

By the Committee on Banking and Insurance; and Senator Perry

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1                   A bill to be entitled  
2       An act relating to insurance; amending s. 316.646,  
3       F.S.; requiring law enforcement officers, after a  
4       certain timeframe and under certain circumstances, to  
5       access information from the motor vehicle insurance  
6       online verification system for certain purposes;  
7       amending s. 320.02, F.S.; authorizing the use of the  
8       online verification of insurance for motor vehicle  
9       registration purposes; creating s. 324.252, F.S.;  
10      requiring the Department of Highway Safety and Motor  
11      Vehicles to establish an online verification system  
12      for motor vehicle insurance; providing system  
13      requirements; providing powers and duties of the  
14      department; providing requirements for insurers and  
15      law enforcement officers; providing immunity from  
16      civil liability to insurers for certain good faith  
17      efforts; providing applicability; defining the term  
18      "commercial motor vehicle coverage"; authorizing the  
19      department to adopt rules; creating s. 324.255, F.S.;  
20      creating the Motor Vehicle Insurance Online  
21      Verification Task Force within the department;  
22      providing duties of the task force; specifying the  
23      composition of the task force; providing meeting  
24      requirements; requiring the department to provide  
25      certain support to the task force; providing that task  
26      force members shall serve without compensation and are  
27      not entitled to certain reimbursement; providing the  
28      date by which the task force must complete its work  
29      and submit its final report to the department and the

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30 Legislature; providing for expiration of the task  
31 force; providing contingent effect; providing an  
32 effective date.

33  
34 Be It Enacted by the Legislature of the State of Florida:

35  
36 Section 1. Present subsection (5) of section 316.646,  
37 Florida Statutes, is redesignated as subsection (6), and a new  
38 subsection (5) is added to that section, to read:

39 316.646 Security required; proof of security and display  
40 thereof.—

41 (5) Eighteen months after implementation of the motor  
42 vehicle insurance online verification system established in s.  
43 324.252, a law enforcement officer, during a traffic stop or  
44 crash investigation, shall access information from the online  
45 verification system to establish compliance with this chapter  
46 and chapter 324.

47 Section 2. Paragraph (f) is added to subsection (5) of  
48 section 320.02, Florida Statutes, to read:

49 320.02 Registration required; application for registration;  
50 forms.—

51 (5)

52 (f) Upon implementation of the motor vehicle insurance  
53 online verification system established in s. 324.252, the online  
54 verification may be used in lieu of the verification procedures  
55 in this subsection.

56 Section 3. Section 324.252, Florida Statutes, is created to  
57 read:

58 324.252 Insurance online verification system.—The

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59 department shall establish an online verification system for  
60 motor vehicle insurance. The goal of the system is to identify  
61 uninsured motorists and aid the department in the enforcement of  
62 the financial responsibility law.

63 (1) The online verification system must:

64 (a) Be accessible through electronic means for use by any  
65 government agency, including any court or law enforcement  
66 agency, in carrying out its functions; by any private person or  
67 entity acting on behalf of a federal, state, or local agency in  
68 carrying out its functions; by any other entity authorized by  
69 the department; and by any insurer authorized by the Office of  
70 Insurance Regulation to provide motor vehicle insurance. The  
71 department may also establish a web portal or other mechanism  
72 that provides the general public with the ability to confirm  
73 whether a particular motor vehicle is currently insured.

74 (b) In real time, send requests to insurers for  
75 verification of evidence of insurance for motor vehicles  
76 registered in this state, and receive confirmation in real time  
77 from insurers via electronic means consistent with the  
78 specifications and standards of the Insurance Industry Committee  
79 on Motor Vehicle Administration (IICMVA), with enhancements,  
80 additions, and modifications as required by the department.  
81 However, the enhancements, additions, and modifications may not  
82 conflict with, nullify, or add requirements that are materially  
83 inconsistent with the specifications or standards of the IICMVA.

84 (c) Be operational by July 1, 2023. The Motor Vehicle  
85 Insurance Online Verification Task Force established in s.  
86 324.255 must conduct a pilot program for at least 9 months to  
87 test the system before statewide use. The system may not be used

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88 in any enforcement action until successful completion of the  
89 pilot program.

90 (d) Be available 24 hours a day, except as provided in  
91 paragraph (2) (a), to verify the insurance status of any vehicle  
92 registered in this state through the insurer's National  
93 Association of Insurance Commissioners (NAIC) company code or  
94 Florida company code, in combination with other identifiers,  
95 including vehicle identification number, car make, car model,  
96 year, registered owner's name, policy number, levels or types of  
97 coverage, or other characteristics or markers as specified by  
98 the Motor Vehicle Insurance Online Verification Task Force.

99 (e) Include appropriate safeguards and controls to prevent  
100 misuse or unauthorized access.

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

103 (g) Include information that enables the department to make  
104 inquiries of evidence of insurance by using multiple data  
105 elements for greater matching accuracy, specifically the  
106 insurer's NAIC company code, in combination with other  
107 identifiers, such as vehicle identification number, policy  
108 number, or other characteristics or markers as specified by the  
109 Motor Vehicle Insurance Online Verification Task Force or the  
110 department.

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

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

115 (a) Upon an insurer's advance notice to the department, the  
116 department shall allow online services established by the

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117 insurer to have reasonable downtime for system maintenance and  
118 other work, as needed. An insurer is not subject to  
119 administrative penalties or disciplinary actions when its online  
120 services are not available under such circumstances or when an  
121 outage is unplanned by the insurer and is reasonably outside its  
122 control.

123 (b) Upon recommendation of the Motor Vehicle Insurance  
124 Online Verification Task Force, the department may develop and  
125 operate its own system or competitively procure a private vendor  
126 that has personnel with extensive operational and management  
127 experience in the development, deployment, and operation of  
128 insurance online verification systems.

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

132 (d) The department may enter into agreements governing the  
133 use of the system with any public or private entity accessing  
134 the system to verify insurance coverage.

135 (e) The department shall maintain a historical record of  
136 the system data for 6 months after the date of any verification  
137 request and response.

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

140 (a) Shall comply with the verification requirements of  
141 motor vehicle insurance for every motor vehicle insured by that  
142 company in this state.

143 (b) Shall maintain policyholder records in order to confirm  
144 insurance coverage for 3 years after the date of any  
145 verification request and response.

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

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

152 (4) A law enforcement officer, during a traffic stop or  
153 crash investigation, shall query information from the online  
154 verification system to establish compliance with this chapter.

155 (5) This section does not apply to vehicles insured under  
156 commercial motor vehicle coverage. As used in this subsection,  
157 the term "commercial motor vehicle coverage" means any coverage  
158 provided to an insured under a commercial coverage form and  
159 rated from a commercial manual approved by the Office of  
160 Insurance Regulation. However, insurers of such vehicles may  
161 participate in the online verification system on a voluntary  
162 basis.

163 (6) The department may adopt rules to administer this  
164 section.

165 Section 4. Section 324.255, Florida Statutes, is created to  
166 read:

167 324.255 Motor Vehicle Insurance Online Verification Task  
168 Force.—There is created the Motor Vehicle Insurance Online  
169 Verification Task Force within the department.

170 (1) The task force shall:

171 (a) Facilitate the implementation of the motor vehicle  
172 insurance online verification system established in s. 324.252.

173 (b) Assist in the development of a detailed guide for  
174 insurers by providing data fields and other information

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175 necessary for compliance with the online verification system.

176 (c) Coordinate a pilot program and conduct the program for  
177 at least 9 months to test the online verification system and  
178 identify necessary changes to be implemented before statewide  
179 use.

180 (d) Issue recommendations based on periodic reviews of the  
181 online verification system.

182 (2) The task force shall consist of 10 voting members and 1  
183 nonvoting member.

184 (a) By July 31 of the year this section becomes effective,  
185 the 10 voting members shall be appointed in the following  
186 manner:

187 1. Three representatives of the department, representing  
188 the Florida Highway Patrol, the Division of Motorist Services,  
189 and the Information Systems Administration, appointed by the  
190 executive director of the department.

191 2. One representative of the Office of Insurance  
192 Regulation, appointed by the Commissioner of Insurance  
193 Regulation.

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

196 a. One member must represent the motor vehicle insurer with  
197 the largest national market share as of December 31 of the year  
198 before the appointment.

199 b. One member must represent the motor vehicle insurer with  
200 the largest Florida market share as of December 31 of the year  
201 before the appointment.

202 c. One member must be selected from a list of  
203 representatives recommended by the Insurance Industry Committee

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204 on Motor Vehicle Administration.

205 4. One representative of the Department of Financial  
206 Services, appointed by the Chief Financial Officer.

207 5. One representative of the Division of State Technology,  
208 appointed by the Secretary of the Department of Management  
209 Services.

210 6. One member who must be a member of local law  
211 enforcement, appointed by the executive director of the  
212 department.

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

215 (3) By September 30 of the year this section becomes  
216 effective, the task force shall meet to establish procedures for  
217 the conduct of its business, and the voting members shall elect  
218 a vice chair at that meeting. The task force shall meet at the  
219 call of the chair, who shall prepare the agenda for each meeting  
220 with the consent of the task force. A majority of the voting  
221 members of the task force constitutes a quorum, and a quorum is  
222 necessary for the purpose of voting on any action or  
223 recommendation of the task force. All meetings shall be held in  
224 Tallahassee.

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

229 (5) By July 1 of the third year after this section becomes  
230 effective, the task force shall complete its work and submit its  
231 final report evaluating the online verification system's  
232 effectiveness and making recommendations for system enhancements



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233 to the department, the President of the Senate, and the Speaker  
234 of the House of Representatives. Upon submission of the report,  
235 the task force shall expire.

236 Section 5. The amendments made by this act to ss. 316.646  
237 and 320.02, Florida Statutes, and the creation of ss. 324.252  
238 and 324.255, Florida Statutes, by this act shall take effect  
239 upon a specific appropriation.

240 Section 6. This act shall take effect July 1, 2020.