

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

26 s. 324.151, F.S.; conforming provisions to changes  
27 made by the act; creating s. 324.252, F.S.; requiring  
28 the department to establish an online verification  
29 system for motor vehicle insurance; providing system  
30 requirements; providing powers and duties of the  
31 department; providing requirements for insurers and  
32 law enforcement officers; providing immunity from  
33 liability; prohibiting the use of an online  
34 verification request or response for a civil action;  
35 providing applicability; providing rulemaking  
36 authority; creating s. 324.255, F.S.; creating the  
37 Motor Vehicle Insurance Online Verification Task  
38 Force; providing duties of the task force; providing  
39 membership; providing meeting requirements; requiring  
40 the department to provide support; providing report  
41 requirements; providing the date by which the task  
42 force must complete its work and submit its final  
43 report; providing for expiration of the task force;  
44 amending s. 627.7295, F.S.; reducing the amount that  
45 must be collected from insureds before policies or  
46 binders are issued; amending ss. 627.736 and 627.7407,  
47 F.S.; conforming provisions to changes made by the  
48 act; deleting obsolete language; creating s. 627.747,  
49 F.S.; authorizing motor vehicle policies to exclude  
50 named individuals from coverage; providing exceptions;

51 providing effective dates.

52

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

54

55 Section 1. Effective October 1, 2019, subsections (3)  
 56 through (6) of section 316.235, Florida Statutes, are renumbered  
 57 as subsections (4) through (7), respectively, and a new  
 58 subsection (3) is added to that section to read:

59 316.235 Additional lighting equipment.—

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

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

67 316.2397 Certain lights prohibited; exceptions.—

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

74 (3) Vehicles of the fire department and fire patrol,  
 75 including vehicles of volunteer firefighters as permitted under

76 | s. 316.2398, may show or display red or red and white lights.  
77 | Vehicles of medical staff physicians or technicians of medical  
78 | facilities licensed by the state as authorized under s.  
79 | 316.2398, ambulances as authorized under this chapter, and buses  
80 | and taxicabs as authorized under s. 316.2399 may show or display  
81 | red lights. Vehicles of the fire department, fire patrol, police  
82 | vehicles, and such ambulances and emergency vehicles of  
83 | municipal and county departments, public service corporations  
84 | operated by private corporations, the Fish and Wildlife  
85 | Conservation Commission, the Department of Environmental  
86 | Protection, the Department of Transportation, the Department of  
87 | Agriculture and Consumer Services, and the Department of  
88 | Corrections as are designated or authorized by their respective  
89 | department or the chief of police of an incorporated city or any  
90 | sheriff of any county may operate emergency lights and sirens in  
91 | an emergency. Wreckers, mosquito control fog and spray vehicles,  
92 | and emergency vehicles of governmental departments or public  
93 | service corporations may show or display amber lights when in  
94 | actual operation or when a hazard exists provided they are not  
95 | used going to and from the scene of operation or hazard without  
96 | specific authorization of a law enforcement officer or law  
97 | enforcement agency. Wreckers must use amber rotating or flashing  
98 | lights while performing recoveries and loading on the roadside  
99 | day or night, and may use such lights while towing a vehicle on  
100 | wheel lifts, slings, or under reach if the operator of the

101 wrecker deems such lights necessary. A flatbed, car carrier, or  
 102 rollback may not use amber rotating or flashing lights when  
 103 hauling a vehicle on the bed unless it creates a hazard to other  
 104 motorists because of protruding objects. Further, escort  
 105 vehicles may show or display amber lights when in the actual  
 106 process of escorting overdimensioned equipment, material, or  
 107 buildings as authorized by law. Vehicles owned or leased by  
 108 private security agencies may show or display green and amber  
 109 lights, with either color being no greater than 50 percent of  
 110 the lights displayed, while the security personnel are engaged  
 111 in security duties on private or public property.

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

113 (c) For the lamps authorized under subsections (1), (2),  
 114 (3), (4), and (9), s. 316.2065, or s. 316.235(6) ~~s. 316.235(5)~~  
 115 which may flash.

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

118 316.2398 Display or use of red or red and white warning  
 119 signals; motor vehicles of volunteer firefighters or medical  
 120 staff.—

121 (1) A privately owned vehicle belonging to an active  
 122 firefighter member of a regularly organized volunteer  
 123 firefighting company or association, while en route to the fire  
 124 station for the purpose of proceeding to the scene of a fire or  
 125 other emergency or while en route to the scene of a fire or

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

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

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

139 (c) In order for an active volunteer firefighter to  
140 display such red or red and white warning signals on his or her  
141 vehicle, the volunteer firefighter must first secure a written  
142 permit from the chief executive officers of the firefighting  
143 organization to use the red or red and white warning signals,  
144 and this permit must be carried by the volunteer firefighter at  
145 all times while the red or red and white warning signals are  
146 displayed.

147 (2) ~~A It is unlawful for any person who is not an active~~  
148 firefighter member of a regularly organized volunteer  
149 firefighting company or association or a physician or technician  
150 of the medical staff of a medical facility licensed by the state

151 may not ~~to~~ display on any motor vehicle owned by him or her, at  
152 any time, any red or red and white warning signals as described  
153 in subsection (1).

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

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

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

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

171 316.224 Color of clearance lamps, identification lamps,  
172 side marker lamps, backup lamps, reflectors, and deceleration  
173 lights.—

174 (3) All lighting devices and reflectors mounted on the  
175 rear of any vehicle shall display or reflect a red color, except

176 the stop light or other signal device, which may be red, amber,  
177 or yellow, and except that the light illuminating the license  
178 plate shall be white and the light emitted by a backup lamp  
179 shall be white or amber. Deceleration lights as authorized by s.  
180 316.235(6) ~~s. 316.235(5)~~ shall display an amber color.

181 Section 5. Subsection (5) of section 316.646, Florida  
182 Statutes, is renumbered as subsection (6), and a new subsection  
183 (5) is added to that section, to read:

184 316.646 Security required; proof of security and display  
185 thereof.—

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

195 Section 6. Paragraph (b) of subsection (3) of section  
196 319.30, Florida Statutes, is amended, and paragraph (d) is added  
197 to that subsection, to read:

198 319.30 Definitions; dismantling, destruction, change of  
199 identity of motor vehicle or mobile home; salvage.—

200 (3)



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

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

225 a. Has obtained the release of all liens on the motor

226 | vehicle or mobile home;

227 |       b. Has provided proof of payment of the total loss claim;

228 | and

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

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

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

248 |       (d) An electronic signature that is consistent with  
249 | chapter 668 satisfies any signature required under this  
250 | subsection.

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

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

255 (5)

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

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

263 324.0221 Reports by insurers to the department; suspension  
264 of driver license and vehicle registrations; reinstatement.—

265 (1)

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

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

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

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

278 324.151 Motor vehicle liability policies; required  
279 provisions.—

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

283 (a) An owner's liability insurance policy must ~~shall~~  
284 designate by explicit description or by appropriate reference  
285 all motor vehicles with respect to which coverage is thereby  
286 granted and must ~~shall~~ insure the owner named therein and,  
287 except for a named driver excluded under s. 627.747, any other  
288 person as operator using such motor vehicle or motor vehicles  
289 with the express or implied permission of such owner against  
290 loss from the liability imposed by law for damage arising out of  
291 the ownership, maintenance, or use of such motor vehicle or  
292 motor vehicles within the United States or the Dominion of  
293 Canada, subject to limits, exclusive of interest and costs with  
294 respect to each such motor vehicle as is provided for under s.  
295 324.021(7). Insurers may make available, with respect to  
296 property damage liability coverage, a deductible amount not to  
297 exceed \$500. In the event of a property damage loss covered by a  
298 policy containing a property damage deductible provision, the  
299 insurer shall pay to the third-party claimant the amount of any  
300 property damage liability settlement or judgment, subject to

301 policy limits, as if no deductible existed.

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

304 324.252 Insurance online verification system.—The  
305 department shall establish an online verification system for  
306 motor vehicle insurance. The goal of the system is to identify  
307 uninsured motorists and aid the department in the enforcement of  
308 financial responsibility law.

309 (1) The online verification system must:

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

315 (b) Send requests to insurers for verification of evidence  
316 of insurance for motor vehicles registered in this state via  
317 online services established by the insurers in compliance with  
318 the specifications and standards of the Insurance Industry  
319 Committee on Motor Vehicle Administration (IICMVA), with  
320 enhancements, additions, and modifications as required by the  
321 department. However, the enhancements, additions, and  
322 modifications may not conflict with, nullify, or add  
323 requirements that are inconsistent with the specifications or  
324 standards of the IICMVA.

325 (c) Be operational by July 1, 2022. The Motor Vehicle

326 Insurance Online Verification Task Force established in s.  
327 324.255 must conduct a pilot program for at least 9 months to  
328 test the system before statewide use. The system may not be used  
329 in any enforcement action until successful completion of the  
330 pilot program.

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

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

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

345 (g) Include information that enables the department to  
346 make inquiries of evidence of insurance by using multiple data  
347 elements for greater matching accuracy, specifically the  
348 insurer's NAIC company code, in combination with other  
349 identifiers such as vehicle identification number, policy  
350 number, or other characteristics or markers as specified by the

351 Motor Vehicle Insurance Online Verification Task Force.

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

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

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

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

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

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

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

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

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

382 (c) Shall cooperate with the department in establishing,  
383 implementing, and maintaining the system.

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

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

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



401 basis.

402 (6) The department may adopt rules to administer this  
403 section.

404 Section 11. Section 324.255, Florida Statutes, is created  
405 to read:

406 324.255 Motor Vehicle Insurance Online Verification Task  
407 Force.—There is created the Motor Vehicle Insurance Online  
408 Verification Task Force within the department.

409 (1) The task force shall:

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

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

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

421 (d) Issue recommendations based on periodic reviews of the  
422 online verification system.

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

425 (a) The nine voting members shall be appointed by July 31,

426 2019, in the following manner:

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

431 2. One representative of the Office of Insurance  
432 Regulation, appointed by the Commissioner of Insurance.

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

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

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

439 c. One member must be selected from a list of  
440 representatives recommended by the Insurance Industry Committee  
441 on Motor Vehicle Administration.

442 4. One representative of the Department of Financial  
443 Services, appointed by the Chief Financial Officer.

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

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

448 (3) By September 30, 2019, the task force shall meet to  
449 establish procedures for the conduct of its business, and the  
450 voting members shall elect a vice chair at that meeting. The

451 task force shall meet at the call of the chair, who shall  
452 prepare the agenda for each meeting with the consent of the task  
453 force. A majority of the voting members of the task force  
454 constitutes a quorum, and a quorum is necessary for the purpose  
455 of voting on any action or recommendation of the task force. All  
456 meetings shall be held in Tallahassee.

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

461 (5) The task force shall issue a report to the department,  
462 the President of the Senate, and the Speaker of the House of  
463 Representatives no later than 6 months after the pilot program  
464 concludes. The report must evaluate the online verification  
465 system's effectiveness in identifying uninsured motorists. The  
466 task force may also make recommendations for system enhancements  
467 in the report or at any time before the task force's completion  
468 of its work.

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

475 Section 12. Subsection (7) of section 627.7295, Florida

476 Statutes, is amended to read:

477 627.7295 Motor vehicle insurance contracts.—

478 (7) A policy of private passenger motor vehicle insurance  
479 or a binder for such a policy may be initially issued in this  
480 state only if, before the effective date of such binder or  
481 policy, the insurer or agent has collected from the insured an  
482 amount equal to at least 1 2 months' premium. An insurer, agent,  
483 or premium finance company may not, directly or indirectly, take  
484 any action resulting in the insured having paid from the  
485 insured's own funds an amount less than the 1 2 months' premium  
486 required by this subsection. This subsection applies without  
487 regard to whether the premium is financed by a premium finance  
488 company or is paid pursuant to a periodic payment plan of an  
489 insurer or an insurance agent. This subsection does not apply if  
490 an insured or member of the insured's family is renewing or  
491 replacing a policy or a binder for such policy written by the  
492 same insurer or a member of the same insurer group. This  
493 subsection does not apply to an insurer that issues private  
494 passenger motor vehicle coverage primarily to active duty or  
495 former military personnel or their dependents. This subsection  
496 does not apply if all policy payments are paid pursuant to a  
497 payroll deduction plan, an automatic electronic funds transfer  
498 payment plan from the policyholder, or a recurring credit card  
499 or debit card agreement with the insurer. This subsection and  
500 subsection (4) do not apply if all policy payments to an insurer

501 are paid pursuant to an automatic electronic funds transfer  
502 payment plan from an agent, a managing general agent, or a  
503 premium finance company and if the policy includes, at a  
504 minimum, personal injury protection pursuant to ss. 627.730-  
505 627.7405; motor vehicle property damage liability pursuant to s.  
506 627.7275; and bodily injury liability in at least the amount of  
507 \$10,000 because of bodily injury to, or death of, one person in  
508 any one accident and in the amount of \$20,000 because of bodily  
509 injury to, or death of, two or more persons in any one accident.  
510 This subsection and subsection (4) do not apply if an insured  
511 has had a policy in effect for at least 6 months, the insured's  
512 agent is terminated by the insurer that issued the policy, and  
513 the insured obtains coverage on the policy's renewal date with a  
514 new company through the terminated agent.

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

517 627.736 Required personal injury protection benefits;  
518 exclusions; priority; claims.—

519 (1) REQUIRED BENEFITS.—Except for a named driver who is  
520 excluded from insurance policy coverage under s. 627.747, an  
521 insurance policy complying with the security requirements of s.  
522 627.733 must provide personal injury protection to the named  
523 insured, relatives residing in the same household, persons  
524 operating the insured motor vehicle, passengers in the motor  
525 vehicle, and other persons struck by the motor vehicle and

526 | suffering bodily injury while not an occupant of a self-  
527 | propelled vehicle, subject to subsection (2) and paragraph  
528 | (4) (e), to a limit of \$10,000 in medical and disability benefits  
529 | and \$5,000 in death benefits resulting from bodily injury,  
530 | sickness, disease, or death arising out of the ownership,  
531 | maintenance, or use of a motor vehicle as follows:

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

540 |       1. Initial services and care that are lawfully provided,  
541 | supervised, ordered, or prescribed by a physician licensed under  
542 | chapter 458 or chapter 459, a dentist licensed under chapter  
543 | 466, or a chiropractic physician licensed under chapter 460 or  
544 | that are provided in a hospital or in a facility that owns, or  
545 | is wholly owned by, a hospital. Initial services and care may  
546 | also be provided by a person or entity licensed under part III  
547 | of chapter 401 which provides emergency transportation and  
548 | treatment.

549 |       2. Upon referral by a provider described in subparagraph  
550 | 1., followup services and care consistent with the underlying

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

562 a. A hospital or ambulatory surgical center licensed under  
563 chapter 395.

564 b. An entity wholly owned by one or more physicians  
565 licensed under chapter 458 or chapter 459, chiropractic  
566 physicians licensed under chapter 460, or dentists licensed  
567 under chapter 466 or by such practitioners and the spouse,  
568 parent, child, or sibling of such practitioners.

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

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

573 e. A health care clinic licensed under part X of chapter  
574 400 which is accredited by an accrediting organization whose  
575 standards incorporate comparable regulations required by this

576 | state, or:

577 |       (I) Has a medical director licensed under chapter 458,

578 | chapter 459, or chapter 460;

579 |       (II) Has been continuously licensed for more than 3 years

580 | or is a publicly traded corporation that issues securities

581 | traded on an exchange registered with the United States

582 | Securities and Exchange Commission as a national securities

583 | exchange; and

584 |       (III) Provides at least four of the following medical

585 | specialties:

586 |       (A) General medicine.

587 |       (B) Radiography.

588 |       (C) Orthopedic medicine.

589 |       (D) Physical medicine.

590 |       (E) Physical therapy.

591 |       (F) Physical rehabilitation.

592 |       (G) Prescribing or dispensing outpatient prescription

593 | medication.

594 |       (H) Laboratory services.

595 |       3. ~~Reimbursement for~~ Services and care provided in

596 | subparagraph 1. or subparagraph 2. up to \$10,000 if a physician

597 | licensed under chapter 458 or chapter 459, a dentist licensed

598 | under chapter 466, a physician assistant licensed under chapter

599 | 458 or chapter 459, or an advanced practice registered nurse

600 | licensed under chapter 464 has determined that the injured



601 person had an emergency medical condition.

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

607  
608 ~~5.~~ Medical benefits do not include massage as defined in s.  
609 480.033 or acupuncture as defined in s. 457.102, regardless of  
610 the person, entity, or licensee providing massage or  
611 acupuncture, and a licensed massage therapist or licensed  
612 acupuncturist may not be reimbursed for medical benefits under  
613 this section.

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

620 (b) Disability benefits.—Sixty percent of any loss of  
621 gross income and loss of earning capacity per individual from  
622 inability to work proximately caused by the injury sustained by  
623 the injured person, plus all expenses reasonably incurred in  
624 obtaining from others ordinary and necessary services in lieu of  
625 those that, but for the injury, the injured person would have

626 performed without income for the benefit of his or her  
627 household. All disability benefits payable under this paragraph  
628 ~~provision~~ must be paid at least every 2 weeks.

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

636  
637 Only insurers writing motor vehicle liability insurance in this  
638 state may provide the required benefits of this section, and  
639 such insurer may not require the purchase of any other motor  
640 vehicle coverage other than the purchase of property damage  
641 liability coverage as required by s. 627.7275 as a condition for  
642 providing such benefits. Insurers may not require that property  
643 damage liability insurance in an amount greater than \$10,000 be  
644 purchased in conjunction with personal injury protection. Such  
645 insurers shall make benefits and required property damage  
646 liability insurance coverage available through normal marketing  
647 channels. An insurer writing motor vehicle liability insurance  
648 in this state who fails to comply with such availability  
649 requirement as a general business practice violates part IX of  
650 chapter 626, and such violation constitutes an unfair method of

651 competition or an unfair or deceptive act or practice involving  
652 the business of insurance. An insurer committing such violation  
653 is subject to the penalties provided under that part, as well as  
654 those provided elsewhere in the insurance code.

655 Section 14. Subsection (5) of section 627.7407, Florida  
656 Statutes, is amended, and subsection (1) of that section is  
657 republished, to read:

658 627.7407 Application of the Florida Motor Vehicle No-Fault  
659 Law.—

660 (1) Any person subject to the requirements of ss. 627.730-  
661 627.7405, the Florida Motor Vehicle No-Fault Law, as revived and  
662 amended by this act, must maintain security for personal injury  
663 protection as required by the Florida Motor Vehicle No-Fault  
664 Law, as revived and amended by this act, beginning on January 1,  
665 2008.

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

671 (a) That ~~beginning on January 1, 2008,~~ Florida law  
672 requires the policyholder to maintain personal injury protection  
673 ("PIP") insurance coverage and that this insurance pays covered  
674 medical expenses for injuries sustained in a motor vehicle crash  
675 by the policyholder, passengers, and relatives residing in the

676 | policyholder's household unless excluded under s. 627.747.

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

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

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

689 | (e) The additional premium that is due, if any, and the  
690 | date that it is due, ~~which may be no earlier than January 1,~~  
691 | ~~2008.~~

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

694 | Section 15. Section 627.747, Florida Statutes, is created  
695 | to read:

696 | 627.747 Named driver exclusion.-

697 | (1) A private passenger motor vehicle policy may exclude  
698 | an identified individual from the following coverages while the  
699 | identified individual is operating a motor vehicle if the  
700 | identified individual is specifically excluded by name on the

701 declarations page or by endorsement and if a policyholder  
702 consents in writing to such exclusion:

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

707 (b) Property damage liability coverage.

708 (c) Bodily injury liability coverage.

709 (d) Uninsured motorist coverage for any damages sustained  
710 by the identified excluded individual, if the policyholder has  
711 purchased such coverage.

712 (e) Any coverage the policyholder is not required by law  
713 to purchase.

714 (2) A private passenger motor vehicle policy may not  
715 exclude coverage when:

716 (a) The identified excluded individual is injured while  
717 not operating a motor vehicle;

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

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

722 Section 16. Except as otherwise expressly provided in this  
723 act, this act shall take effect July 1, 2019.