

By Senator Brandes

24-00449E-19

2019896\_\_

1                                   A bill to be entitled  
2       An act relating to motor vehicle insurance; providing  
3       a short title; amending ss. 316.646, 318.18, 320.02,  
4       320.0609, 320.27, 320.771, 322.251, and 322.34, F.S.;  
5       conforming provisions to changes made by the act;  
6       amending s. 324.011, F.S.; revising legislative  
7       intent; creating s. 324.015, F.S.; providing that  
8       motor vehicle liability policies issued or renewed  
9       after a specified date may not include personal injury  
10      protection; providing requirements for, and  
11      construction relating to, proof of financial  
12      responsibility and motor vehicle liability policies;  
13      specifying requirements for insurers relating to  
14      changes in coverages and notices to insureds;  
15      specifying requirements for such notice; providing for  
16      construction relating to certain covered motor vehicle  
17      accidents; amending s. 324.021, F.S.; revising the  
18      definition of the term "motor vehicle"; increasing the  
19      minimum required limits of bodily injury and property  
20      damage liability coverages for proof of financial  
21      responsibility; conforming a provision to changes made  
22      by the act; amending s. 324.022, F.S.; revising  
23      coverage requirements for combined property damage  
24      liability and bodily injury liability policies that  
25      may meet financial responsibility requirements;  
26      conforming provisions to changes made by the act;  
27      amending s. 324.0221, F.S.; providing construction;  
28      conforming provisions to changes made by the act;  
29      amending s. 324.032, F.S.; conforming a provision to

24-00449E-19

2019896\_\_

30 changes made by the act; amending ss. 324.051 and  
31 324.091, F.S.; making technical changes; amending s.  
32 324.151, F.S.; defining terms; revising requirements,  
33 and authorized exclusions from coverage, for motor  
34 vehicle liability insurance policies; amending s.  
35 324.161, F.S.; revising the amount of a certain  
36 certificate of deposit required before a certain  
37 certificate of insurance may be issued as proof of  
38 financial responsibility; amending s. 324.171, F.S.;  
39 revising minimum net worth requirements for  
40 qualification as a self-insurer; conforming a  
41 provision to changes made by the act; amending s.  
42 324.251, F.S.; revising a short title; amending s.  
43 400.9905, F.S.; revising the definition of the term  
44 "clinic" to conform to changes made by the act;  
45 amending ss. 400.991, 400.9935, 409.901, 409.910,  
46 456.057, and 456.072, F.S.; conforming provisions to  
47 changes made by the act; amending s. 624.155, F.S.;  
48 deleting provisions authorizing the Department of  
49 Financial Services to return a certain notice for lack  
50 of specificity which delays a certain time period;  
51 revising the information the notice must contain;  
52 requiring a trier of fact in bad faith actions against  
53 a motor vehicle liability insurer to consider whether  
54 certain persons made good faith efforts to cooperate  
55 with the insurer's investigation; requiring certain  
56 persons to provide a written notice of loss to the  
57 insurer before bringing bad faith actions; providing  
58 that a claimant does not have a cause of action for

24-00449E-19

2019896\_\_

59 bad faith against the insurer if the insurer meets  
60 certain conditions; defining terms; providing that,  
61 under certain third-party claims, a motor vehicle  
62 liability insurer is not liable beyond available  
63 policy limits if it meets certain conditions;  
64 requiring the trier of fact to determine the  
65 allocation of policy limits among claimants under  
66 certain circumstances; requiring third-party claimants  
67 to execute and deliver a certain release under certain  
68 circumstances; providing construction; amending ss.  
69 626.9541, 626.989, 627.06501, 627.0652, 627.0653,  
70 627.4132, and 627.7263, F.S.; conforming provisions to  
71 changes made by the act; amending s. 627.727, F.S.;  
72 specifying the legal liability of uninsured motorist  
73 coverage insurers for uninsured and underinsured  
74 vehicle coverage issued on or after a specified date;  
75 conforming provisions to changes made by the act;  
76 amending s. 627.7275, F.S.; revising liability  
77 coverage requirements for motor vehicle insurance  
78 policies; amending ss. 627.728 and 627.7295, F.S.;  
79 conforming provisions to changes made by the act;  
80 repealing ss. 627.730, 627.731, 627.7311, 627.732,  
81 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401,  
82 627.7403, and 627.7405, F.S., which comprise the  
83 Florida Motor Vehicle No-Fault Law; repealing s.  
84 627.7407, F.S., relating to application of the Florida  
85 Motor Vehicle No-Fault Law; amending ss. 627.748,  
86 627.8405, 628.909, 705.184, and 713.78, F.S.;  
87 conforming provisions to changes made by the act;

24-00449E-19

2019896\_\_

88 amending s. 817.234, F.S.; revising certain acts of  
89 insurance fraud to apply to motor vehicle insurance  
90 claims generally, rather than only to personal injury  
91 protection claims; providing effective dates.

92  
93 Be It Enacted by the Legislature of the State of Florida:

94  
95 Section 1. This act may be cited as the "Responsible  
96 Roadways Act."

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

99 316.646 Security required; proof of security and display  
100 thereof.—

101 (1) A Any person operating a motor vehicle for which  
102 liability coverage is required under by s. 324.022, s. 324.023,  
103 s. 324.032, s. 627.7415, or s. 627.742 must to maintain property  
104 damage liability security, required by s. 324.023 to maintain  
105 liability security for bodily injury or death, or required by s.  
106 627.733 to maintain personal injury protection security on a  
107 motor vehicle shall have in his or her immediate possession at  
108 all times while operating such motor vehicle proper proof of  
109 maintenance of the required security.

110 (a) Such proof shall be in a uniform paper or electronic  
111 format, as prescribed by the department, a valid insurance  
112 policy, an insurance policy binder, a certificate of insurance,  
113 or such other proof as may be prescribed by the department.

114 (b)1. The act of presenting to a law enforcement officer an  
115 electronic device displaying proof of insurance in an electronic  
116 format does not constitute consent for the officer to access any

24-00449E-19

2019896\_\_

117 information on the device other than the displayed proof of  
118 insurance.

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

121 Section 3. Paragraph (b) of subsection (2) of section  
122 318.18, Florida Statutes, is amended to read:

123 318.18 Amount of penalties.—The penalties required for a  
124 noncriminal disposition pursuant to s. 318.14 or a criminal  
125 offense listed in s. 318.17 are as follows:

126 (2) Thirty dollars for all nonmoving traffic violations  
127 and:

128 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,  
129 and 322.15(1). Any person who is cited for a violation of s.  
130 320.07(1) shall be charged a delinquent fee pursuant to s.  
131 320.07(4).

132 1. If a person who is cited for a violation of s. 320.0605  
133 or s. 320.07 can show proof of having a valid registration at  
134 the time of arrest, the clerk of the court may dismiss the case  
135 and may assess a dismissal fee of up to \$10. A person who finds  
136 it impossible or impractical to obtain a valid registration  
137 certificate must submit an affidavit detailing the reasons for  
138 the impossibility or impracticality. The reasons may include,  
139 but are not limited to, the fact that the vehicle was sold,  
140 stolen, or destroyed; that the state in which the vehicle is  
141 registered does not issue a certificate of registration; or that  
142 the vehicle is owned by another person.

143 2. If a person who is cited for a violation of s. 322.03,  
144 s. 322.065, or s. 322.15 can show a driver license issued to him  
145 or her and valid at the time of arrest, the clerk of the court

24-00449E-19

2019896\_\_

146 may dismiss the case and may assess a dismissal fee of up to  
147 \$10.

148 3. If a person who is cited for a violation of s. 316.646  
149 can show proof of security as required by s. 324.022, s.  
150 324.023, s. 324.032, s. 627.7415, or s. 627.742 ~~627.733~~, issued  
151 to the person and valid at the time of arrest, the clerk of the  
152 court may dismiss the case and may assess a dismissal fee of up  
153 to \$10. A person who finds it impossible or impractical to  
154 obtain proof of security must submit an affidavit detailing the  
155 reasons for the impracticality. The reasons may include, but are  
156 not limited to, the fact that the vehicle has since been sold,  
157 stolen, or destroyed; ~~that the owner or registrant of the~~  
158 ~~vehicle is not required by s. 627.733 to maintain personal~~  
159 ~~injury protection insurance;~~ or that the vehicle is owned by  
160 another person.

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

163 320.02 Registration required; application for registration;  
164 forms.—

165 (5) (a) Proof that liability coverage has ~~personal injury~~  
166 ~~protection benefits have~~ been purchased if required under s.  
167 324.022, s. 324.023, s. 324.032, s. 627.7415, or s. 627.742  
168 ~~627.733, that property damage liability coverage has been~~  
169 ~~purchased as required under s. 324.022, that bodily injury or~~  
170 ~~death coverage has been purchased if required under s. 324.023,~~  
171 ~~and that combined bodily liability insurance and property damage~~  
172 ~~liability insurance have been purchased if required under s.~~  
173 ~~627.7415~~ shall be provided in the manner prescribed by law by  
174 the applicant at the time of application for registration of any

24-00449E-19

2019896\_\_

175 motor vehicle that is subject to such requirements. The issuing  
176 agent may not ~~shall refuse to~~ issue registration if such proof  
177 of purchase is not provided. Insurers shall furnish uniform  
178 proof-of-purchase cards in a paper or electronic format in a  
179 form prescribed by the department and include the name of the  
180 insured's insurance company, the coverage identification number,  
181 and the make, year, and vehicle identification number of the  
182 vehicle insured. The card must contain a statement notifying the  
183 applicant of the penalty specified under s. 316.646(4). The card  
184 or insurance policy, insurance policy binder, or certificate of  
185 insurance or a photocopy of any of these; an affidavit  
186 containing the name of the insured's insurance company, the  
187 insured's policy number, and the make and year of the vehicle  
188 insured; or such other proof as may be prescribed by the  
189 department shall constitute sufficient proof of purchase. If an  
190 affidavit is provided as proof, it must be in substantially the  
191 following form:

192  
193 Under penalty of perjury, I ...(Name of insured)... do hereby  
194 certify that I have ...Bodily Injury Liability and ~~(Personal~~  
195 ~~Injury Protection,~~ Property Damage Liability coverage, and, ~~if~~  
196 ~~required, Bodily Injury Liability)~~... Insurance currently in  
197 effect with ...(Name of insurance company)... under ...(policy  
198 number)... covering ...(make, year, and vehicle identification  
199 number of vehicle).... ...(Signature of Insured)...

200

201 Such affidavit must include the following warning:

202

203 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE

24-00449E-19

2019896\_\_

204 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
205 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
206 SUBJECT TO PROSECUTION.

207  
208 If an application is made through a licensed motor vehicle  
209 dealer as required under s. 319.23, the original or a  
210 photostatic copy of such card, insurance policy, insurance  
211 policy binder, or certificate of insurance or the original  
212 affidavit from the insured shall be forwarded by the dealer to  
213 the tax collector of the county or the Department of Highway  
214 Safety and Motor Vehicles for processing. By executing the  
215 ~~aforsaid~~ affidavit, a ~~ne~~ licensed motor vehicle dealer will not  
216 be liable in damages for any inadequacy, insufficiency, or  
217 falsification of any statement contained therein. A card must  
218 also indicate the existence of any bodily injury liability  
219 insurance ~~voluntarily~~ purchased.

220 (d) The verifying of proof of compliance with the liability  
221 coverage requirements of the ~~personal injury protection~~  
222 ~~insurance, proof of property damage liability insurance, proof~~  
223 ~~of combined bodily liability insurance and property damage~~  
224 ~~liability insurance, or proof of financial responsibility law  
225 ~~insurance~~ and the issuance or failure to issue the motor vehicle  
226 registration under ~~the provisions of~~ this chapter may not be  
227 construed in any court as a warranty of the reliability or  
228 accuracy of the evidence of such proof, or that the provisions  
229 of any insurance policy furnished as proof of compliance with  
230 the liability coverage requirements of the financial  
231 responsibility law comply with the laws of this state. Neither  
232 the department nor any tax collector is liable in damages for~~



24-00449E-19

2019896\_\_

233 any inadequacy, insufficiency, falsification, or unauthorized  
234 modification of any item of the proof of compliance with the  
235 liability coverage requirements of the ~~personal injury~~  
236 ~~protection insurance, proof of property damage liability~~  
237 ~~insurance, proof of combined bodily liability insurance and~~  
238 ~~property damage liability insurance, or proof of financial~~  
239 responsibility law insurance prior to, during, or subsequent to  
240 the verification of the proof. The issuance of a motor vehicle  
241 registration does not constitute prima facie evidence or a  
242 presumption of insurance coverage.

243 Section 5. Paragraph (b) of subsection (1) of section  
244 320.0609, Florida Statutes, is amended to read:

245 320.0609 Transfer and exchange of registration license  
246 plates; transfer fee.—

247 (1)

248 (b) The transfer of a license plate from a vehicle disposed  
249 of to a newly acquired vehicle does not constitute a new  
250 registration. The application for transfer shall be accepted  
251 without requiring proof of motor vehicle ~~personal injury~~  
252 ~~protection or liability~~ insurance.

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

255 320.27 Motor vehicle dealers.—

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

24-00449E-19

2019896\_\_

262 person or persons applying for the license ~~therefor~~; the name of  
263 the firm or copartnership, with the names and places of  
264 residence of all members ~~thereof~~, if such applicant is a firm or  
265 copartnership; the names and places of residence of the  
266 principal officers, if the applicant is a body corporate or  
267 other artificial body; the name of the state under whose laws  
268 the corporation is organized; the present and former place or  
269 places of residence of the applicant; and the prior business in  
270 which the applicant has been engaged and its ~~the~~ location  
271 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact  
272 location of the place of business and must ~~shall~~ state whether  
273 the place of business is owned by the applicant and when  
274 acquired, or, if leased, a true copy of the lease shall be  
275 attached to the application. The applicant shall certify that  
276 the location provides an adequately equipped office and is not a  
277 residence; that the location affords sufficient unoccupied space  
278 upon and within which adequately to store all motor vehicles  
279 offered and displayed for sale; and that the location is a  
280 suitable place where the applicant can in good faith carry on  
281 such business and keep and maintain books, records, and files  
282 necessary to conduct such business, which shall be available at  
283 all reasonable hours to inspection by the department or any of  
284 its inspectors or other employees. The applicant shall certify  
285 that the business of a motor vehicle dealer is the principal  
286 business that will ~~which shall~~ be conducted at that location.  
287 The application must ~~shall~~ contain a statement that the  
288 applicant is either franchised by a manufacturer of motor  
289 vehicles, in which case the name of each motor vehicle that the  
290 applicant is franchised to sell shall be included, or an

24-00449E-19

2019896\_\_

291 independent (nonfranchised) motor vehicle dealer. The  
292 application must ~~shall~~ contain other relevant information as may  
293 be required by the department. The applicant must furnish,  
294 ~~including~~ evidence, in a form approved by the department, that  
295 the applicant is insured under a garage liability insurance  
296 policy or a general liability insurance policy coupled with a  
297 business automobile policy, which shall include, at a minimum,  
298 \$25,000 combined single-limit bodily injury and property damage  
299 ~~liability coverage including bodily injury and property damage~~  
300 ~~protection and \$10,000 personal injury protection.~~ However, a  
301 salvage motor vehicle dealer as defined in subparagraph (1)(c)5.  
302 is exempt from the requirements for garage liability insurance  
303 ~~and personal injury protection insurance~~ on those vehicles that  
304 cannot be legally operated on roads, highways, or streets in  
305 this state. Franchise dealers must submit a garage liability  
306 insurance policy, and all other dealers must submit a garage  
307 liability insurance policy or a general liability insurance  
308 policy coupled with a business automobile policy. Such policy  
309 shall be for the license period, and evidence of a new or  
310 continued policy shall be delivered to the department at the  
311 beginning of each license period. Upon making initial  
312 application, the applicant shall pay to the department a fee of  
313 \$300 in addition to any other fees required by law. Applicants  
314 may choose to extend the licensure period for 1 additional year  
315 for a total of 2 years. An initial applicant shall pay to the  
316 department a fee of \$300 for the first year and \$75 for the  
317 second year, in addition to any other fees required by law. An  
318 applicant for renewal shall pay to the department \$75 for a 1-  
319 year renewal or \$150 for a 2-year renewal, in addition to any

24-00449E-19

2019896\_\_

320 other fees required by law. Upon making an application for a  
321 change of location, the applicant must ~~person shall~~ pay a fee of  
322 \$50 in addition to any other fees now required by law. The  
323 department shall, in the case of every application for initial  
324 licensure, verify whether certain facts set forth in the  
325 application are true. Each applicant, general partner in the  
326 case of a partnership, or corporate officer and director in the  
327 case of a corporate applicant, must file a set of fingerprints  
328 with the department for the purpose of determining any prior  
329 criminal record or any outstanding warrants. The department  
330 shall submit the fingerprints to the Department of Law  
331 Enforcement for state processing and forwarding to the Federal  
332 Bureau of Investigation for federal processing. The actual cost  
333 of state and federal processing shall be borne by the applicant  
334 and is in addition to the fee for licensure. The department may  
335 issue a license to an applicant pending the results of the  
336 fingerprint investigation, which license is fully revocable if  
337 the department subsequently determines that any facts set forth  
338 in the application are not true or correctly represented.

339 Section 7. Paragraph (j) of subsection (3) of section  
340 320.771, Florida Statutes, is amended to read:

341 320.771 License required of recreational vehicle dealers.—

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

346 (j) A statement that the applicant is insured under a  
347 garage liability insurance policy, which shall include, at a  
348 minimum, \$25,000 combined single-limit bodily injury and

24-00449E-19

2019896\_\_

349 ~~property damage~~ liability coverage, ~~including bodily injury and~~  
350 ~~property damage protection, and \$10,000 personal injury~~  
351 ~~protection,~~ if the applicant is to be licensed as a dealer in,  
352 or intends to sell, recreational vehicles.

353

354 The department shall, if it deems necessary, cause an  
355 investigation to be made to ascertain if the facts set forth in  
356 the application are true and shall not issue a license to the  
357 applicant until it is satisfied that the facts set forth in the  
358 application are true.

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

361 322.251 Notice of cancellation, suspension, revocation, or  
362 disqualification of license.-

363 (1) All orders of cancellation, suspension, revocation, or  
364 disqualification issued under ~~the provisions of~~ this chapter,  
365 chapter 318, or chapter 324, ~~or ss. 627.732-627.734~~ shall be  
366 given either by personal delivery thereof to the licensee whose  
367 license is being canceled, suspended, revoked, or disqualified  
368 or by deposit in the United States mail in an envelope, first  
369 class, postage prepaid, addressed to the licensee at his or her  
370 last known mailing address furnished to the department. Such  
371 mailing by the department constitutes notification, and any  
372 failure by the person to receive the mailed order will not  
373 affect or stay the effective date or term of the cancellation,  
374 suspension, revocation, or disqualification of the licensee's  
375 driving privilege.

376 (2) The giving of notice and an order of cancellation,  
377 suspension, revocation, or disqualification by mail is complete

24-00449E-19

2019896\_\_

378 upon expiration of 20 days after deposit in the United States  
379 mail for all notices except those issued under chapter 324 ~~or~~  
380 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in  
381 the United States mail. Proof of the giving of notice and an  
382 order of cancellation, suspension, revocation, or  
383 disqualification in either manner shall be made by entry in the  
384 records of the department that such notice was given. The entry  
385 is admissible in the courts of this state and constitutes  
386 sufficient proof that such notice was given.

387 Section 9. Paragraph (a) of subsection (8) of section  
388 322.34, Florida Statutes, is amended to read:

389 322.34 Driving while license suspended, revoked, canceled,  
390 or disqualified.—

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

394 1. Whether the person's driver license is suspended or  
395 revoked.

396 2. Whether the person's driver license has remained  
397 suspended or revoked since a conviction for the offense of  
398 driving with a suspended or revoked license.

399 3. Whether the suspension or revocation was made under s.  
400 316.646 ~~or s. 627.733~~, relating to failure to maintain required  
401 security, or under s. 322.264, relating to habitual traffic  
402 offenders.

403 4. Whether the driver is the registered owner or coowner of  
404 the vehicle.

405 Section 10. Section 324.011, Florida Statutes, is amended  
406 to read:

24-00449E-19

2019896\_\_

407           324.011 Legislative intent and purpose of chapter.—It is  
408 the intent of the Legislature ~~this chapter~~ to ensure that the  
409 privilege of owning or operating a motor vehicle in this state  
410 be exercised ~~recognize the existing privilege to own or operate~~  
411 ~~a motor vehicle on the public streets and highways of this state~~  
412 ~~when such vehicles are used~~ with due consideration for others  
413 and their property in order, and to promote safety and provide  
414 financial security requirements for ~~such~~ owners or operators  
415 whose responsibility it is to recompense others for injury to  
416 person or property caused by the operation of a motor vehicle.  
417 ~~Therefore, it is required herein that the operator of a motor~~  
418 ~~vehicle involved in a crash or convicted of certain traffic~~  
419 ~~offenses meeting the operative provisions of s. 324.051(2) shall~~  
420 ~~respond for such damages and show proof of financial ability to~~  
421 ~~respond for damages in future accidents as a requisite to his or~~  
422 ~~her future exercise of such privileges.~~

423           Section 11. Effective upon this act becoming a law, section  
424 324.015, Florida Statutes, is created to read:

425           324.015 Applicability; notice to insured.—

426           (1) Effective January 1, 2021:

427           (a) Notwithstanding any other law, motor vehicle liability  
428 policies issued or renewed on or after January 1, 2021, may not  
429 include personal injury protection.

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

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

435           (d) An existing motor vehicle liability policy issued

24-00449E-19

2019896\_\_

436 before January 1, 2021, which provides personal injury  
437 protection and property damage liability coverage and meets the  
438 financial responsibility requirements on December 31, 2020, but  
439 does not meet the financial responsibility requirements on or  
440 after January 1, 2021, is deemed to meet the financial  
441 responsibility requirements under this chapter until such policy  
442 is renewed, nonrenewed, or canceled.

443 (2) An insurer must allow an insured who has a new or  
444 renewal policy providing personal injury protection which  
445 becomes effective before January 1, 2021, and whose policy does  
446 not meet the financial responsibility requirements on or after  
447 January 1, 2021, to change coverages to meet the financial  
448 responsibility requirements that become effective on or after  
449 January 1, 2021. The insurer is not required to provide coverage  
450 complying with financial responsibility requirements in such  
451 policies if the insured does not pay the required premium by  
452 January 1, 2021, or such later date as the insurer may allow.  
453 The insurer must refund any reduction in the premium. The  
454 insurer may not impose an additional fee or charge on the  
455 insured for such changes in coverage; however, the insurer may  
456 charge an additional premium that is actuarially indicated.

457 (3) By September 1, 2020, a motor vehicle insurer must  
458 provide each insured a notice of the provisions of this section.  
459 The notice is subject to approval by the Office of Insurance  
460 Regulation and must clearly inform the insured that:

461 (a) The Florida Motor Vehicle No-Fault Law is repealed,  
462 effective January 1, 2021, and that on or after that date the  
463 insured is no longer required to maintain personal injury  
464 protection coverage, that personal injury protection coverage is



24-00449E-19

2019896\_\_

465 no longer available for purchase in this state, and that all new  
466 or renewal policies issued on or after that date may not contain  
467 such coverage.

468 (b) Effective January 1, 2021, a person subject to s.  
469 324.022 must maintain financial responsibility requirements that  
470 enable the person to respond in damages for liability on account  
471 of accidents arising out of the ownership, maintenance, or use  
472 of a motor vehicle in the following amounts:

473 1. Twenty-five thousand dollars for bodily injury to, or  
474 the death of, one person in any one accident and, subject to  
475 such limits for one person, in the amount of \$50,000 for bodily  
476 injury to, or the death of, two or more persons in any one  
477 accident; and

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

480 (c) Personal injury protection coverage pays covered  
481 medical expenses for injuries sustained in a motor vehicle  
482 accident by the insured, passengers, and relatives residing in  
483 the insured's household.

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

488 (e) The insured may obtain underinsured motorist coverage,  
489 which provides benefits, up to the limits of such coverage, to  
490 an insured or other insured entitled to recover damages for  
491 bodily injury, sickness, disease, or death resulting from a  
492 motor vehicle accident with an uninsured or underinsured owner  
493 or operator of a motor vehicle.

24-00449E-19

2019896\_\_

494 (f) If the insured's new or renewal motor vehicle liability  
495 policy is effective before January 1, 2021, and contains  
496 personal injury protection and property damage liability  
497 coverage as required by state law before January 1, 2021, but  
498 does not meet the financial responsibility requirements on or  
499 after January 1, 2021, the policy is deemed to meet the  
500 financial responsibility requirements until it is renewed,  
501 nonrenewed, or canceled.

502 (g) An insured whose new or renewal policy becomes  
503 effective before January 1, 2021, but does not meet the  
504 financial responsibility requirements on or after January 1,  
505 2021, may change coverages under the policy so as to eliminate  
506 personal injury protection and to obtain coverage meeting the  
507 financial responsibility requirements, including bodily injury  
508 liability coverage, which are effective on or after January 1,  
509 2021.

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

512 (4) The Florida Motor Vehicle No-Fault Law, ss. 627.730-  
513 627.7405, and ss. 400.9905, 400.991, 456.057, 456.072, 627.7263,  
514 627.9541(1)(i), 817.234(7)(c), and 817.234(8) remain in full  
515 force and effect for motor vehicle accidents covered under a  
516 policy issued under the Florida Motor Vehicle No-Fault Law  
517 before January 1, 2021, until that policy is renewed,  
518 nonrenewed, or canceled.

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

522 324.021 Definitions; minimum insurance required.—The

24-00449E-19

2019896\_\_

523 following words and phrases when used in this chapter shall, for  
524 the purpose of this chapter, have the meanings respectively  
525 ascribed to them in this section, except in those instances  
526 where the context clearly indicates a different meaning:

527 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is  
528 designed and required to be licensed for use upon a highway,  
529 including trailers and semitrailers designed for use with such  
530 vehicles, except traction engines, road rollers, farm tractors,  
531 power shovels, and well drillers, and every vehicle that is  
532 propelled by electric power obtained from overhead wires but not  
533 operated upon rails, but not including any personal delivery  
534 device or mobile carrier as defined in s. 316.003, bicycle, or  
535 moped. ~~However, the term "motor vehicle" does not include a~~  
536 ~~motor vehicle as defined in s. 627.732(3) when the owner of such~~  
537 ~~vehicle has complied with the requirements of ss. 627.730-~~  
538 ~~627.7405, inclusive, unless the provisions of s. 324.051 apply;~~  
539 ~~and, in such case, the applicable proof of insurance provisions~~  
540 ~~of s. 320.02 apply.~~

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

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

547 (b) Subject to such limits for one person, in the amount of  
548 \$50,000 ~~for \$20,000 because of~~ bodily injury to, or the death  
549 of, two or more persons in any one accident ~~crash~~;

550 (c) In the amount of \$10,000 for damage ~~because of injury~~  
551 to, or destruction of, the property of others in any one

24-00449E-19

2019896\_\_

552 accident ~~crash~~; and

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

556 (9) OWNER; OWNER/LESSOR.—

557 (c) *Application.*—

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

570 a. A related rental or leasing company that is a subsidiary  
571 of the same parent company as that of the renting or leasing  
572 company that rented or leased the vehicle.

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

24-00449E-19

2019896\_\_

581           2. Furthermore, with respect to commercial motor vehicles  
582 ~~as defined in s. 627.732~~, the limits on liability in  
583 subparagraphs (b)2. and 3. do not apply if, at the time of the  
584 incident, the commercial motor vehicle is being used in the  
585 transportation of materials found to be hazardous for the  
586 purposes of the Hazardous Materials Transportation Authorization  
587 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is  
588 required pursuant to such act to carry placards warning others  
589 of the hazardous cargo, unless at the time of lease or rental  
590 either:

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

595           b. The lessee or other operator of the commercial motor  
596 vehicle has in effect insurance with limits of at least  
597 \$5,000,000 combined property damage and bodily injury liability.

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

600           324.022 Financial responsibility requirements ~~for property~~  
601 ~~damage.~~—

602           (1) (a) Every owner or operator of a motor vehicle required  
603 to be registered in this state must ~~shall~~ establish and maintain  
604 the ability to respond in damages for liability on account of  
605 accidents arising out of the use of the motor vehicle in the  
606 amount of:

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

609           2. Subject to the limits for one person, \$50,000 for bodily

24-00449E-19

2019896\_\_

610 injury to, or the death of, two or more persons in any one  
611 accident; and \$10,000 because of

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

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

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

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

24-00449E-19

2019896\_\_

- 639 1. A mobile home.
- 640 2. A motor vehicle that is used in mass transit and  
641 designed to transport more than five passengers, exclusive of  
642 the operator of the motor vehicle, and that is owned by a  
643 municipality, transit authority, or political subdivision of the  
644 state.
- 645 3. A school bus as defined in s. 1006.25.
- 646 4. A vehicle providing for-hire transportation that is  
647 subject to ~~the provisions of~~ s. 324.031. A taxicab shall  
648 maintain security as required under s. 324.032(1).
- 649 5. A personal delivery device as defined in s. 316.003.
- 650 (b) "Owner" means the person who holds legal title to a  
651 motor vehicle or the debtor or lessee who has the right to  
652 possession of a motor vehicle that is the subject of a security  
653 agreement or lease with an option to purchase.
- 654 (3) Each nonresident owner or registrant of a motor vehicle  
655 that, whether operated or not, has been physically present  
656 within this state for more than 90 days during the preceding 365  
657 days shall maintain security as required by subsection (1) that  
658 is in effect continuously throughout the period the motor  
659 vehicle remains within this state.
- 660 (4) An ~~The~~ owner or registrant of a motor vehicle who is  
661 ~~exempt from the requirements of this section if she or he is a~~  
662 member of the United States Armed Forces and is called to or on  
663 active duty outside the United States in an emergency situation  
664 is exempt from this section while he or she. ~~The exemption~~  
665 ~~provided by this subsection applies only as long as the member~~  
666 ~~of the Armed Forces~~ is on such active duty outside the United  
667 States. This exemption ~~and~~ applies only while the vehicle is not

24-00449E-19

2019896\_\_

668 operated by any person. Upon receipt of a written request by the  
 669 insured to whom the exemption provided in this subsection  
 670 applies, the insurer shall cancel the coverages and return any  
 671 unearned premium or suspend the security required by this  
 672 section. Notwithstanding s. 324.0221(2) ~~s. 324.0221(3)~~, the  
 673 department may not suspend the registration or operator's  
 674 license of an ~~any~~ owner or registrant of a motor vehicle during  
 675 the time she or he qualifies for the ~~an~~ exemption under this  
 676 subsection. An ~~Any~~ owner or registrant of a motor vehicle who  
 677 qualifies for the ~~an~~ exemption under this subsection shall  
 678 immediately notify the department before ~~prior to~~ and at the end  
 679 of the expiration of the exemption.

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

683 324.0221 Reports by insurers to the department; suspension  
 684 of driver license and vehicle registrations; reinstatement.—

685 (1) (a) Each insurer that has issued a policy providing  
 686 ~~personal injury protection coverage or property damage~~ liability  
 687 coverage shall report the cancellation or nonrenewal thereof to  
 688 the department within 10 days after the processing date or  
 689 effective date of each cancellation or nonrenewal. Upon the  
 690 issuance of a policy providing ~~personal injury protection~~  
 691 ~~coverage or property damage~~ liability coverage to a named  
 692 insured not previously insured by the insurer during that  
 693 calendar year, the insurer shall report the issuance of the new  
 694 policy to the department within 10 days. The report must ~~shall~~  
 695 be in a ~~the~~ form prescribed by the department ~~and format~~ and  
 696 contain any information required by the department and must be



24-00449E-19

2019896\_\_

697 provided in a format that is compatible with the data processing  
 698 capabilities of the department. Failure by an insurer to file  
 699 proper reports with the department as required by this  
 700 subsection constitutes a violation of the Florida Insurance  
 701 Code. These records shall be used by the department only for  
 702 enforcement and regulatory purposes, including the generation by  
 703 the department of data regarding compliance by owners of motor  
 704 vehicles with the requirements for financial responsibility  
 705 coverage.

706 (b) With respect to an insurance policy providing ~~personal~~  
 707 ~~injury protection coverage or property damage~~ liability  
 708 coverage, each insurer shall notify the named insured, or the  
 709 first-named insured in the case of a commercial fleet policy, in  
 710 writing that any cancellation or nonrenewal of the policy will  
 711 be reported by the insurer to the department. The notice must  
 712 also inform the named insured that failure to maintain bodily  
 713 injury liability ~~personal injury protection~~ coverage and  
 714 property damage liability coverage on a motor vehicle when  
 715 required by law may result in the loss of registration and  
 716 driving privileges in this state and inform the named insured of  
 717 the amount of the reinstatement fees required by this section.  
 718 This notice is for informational purposes only, and an insurer  
 719 is not civilly liable for failing to provide this notice.

720 (2) The department shall suspend, after due notice and an  
 721 opportunity to be heard, the registration and driver license of  
 722 any owner or registrant of a motor vehicle with respect to which  
 723 security is required under s. ~~ss-~~ 324.022, s. 324.023, s.  
 724 324.032, s. 627.7415, or s. 627.742 ~~and 627.733~~ upon:

725 (a) The department's records showing that the owner or

24-00449E-19

2019896\_\_

726 registrant of such motor vehicle did not have the ~~in full force~~  
727 ~~and effect when~~ required security in full force and effect ~~that~~  
728 ~~complies with the requirements of ss. 324.022 and 627.733; or~~

729 (b) Notification by the insurer to the department, in a  
730 form approved by the department, of cancellation or termination  
731 of the required security.

732 (4) All suspensions of license or registration under this  
733 section for failure to maintain required security that occurred  
734 before January 1, 2021, remain in full force and effect on or  
735 after January 1, 2021.

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

738 324.032 Manner of proving financial responsibility; for-  
739 hire passenger transportation vehicles.—Notwithstanding the  
740 provisions of s. 324.031:

741 (1) (a) A person who is either the owner or a lessee of a  
742 motor vehicle used as a taxicab ~~required to maintain insurance~~  
743 ~~under s. 627.733(1)(b)~~ and who operates one or more taxicabs,  
744 limousines, jitneys, or any other for-hire passenger  
745 transportation vehicles may prove financial responsibility by  
746 furnishing satisfactory evidence of holding a motor vehicle  
747 liability policy, but with minimum limits of  
748 \$125,000/250,000/50,000.

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

24-00449E-19

2019896\_\_

755

756 Upon request by the department, the applicant must provide the  
757 department at the applicant's principal place of business in  
758 this state access to the applicant's underlying financial  
759 information and financial statements that provide the basis of  
760 the certified public accountant's certification. The applicant  
761 shall reimburse the requesting department for all reasonable  
762 costs incurred by it in reviewing the supporting information.  
763 The maximum amount of self-insurance permissible under this  
764 subsection is \$300,000 and must be stated on a per-occurrence  
765 basis, and the applicant shall maintain adequate excess  
766 insurance issued by an authorized or eligible insurer licensed  
767 or approved by the Office of Insurance Regulation. All risks  
768 self-insured shall remain with the owner or lessee providing it,  
769 and the risks are not transferable to any other person, unless a  
770 policy complying with subsection (1) is obtained.

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

773 324.051 Reports of accidents ~~crashes~~; suspensions of  
774 licenses and registrations.-

775 (2) (a) Thirty days after receipt of notice of any accident  
776 described in paragraph (1) (a) involving a motor vehicle within  
777 this state, the department shall suspend, after due notice and  
778 opportunity to be heard, the license of each operator and all  
779 registrations of the owner of the vehicles operated by such  
780 operator whether or not involved in such accident ~~crash~~ and, in  
781 the case of a nonresident owner or operator, shall suspend such  
782 nonresident's operating privilege in this state, unless such  
783 operator or owner shall, prior to the expiration of such 30

24-00449E-19

2019896\_\_

784 days, be found by the department to be exempt from the operation  
785 of this chapter, based upon evidence satisfactory to the  
786 department that:

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

789 2. The motor vehicle was owned by the United States  
790 Government, this state, or any political subdivision of this  
791 state or any municipality therein.

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

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

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

804 (b) This subsection shall not apply:

805 1. To such operator or owner if such operator or owner had  
806 in effect at the time of such accident ~~crash~~ or traffic  
807 conviction a motor vehicle ~~an automobile~~ liability policy with  
808 respect to all of the registered motor vehicles owned by such  
809 operator or owner.

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

24-00449E-19

2019896\_\_

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

815 3. To such operator or owner if the liability of such  
816 operator or owner for damages resulting from such accident ~~crash~~  
817 is, in the judgment of the department, covered by any other form  
818 of liability insurance or bond.

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

822

823 No such policy or bond shall be effective under this subsection  
824 unless it contains limits of not less than those specified in s.  
825 324.021(7).

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

828 324.091 Notice to department; notice to insurer.—

829 (1) Each owner and operator involved in an accident ~~a crash~~  
830 or conviction case within the purview of this chapter shall  
831 furnish evidence of ~~automobile liability insurance or motor~~  
832 vehicle liability insurance within 14 days after the date of the  
833 mailing of notice of the accident ~~crash~~ by the department in the  
834 form and manner as it may designate. Upon receipt of evidence  
835 that a ~~an automobile liability policy or~~ motor vehicle liability  
836 policy was in effect at the time of the accident ~~crash~~ or  
837 conviction case, the department shall forward to the insurer  
838 such information for verification in a method as determined by  
839 the department. The insurer shall respond to the department  
840 within 20 days after the notice whether or not such information  
841 is valid. If the department determines that a ~~an automobile~~

24-00449E-19

2019896\_\_

842 ~~liability policy or~~ motor vehicle liability policy was not in  
843 effect and did not provide coverage for both the owner and the  
844 operator, it shall take action as it is authorized to do under  
845 this chapter.

846 Section 18. Section 324.151, Florida Statutes, is amended  
847 to read:

848 324.151 Motor vehicle liability policies; required  
849 provisions.—

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

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

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

859 (c) "Temporary substitute vehicle" means a motor vehicle,  
860 as defined in s. 320.01(1), which is not owned by the named  
861 insured and which is temporarily used with the permission of the  
862 owner as a substitute for a motor vehicle designated on the  
863 policy when the vehicle designated on the policy is withdrawn  
864 from normal use because of breakdown, repair, servicing, loss,  
865 or destruction.

866 (2) ~~(1)~~ A motor vehicle liability policy, as to be proof of  
867 financial responsibility under s. 324.031(1), shall be issued to  
868 owners or operators of motor vehicles under the following  
869 provisions:

870 (a) A motor vehicle liability insurance policy issued to an

24-00449E-19

2019896\_\_

871 owner of a motor vehicle registered in this state must An  
872 ~~owner's liability insurance policy shall~~ designate by explicit  
873 description or by appropriate reference all motor vehicles with  
874 respect to which coverage is thereby granted. The policy must  
875 ~~and shall~~ insure the person or persons ~~owner~~ named therein and  
876 any resident relative of a named insured against ~~other person as~~  
877 ~~operator using such motor vehicle or motor vehicles with the~~  
878 ~~express or implied permission of such owner against loss from~~  
879 the liability imposed by law for damage arising out of the  
880 ownership, maintenance, or use of any such motor vehicle, except  
881 as otherwise provided in this section. The policy must also  
882 insure any person operating an insured motor vehicle with the  
883 express or implied permission of the named insured against loss  
884 from liability imposed by law for damage arising out of the use  
885 of such vehicle. However, the insurer may exclude in its policy  
886 liability coverage for a motor vehicle not designated as an  
887 insured vehicle on the policy if such motor vehicle does not  
888 qualify as a newly acquired vehicle or a temporary substitute  
889 vehicle and was owned by an insured or was furnished for an  
890 insured's regular use for more than 30 consecutive days before  
891 an accident ~~or motor vehicles within the United States or the~~  
892 ~~Dominion of Canada, subject to limits, exclusive of interest and~~  
893 ~~costs with respect to each such motor vehicle as is provided for~~  
894 ~~under s. 324.021(7).~~ Insurers may make available, with respect  
895 to property damage liability coverage, a deductible amount not  
896 to exceed \$500. In the event of a property damage loss covered  
897 by a policy containing a property damage deductible provision,  
898 the insurer shall pay to the third-party claimant the amount of  
899 any property damage liability settlement or judgment, subject to

24-00449E-19

2019896\_\_

900 policy limits, as if no deductible existed.

901 (b) A motor vehicle liability insurance policy issued to a  
902 person who does not own a motor vehicle registered in this state  
903 and is not already insured under a policy described in paragraph  
904 (a) must ~~An operator's motor vehicle liability policy of~~  
905 ~~insurance shall~~ insure the person or persons named in the policy  
906 ~~therein~~ against loss from ~~the~~ liability imposed ~~upon him or her~~  
907 by law for damages arising out of the use ~~by the person~~ of any  
908 motor vehicle not owned by him or her, unless the vehicle was  
909 furnished for the named insured's regular use and used by the  
910 named insured for more than 30 consecutive days before an  
911 accident ~~with the same territorial limits and subject to the~~  
912 ~~same limits of liability as referred to above with respect to an~~  
913 ~~owner's policy of liability insurance.~~

914 (c) All such motor vehicle liability policies shall state  
915 the name and address of the named insured, the coverage afforded  
916 by the policy, the premium charged therefor, the policy period,  
917 and the limits of liability, and shall contain an agreement or  
918 be endorsed that insurance is provided in accordance with the  
919 coverage defined in this chapter ~~as respects bodily injury and~~  
920 ~~death or property damage or both~~ and is subject to all  
921 provisions of this chapter. The said policies must shall also  
922 contain a provision that the satisfaction by an insured of a  
923 judgment for such injury or damage shall not be a condition  
924 precedent to the right or duty of the insurer ~~insurance carrier~~  
925 to make payment on account of such injury or damage, and shall  
926 also contain a provision that bankruptcy or insolvency of the  
927 insured or of the insured's estate shall not relieve the insurer  
928 ~~insurance carrier~~ of any of its obligations under the said



24-00449E-19

2019896\_\_

929 policy. However, the policies may contain provisions excluding  
 930 liability coverage for a vehicle used outside of the United  
 931 States or Canada at the time of an accident.

932 (3)-(2) The provisions of this section shall not be  
 933 applicable to any automobile liability policy unless and until  
 934 it is furnished as proof of financial responsibility for the  
 935 future pursuant to s. 324.031, and then only from and after the  
 936 date said policy is so furnished.

937 Section 19. Section 324.161, Florida Statutes, is amended  
 938 to read:

939 324.161 Proof of financial responsibility; deposit.-  
 940 Annually, before any certificate of insurance may be issued to a  
 941 person, including any firm, partnership, association,  
 942 corporation, or other person, ~~other than a natural person,~~ proof  
 943 of a certificate of deposit of \$60,000 ~~\$30,000~~ issued and held  
 944 by a financial institution must be submitted to the department.  
 945 A power of attorney will be issued to and held by the  
 946 department, and may be executed upon a judgment issued against  
 947 such person making the deposit, for damages for ~~because of~~  
 948 bodily injury to or death of any person or for damages for  
 949 ~~because of~~ injury to or destruction of property resulting from  
 950 the use or operation of any motor vehicle occurring after such  
 951 deposit was made. Money so deposited is ~~shall~~ not be subject to  
 952 attachment or execution unless such attachment or execution  
 953 shall arise out of a suit for such damages ~~as aforesaid~~.

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

956 324.171 Self-insurer.-

957 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining

24-00449E-19

2019896\_\_

958 a certificate of self-insurance from the department. Upon which  
959 ~~may, in its discretion and upon~~ application of such a person,  
960 the department may issue a said certificate of self-insurance if  
961 the applicant ~~when such person~~ has satisfied the requirements of  
962 this section ~~to qualify as a self-insurer under this section:~~

963 (a) A private individual with private passenger vehicles  
964 must shall possess an a net unencumbered net worth of at least  
965 \$60,000 ~~\$40,000~~.

966 (b) A person, including any firm, partnership, association,  
967 corporation, or other person, other than a natural person, must  
968 ~~shall~~:

969 1. Possess an a net unencumbered net worth of at least  
970 \$60,000 ~~\$40,000~~ for the first motor vehicle and \$30,000 ~~\$20,000~~  
971 for each additional motor vehicle; or

972 2. Maintain sufficient net worth in an amount determined by  
973 the department to be financially responsible for potential  
974 losses. The department must annually determine the minimum net  
975 worth sufficient to satisfy this section, ~~as determined annually~~  
976 ~~by the department,~~ pursuant to rules adopted promulgated by the  
977 department, with the assistance of the Office of Insurance  
978 Regulation of the Financial Services Commission, ~~to be~~  
979 ~~financially responsible for potential losses.~~ The rules must  
980 consider any ~~shall take into consideration~~ excess insurance  
981 carried by the applicant. The department's determination shall  
982 be based upon reasonable actuarial principles considering the  
983 frequency, severity, and loss development of claims incurred by  
984 casualty insurers writing coverage on the type of motor vehicles  
985 for which a certificate of self-insurance is desired.

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

24-00449E-19

2019896\_\_

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

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

993 Section 21. Section 324.251, Florida Statutes, is amended  
994 to read:

995 324.251 Short title.—This chapter may be cited as the  
996 “Motor Vehicle Financial Responsibility Law.” ~~of 1955” and shall~~  
997 ~~become effective at 12:01 a.m., October 1, 1955.~~

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

1000 400.9905 Definitions.—

1001 (4) “Clinic” means an entity where health care services are  
1002 provided to individuals and which tenders charges for  
1003 reimbursement for such services, including a mobile clinic and a  
1004 portable equipment provider. As used in this part, the term does  
1005 not include and the licensure requirements of this part do not  
1006 apply to:

1007 (a) Entities licensed or registered by the state under  
1008 chapter 395; entities licensed or registered by the state and  
1009 providing only health care services within the scope of services  
1010 authorized under their respective licenses under ss. 383.30-  
1011 383.332, chapter 390, chapter 394, chapter 397, this chapter  
1012 except part X, chapter 429, chapter 463, chapter 465, chapter  
1013 466, chapter 478, chapter 484, or chapter 651; end-stage renal  
1014 disease providers authorized under 42 C.F.R. part 405, subpart  
1015 U; providers certified under 42 C.F.R. part 485, subpart B or

24-00449E-19

2019896\_\_

1016 subpart H; or any entity that provides neonatal or pediatric  
1017 hospital-based health care services or other health care  
1018 services by licensed practitioners solely within a hospital  
1019 licensed under chapter 395.

1020 (b) Entities that own, directly or indirectly, entities  
1021 licensed or registered by the state pursuant to chapter 395;  
1022 entities that own, directly or indirectly, entities licensed or  
1023 registered by the state and providing only health care services  
1024 within the scope of services authorized pursuant to their  
1025 respective licenses under ss. 383.30-383.332, chapter 390,  
1026 chapter 394, chapter 397, this chapter except part X, chapter  
1027 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
1028 484, or chapter 651; end-stage renal disease providers  
1029 authorized under 42 C.F.R. part 405, subpart U; providers  
1030 certified under 42 C.F.R. part 485, subpart B or subpart H; or  
1031 any entity that provides neonatal or pediatric hospital-based  
1032 health care services by licensed practitioners solely within a  
1033 hospital licensed under chapter 395.

1034 (c) Entities that are owned, directly or indirectly, by an  
1035 entity licensed or registered by the state pursuant to chapter  
1036 395; entities that are owned, directly or indirectly, by an  
1037 entity licensed or registered by the state and providing only  
1038 health care services within the scope of services authorized  
1039 pursuant to their respective licenses under ss. 383.30-383.332,  
1040 chapter 390, chapter 394, chapter 397, this chapter except part  
1041 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter  
1042 478, chapter 484, or chapter 651; end-stage renal disease  
1043 providers authorized under 42 C.F.R. part 405, subpart U;  
1044 providers certified under 42 C.F.R. part 485, subpart B or

24-00449E-19

2019896\_\_

1045 subpart H; or any entity that provides neonatal or pediatric  
1046 hospital-based health care services by licensed practitioners  
1047 solely within a hospital under chapter 395.

1048 (d) Entities that are under common ownership, directly or  
1049 indirectly, with an entity licensed or registered by the state  
1050 pursuant to chapter 395; entities that are under common  
1051 ownership, directly or indirectly, with an entity licensed or  
1052 registered by the state and providing only health care services  
1053 within the scope of services authorized pursuant to their  
1054 respective licenses under ss. 383.30-383.332, chapter 390,  
1055 chapter 394, chapter 397, this chapter except part X, chapter  
1056 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
1057 484, or chapter 651; end-stage renal disease providers  
1058 authorized under 42 C.F.R. part 405, subpart U; providers  
1059 certified under 42 C.F.R. part 485, subpart B or subpart H; or  
1060 any entity that provides neonatal or pediatric hospital-based  
1061 health care services by licensed practitioners solely within a  
1062 hospital licensed under chapter 395.

1063 (e) An entity that is exempt from federal taxation under 26  
1064 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan  
1065 under 26 U.S.C. s. 409 that has a board of trustees at least  
1066 two-thirds of which are Florida-licensed health care  
1067 practitioners and provides only physical therapy services under  
1068 physician orders, any community college or university clinic,  
1069 and any entity owned or operated by the federal or state  
1070 government, including agencies, subdivisions, or municipalities  
1071 thereof.

1072 (f) A sole proprietorship, group practice, partnership, or  
1073 corporation that provides health care services by physicians

24-00449E-19

2019896\_\_

1074 covered by s. 627.419, that is directly supervised by one or  
1075 more of such physicians, and that is wholly owned by one or more  
1076 of those physicians or by a physician and the spouse, parent,  
1077 child, or sibling of that physician.

1078 (g) A sole proprietorship, group practice, partnership, or  
1079 corporation that provides health care services by licensed  
1080 health care practitioners under chapter 457, chapter 458,  
1081 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
1082 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
1083 chapter 490, chapter 491, or part I, part III, part X, part  
1084 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
1085 wholly owned by one or more licensed health care practitioners,  
1086 or the licensed health care practitioners set forth in this  
1087 paragraph and the spouse, parent, child, or sibling of a  
1088 licensed health care practitioner if one of the owners who is a  
1089 licensed health care practitioner is supervising the business  
1090 activities and is legally responsible for the entity's  
1091 compliance with all federal and state laws. However, a health  
1092 care practitioner may not supervise services beyond the scope of  
1093 the practitioner's license, except that, for the purposes of  
1094 this part, a clinic owned by a licensee in s. 456.053(3)(b)  
1095 which provides only services authorized pursuant to s.  
1096 456.053(3)(b) may be supervised by a licensee specified in s.  
1097 456.053(3)(b).

1098 (h) Clinical facilities affiliated with an accredited  
1099 medical school at which training is provided for medical  
1100 students, residents, or fellows.

1101 (i) Entities that provide only oncology or radiation  
1102 therapy services by physicians licensed under chapter 458 or

24-00449E-19

2019896\_\_

1103 chapter 459 or entities that provide oncology or radiation  
1104 therapy services by physicians licensed under chapter 458 or  
1105 chapter 459 which are owned by a corporation whose shares are  
1106 publicly traded on a recognized stock exchange.

1107 (j) Clinical facilities affiliated with a college of  
1108 chiropractic accredited by the Council on Chiropractic Education  
1109 at which training is provided for chiropractic students.

1110 (k) Entities that provide licensed practitioners to staff  
1111 emergency departments or to deliver anesthesia services in  
1112 facilities licensed under chapter 395 and that derive at least  
1113 90 percent of their gross annual revenues from the provision of  
1114 such services. Entities claiming an exemption from licensure  
1115 under this paragraph must provide documentation demonstrating  
1116 compliance.

1117 (l) Orthotic, prosthetic, pediatric cardiology, or  
1118 perinatology clinical facilities or anesthesia clinical  
1119 facilities that are not otherwise exempt under paragraph (a) or  
1120 paragraph (k) and that are a publicly traded corporation or are  
1121 wholly owned, directly or indirectly, by a publicly traded  
1122 corporation. As used in this paragraph, a publicly traded  
1123 corporation is a corporation that issues securities traded on an  
1124 exchange registered with the United States Securities and  
1125 Exchange Commission as a national securities exchange.

1126 (m) Entities that are owned by a corporation that has \$250  
1127 million or more in total annual sales of health care services  
1128 provided by licensed health care practitioners where one or more  
1129 of the persons responsible for the operations of the entity is a  
1130 health care practitioner who is licensed in this state and who  
1131 is responsible for supervising the business activities of the

24-00449E-19

2019896\_\_

1132 entity and is responsible for the entity's compliance with state  
1133 law for purposes of this part.

1134 (n) Entities that employ 50 or more licensed health care  
1135 practitioners licensed under chapter 458 or chapter 459 where  
1136 the billing for medical services is under a single tax  
1137 identification number. The application for exemption under this  
1138 subsection must include ~~shall contain information that includes:~~  
1139 the name, residence, and business address and telephone ~~phone~~  
1140 number of the entity that owns the practice; a complete list of  
1141 the names and contact information of all the officers and  
1142 directors of the corporation; the name, residence address,  
1143 business address, and medical license number of each licensed  
1144 Florida health care practitioner employed by the entity; the  
1145 corporate tax identification number of the entity seeking an  
1146 exemption; a listing of health care services to be provided by  
1147 the entity at the health care clinics owned or operated by the  
1148 entity and a certified statement prepared by an independent  
1149 certified public accountant which states that the entity and the  
1150 health care clinics owned or operated by the entity have not  
1151 received payment for health care services under motor vehicle  
1152 ~~personal injury protection~~ insurance coverage for the preceding  
1153 year. If the agency determines that an entity that ~~which~~ is  
1154 exempt under this subsection has received payments for medical  
1155 services under motor vehicle ~~personal injury protection~~  
1156 insurance coverage, the agency may deny or revoke the exemption  
1157 from licensure under this subsection.

1158

1159 ~~Notwithstanding this subsection, an entity shall be deemed a~~  
1160 ~~clinic and must be licensed under this part in order to receive~~



24-00449E-19

2019896\_\_

1161 ~~reimbursement under the Florida Motor Vehicle No-Fault Law, ss.~~  
1162 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1163 Section 23. Subsection (6) of section 400.991, Florida  
1164 Statutes, is amended to read:

1165 400.991 License requirements; background screenings;  
1166 prohibitions.—

1167 (6) All agency forms for licensure application or exemption  
1168 from licensure under this part must contain the following  
1169 statement:

1170  
1171 INSURANCE FRAUD NOTICE.—A person commits a fraudulent  
1172 insurance act under s. 626.989 or s. 817.234, Florida  
1173 Statutes, if such person ~~who~~ knowingly submits a  
1174 false, misleading, or fraudulent application or other  
1175 document when applying for licensure as a health care  
1176 clinic, seeking an exemption from licensure as a  
1177 health care clinic, or demonstrating compliance with  
1178 part X of chapter 400, Florida Statutes, with the  
1179 intent to use the license, exemption from licensure,  
1180 or demonstration of compliance to provide services or  
1181 seek reimbursement under a motor vehicle insurance  
1182 policy ~~the Florida Motor Vehicle No-Fault Law, commits~~  
1183 ~~a fraudulent insurance act, as defined in s. 626.989,~~  
1184 Florida Statutes. A person who presents a claim under  
1185 a motor vehicle insurance policy, ~~for personal injury~~  
1186 ~~protection benefits~~ knowing that the payee knowingly  
1187 submitted such health care clinic application or  
1188 document, commits insurance fraud, as defined in s.  
1189 817.234, Florida Statutes.

24-00449E-19

2019896\_\_

1190 Section 24. Paragraph (g) of subsection (1) of section  
1191 400.9935, Florida Statutes, is amended to read:

1192 400.9935 Clinic responsibilities.—

1193 (1) Each clinic shall appoint a medical director or clinic  
1194 director who shall agree in writing to accept legal  
1195 responsibility for the following activities on behalf of the  
1196 clinic. The medical director or the clinic director shall:

1197 (g) Conduct systematic reviews of clinic billings to ensure  
1198 that the billings are not fraudulent or unlawful. Upon discovery  
1199 of an unlawful charge, the medical director or clinic director  
1200 shall take immediate corrective action. If the clinic performs  
1201 only the technical component of magnetic resonance imaging,  
1202 static radiographs, computed tomography, or positron emission  
1203 tomography, and provides the professional interpretation of such  
1204 services, in a fixed facility that is accredited by a national  
1205 accrediting organization that is approved by the Centers for  
1206 Medicare and Medicaid Services for magnetic resonance imaging  
1207 and advanced diagnostic imaging services and if, in the  
1208 preceding quarter, the percentage of scans performed by that  
1209 clinic which was billed to motor vehicle ~~all personal injury~~  
1210 ~~protection~~ insurance carriers was less than 15 percent, the  
1211 chief financial officer of the clinic may, in a written  
1212 acknowledgment provided to the agency, assume the responsibility  
1213 for the conduct of the systematic reviews of clinic billings to  
1214 ensure that the billings are not fraudulent or unlawful.

1215 Section 25. Subsections (27) and (28) of section 409.901,  
1216 Florida Statutes, are amended to read:

1217 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
1218 409.901-409.920, except as otherwise specifically provided, the

24-00449E-19

2019896\_\_

1219 term:

1220 (27) "Third party" means an individual, entity, or program,  
1221 excluding Medicaid, that is, may be, could be, should be, or has  
1222 been liable for all or part of the cost of medical services  
1223 related to any medical assistance covered by Medicaid. A third  
1224 party includes a third-party administrator; a pharmacy benefits  
1225 manager; a health insurer; a self-insured plan; a group health  
1226 plan, as defined in s. 607(1) of the Employee Retirement Income  
1227 Security Act of 1974; a service benefit plan; a managed care  
1228 organization; liability insurance, including self-insurance; ~~no-~~  
1229 ~~fault insurance~~; workers' compensation laws or plans; or other  
1230 parties that are, by statute, contract, or agreement, legally  
1231 responsible for payment of a claim for a health care item or  
1232 service.

1233 (28) "Third-party benefit" means any benefit that is or may  
1234 be available at any time through contract, court award,  
1235 judgment, settlement, agreement, or any arrangement between a  
1236 third party and any person or entity, including, without  
1237 limitation, a Medicaid recipient, a provider, another third  
1238 party, an insurer, or the agency, for any Medicaid-covered  
1239 injury, illness, goods, or services, including costs of medical  
1240 services related thereto, for bodily personal injury or for  
1241 death of the recipient, but specifically excluding ~~policies of~~  
1242 life insurance on the recipient, unless available under terms of  
1243 the policy to pay medical expenses prior to death. The term  
1244 includes, without limitation, collateral, as defined in this  
1245 section, health insurance, any benefit under a health  
1246 maintenance organization, a preferred provider arrangement, a  
1247 prepaid health clinic, liability insurance, uninsured motorist

24-00449E-19

2019896\_\_

1248 insurance or motor vehicle insurance ~~personal injury protection~~  
1249 ~~coverage~~, medical benefits under workers' compensation, and any  
1250 obligation under law or equity to provide medical support.

1251 Section 26. Paragraph (f) of subsection (11) of section  
1252 409.910, Florida Statutes, is amended to read:

1253 409.910 Responsibility for payments on behalf of Medicaid-  
1254 eligible persons when other parties are liable.-

1255 (11) The agency may, as a matter of right, in order to  
1256 enforce its rights under this section, institute, intervene in,  
1257 or join any legal or administrative proceeding in its own name  
1258 in one or more of the following capacities: individually, as  
1259 subrogee of the recipient, as assignee of the recipient, or as  
1260 lienholder of the collateral.

1261 (f) Notwithstanding any provision in this section to the  
1262 contrary, in the event of an action in tort against a third  
1263 party in which the recipient or his or her legal representative  
1264 is a party which results in a judgment, award, or settlement  
1265 from a third party, the amount recovered shall be distributed as  
1266 follows:

1267 1. After attorney ~~attorney's~~ fees and taxable costs as  
1268 defined by the Florida Rules of Civil Procedure, one-half of the  
1269 remaining recovery shall be paid to the agency up to the total  
1270 amount of medical assistance provided by Medicaid.

1271 2. The remaining amount of the recovery shall be paid to  
1272 the recipient.

1273 3. For purposes of calculating the agency's recovery of  
1274 medical assistance benefits paid, the fee for services of an  
1275 attorney retained by the recipient or his or her legal  
1276 representative shall be calculated at 25 percent of the

24-00449E-19

2019896\_\_

1277 judgment, award, or settlement.

1278 4. Notwithstanding any other provision of this section to  
 1279 the contrary, the agency shall be entitled to all medical  
 1280 coverage benefits up to the total amount of medical assistance  
 1281 provided by Medicaid. For purposes of this paragraph, the term  
 1282 "medical coverage" means any benefits under health insurance, a  
 1283 health maintenance organization, a preferred provider  
 1284 arrangement, or a prepaid health clinic, and the portion of  
 1285 benefits designated for medical payments under coverage for  
 1286 workers' compensation insurance policy or a motor vehicle  
 1287 liability insurance policy, ~~personal injury protection, and~~  
 1288 ~~casualty~~.

1289 Section 27. Paragraph (k) of subsection (2) of section  
 1290 456.057, Florida Statutes, is amended to read:

1291 456.057 Ownership and control of patient records; report or  
 1292 copies of records to be furnished; disclosure of information.—

1293 (2) As used in this section, the terms "records owner,"  
 1294 "health care practitioner," and "health care practitioner's  
 1295 employer" do not include any of the following persons or  
 1296 entities; furthermore, the following persons or entities are not  
 1297 authorized to acquire or own medical records, but are authorized  
 1298 under the confidentiality and disclosure requirements of this  
 1299 section to maintain those documents required by the part or  
 1300 chapter under which they are licensed or regulated:

1301 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1302 Section 28. Paragraphs (ee) and (ff) of subsection (1) of  
 1303 section 456.072, Florida Statutes, are amended to read:

1304 456.072 Grounds for discipline; penalties; enforcement.—

1305 (1) The following acts shall constitute grounds for which

24-00449E-19

2019896\_\_

1306 the disciplinary actions specified in subsection (2) may be  
1307 taken:

1308 ~~(ee) With respect to making a personal injury protection~~  
1309 ~~claim as required by s. 627.736, intentionally submitting a~~  
1310 ~~claim, statement, or bill that has been "upcoded" as defined in~~  
1311 ~~s. 627.732.~~

1312 ~~(ff) With respect to making a personal injury protection~~  
1313 ~~claim as required by s. 627.736, intentionally submitting a~~  
1314 ~~claim, statement, or bill for payment of services that were not~~  
1315 ~~rendered.~~

1316 Section 29. Subsection (3) of section 624.155, Florida  
1317 Statutes, is amended, and subsection (10) is added to that  
1318 section, to read:

1319 624.155 Civil remedy.—

1320 (3) (a) As a condition precedent to bringing an action under  
1321 this section, the department and the authorized insurer must be  
1322 ~~have been~~ given 60 days' written notice of the violation. ~~If the~~  
1323 ~~department returns a notice for lack of specificity, the 60-day~~  
1324 ~~time period shall not begin until a proper notice is filed.~~

1325 (b) The notice shall be on a form provided by the  
1326 department and shall state with specificity the following  
1327 information, and such other information as the department may  
1328 require:

1329 1. The statutory provision, including the specific language  
1330 of the statute, which the authorized insurer allegedly violated.

1331 2. The facts and circumstances giving rise to the  
1332 violation.

1333 3. The name of any individual involved in the violation.

1334 4. Reference to specific policy language that is relevant

24-00449E-19

2019896\_\_

1335 to the violation, if any. If the person bringing the civil  
1336 action is a third-party ~~third party~~ claimant, she or he shall  
1337 not be required to reference the specific policy language if the  
1338 authorized insurer has not provided a copy of the policy to the  
1339 third-party ~~third party~~ claimant pursuant to written request.

1340 5. A statement that the notice is given in order to perfect  
1341 the right to pursue the civil remedy authorized by this section.

1342 6. The specific amount of money that constitutes a cure of  
1343 the alleged violation.

1344 ~~(c) Within 20 days of receipt of the notice, the department~~  
1345 ~~may return any notice that does not provide the specific~~  
1346 ~~information required by this section, and the department shall~~  
1347 ~~indicate the specific deficiencies contained in the notice. A~~  
1348 ~~determination by the department to return a notice for lack of~~  
1349 ~~specificity shall be exempt from the requirements of chapter~~  
1350 ~~120.~~

1351 (c) ~~(d)~~ No action shall lie if, within 60 days after filing  
1352 notice, the damages are paid or the circumstances giving rise to  
1353 the violation are corrected.

1354 (d) ~~(e)~~ The authorized insurer that is the recipient of a  
1355 notice filed pursuant to this section shall report to the  
1356 department on the disposition of the alleged violation.

1357 (e) ~~(f)~~ The applicable statute of limitations for an action  
1358 under this section shall be tolled for a period of 65 days by  
1359 the mailing of the notice required by this subsection or the  
1360 mailing of a subsequent notice required by this subsection.

1361 (10) In an action for bad faith against a motor vehicle  
1362 liability insurer relating to motor vehicle liability insurance  
1363 coverage, whether asserted at common law or pursuant to this

24-00449E-19

2019896\_\_

1364 section, in addition to other provisions of this section, the  
1365 following apply:

1366 (a) In evaluating whether the insurer attempted in good  
1367 faith to settle the claim when, under all the circumstances, it  
1368 could have and should have done so had it acted fairly and  
1369 honestly toward its insured and with due regard for its  
1370 insured's interests, the trier of fact must also consider  
1371 whether the insured, claimant, or representative of the insured  
1372 or claimant made good-faith efforts to cooperate with the  
1373 insurer in investigation of the claim.

1374 (b)1. As a condition precedent to a common law or statutory  
1375 cause of action against the insurer for bad faith, the insured,  
1376 claimant, or representative of the insured or claimant must  
1377 provide the insurer with a written notice of loss.

1378 2. A claimant does not have a common law or statutory cause  
1379 of action against the insurer for bad faith if:

1380 a. Within 45 days after receipt of the written notice of  
1381 loss, excluding Saturdays, Sundays, and state holidays, the  
1382 insurer offers to pay the claimant the lesser of the amount the  
1383 claimant is willing to accept or the policy limits of the motor  
1384 vehicle liability coverage applicable to the claimant's claims  
1385 in exchange for full release of the insured from any liability  
1386 arising from the incident; and

1387 b. The insurer complied with a properly noticed request, if  
1388 received, for the policy disclosure under s. 627.4137 or s.  
1389 626.9372.

1390  
1391 The insurer's offer to pay the claimant pursuant to this  
1392 subparagraph does not alter or amend the insurer's obligation to



24-00449E-19

2019896\_\_

1393 defend its insured.

1394 (c)1. As used in this paragraph, the term:

1395 a. "Third-party claim" means a claim brought against an  
1396 insured for harm or damage allegedly caused by the insured and  
1397 covered by a motor vehicle liability insurance policy.

1398 b. "Third-party claimant" means a person who brings or  
1399 seeks to bring a third-party claim.

1400 2. If two or more claimants make competing claims arising  
1401 out of a single occurrence and the combined total damages for  
1402 the claims exceed the applicable policy limits, the insurer is  
1403 not liable beyond the policy limits for failure to pay all or  
1404 any portion of the policy limits to one or more of the claimants  
1405 if, within 90 days after receiving notice of the competing  
1406 claims, the insurer files an interpleader action under the  
1407 Florida Rules of Civil Procedure and tenders the policy limits  
1408 into the registry of the court. If the combined total of the  
1409 competing claims exceeds the policy limits, the trier of fact  
1410 must determine the allocation of the policy limits among the  
1411 claimants entitled to recovery. Upon conclusion of an  
1412 interpleader action, a third-party claimant whose claim was  
1413 included in the interpleader action shall execute and deliver a  
1414 release for any and all claims under the policy in favor of each  
1415 party insured by the insurer who filed the interpleader action.  
1416 An insurer's interpleader action does not alter or amend the  
1417 insurer's obligation to defend its insured.

1418 3. Each claimant who recovers against an insurer is  
1419 responsible for resolution and satisfaction of all valid liens  
1420 from the settlement funds. Lien interest does not establish a  
1421 competing claim for resolution in an interpleader action.

24-00449E-19

2019896\_\_

1422       (d) An insurer is not presumed to have acted in bad faith  
 1423 if the insurer does not, within the time periods specified in  
 1424 this subsection, tender the lesser of the amount a claimant is  
 1425 willing to accept or the policy limits or file an interpleader  
 1426 action.

1427       (e) In the event of any conflict between this subsection  
 1428 and other provisions of this section as applied to a bad-faith  
 1429 action against a motor vehicle liability insurer relating to  
 1430 motor vehicle liability insurance coverage, this subsection  
 1431 controls.

1432       Section 30. Paragraphs (i) and (o) of subsection (1) of  
 1433 section 626.9541, Florida Statutes, are amended to read:

1434       626.9541 Unfair methods of competition and unfair or  
 1435 deceptive acts or practices defined.—

1436       (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
 1437 ACTS.—The following are defined as unfair methods of competition  
 1438 and unfair or deceptive acts or practices:

1439       (i) *Unfair claim settlement practices.*—

1440       1. Attempting to settle claims on the basis of an  
 1441 application, when serving as a binder or intended to become a  
 1442 part of the policy, or any other material document which was  
 1443 altered without notice to, or knowledge or consent of, the  
 1444 insured;

1445       2. A material misrepresentation made to an insured or any  
 1446 other person having an interest in the proceeds payable under  
 1447 such contract or policy, for the purpose and with the intent of  
 1448 effecting settlement of such claims, loss, or damage under such  
 1449 contract or policy on less favorable terms than those provided  
 1450 in, and contemplated by, such contract or policy; or

24-00449E-19

2019896\_\_

- 1451           3. Committing or performing with such frequency as to  
1452 indicate a general business practice any of the following:
- 1453           a. Failing to adopt and implement standards for the proper  
1454 investigation of claims;
- 1455           b. Misrepresenting pertinent facts or insurance policy  
1456 provisions relating to coverages at issue;
- 1457           c. Failing to acknowledge and act promptly upon  
1458 communications with respect to claims;
- 1459           d. Denying claims without conducting reasonable  
1460 investigations based upon available information;
- 1461           e. Failing to affirm or deny full or partial coverage of  
1462 claims, and, as to partial coverage, the dollar amount or extent  
1463 of coverage, or failing to provide a written statement that the  
1464 claim is being investigated, upon the written request of the  
1465 insured within 30 days after proof-of-loss statements have been  
1466 completed;
- 1467           f. Failing to promptly provide a reasonable explanation in  
1468 writing to the insured of the basis in the insurance policy, in  
1469 relation to the facts or applicable law, for denial of a claim  
1470 or for the offer of a compromise settlement;
- 1471           g. Failing to promptly notify the insured of any additional  
1472 information necessary for the processing of a claim; or
- 1473           h. Failing to clearly explain the nature of the requested  
1474 information and the reasons why such information is necessary.
- 1475           ~~i. Failing to pay personal injury protection insurance~~  
1476 ~~claims within the time periods required by s. 627.736(4)(b). The~~  
1477 ~~office may order the insurer to pay restitution to a~~  
1478 ~~policyholder, medical provider, or other claimant, including~~  
1479 ~~interest at a rate consistent with the amount set forth in s.~~

24-00449E-19

2019896\_\_

1480 ~~55.03(1), for the time period within which an insurer fails to~~  
1481 ~~pay claims as required by law. Restitution is in addition to any~~  
1482 ~~other penalties allowed by law, including, but not limited to,~~  
1483 ~~the suspension of the insurer's certificate of authority.~~

1484 4. Failing to pay undisputed amounts of partial or full  
1485 benefits owed under first-party property insurance policies  
1486 within 90 days after an insurer receives notice of a residential  
1487 property insurance claim, determines the amounts of partial or  
1488 full benefits, and agrees to coverage, unless payment of the  
1489 undisputed benefits is prevented by an act of God, prevented by  
1490 the impossibility of performance, or due to actions by the  
1491 insured or claimant that constitute fraud, lack of cooperation,  
1492 or intentional misrepresentation regarding the claim for which  
1493 benefits are owed.

1494 (o) *Illegal dealings in premiums; excess or reduced charges*  
1495 *for insurance.*—

1496 1. Knowingly collecting any sum as a premium or charge for  
1497 insurance, which is not then provided, or is not in due course  
1498 to be provided, subject to acceptance of the risk by the  
1499 insurer, by an insurance policy issued by an insurer as  
1500 permitted by this code.

1501 2. Knowingly collecting as a premium or charge for  
1502 insurance any sum in excess of or less than the premium or  
1503 charge applicable to such insurance, in accordance with the  
1504 applicable classifications and rates as filed with and approved  
1505 by the office, and as specified in the policy; or, in cases when  
1506 classifications, premiums, or rates are not required by this  
1507 code to be so filed and approved, premiums and charges collected  
1508 from a Florida resident in excess of or less than those

24-00449E-19

2019896\_\_

1509 specified in the policy and as fixed by the insurer.  
1510 Notwithstanding any other provision of law, this provision shall  
1511 not be deemed to prohibit the charging and collection, by  
1512 surplus lines agents licensed under part VIII of this chapter,  
1513 of the amount of applicable state and federal taxes, or fees as  
1514 authorized by s. 626.916(4), in addition to the premium required  
1515 by the insurer or the charging and collection, by licensed  
1516 agents, of the exact amount of any discount or other such fee  
1517 charged by a credit card facility in connection with the use of  
1518 a credit card, as authorized by subparagraph (q)3., in addition  
1519 to the premium required by the insurer. This subparagraph shall  
1520 not be construed to prohibit collection of a premium for a  
1521 universal life or a variable or indeterminate value insurance  
1522 policy made in accordance with the terms of the contract.

1523 3.a. Imposing or requesting an additional premium for a  
1524 policy of motor vehicle liability, ~~personal injury protection,~~  
1525 medical payment, or collision coverage in a motor vehicle  
1526 liability insurance policy ~~insurance or any combination thereof~~  
1527 or refusing to renew the policy solely because the insured was  
1528 involved in a motor vehicle accident unless the insurer's file  
1529 contains information from which the insurer in good faith  
1530 determines that the insured was substantially at fault in the  
1531 accident.

1532 b. An insurer which imposes and collects such a surcharge  
1533 or which refuses to renew such policy shall, in conjunction with  
1534 the notice of premium due or notice of nonrenewal, notify the  
1535 named insured that he or she is entitled to reimbursement of  
1536 such amount or renewal of the policy under the conditions listed  
1537 below and will subsequently reimburse him or her or renew the

24-00449E-19

2019896\_\_

1538 policy, if the named insured demonstrates that the operator  
1539 involved in the accident was:

1540 (I) Lawfully parked;

1541 (II) Reimbursed by, or on behalf of, a person responsible  
1542 for the accident or has a judgment against such person;

1543 (III) Struck in the rear by another vehicle headed in the  
1544 same direction and was not convicted of a moving traffic  
1545 violation in connection with the accident;

1546 (IV) Hit by a "hit-and-run" driver, if the accident was  
1547 reported to the proper authorities within 24 hours after  
1548 discovering the accident;

1549 (V) Not convicted of a moving traffic violation in  
1550 connection with the accident, but the operator of the other  
1551 automobile involved in such accident was convicted of a moving  
1552 traffic violation;

1553 (VI) Finally adjudicated not to be liable by a court of  
1554 competent jurisdiction;

1555 (VII) In receipt of a traffic citation which was dismissed  
1556 or nolle prossed; or

1557 (VIII) Not at fault as evidenced by a written statement  
1558 from the insured establishing facts demonstrating lack of fault  
1559 which are not rebutted by information in the insurer's file from  
1560 which the insurer in good faith determines that the insured was  
1561 substantially at fault.

1562 c. In addition to the other provisions of this  
1563 subparagraph, an insurer may not fail to renew a policy if the  
1564 insured has had only one accident in which he or she was at  
1565 fault within the current 3-year period. However, an insurer may  
1566 nonrenew a policy for reasons other than accidents in accordance

24-00449E-19

2019896\_\_

1567 with s. 627.728. This subparagraph does not prohibit nonrenewal  
1568 of a policy under which the insured has had three or more  
1569 accidents, regardless of fault, during the most recent 3-year  
1570 period.

1571 4. Imposing or requesting an additional premium for, or  
1572 refusing to renew, a policy for motor vehicle insurance solely  
1573 because the insured committed a noncriminal traffic infraction  
1574 as described in s. 318.14 unless the infraction is:

1575 a. A second infraction committed within an 18-month period,  
1576 or a third or subsequent infraction committed within a 36-month  
1577 period.

1578 b. A violation of s. 316.183, when such violation is a  
1579 result of exceeding the lawful speed limit by more than 15 miles  
1580 per hour.

1581 5. Upon the request of the insured, the insurer and  
1582 licensed agent shall supply to the insured the complete proof of  
1583 fault or other criteria which justifies the additional charge or  
1584 cancellation.

1585 6. No insurer shall impose or request an additional premium  
1586 for motor vehicle insurance, cancel or refuse to issue a policy,  
1587 or refuse to renew a policy because the insured or the applicant  
1588 is a handicapped or physically disabled person, so long as such  
1589 handicap or physical disability does not substantially impair  
1590 such person's mechanically assisted driving ability.

1591 7. No insurer may cancel or otherwise terminate any  
1592 insurance contract or coverage, or require execution of a  
1593 consent to rate endorsement, during the stated policy term for  
1594 the purpose of offering to issue, or issuing, a similar or  
1595 identical contract or coverage to the same insured with the same

24-00449E-19

2019896\_\_

1596 exposure at a higher premium rate or continuing an existing  
1597 contract or coverage with the same exposure at an increased  
1598 premium.

1599 8. No insurer may issue a nonrenewal notice on any  
1600 insurance contract or coverage, or require execution of a  
1601 consent to rate endorsement, for the purpose of offering to  
1602 issue, or issuing, a similar or identical contract or coverage  
1603 to the same insured at a higher premium rate or continuing an  
1604 existing contract or coverage at an increased premium without  
1605 meeting any applicable notice requirements.

1606 9. No insurer shall, with respect to premiums charged for  
1607 motor vehicle insurance, unfairly discriminate solely on the  
1608 basis of age, sex, marital status, or scholastic achievement.

1609 10. Imposing or requesting an additional premium for motor  
1610 vehicle comprehensive or uninsured motorist coverage solely  
1611 because the insured was involved in a motor vehicle accident or  
1612 was convicted of a moving traffic violation.

1613 11. No insurer shall cancel or issue a nonrenewal notice on  
1614 any insurance policy or contract without complying with any  
1615 applicable cancellation or nonrenewal provision required under  
1616 the Florida Insurance Code.

1617 12. No insurer shall impose or request an additional  
1618 premium, cancel a policy, or issue a nonrenewal notice on any  
1619 insurance policy or contract because of any traffic infraction  
1620 when adjudication has been withheld and no points have been  
1621 assessed pursuant to s. 318.14(9) ~~s. 318.14(9) and (10)~~.  
1622 However, this subparagraph does not apply to traffic infractions  
1623 involving accidents in which the insurer has incurred a loss due  
1624 to the fault of the insured.



24-00449E-19

2019896\_\_

1625 Section 31. Paragraph (a) of subsection (1) of section  
1626 626.989, Florida Statutes, is amended to read:

1627 626.989 Investigation by department or Division of  
1628 Investigative and Forensic Services; compliance; immunity;  
1629 confidential information; reports to division; division  
1630 investigator's power of arrest.—

1631 (1) For the purposes of this section:

1632 (a) A person commits a "fraudulent insurance act" if the  
1633 person:

1634 1. Knowingly and with intent to defraud presents, causes to  
1635 be presented, or prepares with knowledge or belief that it will  
1636 be presented, to or by an insurer, self-insurer, self-insurance  
1637 fund, servicing corporation, purported insurer, broker, or any  
1638 agent thereof, any written statement as part of, or in support  
1639 of, an application for the issuance of, or the rating of, any  
1640 insurance policy, or a claim for payment or other benefit  
1641 pursuant to any insurance policy, which the person knows to  
1642 contain materially false information concerning any fact  
1643 material thereto or if the person conceals, for the purpose of  
1644 misleading another, information concerning any fact material  
1645 thereto.

1646 2. Knowingly submits:

1647 a. A false, misleading, or fraudulent application or other  
1648 document when applying for licensure as a health care clinic,  
1649 seeking an exemption from licensure as a health care clinic, or  
1650 demonstrating compliance with part X of chapter 400 with an  
1651 intent to use the license, exemption from licensure, or  
1652 demonstration of compliance to provide services or seek  
1653 reimbursement under a motor vehicle insurance policy ~~the Florida~~

24-00449E-19

2019896\_\_

1654 ~~Motor Vehicle No-Fault Law.~~

1655       b. A claim for payment or other benefit pursuant to a motor  
1656 vehicle personal injury protection insurance policy ~~under the~~  
1657 ~~Florida Motor Vehicle No-Fault Law~~ if the person knows that the  
1658 payee knowingly submitted a false, misleading, or fraudulent  
1659 application or other document when applying for licensure as a  
1660 health care clinic, seeking an exemption from licensure as a  
1661 health care clinic, or demonstrating compliance with part X of  
1662 chapter 400.

1663       Section 32. Subsection (1) of section 627.06501, Florida  
1664 Statutes, is amended to read:

1665       627.06501 Insurance discounts for certain persons  
1666 completing driver improvement course.—

1667       (1) Any rate, rating schedule, or rating manual for the  
1668 liability, ~~personal injury protection,~~ and collision coverages  
1669 of a motor vehicle insurance policy filed with the office may  
1670 provide for an appropriate reduction in premium charges as to  
1671 such coverages if when the principal operator on the covered  
1672 vehicle has successfully completed a driver improvement course  
1673 approved and certified by the Department of Highway Safety and  
1674 Motor Vehicles which is effective in reducing accident ~~crash~~ or  
1675 violation rates, or both, ~~as determined~~ pursuant to s. 318.1451  
1676 ~~s. 318.1451(5)~~. Any discount, not to exceed 10 percent, used by  
1677 an insurer is presumed to be appropriate unless credible data  
1678 demonstrates otherwise.

1679       Section 33. Subsection (1) of section 627.0652, Florida  
1680 Statutes, is amended to read:

1681       627.0652 Insurance discounts for certain persons completing  
1682 safety course.—

24-00449E-19

2019896\_\_

1683 (1) Any rates, rating schedules, or rating manuals for the  
1684 liability, ~~personal injury protection,~~ and collision coverages  
1685 of a motor vehicle insurance policy filed with the office must  
1686 ~~shall~~ provide for an appropriate reduction in premium charges as  
1687 to such coverages if ~~when~~ the principal operator on the covered  
1688 vehicle is an insured 55 years of age or older who has  
1689 successfully completed a motor vehicle accident prevention  
1690 course approved by the Department of Highway Safety and Motor  
1691 Vehicles. Any discount used by an insurer is presumed to be  
1692 appropriate unless credible data demonstrates otherwise.

1693 Section 34. Subsections (1), (3), and (6) of section  
1694 627.0653, Florida Statutes, are amended to read:

1695 627.0653 Insurance discounts for specified motor vehicle  
1696 equipment.—

1697 (1) Any rates, rating schedules, or rating manuals for the  
1698 liability, ~~personal injury protection,~~ and collision coverages  
1699 of a motor vehicle insurance policy filed with the office shall  
1700 provide a premium discount if the insured vehicle is equipped  
1701 with factory-installed, four-wheel antilock brakes.

1702 (3) Any rates, rating schedules, or rating manuals for  
1703 ~~personal injury protection coverage and~~ medical payments  
1704 coverage, if offered, of a motor vehicle insurance policy filed  
1705 with the office shall provide a premium discount if the insured  
1706 vehicle is equipped with one or more air bags which are factory  
1707 installed.

1708 (6) The Office of Insurance Regulation may approve a  
1709 premium discount to any rates, rating schedules, or rating  
1710 manuals for the liability, ~~personal injury protection,~~ and  
1711 collision coverages of a motor vehicle insurance policy filed

24-00449E-19

2019896\_\_

1712 with the office if the insured vehicle is equipped with  
1713 autonomous driving technology or electronic vehicle collision  
1714 avoidance technology that is factory installed or a retrofitted  
1715 system and that complies with National Highway Traffic Safety  
1716 Administration standards.

1717 Section 35. Section 627.4132, Florida Statutes, is amended  
1718 to read:

1719 627.4132 Stacking of coverages prohibited.—If an insured or  
1720 named insured is protected by any type of motor vehicle  
1721 insurance policy for liability, ~~personal injury protection,~~ or  
1722 other coverage, the policy must ~~shall~~ provide that the insured  
1723 or named insured is protected only to the extent of the coverage  
1724 she or he has on the vehicle involved in the accident. However,  
1725 if none of the insured's or named insured's vehicles are ~~is~~  
1726 involved in the accident, coverage is available only to the  
1727 extent of coverage on any one of the vehicles with applicable  
1728 coverage. Coverage on any other vehicles may ~~shall~~ not be added  
1729 to or stacked upon that coverage. This section does not apply:

1730 (1) To uninsured motorist coverage, which is separately  
1731 governed by s. 627.727.

1732 (2) To reduce the coverage available by reason of insurance  
1733 policies insuring different named insureds.

1734 Section 36. Section 627.7263, Florida Statutes, is amended  
1735 to read:

1736 627.7263 Rental and leasing driver's insurance to be  
1737 primary; exception.—

1738 (1) The valid and collectible liability insurance ~~or~~  
1739 ~~personal injury protection insurance~~ providing coverage for the  
1740 lessor of a motor vehicle for rent or lease is primary unless

24-00449E-19

2019896\_\_

1741 otherwise stated in at least 10-point type on the face of the  
 1742 rental or lease agreement. Such insurance is primary for the  
 1743 limits of liability in an amount not less than the minimum  
 1744 limits described in s. 324.021(7) and personal injury protection  
 1745 coverage as required by ss. 324.021(7) and 627.736.

1746 (2) If the lessee's coverage is to be primary, the rental  
 1747 or lease agreement must contain the following language, in at  
 1748 least 10-point type:

1749  
 1750 "The valid and collectible liability insurance ~~and personal~~  
 1751 ~~injury protection insurance~~ of an any authorized rental or  
 1752 leasing driver is primary for the limits of liability in an  
 1753 amount not less than the minimum limits described in s.  
 1754 324.021(7) and personal injury protection coverage required by  
 1755 ss. 324.021(7) and 627.736, Florida Statutes."

1756 Section 37. Subsections (1) and (7) of section 627.727,  
 1757 Florida Statutes, are amended to read:

1758 627.727 Motor vehicle insurance; uninsured and underinsured  
 1759 vehicle coverage; insolvent insurer protection.—

1760 (1) No motor vehicle liability insurance policy which  
 1761 provides bodily injury liability coverage shall be delivered or  
 1762 issued for delivery in this state with respect to any  
 1763 specifically insured or identified motor vehicle registered or  
 1764 principally garaged in this state unless uninsured motor vehicle  
 1765 coverage is provided therein or supplemental thereto for the  
 1766 protection of persons insured thereunder who are legally  
 1767 entitled to recover damages from owners or operators of  
 1768 uninsured motor vehicles because of bodily injury, sickness, or  
 1769 disease, including death, resulting therefrom. However, the

24-00449E-19

2019896\_\_

1770 coverage required under this section is not applicable if ~~when~~,  
1771 or to the extent that, an insured named in the policy makes a  
1772 written rejection of the coverage on behalf of all insureds  
1773 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~  
1774 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms  
1775 of the lease contract, provides liability coverage on the leased  
1776 vehicle, the lessee of such vehicle shall have the sole  
1777 privilege to reject uninsured motorist coverage or to select  
1778 lower limits than the bodily injury liability limits, regardless  
1779 of whether the lessor is qualified as a self-insurer pursuant to  
1780 s. 324.171. Unless an insured, or lessee having the privilege of  
1781 rejecting uninsured motorist coverage, requests such coverage or  
1782 requests higher uninsured motorist limits in writing, the  
1783 coverage or such higher uninsured motorist limits need not be  
1784 provided in or supplemental to any other policy which renews,  
1785 extends, changes, supersedes, or replaces an existing policy  
1786 with the same bodily injury liability limits when an insured or  
1787 lessee had rejected the coverage. When an insured or lessee has  
1788 initially selected limits of uninsured motorist coverage lower  
1789 than her or his bodily injury liability limits, higher limits of  
1790 uninsured motorist coverage need not be provided in or  
1791 supplemental to any other policy that ~~which~~ renews, extends,  
1792 changes, supersedes, or replaces an existing policy with the  
1793 same bodily injury liability limits unless an insured requests  
1794 higher uninsured motorist coverage in writing. The rejection or  
1795 selection of lower limits shall be made on a form approved by  
1796 the office. The form must ~~shall~~ fully advise the applicant of  
1797 the nature of the coverage and must ~~shall~~ state that the  
1798 coverage is equal to bodily injury liability limits unless lower

24-00449E-19

2019896\_\_

1799 limits are requested or the coverage is rejected. The heading of  
1800 the form shall be in 12-point bold type and shall state: "You  
1801 are electing not to purchase certain valuable coverage that  
1802 ~~which~~ protects you and your family or you are purchasing  
1803 uninsured motorist limits less than your bodily injury liability  
1804 limits when you sign this form. Please read carefully." If this  
1805 form is signed by a named insured, it will be conclusively  
1806 presumed that there was an informed, knowing rejection of  
1807 coverage or election of lower limits on behalf of all insureds.  
1808 The insurer shall notify the named insured at least annually of  
1809 her or his options as to the coverage required by this section.  
1810 Such notice must ~~shall~~ be part of, and attached to, the notice  
1811 of premium, must ~~shall~~ provide for a means to allow the insured  
1812 to request such coverage, and must ~~shall~~ be given in a manner  
1813 approved by the office. Receipt of this notice does not  
1814 constitute an affirmative waiver of the insured's right to  
1815 uninsured motorist coverage if ~~where~~ the insured has not signed  
1816 a selection or rejection form. The coverage described under this  
1817 section shall be over and above, but shall not duplicate, the  
1818 benefits available to an insured under any workers' compensation  
1819 law, ~~personal injury protection benefits~~, disability benefits  
1820 law, or similar law; under any automobile medical payments  
1821 ~~expense~~ coverage; under any motor vehicle liability insurance  
1822 coverage; or from the owner or operator of the uninsured motor  
1823 vehicle or any other person or organization jointly or severally  
1824 liable together with such owner or operator for the accident;  
1825 and such coverage shall cover the difference, if any, between  
1826 the sum of such benefits and the damages sustained, up to the  
1827 maximum amount of such coverage provided under this section. The

24-00449E-19

2019896\_\_

1828 amount of coverage available under this section may ~~shall~~ not be  
1829 reduced by a setoff against any coverage, including liability  
1830 insurance. Such coverage does ~~shall~~ not inure directly or  
1831 indirectly to the benefit of any workers' compensation or  
1832 disability benefits carrier or any person or organization  
1833 qualifying as a self-insurer under any workers' compensation or  
1834 disability benefits law or similar law.

1835 (7) (a) For uninsured and underinsured vehicle coverage  
1836 issued before January 1, 2021, the legal liability of an  
1837 uninsured motorist coverage insurer does not include damages in  
1838 tort for pain, suffering, mental anguish, and inconvenience  
1839 unless the injury or disease consists in whole or in part of:

1840 1. Significant and permanent loss of an important bodily  
1841 function.

1842 2. Permanent injury within a reasonable degree of medical  
1843 probability, other than scarring or disfigurement.

1844 3. Significant and permanent scarring or disfigurement.

1845 4. Death is described in one or more of paragraphs (a) - (d)  
1846 of s. 627.737(2).

1847 (b) For uninsured and underinsured vehicle coverage issued  
1848 on or after January 1, 2021, the legal liability of an uninsured  
1849 motorist coverage insurer includes damages in tort for pain,  
1850 suffering, disability or physical impairment, disfigurement,  
1851 mental anguish, inconvenience, and the loss of capacity for the  
1852 enjoyment of life experienced in the past and to be experienced  
1853 in the future.

1854 Section 38. Subsection (1) and paragraphs (a) and (b) of  
1855 subsection (2) of section 627.7275, Florida Statutes, are  
1856 amended to read:



24-00449E-19

2019896\_\_

1857 627.7275 Motor vehicle liability.—

1858 (1) A motor vehicle insurance policy ~~providing personal~~  
1859 ~~injury protection as set forth in s. 627.736~~ may not be  
1860 delivered or issued for delivery in this state for a ~~with~~  
1861 ~~respect to any~~ specifically insured or identified motor vehicle  
1862 registered or principally garaged in this state must provide  
1863 bodily injury liability coverage and ~~unless the policy also~~  
1864 ~~provides coverage for~~ property damage liability coverage as  
1865 required under ~~by~~ s. 324.022.

1866 (2) (a) Insurers writing motor vehicle insurance in this  
1867 state shall make available, subject to the insurers' usual  
1868 underwriting restrictions:

1869 1. Coverage under policies as described in subsection (1)  
1870 to an applicant for private passenger motor vehicle insurance  
1871 coverage who is seeking the coverage in order to reinstate the  
1872 applicant's driving privileges in this state if the driving  
1873 privileges were revoked or suspended pursuant to s. 316.646 or  
1874 s. 324.0221 due to the failure of the applicant to maintain  
1875 required security.

1876 2. Coverage under policies as described in subsection (1),  
1877 which also provides bodily injury liability coverage and  
1878 property damage liability coverage ~~for bodily injury, death, and~~  
1879 ~~property damage arising out of the ownership, maintenance, or~~  
1880 ~~use of the motor vehicle~~ in an amount not less than the minimum  
1881 limits described in s. 324.021(7) or s. 324.023 and conforms to  
1882 the requirements of s. 324.151, to an applicant for private  
1883 passenger motor vehicle insurance coverage who is seeking the  
1884 coverage in order to reinstate the applicant's driving  
1885 privileges in this state after such privileges were revoked or

24-00449E-19

2019896\_\_

1886 suspended under s. 316.193 or s. 322.26(2) for driving under the  
1887 influence.

1888 (b) The policies described in paragraph (a) shall be issued  
1889 for at least 6 months and, as to the minimum coverages required  
1890 under this section, may not be canceled by the insured for any  
1891 reason or by the insurer after 60 days, during which period the  
1892 insurer is completing the underwriting of the policy. After the  
1893 insurer has completed underwriting the policy, the insurer shall  
1894 notify the Department of Highway Safety and Motor Vehicles that  
1895 the policy is in full force and effect and is not cancelable for  
1896 the remainder of the policy period. A premium shall be collected  
1897 and the coverage is in effect for the 60-day period during which  
1898 the insurer is completing the underwriting of the policy whether  
1899 or not the person's driver license, motor vehicle tag, and motor  
1900 vehicle registration are in effect. Once the noncancelable  
1901 provisions of the policy become effective, the bodily injury  
1902 liability and property damage liability coverages ~~for bodily~~  
1903 ~~injury, property damage, and personal injury protection~~ may not  
1904 be reduced below the minimum limits required under s. 324.021 or  
1905 s. 324.023 during the policy period.

1906 Section 39. Paragraph (a) of subsection (1) of section  
1907 627.728, Florida Statutes, is amended to read:

1908 627.728 Cancellations; nonrenewals.—

1909 (1) As used in this section, the term:

1910 (a) "Policy" means the bodily injury and property damage  
1911 liability, ~~personal injury protection,~~ medical payments,  
1912 comprehensive, collision, and uninsured motorist coverage  
1913 portions of a policy of motor vehicle insurance delivered or  
1914 issued for delivery in this state:

24-00449E-19

2019896\_\_

1915 1. Insuring a natural person as named insured or one or  
1916 more related individuals who are residents ~~resident~~ of the same  
1917 household; and

1918 2. Insuring only a motor vehicle of the private passenger  
1919 type or station wagon type which is not used as a public or  
1920 livery conveyance for passengers or rented to others; or  
1921 insuring any other four-wheel motor vehicle having a load  
1922 capacity of 1,500 pounds or less which is not used in the  
1923 occupation, profession, or business of the insured other than  
1924 farming; other than any policy issued under an automobile  
1925 insurance assigned risk plan or covering garage, automobile  
1926 sales agency, repair shop, service station, or public parking  
1927 place operation hazards.

1928  
1929 The term "policy" does not include a binder as defined in s.  
1930 627.420 unless the duration of the binder period exceeds 60  
1931 days.

1932 Section 40. Subsection (1), paragraph (a) of subsection  
1933 (5), and subsections (6) and (7) of section 627.7295, Florida  
1934 Statutes, are amended to read:

1935 627.7295 Motor vehicle insurance contracts.-

1936 (1) As used in this section, the term:

1937 (a) "Policy" means a motor vehicle insurance policy that  
1938 provides bodily injury liability coverage and ~~personal injury~~  
1939 ~~protection coverage,~~ property damage liability coverage, ~~or~~  
1940 ~~both.~~

1941 (b) "Binder" means a binder that provides motor vehicle  
1942 bodily injury liability coverage ~~personal injury protection~~ and  
1943 property damage liability coverage.

24-00449E-19

2019896\_\_

1944 (5) (a) A licensed general lines agent may charge a per-  
1945 policy fee up ~~not~~ to ~~exceed~~ \$10 to cover the administrative  
1946 costs of the agent associated with selling the motor vehicle  
1947 insurance policy if the policy covers only bodily injury  
1948 liability coverage ~~personal injury protection coverage as~~  
1949 ~~provided by s. 627.736~~ and property damage liability coverage as  
1950 provided by s. 627.7275 and if no other insurance is sold or  
1951 issued in conjunction with or collateral to the policy. The fee  
1952 is not ~~considered~~ part of the premium.

1953 (6) If a motor vehicle owner's driver license, license  
1954 plate, and registration have previously been suspended pursuant  
1955 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy  
1956 only as provided in s. 627.7275.

1957 (7) A policy of private passenger motor vehicle insurance  
1958 or a binder for such a policy may be initially issued in this  
1959 state only if, before the effective date of such binder or  
1960 policy, the insurer or agent has collected ~~from the insured an~~  
1961 ~~amount equal to~~ 2 months' premium from the insured. An insurer,  
1962 agent, or premium finance company may not, directly or  
1963 indirectly, take any action that results ~~resulting~~ in the  
1964 insured paying ~~having paid~~ from the insured's own funds an  
1965 amount less than the 2 months' premium required by this  
1966 subsection. This subsection applies without regard to whether  
1967 the premium is financed by a premium finance company or is paid  
1968 pursuant to a periodic payment plan of an insurer or an  
1969 insurance agent.

1970 (a) This subsection does not apply:

1971 1. If an insured or member of the insured's family is  
1972 renewing or replacing a policy or a binder for such policy

24-00449E-19

2019896\_\_

1973 written by the same insurer or a member of the same insurer  
 1974 group.

1975 2. ~~To This subsection does not apply to~~ an insurer that  
 1976 issues private passenger motor vehicle coverage primarily to  
 1977 active duty or former military personnel or their dependents.

1978 3. ~~If This subsection does not apply if~~ all policy payments  
 1979 are paid pursuant to a payroll deduction plan, an automatic  
 1980 electronic funds transfer payment plan from the policyholder, or  
 1981 a recurring credit card or debit card agreement with the  
 1982 insurer.

1983 (b) This subsection and subsection (4) do not apply if:

1984 1. All policy payments to an insurer are paid pursuant to  
 1985 an automatic electronic funds transfer payment plan from an  
 1986 agent, a managing general agent, or a premium finance company  
 1987 and if the policy includes, at a minimum, bodily injury  
 1988 liability and ~~personal injury protection pursuant to ss.~~  
 1989 ~~627.730-627.7405; motor vehicle~~ property damage liability  
 1990 coverage pursuant to s. 627.7275.; ~~and bodily injury liability~~  
 1991 ~~in at least the amount of \$10,000 because of bodily injury to,~~  
 1992 ~~or death of, one person in any one accident and in the amount of~~  
 1993 ~~\$20,000 because of bodily injury to, or death of, two or more~~  
 1994 ~~persons in any one accident. This subsection and subsection (4)~~  
 1995 ~~do not apply if an~~

1996 2. An insured has had a policy in effect for at least 6  
 1997 months, the insured's agent is terminated by the insurer that  
 1998 issued the policy, and the insured obtains coverage on the  
 1999 policy's renewal date with a new company through the terminated  
 2000 agent.

2001 Section 41. Sections 627.730, 627.731, 627.7311, 627.732,

24-00449E-19

2019896\_\_

2002 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,  
 2003 and 627.7405, Florida Statutes, which comprise the Florida Motor  
 2004 Vehicle No-Fault Law, are repealed.

2005 Section 42. Section 627.7407, Florida Statutes, is  
 2006 repealed.

2007 Section 43. Paragraphs (b), (c), and (g) of subsection (7)  
 2008 and paragraph (b) of subsection (8) of section 627.748, Florida  
 2009 Statutes, are amended to read:

2010 627.748 Transportation network companies.—

2011 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE  
 2012 REQUIREMENTS.—

2013 (b) The following automobile insurance requirements apply  
 2014 while a participating TNC driver is logged on to the digital  
 2015 network but is not engaged in a prearranged ride:

2016 1. Automobile insurance that provides:

2017 a. A primary automobile liability coverage of at least  
 2018 \$50,000 for death and bodily injury per person, \$100,000 for  
 2019 death and bodily injury per incident, and \$25,000 for property  
 2020 damage; and

2021 ~~b. Personal injury protection benefits that meet the~~  
 2022 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~  
 2023 ~~and~~

2024 ~~b.e.~~ Uninsured and underinsured vehicle coverage as  
 2025 required by s. 627.727.

2026 2. The coverage requirements of this paragraph may be  
 2027 satisfied by any of the following:

2028 a. Automobile insurance maintained by the TNC driver;

2029 b. Automobile insurance maintained by the TNC; or

2030 c. A combination of sub-subparagraphs a. and b.

24-00449E-19

2019896\_\_

2031 (c) The following automobile insurance requirements apply  
 2032 while a TNC driver is engaged in a prearranged ride:

2033 1. Automobile insurance that provides:

2034 a. A primary automobile liability coverage of at least \$1  
 2035 million for death, bodily injury, and property damage; and

2036 ~~b. Personal injury protection benefits that meet the~~  
 2037 ~~minimum coverage amounts required of a limousine under ss.~~  
 2038 ~~627.730-627.7405; and~~

2039 b.e. Uninsured and underinsured vehicle coverage as  
 2040 required by s. 627.727.

2041 2. The coverage requirements of this paragraph may be  
 2042 satisfied by any of the following:

2043 a. Automobile insurance maintained by the TNC driver;

2044 b. Automobile insurance maintained by the TNC; or

2045 c. A combination of sub-subparagraphs a. and b.

2046 (g) Insurance satisfying the requirements under this  
 2047 subsection is deemed to satisfy the financial responsibility  
 2048 requirement for a motor vehicle under chapter 324 ~~and the~~  
 2049 ~~security required under s. 627.733~~ for any period when the TNC  
 2050 driver is logged onto the digital network or engaged in a  
 2051 prearranged ride.

2052 (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;  
 2053 EXCLUSIONS.—

2054 (b)1. An insurer that provides an automobile liability  
 2055 insurance policy under this part may exclude any and all  
 2056 coverage afforded under the policy issued to an owner or  
 2057 operator of a TNC vehicle while driving that vehicle for any  
 2058 loss or injury that occurs while a TNC driver is logged on to a  
 2059 digital network or while a TNC driver provides a prearranged

24-00449E-19

2019896\_\_

2060 ride. Exclusions imposed under this subsection are limited to  
2061 coverage while a TNC driver is logged on to a digital network or  
2062 while a TNC driver provides a prearranged ride. This right to  
2063 exclude all coverage may apply to any coverage included in an  
2064 automobile insurance policy, including, but not limited to:

2065 a. Liability coverage for bodily injury and property  
2066 damage;

2067 b. Uninsured and underinsured motorist coverage;

2068 c. Medical payments coverage;

2069 d. Comprehensive physical damage coverage; and

2070 e. Collision physical damage coverage; ~~and~~

2071 ~~f. Personal injury protection.~~

2072 2. The exclusions described in subparagraph 1. apply  
2073 notwithstanding any requirement under chapter 324. These  
2074 exclusions do not affect or diminish coverage otherwise  
2075 available for permissive drivers or resident relatives under the  
2076 personal automobile insurance policy of the TNC driver or owner  
2077 of the TNC vehicle who are not occupying the TNC vehicle at the  
2078 time of loss. This section does not require that a personal  
2079 automobile insurance policy provide coverage while the TNC  
2080 driver is logged on to a digital network, while the TNC driver  
2081 is engaged in a prearranged ride, or while the TNC driver  
2082 otherwise uses a vehicle to transport riders for compensation.

2083 3. This section must not be construed to require an insurer  
2084 to use any particular policy language or reference to this  
2085 section in order to exclude any and all coverage for any loss or  
2086 injury that occurs while a TNC driver is logged on to a digital  
2087 network or while a TNC driver provides a prearranged ride.

2088 4. This section does not preclude an insurer from providing



24-00449E-19

2019896\_\_

2089 primary or excess coverage for the TNC driver's vehicle by  
2090 contract or endorsement.

2091 Section 44. Section 627.8405, Florida Statutes, is amended  
2092 to read:

2093 627.8405 Prohibited acts; financing companies.—A ~~No~~ premium  
2094 finance company ~~shall~~, in a premium finance agreement or other  
2095 agreement, may not finance the cost of or otherwise provide for  
2096 the collection or remittance of dues, assessments, fees, or  
2097 other periodic payments of money for the cost of:

2098 (1) A membership in an automobile club. The term  
2099 "automobile club" means a legal entity that ~~which~~, in  
2100 consideration of dues, assessments, or periodic payments of  
2101 money, promises its members or subscribers to assist them in  
2102 matters relating to the ownership, operation, use, or  
2103 maintenance of a motor vehicle; however, the term ~~this~~  
2104 ~~definition of "automobile club"~~ does not include persons,  
2105 associations, or corporations which are organized and operated  
2106 solely for the purpose of conducting, sponsoring, or sanctioning  
2107 motor vehicle races, exhibitions, or contests upon racetracks,  
2108 or upon racecourses established and marked as such for the  
2109 duration of such particular events. The term ~~words~~ "motor  
2110 vehicle" used herein has ~~have~~ the same meaning as defined in  
2111 chapter 320.

2112 (2) An accidental death and dismemberment policy sold in  
2113 combination with a policy providing only bodily injury liability  
2114 coverage ~~personal injury protection~~ and property damage  
2115 liability coverage ~~only policy~~.

2116 (3) Any product not regulated under ~~the provisions of this~~  
2117 insurance code.

24-00449E-19

2019896\_\_

2118  
 2119 This section also applies to premium financing by any insurance  
 2120 agent or insurance company under part XVI. The commission shall  
 2121 adopt rules to assure disclosure, at the time of sale, of motor  
 2122 vehicle liability insurance coverages financed ~~with personal~~  
 2123 ~~injury protection~~ and shall prescribe the form of such  
 2124 disclosure.

2125 Section 45. Subsections (2) and (3) of section 628.909,  
 2126 Florida Statutes, are amended to read:

2127 628.909 Applicability of other laws.—

2128 (2) The following provisions of the Florida Insurance Code  
 2129 apply to captive insurance companies that ~~who~~ are not industrial  
 2130 insured captive insurance companies to the extent that such  
 2131 provisions are not inconsistent with this part:

2132 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
 2133 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2134 (b) Chapter 625, part II.

2135 (c) Chapter 626, part IX.

2136 ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~  
 2137 ~~provided.~~

2138 (d)~~(e)~~ Chapter 628.

2139 (3) The following provisions of the Florida Insurance Code  
 2140 shall apply to industrial insured captive insurance companies to  
 2141 the extent that such provisions are not inconsistent with this  
 2142 part:

2143 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
 2144 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

2145 (b) Chapter 625, part II, if the industrial insured captive  
 2146 insurance company is incorporated in this state.

24-00449E-19

2019896\_\_

2147 (c) Chapter 626, part IX.

2148 ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~  
2149 ~~provided.~~

2150 (d)~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and  
2151 628.6018.

2152 Section 46. Subsections (2), (6), and (7) of section  
2153 705.184, Florida Statutes, are amended to read:

2154 705.184 Derelict or abandoned motor vehicles on the  
2155 premises of public-use airports.-

2156 (2) The airport director or the director's designee shall  
2157 contact the Department of Highway Safety and Motor Vehicles to  
2158 notify that department that the airport has possession of the  
2159 abandoned or derelict motor vehicle and to determine the name  
2160 and address of the owner of the motor vehicle, the insurance  
2161 company insuring the motor vehicle, ~~notwithstanding the~~  
2162 ~~provisions of s. 627.736,~~ and any person who has filed a lien on  
2163 the motor vehicle. Within 7 business days after receipt of the  
2164 information, the director or the director's designee shall send  
2165 notice by certified mail, return receipt requested, to the owner  
2166 of the motor vehicle, the insurance company insuring the motor  
2167 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
2168 persons of record claiming a lien against the motor vehicle. The  
2169 notice shall state the fact of possession of the motor vehicle,  
2170 that charges for reasonable towing, storage, and parking fees,  
2171 if any, have accrued and the amount thereof, that a lien as  
2172 provided in subsection (6) will be claimed, that the lien is  
2173 subject to enforcement pursuant to law, that the owner or  
2174 lienholder, if any, has the right to a hearing ~~as set forth in~~  
2175 ~~subsection (4),~~ and that any motor vehicle which, at the end of

24-00449E-19

2019896\_\_

2176 30 calendar days after receipt of the notice, has not been  
2177 removed from the airport upon payment in full of all accrued  
2178 charges for reasonable towing, storage, and parking fees, if  
2179 any, may be disposed of as provided in s. 705.182(2)(a), (b),  
2180 (d), or (e), including, but not limited to, the motor vehicle  
2181 being sold free of all prior liens after 35 calendar days after  
2182 the time the motor vehicle is stored if any prior liens on the  
2183 motor vehicle are more than 5 years of age or after 50 calendar  
2184 days after the time the motor vehicle is stored if any prior  
2185 liens on the motor vehicle are 5 years of age or less.

2186 (6) The airport pursuant to this section or, if used, a  
2187 licensed independent wrecker company pursuant to s. 713.78 shall  
2188 have a lien on an abandoned or derelict motor vehicle for all  
2189 reasonable towing, storage, and accrued parking fees, if any,  
2190 except that no storage fee shall be charged if the motor vehicle  
2191 is stored less than 6 hours. As a prerequisite to perfecting a  
2192 lien under this section, the airport director or the director's  
2193 designee must serve a notice in accordance with subsection (2)  
2194 on the owner of the motor vehicle, the insurance company  
2195 insuring the motor vehicle, ~~notwithstanding the provisions of s.~~  
2196 ~~627.736,~~ and all persons of record claiming a lien against the  
2197 motor vehicle. If attempts to notify the owner, the insurance  
2198 company insuring the motor vehicle, ~~notwithstanding the~~  
2199 ~~provisions of s. 627.736,~~ or lienholders are not successful, the  
2200 requirement of notice by mail shall be considered met. Serving  
2201 of the notice does not dispense with recording the claim of  
2202 lien.

2203 (7)(a) For the purpose of perfecting its lien under this  
2204 section, the airport shall record a claim of lien which shall

24-00449E-19

2019896\_\_

2205 state:

2206 1. The name and address of the airport.

2207 2. The name of the owner of the motor vehicle, the  
2208 insurance company insuring the motor vehicle, ~~notwithstanding~~  
2209 ~~the provisions of s. 627.736,~~ and all persons of record claiming  
2210 a lien against the motor vehicle.

2211 3. The costs incurred from reasonable towing, storage, and  
2212 parking fees, if any.

2213 4. A description of the motor vehicle sufficient for  
2214 identification.

2215 (b) The claim of lien shall be signed and sworn to or  
2216 affirmed by the airport director or the director's designee.

2217 (c) The claim of lien shall be sufficient if it is in  
2218 substantially the following form:

2219

2220 CLAIM OF LIEN

2221 State of .....

2222 County of .....

2223 Before me, the undersigned notary public, personally appeared  
2224 ....., who was duly sworn and says that he/she is the  
2225 ..... of ....., whose address is.....; and that the  
2226 following described motor vehicle:

2227 ...(Description of motor vehicle)...

2228 owned by ....., whose address is ....., has accrued  
2229 \$..... in fees for a reasonable tow, for storage, and for  
2230 parking, if applicable; that the lienor served its notice to the  
2231 owner, the insurance company insuring the motor vehicle

2232 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~  
2233 and all persons of record claiming a lien against the motor

24-00449E-19

2019896\_\_

2234 vehicle on ....., ...(year)...., by.....  
 2235 ...(Signature)..  
 2236 Sworn to (or affirmed) and subscribed before me this .... day of  
 2237 ....., ...(year)...., by ...(name of person making statement)....  
 2238 ...(Signature of Notary Public).....(Print, Type, or Stamp  
 2239 Commissioned name of Notary Public)..  
 2240 Personally Known....OR Produced....as identification.

2241  
 2242 However, the negligent inclusion or omission of any information  
 2243 in this claim of lien which does not prejudice the owner does  
 2244 not constitute a default that operates to defeat an otherwise  
 2245 valid lien.

2246 (d) The claim of lien shall be served on the owner of the  
 2247 motor vehicle, the insurance company insuring the motor vehicle,  
 2248 ~~notwithstanding the provisions of s. 627.736,~~ and all persons of  
 2249 record claiming a lien against the motor vehicle. If attempts to  
 2250 notify the owner, the insurance company insuring the motor  
 2251 vehicle ~~notwithstanding the provisions of s. 627.736,~~ or  
 2252 lienholders are not successful, the requirement of notice by  
 2253 mail shall be considered met. The claim of lien shall be so  
 2254 served before recordation.

2255 (e) The claim of lien shall be recorded with the clerk of  
 2256 court in the county where the airport is located. The recording  
 2257 of the claim of lien shall be constructive notice to all persons  
 2258 of the contents and effect of such claim. The lien shall attach  
 2259 at the time of recordation and shall take priority as of that  
 2260 time.

2261 Section 47. Paragraphs (a), (b), and (c) of subsection (4)  
 2262 of section 713.78, Florida Statutes, are amended to read:

24-00449E-19

2019896\_\_

2263           713.78 Liens for recovering, towing, or storing vehicles  
2264 and vessels.—

2265           (4) (a) Any person regularly engaged in the business of  
2266 recovering, towing, or storing vehicles or vessels who comes  
2267 into possession of a vehicle or vessel pursuant to subsection  
2268 (2), and who claims a lien for recovery, towing, or storage  
2269 services, shall give notice to the registered owner, the  
2270 insurance company insuring the vehicle ~~notwithstanding the~~  
2271 ~~provisions of s. 627.736~~, and to all persons claiming a lien  
2272 thereon, as disclosed by the records in the Department of  
2273 Highway Safety and Motor Vehicles or as disclosed by the records  
2274 of any corresponding agency in any other state in which the  
2275 vehicle is identified through a records check of the National  
2276 Motor Vehicle Title Information System or an equivalent  
2277 commercially available system as being titled or registered.

2278           (b) Whenever any law enforcement agency authorizes the  
2279 removal of a vehicle or vessel or whenever any towing service,  
2280 garage, repair shop, or automotive service, storage, or parking  
2281 place notifies the law enforcement agency of possession of a  
2282 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
2283 enforcement agency of the jurisdiction where the vehicle or  
2284 vessel is stored shall contact the Department of Highway Safety  
2285 and Motor Vehicles, or the appropriate agency of the state of  
2286 registration, if known, within 24 hours through the medium of  
2287 electronic communications, giving the full description of the  
2288 vehicle or vessel. Upon receipt of the full description of the  
2289 vehicle or vessel, the department shall search its files to  
2290 determine the owner's name, the insurance company insuring the  
2291 vehicle or vessel, and whether any person has filed a lien upon

24-00449E-19

2019896\_\_

2292 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
2293 notify the applicable law enforcement agency within 72 hours.  
2294 The person in charge of the towing service, garage, repair shop,  
2295 or automotive service, storage, or parking place shall obtain  
2296 such information from the applicable law enforcement agency  
2297 within 5 days after the date of storage and shall give notice  
2298 pursuant to paragraph (a). The department may release the  
2299 insurance company information to the requestor ~~notwithstanding~~  
2300 ~~the provisions of s. 627.736.~~

2301 (c) Notice by certified mail shall be sent within 7  
2302 business days after the date of storage of the vehicle or vessel  
2303 to the registered owner, the insurance company insuring the  
2304 vehicle ~~notwithstanding the provisions of s. 627.736~~, and all  
2305 persons of record claiming a lien against the vehicle or vessel.  
2306 It shall state the fact of possession of the vehicle or vessel,  
2307 that a lien as provided in subsection (2) is claimed, that  
2308 charges have accrued and the amount thereof, that the lien is  
2309 subject to enforcement pursuant to law, and that the owner or  
2310 lienholder, if any, has the right to a hearing as set forth in  
2311 subsection (5), and that any vehicle or vessel which remains  
2312 unclaimed, or for which the charges for recovery, towing, or  
2313 storage services remain unpaid, may be sold free of all prior  
2314 liens after 35 days if the vehicle or vessel is more than 3  
2315 years of age or after 50 days if the vehicle or vessel is 3  
2316 years of age or less.

2317 Section 48. Paragraph (a) of subsection (1), paragraph (c)  
2318 of subsection (7), and subsections (8), (9), and (10) of section  
2319 817.234, Florida Statutes, are amended to read:

2320 817.234 False and fraudulent insurance claims.—



24-00449E-19

2019896\_\_

2321 (1) (a) A person commits insurance fraud punishable as  
2322 provided in subsection (11) if that person, with the intent to  
2323 injure, defraud, or deceive any insurer:

2324 1. Presents or causes to be presented any written or oral  
2325 statement as part of, or in support of, a claim for payment or  
2326 other benefit pursuant to an insurance policy or a health  
2327 maintenance organization subscriber or provider contract,  
2328 knowing that such statement contains any false, incomplete, or  
2329 misleading information concerning any fact or thing material to  
2330 such claim;

2331 2. Prepares or makes any written or oral statement that is  
2332 intended to be presented to any insurer in connection with, or  
2333 in support of, any claim for payment or other benefit pursuant  
2334 to an insurance policy or a health maintenance organization  
2335 subscriber or provider contract, knowing that such statement  
2336 contains any false, incomplete, or misleading information  
2337 concerning any fact or thing material to such claim;

2338 3.a. Knowingly presents, causes to be presented, or  
2339 prepares or makes with knowledge or belief that it will be  
2340 presented to any insurer, purported insurer, servicing  
2341 corporation, insurance broker, or insurance agent, or any  
2342 employee or agent thereof, any false, incomplete, or misleading  
2343 information or written or oral statement as part of, or in  
2344 support of, an application for the issuance of, or the rating  
2345 of, any insurance policy, or a health maintenance organization  
2346 subscriber or provider contract; or

2347 b. Knowingly conceals information concerning any fact  
2348 material to such application; or

2349 4. Knowingly presents, causes to be presented, or prepares

24-00449E-19

2019896\_\_

2350 or makes with knowledge or belief that it will be presented to  
2351 any insurer a claim for payment or other benefit under a motor  
2352 vehicle ~~personal injury protection~~ insurance policy if the  
2353 person knows that the payee knowingly submitted a false,  
2354 misleading, or fraudulent application or other document when  
2355 applying for licensure as a health care clinic, seeking an  
2356 exemption from licensure as a health care clinic, or  
2357 demonstrating compliance with part X of chapter 400.

2358 (7)

2359 (c) An insurer, or any person acting at the direction of or  
2360 on behalf of an insurer, may not change an opinion in a mental  
2361 or physical report ~~prepared under s. 627.736(7)~~ or direct the  
2362 physician preparing the report to change such opinion; however,  
2363 this provision does not preclude the insurer from calling to the  
2364 attention of the physician errors of fact in the report based  
2365 upon information in the claim file. Any person who violates this  
2366 paragraph commits a felony of the third degree, punishable as  
2367 provided in s. 775.082, s. 775.083, or s. 775.084.

2368 (8) (a) It is unlawful for any person intending to defraud  
2369 any other person to solicit or cause to be solicited any  
2370 business from a person involved in a motor vehicle accident for  
2371 the purpose of making, adjusting, or settling motor vehicle tort  
2372 claims or claims ~~for personal injury protection benefits~~  
2373 ~~required by s. 627.736~~. Any person who violates ~~the provisions~~  
2374 ~~of~~ this paragraph commits a felony of the second degree,  
2375 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
2376 A person who is convicted of a violation of this subsection  
2377 shall be sentenced to a minimum term of imprisonment of 2 years.

2378 (b) A person may not solicit or cause to be solicited any

24-00449E-19

2019896\_\_

2379 business from a person involved in a motor vehicle accident by  
2380 any means of communication other than advertising directed to  
2381 the public for the purpose of making motor vehicle tort claims  
2382 or claims ~~for personal injury protection benefits required by s.~~  
2383 ~~627.736,~~ within 60 days after the occurrence of the motor  
2384 vehicle accident. Any person who violates this paragraph commits  
2385 a felony of the third degree, punishable as provided in s.  
2386 775.082, s. 775.083, or s. 775.084.

2387 (c) A lawyer, health care practitioner as defined in s.  
2388 456.001, or owner or medical director of a clinic required to be  
2389 licensed pursuant to s. 400.9905 may not, at any time after 60  
2390 days have elapsed from the occurrence of a motor vehicle  
2391 accident, solicit or cause to be solicited any business from a  
2392 person involved in a motor vehicle accident by means of in  
2393 person or telephone contact at the person's residence, for the  
2394 purpose of making motor vehicle tort claims or claims ~~for~~  
2395 ~~personal injury protection benefits required by s. 627.736.~~ Any  
2396 person who violates this paragraph commits a felony of the third  
2397 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
2398 775.084.

2399 (d) Charges for any services rendered by any person who  
2400 violates this subsection in regard to the person for whom such  
2401 services were rendered are noncompensable and unenforceable as a  
2402 matter of law.

2403 (9) A person may not organize, plan, or knowingly  
2404 participate in an intentional motor vehicle accident ~~crash~~ or a  
2405 scheme to create documentation of a motor vehicle accident ~~crash~~  
2406 that did not occur for the purpose of making motor vehicle tort  
2407 claims or claims ~~for personal injury protection benefits as~~

24-00449E-19

2019896\_\_

2408 ~~required by s. 627.736.~~ Any person who violates this subsection  
2409 commits a felony of the second degree, punishable as provided in  
2410 s. 775.082, s. 775.083, or s. 775.084. A person who is convicted  
2411 of a violation of this subsection shall be sentenced to a  
2412 minimum term of imprisonment of 2 years.

2413 (10) A licensed health care practitioner who is found  
2414 guilty of insurance fraud under this section for an act relating  
2415 to a motor vehicle ~~personal injury protection~~ insurance policy  
2416 loses his or her license to practice for 5 years and may not  
2417 receive reimbursement for motor vehicle insurance coverage  
2418 ~~personal injury protection~~ benefits for 10 years.

2419 Section 49. Except as otherwise expressly provided in this  
2420 act and except for this section, which shall take effect upon  
2421 this act becoming a law, this act shall take effect January 1,  
2422 2021.