the agency determines that an entity which is exempt
 1118 under this subsection has received payments for medical services
 1119 under motor vehicle ~~personal injury protection~~ insurance
 1120 coverage, the agency may deny or revoke the exemption from
 1121 licensure under this subsection.

1122
 1123 ~~Notwithstanding this subsection, an entity shall be deemed a~~
 1124 ~~clinic and must be licensed under this part in order to receive~~
 1125 ~~reimbursement under the Florida Motor Vehicle No-Fault Law, ss.~~

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1126 | ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1127 | Section 23. Subsection (6) of section 400.991, Florida
 1128 | Statutes, is amended to read:

1129 | 400.991 License requirements; background screenings;
 1130 | prohibitions.-

1131 | (6) All agency forms for licensure application or
 1132 | exemption from licensure under this part must contain the
 1133 | following statement:

1134 |
 1135 | INSURANCE FRAUD NOTICE.-A person commits a fraudulent insurance
 1136 | act under s. 626.989 or s. 817.234, Florida Statutes, if such
 1137 | person ~~who~~ knowingly submits a false, misleading, or fraudulent
 1138 | application or other document when applying for licensure as a
 1139 | health care clinic, seeking an exemption from licensure as a
 1140 | health care clinic, or demonstrating compliance with part X of
 1141 | chapter 400, Florida Statutes, with the intent to use the
 1142 | license, exemption from licensure, or demonstration of
 1143 | compliance to provide services or seek reimbursement under a
 1144 | motor vehicle insurance ~~the Florida Motor Vehicle No-Fault Law,~~
 1145 | ~~commits a fraudulent insurance act, as defined in s. 626.989,~~
 1146 | ~~Florida Statutes.~~ A person who presents a claim under a motor
 1147 | vehicle insurance ~~for personal injury protection benefits~~
 1148 | knowing that the payee knowingly submitted such health care
 1149 | clinic application or document, commits insurance fraud, as
 1150 | defined in s. 817.234, Florida Statutes.

1151 Section 24. Paragraph (g) of subsection (1) of section
1152 400.9935, Florida Statutes, is amended to read:

1153 400.9935 Clinic responsibilities.—

1154 (1) Each clinic shall appoint a medical director or clinic
1155 director who shall agree in writing to accept legal
1156 responsibility for the following activities on behalf of the
1157 clinic. The medical director or the clinic director shall:

1158 (g) Conduct systematic reviews of clinic billings to
1159 ensure that the billings are not fraudulent or unlawful. Upon
1160 discovery of an unlawful charge, the medical director or clinic
1161 director shall take immediate corrective action. If the clinic
1162 performs only the technical component of magnetic resonance
1163 imaging, static radiographs, computed tomography, or positron
1164 emission tomography, and provides the professional
1165 interpretation of such services, in a fixed facility that is
1166 accredited by a national accrediting organization that is
1167 approved by the Centers for Medicare and Medicaid Services for
1168 magnetic resonance imaging and advanced diagnostic imaging
1169 services and if, in the preceding quarter, the percentage of
1170 scans performed by that clinic which was billed to motor vehicle
1171 ~~all personal injury protection~~ insurance carriers was less than
1172 15 percent, the chief financial officer of the clinic may, in a
1173 written acknowledgment provided to the agency, assume the
1174 responsibility for the conduct of the systematic reviews of
1175 clinic billings to ensure that the billings are not fraudulent

1176 | or unlawful.

1177 | Section 25. Subsections (27) and (28) of section 409.901,
1178 | Florida Statutes, are amended to read:

1179 | 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1180 | 409.901-409.920, except as otherwise specifically provided, the
1181 | term:

1182 | (27) "Third party" means an individual, entity, or
1183 | program, excluding Medicaid, that is, may be, could be, should
1184 | be, or has been liable for all or part of the cost of medical
1185 | services related to any medical assistance covered by Medicaid.
1186 | A third party includes a third-party administrator; a pharmacy
1187 | benefits manager; a health insurer; a self-insured plan; a group
1188 | health plan, as defined in s. 607(1) of the Employee Retirement
1189 | Income Security Act of 1974; a service benefit plan; a managed
1190 | care organization; liability insurance, including self-
1191 | insurance; ~~no-fault insurance~~; workers' compensation laws or
1192 | plans; or other parties that are, by statute, contract, or
1193 | agreement, legally responsible for payment of a claim for a
1194 | health care item or service.

1195 | (28) "Third-party benefit" means any benefit that is or
1196 | may be available at any time through contract, court award,
1197 | judgment, settlement, agreement, or any arrangement between a
1198 | third party and any person or entity, including, without
1199 | limitation, a Medicaid recipient, a provider, another third
1200 | party, an insurer, or the agency, for any Medicaid-covered

1201 injury, illness, goods, or services, including costs of medical
 1202 services related thereto, for bodily ~~personal~~ injury or for
 1203 death of the recipient, but specifically excluding ~~policies of~~
 1204 life insurance on the recipient, unless available under terms of
 1205 the policy to pay medical expenses prior to death. The term
 1206 includes, without limitation, collateral, as defined in this
 1207 section, health insurance, any benefit under a health
 1208 maintenance organization, a preferred provider arrangement, a
 1209 prepaid health clinic, liability insurance, uninsured motorist
 1210 insurance or motor vehicle insurance ~~personal injury protection~~
 1211 ~~coverage~~, medical benefits under workers' compensation, and any
 1212 obligation under law or equity to provide medical support.

1213 Section 26. Paragraph (f) of subsection (11) of section
 1214 409.910, Florida Statutes, is amended to read:

1215 409.910 Responsibility for payments on behalf of Medicaid-
 1216 eligible persons when other parties are liable.-

1217 (11) The agency may, as a matter of right, in order to
 1218 enforce its rights under this section, institute, intervene in,
 1219 or join any legal or administrative proceeding in its own name
 1220 in one or more of the following capacities: individually, as
 1221 subrogee of the recipient, as assignee of the recipient, or as
 1222 lienholder of the collateral.

1223 (f) Notwithstanding any provision in this section to the
 1224 contrary, in the event of an action in tort against a third
 1225 party in which the recipient or his or her legal representative

1226 is a party which results in a judgment, award, or settlement
 1227 from a third party, the amount recovered shall be distributed as
 1228 follows:

1229 1. After attorney's fees and taxable costs as defined by
 1230 the Florida Rules of Civil Procedure, one-half of the remaining
 1231 recovery shall be paid to the agency up to the total amount of
 1232 medical assistance provided by Medicaid.

1233 2. The remaining amount of the recovery shall be paid to
 1234 the recipient.

1235 3. For purposes of calculating the agency's recovery of
 1236 medical assistance benefits paid, the fee for services of an
 1237 attorney retained by the recipient or his or her legal
 1238 representative shall be calculated at 25 percent of the
 1239 judgment, award, or settlement.

1240 4. Notwithstanding any other provision of this section to
 1241 the contrary, the agency shall be entitled to all medical
 1242 coverage benefits up to the total amount of medical assistance
 1243 provided by Medicaid. For purposes of this paragraph, the term
 1244 "medical coverage" means any benefits under health insurance, a
 1245 health maintenance organization, a preferred provider
 1246 arrangement, or a prepaid health clinic, and the portion of
 1247 benefits designated for medical payments under coverage for
 1248 workers' compensation insurance policy or a motor vehicle
 1249 liability insurance policy, ~~personal injury protection, and~~
 1250 ~~casualty~~.

1251 Section 27. Paragraph (k) of subsection (2) of section
 1252 456.057, Florida Statutes, is amended to read:

1253 456.057 Ownership and control of patient records; report
 1254 or copies of records to be furnished; disclosure of
 1255 information.—

1256 (2) As used in this section, the terms "records owner,"
 1257 "health care practitioner," and "health care practitioner's
 1258 employer" do not include any of the following persons or
 1259 entities; furthermore, the following persons or entities are not
 1260 authorized to acquire or own medical records, but are authorized
 1261 under the confidentiality and disclosure requirements of this
 1262 section to maintain those documents required by the part or
 1263 chapter under which they are licensed or regulated:

1264 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1265 Section 28. Paragraphs (ee) and (ff) of subsection (1) of
 1266 section 456.072, Florida Statutes, are amended to read:

1267 456.072 Grounds for discipline; penalties; enforcement.—

1268 (1) The following acts shall constitute grounds for which
 1269 the disciplinary actions specified in subsection (2) may be
 1270 taken:

1271 ~~(ee) With respect to making a personal injury protection
 1272 claim as required by s. 627.736, intentionally submitting a
 1273 claim, statement, or bill that has been "upcoded" as defined in
 1274 s. 627.732.~~

1275 ~~(ff) With respect to making a personal injury protection~~

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1276 ~~claim as required by s. 627.736, intentionally submitting a~~
1277 ~~claim, statement, or bill for payment of services that were not~~
1278 ~~rendered.~~

1279 Section 29. Subsection (4) of section 456.44, Florida
1280 Statutes, is amended to read:

1281 456.44 Controlled substance prescribing.—

1282 (4) STANDARDS OF PRACTICE FOR TREATMENT OF ACUTE PAIN.—The
1283 applicable boards shall adopt rules establishing guidelines for
1284 prescribing controlled substances for acute pain, including
1285 evaluation of the patient, creation and maintenance of a
1286 treatment plan, obtaining informed consent and agreement for
1287 treatment, periodic review of the treatment plan, consultation,
1288 medical record review, and compliance with controlled substance
1289 laws and regulations. Failure of a prescriber to follow such
1290 guidelines constitutes grounds for disciplinary action pursuant
1291 to s. 456.072(1)(ee) ~~s. 456.072(1)(gg)~~, punishable as provided
1292 in s. 456.072(2).

1293 Section 30. Paragraphs (i) and (o) of subsection (1) of
1294 section 626.9541, Florida Statutes, are amended to read:

1295 626.9541 Unfair methods of competition and unfair or
1296 deceptive acts or practices defined.—

1297 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1298 ACTS.—The following are defined as unfair methods of competition
1299 and unfair or deceptive acts or practices:

1300 (i) Unfair claim settlement practices.—

1301 1. Attempting to settle claims on the basis of an
 1302 application, when serving as a binder or intended to become a
 1303 part of the policy, or any other material document which was
 1304 altered without notice to, or knowledge or consent of, the
 1305 insured;

1306 2. A material misrepresentation made to an insured or any
 1307 other person having an interest in the proceeds payable under
 1308 such contract or policy, for the purpose and with the intent of
 1309 effecting settlement of such claims, loss, or damage under such
 1310 contract or policy on less favorable terms than those provided
 1311 in, and contemplated by, such contract or policy; or

1312 3. Committing or performing with such frequency as to
 1313 indicate a general business practice any of the following:

1314 a. Failing to adopt and implement standards for the proper
 1315 investigation of claims;

1316 b. Misrepresenting pertinent facts or insurance policy
 1317 provisions relating to coverages at issue;

1318 c. Failing to acknowledge and act promptly upon
 1319 communications with respect to claims;

1320 d. Denying claims without conducting reasonable
 1321 investigations based upon available information;

1322 e. Failing to affirm or deny full or partial coverage of
 1323 claims, and, as to partial coverage, the dollar amount or extent
 1324 of coverage, or failing to provide a written statement that the
 1325 claim is being investigated, upon the written request of the

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1326 insured within 30 days after proof-of-loss statements have been
1327 completed;

1328 f. Failing to promptly provide a reasonable explanation in
1329 writing to the insured of the basis in the insurance policy, in
1330 relation to the facts or applicable law, for denial of a claim
1331 or for the offer of a compromise settlement;

1332 g. Failing to promptly notify the insured of any
1333 additional information necessary for the processing of a claim;
1334 or

1335 h. Failing to clearly explain the nature of the requested
1336 information and the reasons why such information is necessary.

1337 ~~i. Failing to pay personal injury protection insurance~~
1338 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1339 ~~office may order the insurer to pay restitution to a~~
1340 ~~policyholder, medical provider, or other claimant, including~~
1341 ~~interest at a rate consistent with the amount set forth in s.~~
1342 ~~55.03(1), for the time period within which an insurer fails to~~
1343 ~~pay claims as required by law. Restitution is in addition to any~~
1344 ~~other penalties allowed by law, including, but not limited to,~~
1345 ~~the suspension of the insurer's certificate of authority.~~

1346 4. Failing to pay undisputed amounts of partial or full
1347 benefits owed under first-party property insurance policies
1348 within 90 days after an insurer receives notice of a residential
1349 property insurance claim, determines the amounts of partial or
1350 full benefits, and agrees to coverage, unless payment of the

1351 undisputed benefits is prevented by an act of God, prevented by
 1352 the impossibility of performance, or due to actions by the
 1353 insured or claimant that constitute fraud, lack of cooperation,
 1354 or intentional misrepresentation regarding the claim for which
 1355 benefits are owed.

1356 (o) Illegal dealings in premiums; excess or reduced
 1357 charges for insurance.—

1358 1. Knowingly collecting any sum as a premium or charge for
 1359 insurance, which is not then provided, or is not in due course
 1360 to be provided, subject to acceptance of the risk by the
 1361 insurer, by an insurance policy issued by an insurer as
 1362 permitted by this code.

1363 2. Knowingly collecting as a premium or charge for
 1364 insurance any sum in excess of or less than the premium or
 1365 charge applicable to such insurance, in accordance with the
 1366 applicable classifications and rates as filed with and approved
 1367 by the office, and as specified in the policy; or, in cases when
 1368 classifications, premiums, or rates are not required by this
 1369 code to be so filed and approved, premiums and charges collected
 1370 from a Florida resident in excess of or less than those
 1371 specified in the policy and as fixed by the insurer.

1372 Notwithstanding any other provision of law, this provision shall
 1373 not be deemed to prohibit the charging and collection, by
 1374 surplus lines agents licensed under part VIII of this chapter,
 1375 of the amount of applicable state and federal taxes, or fees as

1376 authorized by s. 626.916(4), in addition to the premium required
1377 by the insurer or the charging and collection, by licensed
1378 agents, of the exact amount of any discount or other such fee
1379 charged by a credit card facility in connection with the use of
1380 a credit card, as authorized by subparagraph (q)3., in addition
1381 to the premium required by the insurer. This subparagraph shall
1382 not be construed to prohibit collection of a premium for a
1383 universal life or a variable or indeterminate value insurance
1384 policy made in accordance with the terms of the contract.

1385 3.a. Imposing or requesting an additional premium for a
1386 policy of motor vehicle liability, ~~personal injury protection,~~
1387 medical payment, or collision coverage in a motor vehicle
1388 liability insurance policy ~~insurance or any combination thereof~~
1389 or refusing to renew the policy solely because the insured was
1390 involved in a motor vehicle accident unless the insurer's file
1391 contains information from which the insurer in good faith
1392 determines that the insured was substantially at fault in the
1393 accident.

1394 b. An insurer which imposes and collects such a surcharge
1395 or which refuses to renew such policy shall, in conjunction with
1396 the notice of premium due or notice of nonrenewal, notify the
1397 named insured that he or she is entitled to reimbursement of
1398 such amount or renewal of the policy under the conditions listed
1399 below and will subsequently reimburse him or her or renew the
1400 policy, if the named insured demonstrates that the operator

1401 involved in the accident was:

1402 (I) Lawfully parked;

1403 (II) Reimbursed by, or on behalf of, a person responsible

1404 for the accident or has a judgment against such person;

1405 (III) Struck in the rear by another vehicle headed in the

1406 same direction and was not convicted of a moving traffic

1407 violation in connection with the accident;

1408 (IV) Hit by a "hit-and-run" driver, if the accident was

1409 reported to the proper authorities within 24 hours after

1410 discovering the accident;

1411 (V) Not convicted of a moving traffic violation in

1412 connection with the accident, but the operator of the other

1413 automobile involved in such accident was convicted of a moving

1414 traffic violation;

1415 (VI) Finally adjudicated not to be liable by a court of

1416 competent jurisdiction;

1417 (VII) In receipt of a traffic citation which was dismissed

1418 or nolle prossed; or

1419 (VIII) Not at fault as evidenced by a written statement

1420 from the insured establishing facts demonstrating lack of fault

1421 which are not rebutted by information in the insurer's file from

1422 which the insurer in good faith determines that the insured was

1423 substantially at fault.

1424 c. In addition to the other provisions of this

1425 subparagraph, an insurer may not fail to renew a policy if the

1426 insured has had only one accident in which he or she was at
1427 fault within the current 3-year period. However, an insurer may
1428 nonrenew a policy for reasons other than accidents in accordance
1429 with s. 627.728. This subparagraph does not prohibit nonrenewal
1430 of a policy under which the insured has had three or more
1431 accidents, regardless of fault, during the most recent 3-year
1432 period.

1433 4. Imposing or requesting an additional premium for, or
1434 refusing to renew, a policy for motor vehicle insurance solely
1435 because the insured committed a noncriminal traffic infraction
1436 as described in s. 318.14 unless the infraction is:

1437 a. A second infraction committed within an 18-month
1438 period, or a third or subsequent infraction committed within a
1439 36-month period.

1440 b. A violation of s. 316.183, when such violation is a
1441 result of exceeding the lawful speed limit by more than 15 miles
1442 per hour.

1443 5. Upon the request of the insured, the insurer and
1444 licensed agent shall supply to the insured the complete proof of
1445 fault or other criteria which justifies the additional charge or
1446 cancellation.

1447 6. No insurer shall impose or request an additional
1448 premium for motor vehicle insurance, cancel or refuse to issue a
1449 policy, or refuse to renew a policy because the insured or the
1450 applicant is a handicapped or physically disabled person, so

1451 long as such handicap or physical disability does not
1452 substantially impair such person's mechanically assisted driving
1453 ability.

1454 7. No insurer may cancel or otherwise terminate any
1455 insurance contract or coverage, or require execution of a
1456 consent to rate endorsement, during the stated policy term for
1457 the purpose of offering to issue, or issuing, a similar or
1458 identical contract or coverage to the same insured with the same
1459 exposure at a higher premium rate or continuing an existing
1460 contract or coverage with the same exposure at an increased
1461 premium.

1462 8. No insurer may issue a nonrenewal notice on any
1463 insurance contract or coverage, or require execution of a
1464 consent to rate endorsement, for the purpose of offering to
1465 issue, or issuing, a similar or identical contract or coverage
1466 to the same insured at a higher premium rate or continuing an
1467 existing contract or coverage at an increased premium without
1468 meeting any applicable notice requirements.

1469 9. No insurer shall, with respect to premiums charged for
1470 motor vehicle insurance, unfairly discriminate solely on the
1471 basis of age, sex, marital status, or scholastic achievement.

1472 10. Imposing or requesting an additional premium for motor
1473 vehicle comprehensive or uninsured motorist coverage solely
1474 because the insured was involved in a motor vehicle accident or
1475 was convicted of a moving traffic violation.

1476 11. No insurer shall cancel or issue a nonrenewal notice
 1477 on any insurance policy or contract without complying with any
 1478 applicable cancellation or nonrenewal provision required under
 1479 the Florida Insurance Code.

1480 12. No insurer shall impose or request an additional
 1481 premium, cancel a policy, or issue a nonrenewal notice on any
 1482 insurance policy or contract because of any traffic infraction
 1483 when adjudication has been withheld and no points have been
 1484 assessed pursuant to s. 318.14(9) ~~and (10)~~. However, this
 1485 subparagraph does not apply to traffic infractions involving
 1486 accidents in which the insurer has incurred a loss due to the
 1487 fault of the insured.

1488 Section 31. Paragraph (a) of subsection (1) of section
 1489 626.989, Florida Statutes, is amended to read:

1490 626.989 Investigation by department or Division of
 1491 Investigative and Forensic Services; compliance; immunity;
 1492 confidential information; reports to division; division
 1493 investigator's power of arrest.-

1494 (1) For the purposes of this section:

1495 (a) A person commits a "fraudulent insurance act" if the
 1496 person:

1497 1. Knowingly and with intent to defraud presents, causes
 1498 to be presented, or prepares with knowledge or belief that it
 1499 will be presented, to or by an insurer, self-insurer, self-
 1500 insurance fund, servicing corporation, purported insurer,

1501 broker, or any agent thereof, any written statement as part of,
 1502 or in support of, an application for the issuance of, or the
 1503 rating of, any insurance policy, or a claim for payment or other
 1504 benefit pursuant to any insurance policy, which the person knows
 1505 to contain materially false information concerning any fact
 1506 material thereto or if the person conceals, for the purpose of
 1507 misleading another, information concerning any fact material
 1508 thereto.

1509 2. Knowingly submits:

1510 a. A false, misleading, or fraudulent application or other
 1511 document when applying for licensure as a health care clinic,
 1512 seeking an exemption from licensure as a health care clinic, or
 1513 demonstrating compliance with part X of chapter 400 with an
 1514 intent to use the license, exemption from licensure, or
 1515 demonstration of compliance to provide services or seek
 1516 reimbursement under a motor vehicle insurance policy ~~the Florida~~
 1517 ~~Motor Vehicle No-Fault Law.~~

1518 b. A claim for payment or other benefit pursuant to a
 1519 motor vehicle ~~personal injury protection~~ insurance policy ~~under~~
 1520 ~~the Florida Motor Vehicle No-Fault Law~~ if the person knows that
 1521 the payee knowingly submitted a false, misleading, or fraudulent
 1522 application or other document when applying for licensure as a
 1523 health care clinic, seeking an exemption from licensure as a
 1524 health care clinic, or demonstrating compliance with part X of
 1525 chapter 400.

1526 Section 32. Subsection (1) of section 627.06501, Florida
 1527 Statutes, is amended to read:

1528 627.06501 Insurance discounts for certain persons
 1529 completing driver improvement course.—

1530 (1) Any rate, rating schedule, or rating manual for the
 1531 liability, ~~personal injury protection,~~ and collision coverages
 1532 of a motor vehicle insurance policy filed with the office may
 1533 provide for an appropriate reduction in premium charges as to
 1534 such coverages if ~~when~~ the principal operator on the covered
 1535 vehicle has successfully completed a driver improvement course
 1536 approved and certified by the Department of Highway Safety and
 1537 Motor Vehicles which is effective in reducing accident ~~crash~~ or
 1538 violation rates, or both, ~~as determined~~ pursuant to s. 318.1451
 1539 ~~s. 318.1451(5)~~. Any discount, not to exceed 10 percent, used by
 1540 an insurer is presumed to be appropriate unless credible data
 1541 demonstrates otherwise.

1542 Section 33. Subsection (1) of section 627.0652, Florida
 1543 Statutes, is amended to read:

1544 627.0652 Insurance discounts for certain persons
 1545 completing safety course.—

1546 (1) Any rates, rating schedules, or rating manuals for the
 1547 liability, ~~personal injury protection,~~ and collision coverages
 1548 of a motor vehicle insurance policy filed with the office must
 1549 ~~shall~~ provide for an appropriate reduction in premium charges as
 1550 to such coverages if ~~when~~ the principal operator on the covered

1551 vehicle is an insured 55 years of age or older who has
1552 successfully completed a motor vehicle accident prevention
1553 course approved by the Department of Highway Safety and Motor
1554 Vehicles. Any discount used by an insurer is presumed to be
1555 appropriate unless credible data demonstrates otherwise.

1556 Section 34. Subsections (1), (3), and (6) of section
1557 627.0653, Florida Statutes, are amended to read:

1558 627.0653 Insurance discounts for specified motor vehicle
1559 equipment.—

1560 (1) Any rates, rating schedules, or rating manuals for the
1561 liability, ~~personal injury protection~~, and collision coverages
1562 of a motor vehicle insurance policy filed with the office shall
1563 provide a premium discount if the insured vehicle is equipped
1564 with factory-installed, four-wheel antilock brakes.

1565 (3) Any rates, rating schedules, or rating manuals for
1566 ~~personal injury protection coverage and~~ medical payments
1567 coverage, if offered, of a motor vehicle insurance policy filed
1568 with the office shall provide a premium discount if the insured
1569 vehicle is equipped with one or more air bags which are factory
1570 installed.

1571 (6) The Office of Insurance Regulation may approve a
1572 premium discount to any rates, rating schedules, or rating
1573 manuals for the liability, ~~personal injury protection~~, and
1574 collision coverages of a motor vehicle insurance policy filed
1575 with the office if the insured vehicle is equipped with

1576 autonomous driving technology or electronic vehicle collision
 1577 avoidance technology that is factory installed or a retrofitted
 1578 system and that complies with National Highway Traffic Safety
 1579 Administration standards.

1580 Section 35. Section 627.4132, Florida Statutes, is amended
 1581 to read:

1582 627.4132 Stacking of coverages prohibited.—If an insured
 1583 or named insured is protected by any type of motor vehicle
 1584 insurance policy for liability, ~~personal injury protection,~~ or
 1585 other coverage, the policy must ~~shall~~ provide that the insured
 1586 or named insured is protected only to the extent of the coverage
 1587 she or he has on the vehicle involved in the accident. However,
 1588 if none of the insured's or named insured's vehicles are ~~is~~
 1589 involved in the accident, coverage is available only to the
 1590 extent of coverage on any one of the vehicles with applicable
 1591 coverage. Coverage on any other vehicles may ~~shall~~ not be added
 1592 to or stacked upon that coverage. This section does not apply:

1593 (1) To uninsured motorist coverage which is separately
 1594 governed by s. 627.727.

1595 (2) To reduce the coverage available by reason of
 1596 insurance policies insuring different named insureds.

1597 Section 36. Section 627.7263, Florida Statutes, is amended
 1598 to read:

1599 627.7263 Rental and leasing driver's insurance to be
 1600 primary; exception.—

1601 (1) The valid and collectible liability insurance ~~or~~
 1602 ~~personal injury protection insurance~~ providing coverage for the
 1603 lessor of a motor vehicle for rent or lease is primary unless
 1604 otherwise stated in at least 10-point type on the face of the
 1605 rental or lease agreement. Such insurance is primary for the
 1606 limits of liability in an amount not less than the minimum
 1607 limits described in s. 324.021(7) and personal injury protection
 1608 ~~coverage as required by ss. 324.021(7) and 627.736.~~

1609 (2) If the lessee's coverage is to be primary, the rental
 1610 or lease agreement must contain the following language, in at
 1611 least 10-point type:

1612
 1613 "The valid and collectible liability insurance ~~and personal~~
 1614 ~~injury protection insurance~~ of an any authorized rental or
 1615 leasing driver is primary for the limits of liability in an
 1616 amount not less than the minimum limits described in s.
 1617 324.021(7) and personal injury protection coverage required by
 1618 ~~ss. 324.021(7) and 627.736, Florida Statutes.~~"

1619 Section 37. Subsections (1) and (7) of section 627.727,
 1620 Florida Statutes, are amended to read:

1621 627.727 Motor vehicle insurance; uninsured and
 1622 underinsured vehicle coverage; insolvent insurer protection.—

1623 (1) No motor vehicle liability insurance policy which
 1624 provides bodily injury liability coverage shall be delivered or
 1625 issued for delivery in this state with respect to any

1626 specifically insured or identified motor vehicle registered or
1627 principally garaged in this state unless uninsured motor vehicle
1628 coverage is provided therein or supplemental thereto for the
1629 protection of persons insured thereunder who are legally
1630 entitled to recover damages from owners or operators of
1631 uninsured motor vehicles because of bodily injury, sickness, or
1632 disease, including death, resulting therefrom. However, the
1633 coverage required under this section is not applicable if ~~when~~,
1634 or to the extent that, an insured named in the policy makes a
1635 written rejection of the coverage on behalf of all insureds
1636 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~
1637 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1638 of the lease contract, provides liability coverage on the leased
1639 vehicle, the lessee of such vehicle shall have the sole
1640 privilege to reject uninsured motorist coverage or to select
1641 lower limits than the bodily injury liability limits, regardless
1642 of whether the lessor is qualified as a self-insurer pursuant to
1643 s. 324.171. Unless an insured, or lessee having the privilege of
1644 rejecting uninsured motorist coverage, requests such coverage or
1645 requests higher uninsured motorist limits in writing, the
1646 coverage or such higher uninsured motorist limits need not be
1647 provided in or supplemental to any other policy which renews,
1648 extends, changes, supersedes, or replaces an existing policy
1649 with the same bodily injury liability limits when an insured or
1650 lessee had rejected the coverage. When an insured or lessee has

1651 initially selected limits of uninsured motorist coverage lower
1652 than her or his bodily injury liability limits, higher limits of
1653 uninsured motorist coverage need not be provided in or
1654 supplemental to any other policy that ~~which~~ renews, extends,
1655 changes, supersedes, or replaces an existing policy with the
1656 same bodily injury liability limits unless an insured requests
1657 higher uninsured motorist coverage in writing. The rejection or
1658 selection of lower limits shall be made on a form approved by
1659 the office. The form must ~~shall~~ fully advise the applicant of
1660 the nature of the coverage and must ~~shall~~ state that the
1661 coverage is equal to bodily injury liability limits unless lower
1662 limits are requested or the coverage is rejected. The heading of
1663 the form shall be in 12-point bold type and shall state: "You
1664 are electing not to purchase certain valuable coverage that
1665 ~~which~~ protects you and your family or you are purchasing
1666 uninsured motorist limits less than your bodily injury liability
1667 limits when you sign this form. Please read carefully." If this
1668 form is signed by a named insured, it will be conclusively
1669 presumed that there was an informed, knowing rejection of
1670 coverage or election of lower limits on behalf of all insureds.
1671 The insurer shall notify the named insured at least annually of
1672 her or his options as to the coverage required by this section.
1673 Such notice must ~~shall~~ be part of, and attached to, the notice
1674 of premium, must ~~shall~~ provide for a means to allow the insured
1675 to request such coverage, and must ~~shall~~ be given in a manner

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1676 approved by the office. Receipt of this notice does not
1677 constitute an affirmative waiver of the insured's right to
1678 uninsured motorist coverage if ~~where~~ the insured has not signed
1679 a selection or rejection form. The coverage described under this
1680 section shall be over and above, but shall not duplicate, the
1681 benefits available to an insured under any workers' compensation
1682 law, ~~personal injury protection benefits,~~ disability benefits
1683 law, or similar law; under any automobile medical payments
1684 ~~expense~~ coverage; under any motor vehicle liability insurance
1685 coverage; or from the owner or operator of the uninsured motor
1686 vehicle or any other person or organization jointly or severally
1687 liable together with such owner or operator for the accident;
1688 and such coverage shall cover the difference, if any, between
1689 the sum of such benefits and the damages sustained, up to the
1690 maximum amount of such coverage provided under this section. The
1691 amount of coverage available under this section may ~~shall~~ not be
1692 reduced by a setoff against any coverage, including liability
1693 insurance. Such coverage does ~~shall~~ not inure directly or
1694 indirectly to the benefit of any workers' compensation or
1695 disability benefits carrier or any person or organization
1696 qualifying as a self-insurer under any workers' compensation or
1697 disability benefits law or similar law.

1698 (7) (a) For uninsured and underinsured vehicle coverage
1699 issued before January 1, 2020, the legal liability of an
1700 uninsured motorist coverage insurer does not include damages in

1701 tort for pain, suffering, mental anguish, and inconvenience
 1702 unless the injury or disease consists in whole or in part of:
 1703 1. Significant and permanent loss of an important bodily
 1704 function.
 1705 2. Permanent injury within a reasonable degree of medical
 1706 probability, other than scarring or disfigurement.
 1707 3. Significant and permanent scarring or disfigurement.
 1708 4. Death is described in one or more of paragraphs (a) (d)
 1709 of s. 627.737(2).
 1710 (b) For uninsured and underinsured vehicle coverage issued
 1711 on or after January 1, 2020, the legal liability of an uninsured
 1712 motorist coverage insurer includes damages in tort for pain,
 1713 suffering, disability or physical impairment, disfigurement,
 1714 mental anguish, inconvenience, and the loss of capacity for the
 1715 enjoyment of life experienced in the past and to be experienced
 1716 in the future.
 1717 Section 38. Subsection (1) and paragraphs (a) and (b) of
 1718 subsection (2) of section 627.7275, Florida Statutes, are
 1719 amended to read:
 1720 627.7275 Motor vehicle liability.—
 1721 (1) A motor vehicle insurance policy ~~providing personal~~
 1722 ~~injury protection as set forth in s. 627.736~~ may not be
 1723 delivered or issued for delivery in this state for a with
 1724 ~~respect to any~~ specifically insured or identified motor vehicle
 1725 registered or principally garaged in this state must provide

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1726 bodily injury liability coverage and ~~unless the policy also~~
1727 ~~provides coverage for~~ property damage liability coverage as
1728 required under ~~by~~ s. 324.022.

1729 (2) (a) Insurers writing motor vehicle insurance in this
1730 state shall make available, subject to the insurers' usual
1731 underwriting restrictions:

1732 1. Coverage under policies as described in subsection (1)
1733 to an applicant for private passenger motor vehicle insurance
1734 coverage who is seeking the coverage in order to reinstate the
1735 applicant's driving privileges in this state if the driving
1736 privileges were revoked or suspended pursuant to s. 316.646 or
1737 s. 324.0221 due to the failure of the applicant to maintain
1738 required security.

1739 2. Coverage under policies as described in subsection (1),
1740 which also provides bodily injury liability coverage and
1741 property damage liability coverage ~~for bodily injury, death, and~~
1742 ~~property damage arising out of the ownership, maintenance, or~~
1743 ~~use of the motor vehicle~~ in an amount not less than the minimum
1744 limits described in s. 324.021(7) or s. 324.023 and conforms to
1745 the requirements of s. 324.151, to an applicant for private
1746 passenger motor vehicle insurance coverage who is seeking the
1747 coverage in order to reinstate the applicant's driving
1748 privileges in this state after such privileges were revoked or
1749 suspended under s. 316.193 or s. 322.26(2) for driving under the
1750 influence.

1751 (b) The policies described in paragraph (a) shall be
 1752 issued for at least 6 months and, as to the minimum coverages
 1753 required under this section, may not be canceled by the insured
 1754 for any reason or by the insurer after 60 days, during which
 1755 period the insurer is completing the underwriting of the policy.
 1756 After the insurer has completed underwriting the policy, the
 1757 insurer shall notify the Department of Highway Safety and Motor
 1758 Vehicles that the policy is in full force and effect and is not
 1759 cancelable for the remainder of the policy period. A premium
 1760 shall be collected and the coverage is in effect for the 60-day
 1761 period during which the insurer is completing the underwriting
 1762 of the policy whether or not the person's driver license, motor
 1763 vehicle tag, and motor vehicle registration are in effect. Once
 1764 the noncancelable provisions of the policy become effective, the
 1765 bodily injury liability and property damage liability coverages
 1766 ~~for bodily injury, property damage, and personal injury~~
 1767 ~~protection~~ may not be reduced below the minimum limits required
 1768 under s. 324.021 or s. 324.023 during the policy period.

1769 Section 39. Paragraph (a) of subsection (1) of section
 1770 627.728, Florida Statutes, is amended to read:

1771 627.728 Cancellations; nonrenewals.—

1772 (1) As used in this section, the term:

1773 (a) "Policy" means the bodily injury and property damage
 1774 liability, ~~personal injury protection~~, medical payments,
 1775 comprehensive, collision, and uninsured motorist coverage

1776 portions of a policy of motor vehicle insurance delivered or
 1777 issued for delivery in this state:

1778 1. Insuring a natural person as named insured or one or
 1779 more related individuals who are residents ~~resident~~ of the same
 1780 household; and

1781 2. Insuring only a motor vehicle of the private passenger
 1782 type or station wagon type which is not used as a public or
 1783 livery conveyance for passengers or rented to others; or
 1784 insuring any other four-wheel motor vehicle having a load
 1785 capacity of 1,500 pounds or less which is not used in the
 1786 occupation, profession, or business of the insured other than
 1787 farming; other than any policy issued under an automobile
 1788 insurance assigned risk plan or covering garage, automobile
 1789 sales agency, repair shop, service station, or public parking
 1790 place operation hazards.

1791
 1792 The term "policy" does not include a binder as defined in s.
 1793 627.420 unless the duration of the binder period exceeds 60
 1794 days.

1795 Section 40. Subsection (1), paragraph (a) of subsection
 1796 (5), subsection (6), and subsection (7) of section 627.7295,
 1797 Florida Statutes, are amended to read:

1798 627.7295 Motor vehicle insurance contracts.—

1799 (1) As used in this section, the term:

1800 (a) "Policy" means a motor vehicle insurance policy that

1801 provides bodily injury liability coverage and ~~personal injury~~
 1802 ~~protection coverage,~~ property damage liability coverage, ~~or~~
 1803 ~~both.~~

1804 (b) "Binder" means a binder that provides motor vehicle
 1805 bodily injury liability coverage ~~personal injury protection~~ and
 1806 property damage liability coverage.

1807 (5) (a) A licensed general lines agent may charge a per-
 1808 policy fee up not to ~~exceed~~ \$10 to cover the administrative
 1809 costs of the agent associated with selling the motor vehicle
 1810 insurance policy if the policy covers only bodily injury
 1811 liability coverage ~~personal injury protection coverage as~~
 1812 ~~provided by s. 627.736~~ and property damage liability coverage as
 1813 provided by s. 627.7275 and if no other insurance is sold or
 1814 issued in conjunction with or collateral to the policy. The fee
 1815 is not ~~considered~~ part of the premium.

1816 (6) If a motor vehicle owner's driver license, license
 1817 plate, and registration have previously been suspended pursuant
 1818 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
 1819 only as provided in s. 627.7275.

1820 (7) A policy of private passenger motor vehicle insurance
 1821 or a binder for such a policy may be initially issued in this
 1822 state only if, before the effective date of such binder or
 1823 policy, the insurer or agent has collected ~~from the insured an~~
 1824 ~~amount equal to~~ 2 months' premium from the insured. An insurer,
 1825 agent, or premium finance company may not, directly or

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1826 indirectly, take any action that results ~~resulting~~ in the
1827 insured paying ~~having paid~~ from the insured's own funds an
1828 amount less than the 2 months' premium required by this
1829 subsection. This subsection applies without regard to whether
1830 the premium is financed by a premium finance company or is paid
1831 pursuant to a periodic payment plan of an insurer or an
1832 insurance agent.

1833 (a) This subsection does not apply:

1834 1. If an insured or member of the insured's family is
1835 renewing or replacing a policy or a binder for such policy
1836 written by the same insurer or a member of the same insurer
1837 group.

1838 2. ~~To This subsection does not apply to~~ an insurer that
1839 issues private passenger motor vehicle coverage primarily to
1840 active duty or former military personnel or their dependents.

1841 3. ~~If This subsection does not apply if~~ all policy
1842 payments are paid pursuant to a payroll deduction plan, an
1843 automatic electronic funds transfer payment plan from the
1844 policyholder, or a recurring credit card or debit card agreement
1845 with the insurer.

1846 (b) This subsection and subsection (4) do not apply if:

1847 1. All policy payments to an insurer are paid pursuant to
1848 an automatic electronic funds transfer payment plan from an
1849 agent, a managing general agent, or a premium finance company
1850 and if the policy includes, at a minimum, bodily injury

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1851 ~~liability and personal injury protection pursuant to ss.~~
1852 ~~627.730-627.7405; motor vehicle property damage liability~~
1853 ~~coverage pursuant to s. 627.7275.; and bodily injury liability~~
1854 ~~in at least the amount of \$10,000 because of bodily injury to,~~
1855 ~~or death of, one person in any one accident and in the amount of~~
1856 ~~\$20,000 because of bodily injury to, or death of, two or more~~
1857 ~~persons in any one accident. This subsection and subsection (4)~~
1858 ~~do not apply if an~~

1859 2. An insured has had a policy in effect for at least 6
1860 months, the insured's agent is terminated by the insurer that
1861 issued the policy, and the insured obtains coverage on the
1862 policy's renewal date with a new company through the terminated
1863 agent.

1864 Section 41. Sections 627.730, 627.731, 627.7311, 627.732,
1865 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
1866 and 627.7405, Florida Statutes, of the "Florida Motor Vehicle
1867 No-Fault Law," are repealed.

1868 Section 42. Section 627.7407, Florida Statutes, is
1869 repealed.

1870 Section 43. Paragraphs (b), (c), and (g) of subsection (7)
1871 and paragraph (b) of subsection (8) of section 627.748, Florida
1872 Statutes, are amended to read:

1873 627.748 Transportation network companies.—

1874 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
1875 INSURANCE REQUIREMENTS.—

1876 (b) The following automobile insurance requirements apply
 1877 while a participating TNC driver is logged on to the digital
 1878 network but is not engaged in a prearranged ride:

1879 1. Automobile insurance that provides:

1880 a. A primary automobile liability coverage of at least
 1881 \$50,000 for death and bodily injury per person, \$100,000 for
 1882 death and bodily injury per incident, and \$25,000 for property
 1883 damage; and

1884 ~~b. Personal injury protection benefits that meet the~~
 1885 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
 1886 ~~and~~

1887 b. e. Uninsured and underinsured vehicle coverage as
 1888 required by s. 627.727.

1889 2. The coverage requirements of this paragraph may be
 1890 satisfied by any of the following:

1891 a. Automobile insurance maintained by the TNC driver;

1892 b. Automobile insurance maintained by the TNC; or

1893 c. A combination of sub-subparagraphs a. and b.

1894 (c) The following automobile insurance requirements apply
 1895 while a TNC driver is engaged in a prearranged ride:

1896 1. Automobile insurance that provides:

1897 a. A primary automobile liability coverage of at least \$1
 1898 million for death, bodily injury, and property damage; and

1899 ~~b. Personal injury protection benefits that meet the~~
 1900 ~~minimum coverage amounts required of a limousine under ss.~~

1901 ~~627.730-627.7405; and~~

1902 b. ~~e.~~ Uninsured and underinsured vehicle coverage as
 1903 required by s. 627.727.

1904 2. The coverage requirements of this paragraph may be
 1905 satisfied by any of the following:

1906 a. Automobile insurance maintained by the TNC driver;

1907 b. Automobile insurance maintained by the TNC; or

1908 c. A combination of sub-subparagraphs a. and b.

1909 (g) Insurance satisfying the requirements under this
 1910 subsection is deemed to satisfy the financial responsibility
 1911 requirement for a motor vehicle under chapter 324 ~~and the~~
 1912 ~~security required under s. 627.733~~ for any period when the TNC
 1913 driver is logged onto the digital network or engaged in a
 1914 prearranged ride.

1915 (8) TRANSPORTATION NETWORK COMPANY AND INSURER;
 1916 DISCLOSURE; EXCLUSIONS.—

1917 (b)1. An insurer that provides an automobile liability
 1918 insurance policy under this part may exclude any and all
 1919 coverage afforded under the policy issued to an owner or
 1920 operator of a TNC vehicle while driving that vehicle for any
 1921 loss or injury that occurs while a TNC driver is logged on to a
 1922 digital network or while a TNC driver provides a prearranged
 1923 ride. Exclusions imposed under this subsection are limited to
 1924 coverage while a TNC driver is logged on to a digital network or
 1925 while a TNC driver provides a prearranged ride. This right to

1926 | exclude all coverage may apply to any coverage included in an
 1927 | automobile insurance policy, including, but not limited to:
 1928 | a. Liability coverage for bodily injury and property
 1929 | damage;
 1930 | b. Uninsured and underinsured motorist coverage;
 1931 | c. Medical payments coverage;
 1932 | d. Comprehensive physical damage coverage; and
 1933 | e. Collision physical damage coverage; ~~and~~
 1934 | ~~f. Personal injury protection.~~
 1935 | 2. The exclusions described in subparagraph 1. apply
 1936 | notwithstanding any requirement under chapter 324. These
 1937 | exclusions do not affect or diminish coverage otherwise
 1938 | available for permissive drivers or resident relatives under the
 1939 | personal automobile insurance policy of the TNC driver or owner
 1940 | of the TNC vehicle who are not occupying the TNC vehicle at the
 1941 | time of loss. This section does not require that a personal
 1942 | automobile insurance policy provide coverage while the TNC
 1943 | driver is logged on to a digital network, while the TNC driver
 1944 | is engaged in a prearranged ride, or while the TNC driver
 1945 | otherwise uses a vehicle to transport riders for compensation.
 1946 | 3. This section must not be construed to require an
 1947 | insurer to use any particular policy language or reference to
 1948 | this section in order to exclude any and all coverage for any
 1949 | loss or injury that occurs while a TNC driver is logged on to a
 1950 | digital network or while a TNC driver provides a prearranged

1951 ride.

1952 4. This section does not preclude an insurer from
 1953 providing primary or excess coverage for the TNC driver's
 1954 vehicle by contract or endorsement.

1955 Section 44. Section 627.8405, Florida Statutes, is amended
 1956 to read:

1957 627.8405 Prohibited acts; financing companies.—A ~~No~~
 1958 premium finance company ~~shall~~, in a premium finance agreement or
 1959 other agreement, may not finance the cost of or otherwise
 1960 provide for the collection or remittance of dues, assessments,
 1961 fees, or other periodic payments of money for the cost of:

1962 (1) A membership in an automobile club. The term
 1963 "automobile club" means a legal entity that ~~which~~, in
 1964 consideration of dues, assessments, or periodic payments of
 1965 money, promises its members or subscribers to assist them in
 1966 matters relating to the ownership, operation, use, or
 1967 maintenance of a motor vehicle; however, the term ~~this~~
 1968 ~~definition of "automobile club"~~ does not include persons,
 1969 associations, or corporations which are organized and operated
 1970 solely for the purpose of conducting, sponsoring, or sanctioning
 1971 motor vehicle races, exhibitions, or contests upon racetracks,
 1972 or upon racecourses established and marked as such for the
 1973 duration of such particular events. The term ~~words~~ "motor
 1974 vehicle" used herein have the same meaning as defined in chapter
 1975 320.

1976 (2) An accidental death and dismemberment policy sold in
 1977 combination with a policy providing only bodily injury liability
 1978 coverage ~~personal injury protection~~ and property damage
 1979 liability coverage only policy.

1980 (3) Any product not regulated under the provisions of this
 1981 insurance code.

1982
 1983 This section also applies to premium financing by any insurance
 1984 agent or insurance company under part XVI. The commission shall
 1985 adopt rules to assure disclosure, at the time of sale, of motor
 1986 vehicle liability insurance coverages ~~with personal~~
 1987 ~~injury protection~~ and shall prescribe the form of such
 1988 disclosure.

1989 Section 45. Subsections (2) and (3) of section 628.909,
 1990 Florida Statutes, are amended to read:

1991 628.909 Applicability of other laws.—

1992 (2) The following provisions of the Florida Insurance Code
 1993 apply to captive insurance companies who are not industrial
 1994 insured captive insurance companies to the extent that such
 1995 provisions are not inconsistent with this part:

1996 (a) Chapter 624, except for ss. 624.407, 624.408,
 1997 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

1998 (b) Chapter 625, part II.

1999 (c) Chapter 626, part IX.

2000 ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~

2001 ~~provided.~~

2002 (d)~~(e)~~ Chapter 628.

2003 (3) The following provisions of the Florida Insurance Code

2004 shall apply to industrial insured captive insurance companies to

2005 the extent that such provisions are not inconsistent with this

2006 part:

2007 (a) Chapter 624, except for ss. 624.407, 624.408,

2008 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and

2009 624.609(1).

2010 (b) Chapter 625, part II, if the industrial insured

2011 captive insurance company is incorporated in this state.

2012 (c) Chapter 626, part IX.

2013 ~~(d) Sections 627.730-627.7405 when no fault coverage is~~

2014 ~~provided.~~

2015 (d)~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and

2016 628.6018.

2017 Section 46. Subsections (2), (6), and (7) of section

2018 705.184, Florida Statutes, are amended to read:

2019 705.184 Derelict or abandoned motor vehicles on the

2020 premises of public-use airports.—

2021 (2) The airport director or the director's designee shall

2022 contact the Department of Highway Safety and Motor Vehicles to

2023 notify that department that the airport has possession of the

2024 abandoned or derelict motor vehicle and to determine the name

2025 and address of the owner of the motor vehicle, the insurance

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2026 company insuring the motor vehicle, ~~notwithstanding the~~
2027 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2028 the motor vehicle. Within 7 business days after receipt of the
2029 information, the director or the director's designee shall send
2030 notice by certified mail, return receipt requested, to the owner
2031 of the motor vehicle, the insurance company insuring the motor
2032 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2033 persons of record claiming a lien against the motor vehicle. The
2034 notice shall state the fact of possession of the motor vehicle,
2035 that charges for reasonable towing, storage, and parking fees,
2036 if any, have accrued and the amount thereof, that a lien as
2037 provided in subsection (6) will be claimed, that the lien is
2038 subject to enforcement pursuant to law, that the owner or
2039 lienholder, if any, has the right to a hearing ~~as set forth in~~
2040 ~~subsection (4),~~ and that any motor vehicle which, at the end of
2041 30 calendar days after receipt of the notice, has not been
2042 removed from the airport upon payment in full of all accrued
2043 charges for reasonable towing, storage, and parking fees, if
2044 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2045 (d), or (e), including, but not limited to, the motor vehicle
2046 being sold free of all prior liens after 35 calendar days after
2047 the time the motor vehicle is stored if any prior liens on the
2048 motor vehicle are more than 5 years of age or after 50 calendar
2049 days after the time the motor vehicle is stored if any prior
2050 liens on the motor vehicle are 5 years of age or less.

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2051 (6) The airport pursuant to this section or, if used, a
2052 licensed independent wrecker company pursuant to s. 713.78 shall
2053 have a lien on an abandoned or derelict motor vehicle for all
2054 reasonable towing, storage, and accrued parking fees, if any,
2055 except that no storage fee shall be charged if the motor vehicle
2056 is stored less than 6 hours. As a prerequisite to perfecting a
2057 lien under this section, the airport director or the director's
2058 designee must serve a notice in accordance with subsection (2)
2059 on the owner of the motor vehicle, the insurance company
2060 insuring the motor vehicle, ~~notwithstanding the provisions of s.~~
2061 ~~627.736,~~ and all persons of record claiming a lien against the
2062 motor vehicle. If attempts to notify the owner, the insurance
2063 company insuring the motor vehicle, ~~notwithstanding the~~
2064 ~~provisions of s. 627.736,~~ or lienholders are not successful, the
2065 requirement of notice by mail shall be considered met. Serving
2066 of the notice does not dispense with recording the claim of
2067 lien.

2068 (7) (a) For the purpose of perfecting its lien under this
2069 section, the airport shall record a claim of lien which shall
2070 state:

- 2071 1. The name and address of the airport.
- 2072 2. The name of the owner of the motor vehicle, the
2073 insurance company insuring the motor vehicle, ~~notwithstanding~~
2074 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2075 a lien against the motor vehicle.

2076 3. The costs incurred from reasonable towing, storage, and
 2077 parking fees, if any.

2078 4. A description of the motor vehicle sufficient for
 2079 identification.

2080 (b) The claim of lien shall be signed and sworn to or
 2081 affirmed by the airport director or the director's designee.

2082 (c) The claim of lien shall be sufficient if it is in
 2083 substantially the following form:

2084 CLAIM OF LIEN

2085 State of

2086 County of

2087 Before me, the undersigned notary public, personally appeared
 2088, who was duly sworn and says that he/she is the
 2089 of, whose address is.....; and that the
 2090 following described motor vehicle:

2091 ...(Description of motor vehicle)...

2092 owned by, whose address is, has accrued
 2093 \$..... in fees for a reasonable tow, for storage, and for
 2094 parking, if applicable; that the lienor served its notice to the
 2095 owner, the insurance company insuring the motor vehicle
 2096 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
 2097 and all persons of record claiming a lien against the motor
 2098 vehicle on, ...(year)...., by.....

2099 ...(Signature)...

2100 Sworn to (or affirmed) and subscribed before me this day of

2101 , ... (year) . . . , by ... (name of person making statement)
 2102 ... (Signature of Notary Public) (Print, Type, or Stamp
 2103 Commissioned name of Notary Public)

2104 Personally Known OR Produced as identification.

2105 However, the negligent inclusion or omission of any information
 2106 in this claim of lien which does not prejudice the owner does
 2107 not constitute a default that operates to defeat an otherwise
 2108 valid lien.

2109 (d) The claim of lien shall be served on the owner of the
 2110 motor vehicle, the insurance company insuring the motor vehicle,
 2111 ~~notwithstanding the provisions of s. 627.736,~~ and all persons of
 2112 record claiming a lien against the motor vehicle. If attempts to
 2113 notify the owner, the insurance company insuring the motor
 2114 vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
 2115 lienholders are not successful, the requirement of notice by
 2116 mail shall be considered met. The claim of lien shall be so
 2117 served before recordation.

2118 (e) The claim of lien shall be recorded with the clerk of
 2119 court in the county where the airport is located. The recording
 2120 of the claim of lien shall be constructive notice to all persons
 2121 of the contents and effect of such claim. The lien shall attach
 2122 at the time of recordation and shall take priority as of that
 2123 time.

2124 Section 47. Paragraphs (a), (b), and (c) of subsection (4)
 2125 of section 713.78, Florida Statutes, are amended to read:

2126 713.78 Liens for recovering, towing, or storing vehicles
2127 and vessels.—

2128 (4) (a) Any person regularly engaged in the business of
2129 recovering, towing, or storing vehicles or vessels who comes
2130 into possession of a vehicle or vessel pursuant to subsection
2131 (2), and who claims a lien for recovery, towing, or storage
2132 services, shall give notice to the registered owner, the
2133 insurance company insuring the vehicle ~~notwithstanding the~~
2134 ~~provisions of s. 627.736~~, and to all persons claiming a lien
2135 thereon, as disclosed by the records in the Department of
2136 Highway Safety and Motor Vehicles or as disclosed by the records
2137 of any corresponding agency in any other state in which the
2138 vehicle is identified through a records check of the National
2139 Motor Vehicle Title Information System or an equivalent
2140 commercially available system as being titled or registered.

2141 (b) Whenever any law enforcement agency authorizes the
2142 removal of a vehicle or vessel or whenever any towing service,
2143 garage, repair shop, or automotive service, storage, or parking
2144 place notifies the law enforcement agency of possession of a
2145 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2146 enforcement agency of the jurisdiction where the vehicle or
2147 vessel is stored shall contact the Department of Highway Safety
2148 and Motor Vehicles, or the appropriate agency of the state of
2149 registration, if known, within 24 hours through the medium of
2150 electronic communications, giving the full description of the

2151 vehicle or vessel. Upon receipt of the full description of the
2152 vehicle or vessel, the department shall search its files to
2153 determine the owner's name, the insurance company insuring the
2154 vehicle or vessel, and whether any person has filed a lien upon
2155 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2156 notify the applicable law enforcement agency within 72 hours.
2157 The person in charge of the towing service, garage, repair shop,
2158 or automotive service, storage, or parking place shall obtain
2159 such information from the applicable law enforcement agency
2160 within 5 days after the date of storage and shall give notice
2161 pursuant to paragraph (a). The department may release the
2162 insurance company information to the requestor ~~notwithstanding~~
2163 ~~the provisions of s. 627.736.~~

2164 (c) Notice by certified mail shall be sent within 7
2165 business days after the date of storage of the vehicle or vessel
2166 to the registered owner, the insurance company insuring the
2167 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all
2168 persons of record claiming a lien against the vehicle or vessel.
2169 It shall state the fact of possession of the vehicle or vessel,
2170 that a lien as provided in subsection (2) is claimed, that
2171 charges have accrued and the amount thereof, that the lien is
2172 subject to enforcement pursuant to law, and that the owner or
2173 lienholder, if any, has the right to a hearing as set forth in
2174 subsection (5), and that any vehicle or vessel which remains
2175 unclaimed, or for which the charges for recovery, towing, or

2176 storage services remain unpaid, may be sold free of all prior
2177 liens after 35 days if the vehicle or vessel is more than 3
2178 years of age or after 50 days if the vehicle or vessel is 3
2179 years of age or less.

2180 Section 48. Paragraph (a) of subsection (1), paragraph (c)
2181 of subsection (7), and subsections (8), (9), and (10) of section
2182 817.234, Florida Statutes, are amended to read:

2183 817.234 False and fraudulent insurance claims.—

2184 (1)(a) A person commits insurance fraud punishable as
2185 provided in subsection (11) if that person, with the intent to
2186 injure, defraud, or deceive any insurer:

2187 1. Presents or causes to be presented any written or oral
2188 statement as part of, or in support of, a claim for payment or
2189 other benefit pursuant to an insurance policy or a health
2190 maintenance organization subscriber or provider contract,
2191 knowing that such statement contains any false, incomplete, or
2192 misleading information concerning any fact or thing material to
2193 such claim;

2194 2. Prepares or makes any written or oral statement that is
2195 intended to be presented to any insurer in connection with, or
2196 in support of, any claim for payment or other benefit pursuant
2197 to an insurance policy or a health maintenance organization
2198 subscriber or provider contract, knowing that such statement
2199 contains any false, incomplete, or misleading information
2200 concerning any fact or thing material to such claim;

2201 3.a. Knowingly presents, causes to be presented, or
 2202 prepares or makes with knowledge or belief that it will be
 2203 presented to any insurer, purported insurer, servicing
 2204 corporation, insurance broker, or insurance agent, or any
 2205 employee or agent thereof, any false, incomplete, or misleading
 2206 information or written or oral statement as part of, or in
 2207 support of, an application for the issuance of, or the rating
 2208 of, any insurance policy, or a health maintenance organization
 2209 subscriber or provider contract; or

2210 b. Knowingly conceals information concerning any fact
 2211 material to such application; or

2212 4. Knowingly presents, causes to be presented, or prepares
 2213 or makes with knowledge or belief that it will be presented to
 2214 any insurer a claim for payment or other benefit under a motor
 2215 vehicle ~~personal injury protection~~ insurance policy if the
 2216 person knows that the payee knowingly submitted a false,
 2217 misleading, or fraudulent application or other document when
 2218 applying for licensure as a health care clinic, seeking an
 2219 exemption from licensure as a health care clinic, or
 2220 demonstrating compliance with part X of chapter 400.

2221 (7)

2222 (c) An insurer, or any person acting at the direction of
 2223 or on behalf of an insurer, may not change an opinion in a
 2224 mental or physical report ~~prepared under s. 627.736(7)~~ or direct
 2225 the physician preparing the report to change such opinion;

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2226 | however, this provision does not preclude the insurer from
2227 | calling to the attention of the physician errors of fact in the
2228 | report based upon information in the claim file. Any person who
2229 | violates this paragraph commits a felony of the third degree,
2230 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2231 | (8) (a) It is unlawful for any person intending to defraud
2232 | any other person to solicit or cause to be solicited any
2233 | business from a person involved in a motor vehicle accident for
2234 | the purpose of making, adjusting, or settling motor vehicle tort
2235 | claims or claims ~~for personal injury protection benefits~~
2236 | ~~required by s. 627.736~~. Any person who violates the provisions
2237 | of this paragraph commits a felony of the second degree,
2238 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
2239 | A person who is convicted of a violation of this subsection
2240 | shall be sentenced to a minimum term of imprisonment of 2 years.

2241 | (b) A person may not solicit or cause to be solicited any
2242 | business from a person involved in a motor vehicle accident by
2243 | any means of communication other than advertising directed to
2244 | the public for the purpose of making motor vehicle tort claims
2245 | or claims ~~for personal injury protection benefits required by s.~~
2246 | ~~627.736~~, within 60 days after the occurrence of the motor
2247 | vehicle accident. Any person who violates this paragraph commits
2248 | a felony of the third degree, punishable as provided in s.
2249 | 775.082, s. 775.083, or s. 775.084.

2250 | (c) A lawyer, health care practitioner as defined in s.

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2251 456.001, or owner or medical director of a clinic required to be
2252 licensed pursuant to s. 400.9905 may not, at any time after 60
2253 days have elapsed from the occurrence of a motor vehicle
2254 accident, solicit or cause to be solicited any business from a
2255 person involved in a motor vehicle accident by means of in
2256 person or telephone contact at the person's residence, for the
2257 purpose of making motor vehicle tort claims or claims ~~for~~
2258 ~~personal injury protection benefits required by s. 627.736~~. Any
2259 person who violates this paragraph commits a felony of the third
2260 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2261 775.084.

2262 (d) Charges for any services rendered by any person who
2263 violates this subsection in regard to the person for whom such
2264 services were rendered are noncompensable and unenforceable as a
2265 matter of law.

2266 (9) A person may not organize, plan, or knowingly
2267 participate in an intentional motor vehicle accident ~~crash~~ or a
2268 scheme to create documentation of a motor vehicle accident ~~crash~~
2269 that did not occur for the purpose of making motor vehicle tort
2270 claims or claims ~~for personal injury protection benefits as~~
2271 ~~required by s. 627.736~~. Any person who violates this subsection
2272 commits a felony of the second degree, punishable as provided in
2273 s. 775.082, s. 775.083, or s. 775.084. A person who is convicted
2274 of a violation of this subsection shall be sentenced to a
2275 minimum term of imprisonment of 2 years.

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2276 (10) A licensed health care practitioner who is found
2277 guilty of insurance fraud under this section for an act relating
2278 to a motor vehicle ~~personal injury protection~~ insurance policy
2279 loses his or her license to practice for 5 years and may not
2280 receive reimbursement for motor vehicle insurance coverage
2281 ~~personal injury protection~~ benefits for 10 years.

2282 Section 49. Except as otherwise expressly provided in this
2283 act and except for this section, which shall take effect upon
2284 this act becoming a law, this act shall take effect January 1,
2285 2020.