

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Grall offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 567-2132 and insert:

5 Section 16. Effective January 1, 2021, section 324.031,  
6 Florida Statutes, is amended to read:

7 324.031 Manner of proving financial responsibility.-

8 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~  
9 ~~or any other for-hire passenger transportation vehicle may prove~~  
10 ~~financial responsibility by providing satisfactory evidence of~~  
11 ~~holding a motor vehicle liability policy as defined in s.~~  
12 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~  
13 ~~carrier which is a member of the Florida Insurance Guaranty~~

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14 ~~Association.~~ The operator or owner of a motor vehicle other than  
15 a for-hire passenger transportation vehicle ~~any other vehicle~~  
16 may prove his or her financial responsibility by:

17 (a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor  
18 vehicle liability policy as defined in ss. 324.021(8) and  
19 324.151 which provides liability coverage for the motor vehicle  
20 being operated;

21 (b) ~~(2)~~ Furnishing a certificate of self-insurance showing  
22 a deposit of cash in accordance with s. 324.161; or

23 (c) ~~(3)~~ Furnishing a certificate of self-insurance issued  
24 by the department in accordance with s. 324.171.

25 (2) (a) Beginning January 1, 2021, any person, ~~including~~  
26 ~~any firm, partnership, association, corporation, or other~~  
27 ~~person, other than a natural person,~~ electing to use the method  
28 of proof specified in paragraph (1) (b) subsection ~~(2)~~ shall  
29 furnish a certificate of deposit equal to the number of vehicles  
30 owned times \$60,000 ~~\$30,000~~, to a maximum of \$240,000. ~~\$120,000;~~

31 (b) In addition, any such person, ~~other than a natural~~  
32 ~~person,~~ shall maintain insurance providing coverage conforming  
33 to the requirements of s. 324.151 in excess of the amount of the  
34 certificate of deposit, with limits of at least:

35 1. One hundred twenty-five thousand dollars for bodily  
36 injury to, or the death of, one person in any one crash and,  
37 subject to such limits for one person, in the amount of \$250,000  
38 for bodily injury to, or the death of, two or more persons in

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39 any one crash, and \$50,000 for damage to, or destruction of,  
40 property of others in any one crash; or

41 2. Three hundred thousand dollars for combined bodily  
42 injury liability and property damage liability for any one crash  
43 \$10,000/20,000/10,000 or \$30,000 combined single limits, and  
44 such excess insurance shall provide minimum limits of  
45 \$125,000/250,000/50,000 or \$300,000 combined single limits.  
46 These increased limits shall not affect the requirements for  
47 proving financial responsibility under s. 324.032(1).

48 Section 17. Effective January 1, 2021, section 324.032,  
49 Florida Statutes, is amended to read:

50 324.032 ~~Manner of proving~~ Financial responsibility for  
51 for-hire passenger transportation vehicles. ~~Notwithstanding the~~  
52 ~~provisions of s. 324.031:~~

53 (1) An owner or lessee of a for-hire passenger  
54 transportation vehicle that is required to be registered in this  
55 state shall establish and continuously maintain the ability to  
56 respond in damages for liability on account of accidents arising  
57 out of the ownership, maintenance, or use of the for-hire  
58 passenger transportation vehicle, in the amount of:

59 (a) One hundred twenty-five thousand dollars for bodily  
60 injury to, or the death of, one person in any one crash and,  
61 subject to such limits for one person, in the amount of \$250,000  
62 for bodily injury to, or the death of, two or more persons in  
63 any one crash; and ~~A person who is either the owner or a lessee~~

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64 ~~required to maintain insurance under s. 627.733(1)(b) and who~~  
65 ~~operates one or more taxicabs, limousines, jitneys, or any other~~  
66 ~~for-hire passenger transportation vehicles may prove financial~~  
67 ~~responsibility by furnishing satisfactory evidence of holding a~~  
68 ~~motor vehicle liability policy, but with minimum limits of~~  
69 ~~\$125,000/250,000/50,000.~~

70 (b) Fifty thousand dollars for damage to, or destruction  
71 of, property of others in any one crash ~~A person who is either~~  
72 ~~the owner or a lessee required to maintain insurance under s.~~  
73 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~  
74 ~~for-hire passenger vehicles, other than taxicabs, may prove~~  
75 ~~financial responsibility by furnishing satisfactory evidence of~~  
76 ~~holding a motor vehicle liability policy as defined in s.~~  
77 ~~324.031.~~

78 (2) Except as provided in subsection (3), the requirements  
79 of this section must be met by the owner or lessee providing  
80 satisfactory evidence of holding a motor vehicle liability  
81 policy conforming to the requirements of s. 324.151 which is  
82 issued by an insurance carrier that is a member of the Florida  
83 Insurance Guaranty Association.

84 (3)-(2) ~~An owner or a lessee who is required to maintain~~  
85 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~  
86 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~  
87 ~~transportation vehicles may provide financial responsibility by~~  
88 ~~complying with the provisions of s. 324.171, which must such~~

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89 ~~compliance~~ to be demonstrated by maintaining at its principal  
90 place of business an audited financial statement, prepared in  
91 accordance with generally accepted accounting principles, and  
92 providing to the department a certification issued by a  
93 certified public accountant that the applicant's net worth is at  
94 least equal to the requirements of s. 324.171 as determined by  
95 the Office of Insurance Regulation of the Financial Services  
96 Commission, including claims liabilities in an amount certified  
97 as adequate by a Fellow of the Casualty Actuarial Society.

98  
99 Upon request by the department, the applicant shall ~~must~~ provide  
100 the department at the applicant's principal place of business in  
101 this state access to the applicant's underlying financial  
102 information and financial statements that provide the basis of  
103 the certified public accountant's certification. The applicant  
104 shall reimburse the requesting department for all reasonable  
105 costs incurred by it in reviewing the supporting information.  
106 The maximum amount of self-insurance permissible under this  
107 subsection is \$300,000 and must be stated on a per-occurrence  
108 basis, and the applicant shall maintain adequate excess  
109 insurance issued by an authorized or eligible insurer licensed  
110 or approved by the Office of Insurance Regulation. All risks  
111 self-insured shall remain with the owner or lessee providing it,  
112 and the risks are not transferable to any other person, unless a

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113 policy complying with subsections (1) and (2) ~~subsection (1)~~ is  
114 obtained.

115 Section 18. Subsection (2) of section 327.33, Florida  
116 Statutes, is amended to read:

117 327.33 Reckless or careless operation of vessel.—

118 (2) A person who operates any vessel upon the waters of  
119 this state shall operate the vessel in a reasonable and prudent  
120 manner, having regard for other waterborne traffic, posted speed  
121 and wake restrictions, and all other attendant circumstances so  
122 as not to endanger the life, limb, or property of another person  
123 outside the vessel or to endanger the life, limb, or property of  
124 another person due to vessel overloading or excessive speed. The  
125 failure to operate a vessel in a manner described in this  
126 subsection constitutes careless operation. However, vessel wake  
127 and shoreline wash resulting from the reasonable and prudent  
128 operation of a vessel, absent negligence, does not constitute  
129 damage or endangerment to property. A person who violates this  
130 subsection commits a noncriminal violation as defined in s.  
131 775.08.

132 (a) If an individual operates a vessel at a speed greater  
133 than slow speed, minimum wake, upon approaching within 300 feet  
134 of any emergency vessel, including, but not limited to, a law  
135 enforcement vessel, United States Coast Guard vessel, or  
136 firefighting vessel, when the emergency vessel's emergency  
137 lights are activated, he or she commits careless operation. Law

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138 enforcement vessels, firefighting vessels, and rescue vessels  
139 owned or operated by a governmental entity are not subject to  
140 this paragraph.

141 (b) If an individual operates a vessel at a speed greater  
142 than slow speed, minimum wake, upon approaching within 300 feet  
143 of any construction vessel or barge when the vessel or barge is  
144 displaying an orange flag indicating the vessel is actively  
145 engaged in construction operations, he or she commits careless  
146 operation. Law enforcement vessels, firefighting vessels, and  
147 rescue vessels owned or operated by a governmental entity are  
148 not subject to this paragraph. The flag required in this  
149 paragraph shall only be sufficient to invoke this paragraph if  
150 the flag:

151 1. Is at least 2 feet by 3 feet in size;

152 2. Is displayed from a pole extending at least 10 feet  
153 above the tallest portion of the vessel or barge or at least 5  
154 feet above any superstructure permanently installed upon the  
155 vessel or barge;

156 3. Has a wire or other stiffener or is otherwise  
157 constructed to ensure that the flag remains fully unfurled and  
158 extended in the absence of a wind or breeze;

159 4. Is displayed so that the visibility of the flag is not  
160 obscured in any direction; and

161 5. Is, during periods of low visibility, including any  
162 time between one-half hour after sunset and one-half hour before

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163 sunrise, illuminated such that it is visible from a distance of  
164 at least 2 nautical miles.

165 (c) As used in this subsection, the term "slow speed,  
166 minimum wake" means the vessel is fully off plane and completely  
167 settled into the water. A vessel operating at slow speed,  
168 minimum wake may not proceed at a speed greater than that speed  
169 which is reasonable and prudent to avoid the creation of an  
170 excessive wake or other hazardous condition under the existing  
171 circumstances. A vessel that is:

172 1. Operating on a plane is not proceeding at slow speed,  
173 minimum wake.

174 2. In the process of coming off plane and settling into  
175 the water or coming up onto plane is not proceeding at slow  
176 speed, minimum wake.

177 3. Operating at a speed that creates a wake which  
178 unreasonably or unnecessarily endangers other vessels is not  
179 proceeding at slow speed, minimum wake.

180 4. Completely off plane and which has fully settled into  
181 the water and is proceeding without wake or with minimum wake is  
182 proceeding at slow speed, minimum wake.

183 Section 19. Subsections (4) and (5) of section 327.4107,  
184 Florida Statutes, are renumbered as subsections (5) and (6),  
185 respectively, present subsection (4) is amended, and a new  
186 subsection (4) is added to that section, to read:

187 327.4107 Vessels at risk of becoming derelict on waters of

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188 | this state.-

189 |       (4) (a) An owner or responsible party who has been issued a  
190 | citation for a second violation of this section for the same  
191 | vessel may not anchor or moor such vessel or allow the vessel to  
192 | remain anchored or moored within 20 feet of a mangrove or to  
193 | upland vegetation upon public lands. This distance shall be  
194 | measured in a straight line from the point of the vessel closest  
195 | to the outermost branches of the mangrove or vegetation. An  
196 | owner or responsible party in violation of this subsection  
197 | commits a noncriminal infraction, punishable as provided in s.  
198 | 327.73.

199 |       (b) The commission, officers of the commission, and any  
200 | law enforcement agency or officer specified in s. 327.70 may  
201 | relocate or cause to be relocated an at-risk vessel found to be  
202 | in violation of this subsection to a distance greater than 20  
203 | feet from a mangrove or upland vegetation. The commission,  
204 | officers of the commission, or any other law enforcement agency  
205 | or officer acting under this subsection to relocate or cause to  
206 | be relocated an at-risk vessel, upon state waters, away from  
207 | mangroves or upland vegetation shall be held harmless for all  
208 | damages to the at-risk vessel resulting from such relocation  
209 | unless the damage results from gross negligence or willful  
210 | misconduct.

211 |       (5)-(4) The penalties ~~penalty~~ under this section are ~~is~~ in  
212 | addition to other penalties provided by law.

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213 Section 20. Subsections (1) and (2) of section 327.59,  
214 Florida Statutes, are amended, and subsection (5) is added to  
215 that section, to read:

216 327.59 Marina evacuations.—

217 (1) Except as provided in this section ~~After June 1, 1994,~~  
218 marinas may not adopt, maintain, or enforce policies pertaining  
219 to evacuation of vessels which require vessels to be removed  
220 from marinas following the issuance of a hurricane watch or  
221 warning, in order to ensure that protecting the lives and safety  
222 of vessel owners is placed before interests of protecting  
223 property.

224 (2) ~~Nothing in This section does not may be construed to~~  
225 restrict the ability of an owner of a vessel or the owner's  
226 authorized representative to remove a vessel voluntarily from a  
227 marina at any time or ~~to~~ restrict a marina owner from dictating  
228 the kind of cleats, ropes, fenders, and other measures that must  
229 be used on vessels as a condition of use of a marina. Except as  
230 provided in subsection (5), after a tropical storm or hurricane  
231 watch has been issued, a marina owner or operator, or an  
232 employee or agent of such owner or operator, may take reasonable  
233 actions to further secure any vessel within the marina to  
234 minimize damage to a vessel and to protect marina property,  
235 private property, and the environment and may charge a  
236 reasonable fee for such services.

237 (5) Upon the issuance of a hurricane watch affecting the

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238 waters of a marina located in a deepwater seaport, a vessel that  
239 weighs less than 500 gross tons may not remain in the waters of  
240 such a marina that has been deemed not suitable for refuge  
241 during a hurricane. The owner of such a vessel shall promptly  
242 remove the vessel from the waterway upon issuance of an  
243 evacuation order by the deepwater seaport. If the United States  
244 Coast Guard Captain of the Port sets the deepwater seaport  
245 condition to Yankee and a vessel owner has failed to remove a  
246 vessel from the waterway, the marina owner or operator, or an  
247 employee or agent thereof, regardless of existing contractual  
248 provisions between the marina owner and vessel owner, shall  
249 remove the vessel, or cause it to be removed, if reasonable,  
250 from its slip and may charge the vessel owner a reasonable fee  
251 for such removal. A marina owner, operator, employee, or agent  
252 is not liable for any damage incurred by a vessel as the result  
253 of a hurricane and is held harmless as a result of such actions  
254 to remove the vessel from the waterway. This section does not  
255 provide immunity to a marina owner, operator, employee, or agent  
256 for any damage caused by intentional acts or negligence when  
257 removing a vessel under this subsection. After a hurricane watch  
258 has been issued, the owner or operator of a vessel that has not  
259 been removed from the waterway of the marina pursuant to an  
260 evacuation order by the deepwater seaport may be subject to a  
261 fine not exceeding three times the cost associated with removing  
262 the vessel from the waterway. Such fine, if assessed, shall be

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263 imposed and collected by the deepwater seaport issuing the  
264 evacuation order.

265 Section 21. Paragraph (c) of subsection (1) of section  
266 333.03, Florida Statutes, is amended to read:

267 333.03 Requirement to adopt airport zoning regulations.—

268 (1)

269 (c) Airport protection zoning regulations adopted under  
270 paragraph (a) must, at a minimum, require:

271 1. A permit for the construction or alteration of any  
272 obstruction.~~†~~

273 2. Obstruction marking and lighting for obstructions.~~†~~

274 3. Documentation showing compliance with the federal  
275 requirement for notification of proposed construction or  
276 alteration of structures and a final valid determination from  
277 the Federal Aviation Administration aeronautical study submitted  
278 by each person applying for a permit.~~†~~

279 4. Consideration of the criteria in s. 333.025(6)~~†~~ when  
280 determining whether to issue or deny a permit.~~†~~ ~~and~~

281 5. That approval of a permit not be based solely on the  
282 determination by the Federal Aviation Administration that the  
283 proposed structure is not an airport hazard.

284 Section 22. Subsections (1) and (7) of section 337.14,  
285 Florida Statutes, are amended to read:

286 337.14 Application for qualification; certificate of  
287 qualification; restrictions; request for hearing.—

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288 (1) Any contractor desiring to bid for the performance of  
289 any construction contract in excess of \$250,000 which the  
290 department proposes to let must first be certified by the  
291 department as qualified pursuant to this section and rules of  
292 the department. The rules of the department must address the  
293 qualification of contractors to bid on construction contracts in  
294 excess of \$250,000 and must include requirements with respect to  
295 the equipment, past record, experience, financial resources, and  
296 organizational personnel of the applying contractor which are  
297 necessary to perform the specific class of work for which the  
298 contractor seeks certification. Any contractor who desires to  
299 bid on contracts in excess of \$50 million and is not qualified  
300 and in good standing with the department as of January 1, 2019,  
301 must first be certified by the department as qualified and  
302 ~~desires to bid on contracts in excess of \$50 million~~ must have  
303 satisfactorily completed two projects, each in excess of \$15  
304 million, for the department or for any other state department of  
305 transportation. The department may limit the dollar amount of  
306 any contract upon which a contractor is qualified to bid or the  
307 aggregate total dollar volume of contracts such contractor is  
308 allowed to have under contract at any one time. Each applying  
309 contractor seeking qualification to bid on construction  
310 contracts in excess of \$250,000 shall furnish the department a  
311 statement under oath, on such forms as the department may  
312 prescribe, setting forth detailed information as required on the

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313 application. Each application for certification must be  
314 accompanied by audited financial statements prepared in  
315 accordance with United States generally accepted accounting  
316 principles and United States generally accepted auditing  
317 standards by a certified public accountant licensed by this  
318 state or another state ~~the latest annual financial statement of~~  
319 ~~the applying contractor completed within the last 12 months. The~~  
320 audited financial statements must be for the applying contractor  
321 specifically and must have been prepared within the immediately  
322 preceding 12 months. The department may not consider any  
323 financial information relating to the parent entity of the  
324 applying contractor, if any. The department shall not certify as  
325 qualified any applying contractor that fails to submit the  
326 audited financial statements required by this subsection. If the  
327 application or the annual financial statement shows the  
328 financial condition of the applying contractor more than 4  
329 months before ~~prior to~~ the date on which the application is  
330 received by the department, the applying contractor must also  
331 submit interim audited financial statements prepared in  
332 accordance with United States generally accepted accounting  
333 principles and United States generally accepted auditing  
334 standards by a certified public accountant licensed by this  
335 state or another state ~~an interim financial statement and an~~  
336 ~~updated application must be submitted. The interim financial~~  
337 statements ~~statement~~ must cover the period from the end date of

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338 the annual statement and must show the financial condition of  
339 the applying contractor no more than 4 months before ~~prior to~~  
340 the date that the interim financial statements are ~~statement is~~  
341 received by the department. However, upon the request of the  
342 applying contractor, an application and accompanying annual or  
343 interim financial statements ~~statement~~ received by the  
344 department within 15 days after either 4-month period under this  
345 subsection shall be considered timely. ~~Each required annual or~~  
346 ~~interim financial statement must be audited and accompanied by~~  
347 ~~the opinion of a certified public accountant.~~ An applying  
348 contractor desiring to bid exclusively for the performance of  
349 construction contracts with proposed budget estimates of less  
350 than \$1 million may submit reviewed annual or reviewed interim  
351 financial statements prepared by a certified public accountant.  
352 The information required by this subsection is confidential and  
353 exempt from s. 119.07(1). The department shall act upon the  
354 application for qualification within 30 days after the  
355 department determines that the application is complete. The  
356 department may waive the requirements of this subsection for  
357 projects having a contract price of \$500,000 or less if the  
358 department determines that the project is of a noncritical  
359 nature and the waiver will not endanger public health, safety,  
360 or property.

361 (7) A "contractor" as defined in s. 337.165(1) (d) or his  
362 or her "affiliate" as defined in s. 337.165(1) (a) qualified with

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363 the department under this section may not also qualify under s.  
364 287.055 or s. 337.105 to provide testing services, construction,  
365 engineering, and inspection services to the department. This  
366 limitation does not apply to any design-build prequalification  
367 under s. 337.11(7) and does not apply when the department  
368 otherwise determines by written order entered at least 30 days  
369 before advertisement that the limitation is not in the best  
370 interests of the public with respect to a particular contract  
371 for testing services, construction, engineering, and inspection  
372 services. This subsection does not authorize a contractor to  
373 provide testing services, or provide construction, engineering,  
374 and inspection services, to the department in connection with a  
375 construction contract under which the contractor is performing  
376 any work. Notwithstanding any other provision of law to the  
377 contrary, for a project that is wholly or partially funded by  
378 the department and administered by a local governmental entity,  
379 except for a seaport listed in s. 311.09 or an airport as  
380 defined in s. 332.004, the entity performing design and  
381 construction, engineering, and inspection services may not be  
382 the same entity.

383 Section 23. Subsection (4) of section 337.25, Florida  
384 Statutes, is amended to read:

385 337.25 Acquisition, lease, and disposal of real and  
386 personal property.—

387 (4) The department may convey, in the name of the state,

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388 any land, building, or other property, real or personal, which  
389 was acquired under subsection (1) and which the department has  
390 determined is not needed for the construction, operation, and  
391 maintenance of a transportation facility. When such a  
392 determination has been made, property may be disposed of through  
393 negotiations, sealed competitive bids, auctions, or any other  
394 means the department deems to be in its best interest, with due  
395 advertisement for property valued by the department at greater  
396 than \$10,000. A sale may not occur at a price less than the  
397 department's current estimate of value, except as provided in  
398 paragraphs (a)-(d). The department may afford a right of first  
399 refusal to the local government or other political subdivision  
400 in the jurisdiction in which the parcel is situated, except in a  
401 conveyance transacted under paragraph (a), paragraph (c), or  
402 paragraph (e). Notwithstanding any provision of this section to  
403 the contrary, before any conveyance under this subsection may be  
404 made, except a conveyance under paragraph (a) or paragraph (c),  
405 the department shall first afford a right of first refusal to  
406 the previous property owner for the department's current  
407 estimate of value of the property. The right of first refusal  
408 must be made in writing and sent to the previous owner via  
409 certified mail or hand delivery, effective upon receipt. The  
410 right of first refusal must provide the previous owner with at  
411 least 30 days to exercise the right in writing and must be sent  
412 to the originator of the offer by certified mail or hand

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413 delivery, effective upon dispatch. If the previous owner  
414 exercises his or her right of first refusal, the previous owner  
415 has at least 90 days to close on the property.

416 (a) If the property has been donated to the state for  
417 transportation purposes and a transportation facility has not  
418 been constructed for at least 5 years, plans have not been  
419 prepared for the construction of such facility, and the property  
420 is not located in a transportation corridor, the governmental  
421 entity may authorize reconveyance of the donated property for no  
422 consideration to the original donor or the donor's heirs,  
423 successors, assigns, or representatives.

424 (b) If the property is to be used for a public purpose,  
425 the property may be conveyed without consideration to a  
426 governmental entity.

427 (c) If the property was originally acquired specifically  
428 to provide replacement housing for persons displaced by  
429 transportation projects, the department may negotiate for the  
430 sale of such property as replacement housing. As compensation,  
431 the state shall receive at least its investment in such property  
432 or the department's current estimate of value, whichever is  
433 lower. It is expressly intended that this benefit be extended  
434 only to persons actually displaced by the project. Dispositions  
435 to any other person must be for at least the department's  
436 current estimate of value.

437 (d) If the department determines that the property

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438 requires significant costs to be incurred or that continued  
439 ownership of the property exposes the department to significant  
440 liability risks, the department may use the projected  
441 maintenance costs over the next 10 years to offset the  
442 property's value in establishing a value for disposal of the  
443 property, even if that value is zero.

444 (e) If, at the discretion of the department, a sale to a  
445 person other than an abutting property owner would be  
446 inequitable, the property may be sold to the abutting owner for  
447 the department's current estimate of value.

448 Section 24. Subsection (2) of section 337.401, Florida  
449 Statutes, is amended to read:

450 337.401 Use of right-of-way for utilities subject to  
451 regulation; permit; fees.—

452 (2) The authority may grant to any person who is a  
453 resident of this state, or to any corporation that ~~which~~ is  
454 organized under the laws of this state or licensed to do  
455 business within this state, the use of a right-of-way for the  
456 utility in accordance with such rules or regulations as the  
457 authority may adopt. A ~~No~~ utility may not ~~shall~~ be installed,  
458 located, or relocated unless authorized by a written permit  
459 issued by the authority. However, for public roads or publicly  
460 owned rail corridors under the jurisdiction of the department, a  
461 utility relocation schedule and relocation agreement may be  
462 executed in lieu of a written permit. The permit must ~~shall~~

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463 require the permitholder to be responsible for any damage  
464 resulting from the issuance of such permit. The authority may  
465 initiate injunctive proceedings as provided in s. 120.69 to  
466 enforce provisions of this subsection or any rule or order  
467 issued or entered into pursuant thereto. A permit application  
468 required under this subsection by a county or municipality  
469 having jurisdiction and control of the right-of-way of any  
470 public road must be processed and acted upon in accordance with  
471 the timeframes provided in subparagraphs (7)(d)7., 8., and 9.

472 Section 25. Section 338.236, Florida Statutes, is created  
473 to read:

474 338.236 Staging areas for emergencies.—The Department of  
475 Transportation may plan, design, and construct staging areas to  
476 be activated during a declared state of emergency at key  
477 geographic locations on the turnpike system. Such staging areas  
478 must be used for the staging of emergency supplies, such as  
479 water, fuel, generators, vehicles, equipment, and other related  
480 materials, to facilitate the prompt provision of emergency  
481 assistance to the public, and to otherwise facilitate emergency  
482 response and assistance, including evacuations, deployment of  
483 emergency-related supplies and personnel, and restoration of  
484 essential services.

485 (1) In selecting a proposed site for a designated staging  
486 area under this section, the department, in consultation with  
487 the Division of Emergency Management, must consider the extent

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488 to which such site:

489 (a) Is located in a geographic area that best facilitates  
490 the wide dissemination of emergency-related supplies and  
491 equipment;

492 (b) Provides ease of access to major highways and other  
493 transportation facilities;

494 (c) Is sufficiently large to accommodate the staging of a  
495 significant amount of emergency-related supplies and equipment;

496 (d) Provides space in support of emergency preparedness  
497 and evacuation activities, such as fuel reserve capacity;

498 (e) Could be used during nonemergency periods for  
499 commercial motor vehicle parking and for other uses; and

500 (f) Is consistent with other state and local emergency  
501 management considerations.

502

503 The department must give priority consideration to placement of  
504 such staging areas in counties with a population of 200,000 or  
505 fewer, as determined by the most recent official estimate  
506 pursuant to s. 186.901, in which a multi-use corridor of  
507 regional economic significance, as provided in s. 338.2278, is  
508 located.

509 (2) The department may acquire property and property  
510 rights necessary for such staging areas as provided in s.  
511 338.04.

512 (3) The department may authorize other uses of a staging

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513 area as provided in the Florida Transportation Code, including,  
514 but not limited to, for commercial motor vehicle parking to  
515 comply with federal hours-of-service off-duty requirements or  
516 sleeper berth requirements and for other vehicular parking to  
517 provide rest for drivers.

518 (4) Staging area projects must be included in the work  
519 program developed by the department pursuant to s. 339.135.

520 Section 26. Paragraph (f) of subsection (1) of section  
521 339.08, Florida Statutes, is amended to read:

522 339.08 Use of moneys in State Transportation Trust Fund.—

523 (1) The department shall expend moneys in the State  
524 Transportation Trust Fund accruing to the department, in  
525 accordance with its annual budget. The use of such moneys shall  
526 be restricted to the following purposes:

527 ~~(f) To pay the cost of economic development transportation~~  
528 ~~projects in accordance with s. 339.2821.~~

529 Section 27. Paragraph (c) of subsection (4) of section  
530 339.135, Florida Statutes, is amended to read:

531 339.135 Work program; legislative budget request;  
532 definitions; preparation, adoption, execution, and amendment.—

533 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

534 (c)1. For purposes of this section, the board of county  
535 commissioners shall serve as the metropolitan planning  
536 organization in those counties that ~~which~~ are not located in a  
537 metropolitan planning organization and shall be involved in the

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538 development of the district work program to the same extent as a  
539 metropolitan planning organization.

540 2. The district work program shall be developed  
541 cooperatively from the outset with the various metropolitan  
542 planning organizations of the state and include, to the maximum  
543 extent feasible, the project priorities of metropolitan planning  
544 organizations which have been submitted to the district by  
545 August ~~October~~ 1 of each year pursuant to s. 339.175(8)(b);  
546 however, the department and a metropolitan planning organization  
547 may, in writing, cooperatively agree to vary this submittal  
548 date. To assist the metropolitan planning organizations in  
549 developing their lists of project priorities, the district shall  
550 disclose to each metropolitan planning organization any  
551 anticipated changes in the allocation or programming of state  
552 and federal funds which may affect the inclusion of metropolitan  
553 planning organization project priorities in the district work  
554 program.

555 3. Before ~~Prior to~~ submittal of the district work program  
556 to the central office, the district shall provide the affected  
557 metropolitan planning organization with written justification  
558 for any project proposed to be rescheduled or deleted from the  
559 district work program which project is part of the metropolitan  
560 planning organization's transportation improvement program and  
561 is contained in the last 4 years of the previous adopted work  
562 program. By no later than 14 days after submittal of the

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563 district work program to the central office, the affected  
564 metropolitan planning organization may file an objection to such  
565 rescheduling or deletion. When an objection is filed with the  
566 secretary, the rescheduling or deletion may not be included in  
567 the district work program unless the inclusion of such  
568 rescheduling or deletion is specifically approved by the  
569 secretary. The Florida Transportation Commission shall include  
570 such objections in its evaluation of the tentative work program  
571 only when the secretary has approved the rescheduling or  
572 deletion.

573 Section 28. Paragraph (b) of subsection (8) of section  
574 339.175, Florida Statutes, is amended to read:

575 339.175 Metropolitan planning organization.—

576 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,  
577 in cooperation with the state and affected public transportation  
578 operators, develop a transportation improvement program for the  
579 area within the jurisdiction of the M.P.O. In the development of  
580 the transportation improvement program, each M.P.O. must provide  
581 the public, affected public agencies, representatives of  
582 transportation agency employees, freight shippers, providers of  
583 freight transportation services, private providers of  
584 transportation, representatives of users of public transit, and  
585 other interested parties with a reasonable opportunity to  
586 comment on the proposed transportation improvement program.

587 (b) Each M.P.O. annually shall prepare a list of project

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588 priorities and shall submit the list to the appropriate district  
589 of the department by August ~~October~~ 1 of each year; however, the  
590 department and a metropolitan planning organization may, in  
591 writing, agree to vary this submittal date. Where more than one  
592 M.P.O. exists in an urbanized area, the M.P.O.'s shall  
593 coordinate in the development of regionally significant project  
594 priorities. The list of project priorities must be formally  
595 reviewed by the technical and citizens' advisory committees, and  
596 approved by the M.P.O., before it is transmitted to the  
597 district. The approved list of project priorities must be used  
598 by the district in developing the district work program and must  
599 be used by the M.P.O. in developing its transportation  
600 improvement program. The annual list of project priorities must  
601 be based upon project selection criteria that, at a minimum,  
602 consider the following:

- 603 1. The approved M.P.O. long-range transportation plan.~~†~~
- 604 2. The Strategic Intermodal System Plan developed under s.  
605 339.64.
- 606 3. The priorities developed pursuant to s. 339.2819(4).
- 607 4. The results of the transportation management systems.~~†~~  
608 ~~and~~
- 609 5. The M.P.O.'s public-involvement procedures.

610 Section 29. Section 339.2821, Florida Statutes, is  
611 repealed.

612 Section 30. Paragraph (b) of subsection (17) of section

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613 341.302, Florida Statutes, is amended to read:

614 341.302 Rail program; duties and responsibilities of the  
615 department.—The department, in conjunction with other  
616 governmental entities, including the rail enterprise and the  
617 private sector, shall develop and implement a rail program of  
618 statewide application designed to ensure the proper maintenance,  
619 safety, revitalization, and expansion of the rail system to  
620 assure its continued and increased availability to respond to  
621 statewide mobility needs. Within the resources provided pursuant  
622 to chapter 216, and as authorized under federal law, the  
623 department shall:

624 (17) In conjunction with the acquisition, ownership,  
625 construction, operation, maintenance, and management of a rail  
626 corridor, have the authority to:

627 (b) Purchase liability insurance, which amount shall not  
628 exceed \$295 ~~\$200~~ million, and establish a self-insurance  
629 retention fund for the purpose of paying the deductible limit  
630 established in the insurance policies it may obtain, including  
631 coverage for the department, any freight rail operator as  
632 described in paragraph (a), National Railroad Passenger  
633 Corporation, commuter rail service providers, governmental  
634 entities, or any ancillary development, which self-insurance  
635 retention fund or deductible shall not exceed \$10 million. The  
636 insureds shall pay a reasonable monetary contribution to the  
637 cost of such liability coverage for the sole benefit of the

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638 insured. Such insurance and self-insurance retention fund may  
639 provide coverage for all damages, including, but not limited to,  
640 compensatory, special, and exemplary, and be maintained to  
641 provide an adequate fund to cover claims and liabilities for  
642 loss, injury, or damage arising out of or connected with the  
643 ownership, operation, maintenance, and management of a rail  
644 corridor.

645

646 Neither the assumption by contract to protect, defend,  
647 indemnify, and hold harmless; the purchase of insurance; nor the  
648 establishment of a self-insurance retention fund shall be deemed  
649 to be a waiver of any defense of sovereign immunity for torts  
650 nor deemed to increase the limits of the department's or the  
651 governmental entity's liability for torts as provided in s.  
652 768.28. The requirements of s. 287.022(1) shall not apply to the  
653 purchase of any insurance under this subsection. The provisions  
654 of this subsection shall apply and inure fully as to any other  
655 governmental entity providing commuter rail service and  
656 constructing, operating, maintaining, or managing a rail  
657 corridor on publicly owned right-of-way under contract by the  
658 governmental entity with the department or a governmental entity  
659 designated by the department. Notwithstanding any law to the  
660 contrary, procurement for the construction, operation,  
661 maintenance, and management of any rail corridor described in  
662 this subsection, whether by the department, a governmental

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663 entity under contract with the department, or a governmental  
664 entity designated by the department, shall be pursuant to s.  
665 287.057 and shall include, but not be limited to, criteria for  
666 the consideration of qualifications, technical aspects of the  
667 proposal, and price. Further, any such contract for design-build  
668 shall be procured pursuant to the criteria in s. 337.11(7).

669 Section 31. Effective July 1, 2023, section 341.302,  
670 Florida Statutes, as amended by this act, is amended to read:

671 341.302 Rail program; duties and responsibilities of the  
672 department.—The department, in conjunction with other  
673 governmental entities, ~~including the rail enterprise~~ and the  
674 private sector, shall develop and implement a rail program of  
675 statewide application designed to ensure the proper maintenance,  
676 safety, revitalization, and expansion of the rail system to  
677 assure its continued and increased availability to respond to  
678 statewide mobility needs. Within the resources provided pursuant  
679 to chapter 216, and as authorized under federal law, the  
680 department shall:

681 (1) Provide the overall leadership, coordination, and  
682 financial and technical assistance necessary to ensure ~~assure~~  
683 the effective responses of the state's rail system to current  
684 and anticipated mobility needs.

685 (2) Coordinate the development, general rail safety, and  
686 operation of publicly funded passenger ~~Promote and facilitate~~  
687 ~~the implementation of advanced rail systems~~ in this state,

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688 ~~including high-speed rail and magnetic levitation systems.~~

689 (3) Develop and periodically update the rail system plan,  
690 on the basis of an analysis of statewide transportation needs.

691 (a) The plan may contain detailed regional components,  
692 consistent with regional transportation plans, as needed to  
693 ensure connectivity within the state's regions, and it shall be  
694 consistent with the Florida Transportation Plan developed  
695 pursuant to s. 339.155. The rail system plan shall include an  
696 identification of priorities, programs, and funding levels  
697 required to meet statewide and regional needs. The rail system  
698 plan shall be developed in a manner that will ensure ~~assure~~ the  
699 maximum use of existing facilities and the optimum integration  
700 and coordination of the various modes of transportation, public  
701 and private, in the most cost-effective manner possible. The  
702 rail system plan shall be updated no later than January 1, 2011,  
703 and at least every 5 years thereafter, and include plans for  
704 both passenger rail service and freight rail service,  
705 accompanied by a report to the Legislature regarding the status  
706 of the plan.

707 (b) In recognition of the department's role in the  
708 enhancement of the state's rail system to improve freight and  
709 passenger mobility, the department shall:

710 1. Work closely with all affected communities along an  
711 impacted freight rail corridor to identify and address  
712 anticipated impacts associated with an increase in freight rail

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713 traffic due to implementation of passenger rail.

714       2. In coordination with the affected local governments and  
715 CSX Transportation, Inc., finalize all viable alternatives from  
716 the department's Rail Traffic Evaluation Study to identify and  
717 develop an alternative route for through freight rail traffic  
718 moving through Central Florida, including the counties of Polk  
719 and Hillsborough, which would address, to the extent  
720 practicable, the effects of commuter rail.

721       3. Provide technical assistance to a coalition of local  
722 governments in Central Florida, including the counties of  
723 Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange,  
724 Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole,  
725 Sumter, and Volusia, and the municipalities within those  
726 counties, to develop a regional rail system plan that addresses  
727 passenger and freight opportunities in the region, is consistent  
728 with the Florida Rail System Plan, and incorporates appropriate  
729 elements of the Tampa Bay Area Regional Authority Master Plan,  
730 the Metroplan Orlando Regional Transit System Concept Plan,  
731 including the SunRail project, and the Florida Department of  
732 Transportation Alternate Rail Traffic Evaluation.

733       (4) As part of the work program of the department,  
734 formulate a specific program of projects and financing to  
735 respond to identified railroad needs.

736       (5) Provide technical and financial assistance to units of  
737 local government to address identified rail transportation

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738 needs.

739 (6) Secure and administer federal grants, loans, and  
740 apportionments for rail projects within this state when  
741 necessary to further the statewide program.

742 (7) Develop and administer state standards concerning the  
743 safety and performance of rail systems, hazardous material  
744 handling, and operations. Such standards shall be developed  
745 jointly with representatives of affected rail systems, with full  
746 consideration given to nationwide industry norms, and shall  
747 define the minimum acceptable standards for safety and  
748 performance.

749 (8) Conduct, at a minimum, inspections of track and  
750 rolling stock; train signals and related equipment; hazardous  
751 materials transportation, including the loading, unloading, and  
752 labeling of hazardous materials at shippers', receivers', and  
753 transfer points; and train operating practices to determine  
754 adherence to state and federal standards. Department personnel  
755 may enforce any safety regulation issued under the Federal  
756 Government's preemptive authority over interstate commerce.

757 (9) Assess penalties, in accordance with the applicable  
758 federal regulations, for the failure to adhere to the state  
759 standards.

760 (10) Administer rail operating and construction programs,  
761 which programs shall include the regulation of maximum ~~maxi-mum~~  
762 train operating speeds, the opening and closing of public grade

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763 crossings, the construction and rehabilitation of public grade  
764 crossings, and the installation of traffic control devices at  
765 public grade crossings, the administering of the programs by the  
766 department including participation in the cost of the programs.

767 (11) Coordinate and facilitate the relocation of railroads  
768 from congested urban areas to nonurban areas when relocation has  
769 been determined feasible and desirable from the standpoint of  
770 safety, operational efficiency, and economics.

771 (12) Implement a program of branch line continuance  
772 projects when an analysis of the industrial and economic  
773 potential of the line indicates that public involvement is  
774 required to preserve essential rail service and facilities.

775 (13) Provide new rail service and equipment when:

776 (a) Pursuant to the transportation planning process, a  
777 public need has been determined to exist;

778 (b) The cost of providing such service does not exceed the  
779 sum of revenues from fares charged to users, services purchased  
780 by other public agencies, local fund participation, and specific  
781 legislative appropriation for this purpose; and

782 (c) Service cannot be reasonably provided by other  
783 governmental or privately owned rail systems.

784

785 The department may own, lease, and otherwise encumber  
786 facilities, equipment, and appurtenances thereto, as necessary  
787 to provide new rail services, or the department may provide

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788 such service by contracts with privately owned service  
789 providers.

790 (14) Furnish required emergency rail transportation  
791 service if no other private or public rail transportation  
792 operation is available to supply the required service and such  
793 service is clearly in the best interest of the people in the  
794 communities being served. Such emergency service may be  
795 furnished through contractual arrangement, actual operation of  
796 state-owned equipment and facilities, or any other means  
797 determined appropriate by the secretary.

798 (15) Assist in the development and implementation of  
799 marketing programs for rail services and of information systems  
800 directed toward assisting rail systems users.

801 (16) Conduct research into innovative or potentially  
802 effective rail technologies and methods and maintain expertise  
803 in state-of-the-art rail developments.

804 (17) In conjunction with the acquisition, ownership,  
805 construction, operation, maintenance, and management of a rail  
806 corridor, have the authority to:

807 (a) Assume obligations pursuant to the following:

808 1.a. The department may assume the obligation by contract  
809 to forever protect, defend, indemnify, and hold harmless the  
810 freight rail operator, or its successors, from whom the  
811 department has acquired a real property interest in the rail  
812 corridor, and that freight rail operator's officers, agents, and

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813 employees, from and against any liability, cost, and expense,  
814 including, but not limited to, commuter rail passengers and rail  
815 corridor invitees in the rail corridor, regardless of whether  
816 the loss, damage, destruction, injury, or death giving rise to  
817 any such liability, cost, or expense is caused in whole or in  
818 part, and to whatever nature or degree, by the fault, failure,  
819 negligence, misconduct, nonfeasance, or misfeasance of such  
820 freight rail operator, its successors, or its officers, agents,  
821 and employees, or any other person or persons whomsoever; or

822       b. The department may assume the obligation by contract to  
823 forever protect, defend, indemnify, and hold harmless National  
824 Railroad Passenger Corporation, or its successors, and officers,  
825 agents, and employees of National Railroad Passenger  
826 Corporation, from and against any liability, cost, and expense,  
827 including, but not limited to, commuter rail passengers and rail  
828 corridor invitees in the rail corridor, regardless of whether  
829 the loss, damage, destruction, injury, or death giving rise to  
830 any such liability, cost, or expense is caused in whole or in  
831 part, and to whatever nature or degree, by the fault, failure,  
832 negligence, misconduct, nonfeasance, or misfeasance of National  
833 Railroad Passenger Corporation, its successors, or its officers,  
834 agents, and employees, or any other person or persons  
835 whomsoever.

836       2. The assumption of liability of the department by  
837 contract pursuant to sub-subparagraph 1.a. or sub-subparagraph

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838 1.b. may not in any instance exceed the following parameters of  
839 allocation of risk:

840 a. The department may be solely responsible for any loss,  
841 injury, or damage to commuter rail passengers, ~~or~~ rail corridor  
842 invitees, or trespassers, regardless of circumstances or cause,  
843 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and  
844 6.

845 b.(I) In the event of a limited covered accident, the  
846 authority of the department to protect, defend, and indemnify  
847 the freight operator for all liability, cost, and expense,  
848 including punitive or exemplary damages, in excess of the  
849 deductible or self-insurance retention fund established under  
850 paragraph (b) and actually in force at the time of the limited  
851 covered accident exists only if the freight operator agrees,  
852 with respect to the limited covered accident, to protect,  
853 defend, and indemnify the department for the amount of the  
854 deductible or self-insurance retention fund established under  
855 paragraph (b) and actually in force at the time of the limited  
856 covered accident.

857 (II) In the event of a limited covered accident, the  
858 authority of the department to protect, defend, and indemnify  
859 National Railroad Passenger Corporation for all liability, cost,  
860 and expense, including punitive or exemplary damages, in excess  
861 of the deductible or self-insurance retention fund established  
862 under paragraph (b) and actually in force at the time of the

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863 limited covered accident exists only if National Railroad  
864 Passenger Corporation agrees, with respect to the limited  
865 covered accident, to protect, defend, and indemnify the  
866 department for the amount of the deductible or self-insurance  
867 retention fund established under paragraph (b) and actually in  
868 force at the time of the limited covered accident.

869 3. When only one train is involved in an incident, the  
870 department may be solely responsible for any loss, injury, or  
871 damage if the train is a department train or other train  
872 pursuant to subparagraph 4., but only if:

873 a. When an incident occurs with only a freight train  
874 involved, including incidents with trespassers or at grade  
875 crossings, the freight rail operator is solely responsible for  
876 any loss, injury, or damage, except for commuter rail passengers  
877 and rail corridor invitees; or

878 b. When an incident occurs with only a National Railroad  
879 Passenger Corporation train involved, including incidents with  
880 trespassers or at grade crossings, National Railroad Passenger  
881 Corporation is solely responsible for any loss, injury, or  
882 damage, except for commuter rail passengers and rail corridor  
883 invitees.

884 4. For the purposes of this subsection:

885 a. Any train involved in an incident that is neither the  
886 department's train nor the freight rail operator's train,  
887 hereinafter referred to in this subsection as an "other train,"

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888 may be treated as a department train, solely for purposes of any  
889 allocation of liability between the department and the freight  
890 rail operator only, but only if the department and the freight  
891 rail operator share responsibility equally as to third parties  
892 outside the rail corridor who incur loss, injury, or damage as a  
893 result of any incident involving both a department train and a  
894 freight rail operator train, and the allocation as between the  
895 department and the freight rail operator, regardless of whether  
896 the other train is treated as a department train, shall remain  
897 one-half each as to third parties outside the rail corridor who  
898 incur loss, injury, or damage as a result of the incident. The  
899 involvement of any other train shall not alter the sharing of  
900 equal responsibility as to third parties outside the rail  
901 corridor who incur loss, injury, or damage as a result of the  
902 incident; or

903       b. Any train involved in an incident that is neither the  
904 department's train nor the National Railroad Passenger  
905 Corporation's train, hereinafter referred to in this subsection  
906 as an "other train," may be treated as a department train,  
907 solely for purposes of any allocation of liability between the  
908 department and National Railroad Passenger Corporation only, but  
909 only if the department and National Railroad Passenger  
910 Corporation share responsibility equally as to third parties  
911 outside the rail corridor who incur loss, injury, or damage as a  
912 result of any incident involving both a department train and a

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913 National Railroad Passenger Corporation train, and the  
914 allocation as between the department and National Railroad  
915 Passenger Corporation, regardless of whether the other train is  
916 treated as a department train, shall remain one-half each as to  
917 third parties outside the rail corridor who incur loss, injury,  
918 or damage as a result of the incident. The involvement of any  
919 other train shall not alter the sharing of equal responsibility  
920 as to third parties outside the rail corridor who incur loss,  
921 injury, or damage as a result of the incident.

922 5. When more than one train is involved in an incident:

923 a.(I) If only a department train and freight rail  
924 operator's train, or only an other train as described in sub-  
925 subparagraph 4.a. and a freight rail operator's train, are  
926 involved in an incident, the department may be responsible for  
927 its property and all of its people, all commuter rail  
928 passengers, and rail corridor invitees, but only if the freight  
929 rail operator is responsible for its property and all of its  
930 people, and the department and the freight rail operator each  
931 share one-half responsibility as to trespassers or third parties  
932 outside the rail corridor who incur loss, injury, or damage as a  
933 result of the incident; or

934 (II) If only a department train and a National Railroad  
935 Passenger Corporation train, or only an other train as described  
936 in sub-subparagraph 4.b. and a National Railroad Passenger  
937 Corporation train, are involved in an incident, the department

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938 may be responsible for its property and all of its people, all  
939 commuter rail passengers, and rail corridor invitees, but only  
940 if National Railroad Passenger Corporation is responsible for  
941 its property and all of its people, all National Railroad  
942 Passenger Corporation's rail passengers, and the department and  
943 National Railroad Passenger Corporation each share one-half  
944 responsibility as to trespassers or third parties outside the  
945 rail corridor who incur loss, injury, or damage as a result of  
946 the incident.

947       b.(I) If a department train, a freight rail operator  
948 train, and any other train are involved in an incident, the  
949 allocation of liability between the department and the freight  
950 rail operator, regardless of whether the other train is treated  
951 as a department train, shall remain one-half each as to third  
952 parties outside the rail corridor who incur loss, injury, or  
953 damage as a result of the incident; the involvement of any other  
954 train shall not alter the sharing of equal responsibility as to  
955 third parties outside the rail corridor who incur loss, injury,  
956 or damage as a result of the incident; and, if the owner,  
957 operator, or insurer of the other train makes any payment to  
958 injured third parties outside the rail corridor who incur loss,  
959 injury, or damage as a result of the incident, the allocation of  
960 credit between the department and the freight rail operator as  
961 to such payment shall not in any case reduce the freight rail  
962 operator's third-party-sharing allocation of one-half under this

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963 paragraph to less than one-third of the total third party  
964 liability; or  
965 (II) If a department train, a National Railroad Passenger  
966 Corporation train, and any other train are involved in an  
967 incident, the allocation of liability between the department and  
968 National Railroad Passenger Corporation, regardless of whether  
969 the other train is treated as a department train, shall remain  
970 one-half each as to third parties outside the rail corridor who  
971 incur loss, injury, or damage as a result of the incident; the  
972 involvement of any other train shall not alter the sharing of  
973 equal responsibility as to third parties outside the rail  
974 corridor who incur loss, injury, or damage as a result of the  
975 incident; and, if the owner, operator, or insurer of the other  
976 train makes any payment to injured third parties outside the  
977 rail corridor who incur loss, injury, or damage as a result of  
978 the incident, the allocation of credit between the department  
979 and National Railroad Passenger Corporation as to such payment  
980 shall not in any case reduce National Railroad Passenger  
981 Corporation's third-party-sharing allocation of one-half under  
982 this sub-subparagraph to less than one-third of the total third  
983 party liability.

984 6. Any such contractual duty to protect, defend,  
985 indemnify, and hold harmless such a freight rail operator or  
986 National Railroad Passenger Corporation shall expressly include  
987 a specific cap on the amount of the contractual duty, which

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988 amount shall not exceed \$200 million without prior legislative  
989 approval, and the department to purchase liability insurance and  
990 establish a self-insurance retention fund in the amount of the  
991 specific cap established under this subparagraph, provided that:

992 a. No such contractual duty shall in any case be effective  
993 nor otherwise extend the department's liability in scope and  
994 effect beyond the contractual liability insurance and self-  
995 insurance retention fund required pursuant to this paragraph;  
996 and

997 b.(I) The freight rail operator's compensation to the  
998 department for future use of the department's rail corridor  
999 shall include a monetary contribution to the cost of such  
1000 liability coverage for the sole benefit of the freight rail  
1001 operator.

1002 (II) National Railroad Passenger Corporation's  
1003 compensation to the department for future use of the  
1004 department's rail corridor shall include a monetary contribution  
1005 to the cost of such liability coverage for the sole benefit of  
1006 National Railroad Passenger Corporation.

1007 (b) Purchase liability insurance, which amount shall not  
1008 exceed \$295 million, and establish a self-insurance retention  
1009 fund for the purpose of paying the deductible limit established  
1010 in the insurance policies it may obtain, including coverage for  
1011 the department, any freight rail operator as described in  
1012 paragraph (a), National Railroad Passenger Corporation, commuter

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1013 rail service providers, governmental entities, or any ancillary  
1014 development, which self-insurance retention fund or deductible  
1015 shall not exceed \$10 million. The insureds shall pay a  
1016 reasonable monetary contribution to the cost of such liability  
1017 coverage for the sole benefit of the insured. Such insurance and  
1018 self-insurance retention fund may provide coverage for all  
1019 damages, including, but not limited to, compensatory, special,  
1020 and exemplary, and be maintained to provide an adequate fund to  
1021 cover claims and liabilities for loss, injury, or damage arising  
1022 out of or connected with the ownership, operation, maintenance,  
1023 and management of a rail corridor.

1024 (c) Incur expenses for the purchase of advertisements,  
1025 marketing, and promotional items.

1026 (d) Without altering any of the rights granted to the  
1027 department under this section, agree to assume the obligations  
1028 to indemnify and insure, pursuant to s. 343.545, freight rail  
1029 service, intercity passenger rail service, and commuter rail  
1030 service on a department-owned rail corridor, whether ownership  
1031 is in fee or by easement, or on a rail corridor where the  
1032 department has the right to operate.

1033

1034 Neither the assumption by contract to protect, defend,  
1035 indemnify, and hold harmless; the purchase of insurance; nor the  
1036 establishment of a self-insurance retention fund shall be deemed  
1037 to be a waiver of any defense of sovereign immunity for torts

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1038 nor deemed to increase the limits of the department's or the  
1039 governmental entity's liability for torts as provided in s.  
1040 768.28. The requirements of s. 287.022(1) shall not apply to the  
1041 purchase of any insurance under this subsection. ~~The provisions~~  
1042 ~~of~~ This subsection shall apply and inure fully as to any other  
1043 governmental entity providing commuter rail service and  
1044 constructing, operating, maintaining, or managing a rail  
1045 corridor on publicly owned right-of-way under contract by the  
1046 governmental entity with the department or a governmental entity  
1047 designated by the department. Notwithstanding any law to the  
1048 contrary, procurement for the construction, operation,  
1049 maintenance, and management of any rail corridor described in  
1050 this subsection, whether by the department, a governmental  
1051 entity under contract with the department, or a governmental  
1052 entity designated by the department, shall be pursuant to s.  
1053 287.057 and shall include, but not be limited to, criteria for  
1054 the consideration of qualifications, technical aspects of the  
1055 proposal, and price. Further, any such contract for design-build  
1056 shall be procured pursuant to the criteria in s. 337.11(7).

1057 (18) Exercise such other functions, powers, and duties in  
1058 connection with the rail system plan as are necessary to develop  
1059 a safe, efficient, and effective statewide transportation  
1060 system.

1061 Section 32. Effective July 1, 2023, subsections (5) and  
1062 (6) of section 341.303, Florida Statutes, are amended to read:

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1063 341.303 Funding authorization and appropriations;  
1064 eligibility and participation.—

1065 (5) ~~FUND PARTICIPATION; FLORIDA RAIL ENTERPRISE.—~~The  
1066 department ~~may, through the Florida Rail Enterprise, is~~  
1067 ~~authorized to~~ use funds provided pursuant to s. 201.15(4) (a)4.  
1068 to fund:

1069 (a) Up to 50 percent of the nonfederal share of the costs  
1070 of any eligible passenger rail capital improvement project.

1071 (b) Up to 100 percent of planning and development costs  
1072 related to the provision of a passenger rail system, including,  
1073 but not limited to, preliminary engineering, revenue studies,  
1074 environmental impact studies, financial advisory services,  
1075 engineering design, and other appropriate professional services.

1076 (c) The high-speed rail system.

1077 (d) Projects necessary to identify or address anticipated  
1078 impacts of increased freight rail traffic resulting from the  
1079 implementation of passenger rail systems as provided in s.  
1080 341.302 (3) (b) .

1081 (e) Projects necessary to identify or address needed or  
1082 desirable safety improvements to passenger rail systems in this  
1083 state.

1084 ~~(6) FLORIDA RAIL ENTERPRISE; BUDGET.—~~

1085 ~~(a) The Florida Rail Enterprise shall be a single budget~~  
1086 ~~entity and shall develop a budget pursuant to chapter 216. The~~  
1087 ~~enterprise's budget shall be submitted to the Legislature along~~

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1088 ~~with the department's budget. All passenger rail funding by the~~  
1089 ~~department shall be included in this budget entity.~~

1090 ~~(b) Notwithstanding the provisions of s. 216.301 to the~~  
1091 ~~contrary and in accordance with s. 216.351, the Executive Office~~  
1092 ~~of the Governor shall, on July 1 of each year, certify forward~~  
1093 ~~all unexpended funds appropriated or provided pursuant to this~~  
1094 ~~section for the enterprise. Of the unexpended funds certified~~  
1095 ~~forward, any unencumbered amounts shall be carried forward. Such~~  
1096 ~~funds carried forward shall not exceed 5 percent of the original~~  
1097 ~~approved operating budget of the enterprise pursuant to s.~~  
1098 ~~216.181(1). Funds carried forward pursuant to this section may~~  
1099 ~~be used for any lawful purpose, including, but not limited to,~~  
1100 ~~promotional and market activities, technology, and training. Any~~  
1101 ~~certified-forward funds remaining undisbursed on September 30 of~~  
1102 ~~each year shall be carried forward.~~

1103 Section 33. Effective July 1, 2023, section 341.8201,  
1104 Florida Statutes, is repealed.

1105 Section 34. Effective July 1, 2023, section 341.8203,  
1106 Florida Statutes, is amended to read:

1107 341.8203 Definitions.—As used in ss. 341.822-341.842 ~~ss.~~  
1108 ~~341.8201-341.842~~, unless the context clearly indicates  
1109 otherwise, the term:

1110 (1) "Associated development" means property, equipment,  
1111 buildings, or other related facilities which are built,  
1112 installed, used, or established to provide financing, funding,

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1113 or revenues for the planning, building, managing, and operation  
1114 of a high-speed rail system and which are associated with or  
1115 part of the rail stations. The term includes air and subsurface  
1116 rights, services that provide local area network devices for  
1117 transmitting data over wireless networks, parking facilities,  
1118 retail establishments, restaurants, hotels, offices,  
1119 advertising, or other commercial, civic, residential, or support  
1120 facilities.

1121 (2) "Communication facilities" means the communication  
1122 systems related to high-speed passenger rail operations,  
1123 including those which are built, installed, used, or established  
1124 for the planning, building, managing, and operating of a high-  
1125 speed rail system. The term includes the land; structures;  
1126 improvements; rights-of-way; easements; positive train control  
1127 systems; wireless communication towers and facilities that are  
1128 designed to provide voice and data services for the safe and  
1129 efficient operation of the high-speed rail system; voice, data,  
1130 and wireless communication amenities made available to crew and  
1131 passengers as part of a high-speed rail service; and any other  
1132 facilities or equipment used for operation of, or the  
1133 facilitation of communications for, a high-speed rail system.  
1134 Owners of communication facilities may not offer voice or data  
1135 service to any entity other than passengers, crew, or other  
1136 persons involved in the operation of a high-speed rail system.

1137 ~~(3) "Enterprise" means the Florida Rail Enterprise.~~

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1138        ~~(3)-(4)~~ "High-speed rail system" means any high-speed fixed  
1139        guideway system for transporting people or goods, which system  
1140        is, by definition of the United States Department of  
1141        Transportation, reasonably expected to reach speeds of at least  
1142        110 miles per hour, including, but not limited to, a monorail  
1143        system, dual track rail system, suspended rail system, magnetic  
1144        levitation system, pneumatic repulsion system, or other system  
1145        approved by the department ~~enterprise~~. The term includes a  
1146        corridor, associated intermodal connectors, and structures  
1147        essential to the operation of the line, including the land,  
1148        structures, improvements, rights-of-way, easements, rail lines,  
1149        rail beds, guideway structures, switches, yards, parking  
1150        facilities, power relays, switching houses, and rail stations  
1151        and also includes facilities or equipment used exclusively for  
1152        the purposes of design, construction, operation, maintenance, or  
1153        the financing of the high-speed rail system.

1154        ~~(4)-(5)~~ "Joint development" means the planning, managing,  
1155        financing, or constructing of projects adjacent to, functionally  
1156        related to, or otherwise related to a high-speed rail system  
1157        pursuant to agreements between any person, firm, corporation,  
1158        association, organization, agency, or other entity, public or  
1159        private.

1160        ~~(5)-(6)~~ "Rail station," "station," or "high-speed rail  
1161        station" means any structure or transportation facility that is  
1162        part of a high-speed rail system designed to accommodate the

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1163 movement of passengers from one mode of transportation to  
1164 another at which passengers board or disembark from  
1165 transportation conveyances and transfer from one mode of  
1166 transportation to another.

1167 ~~(6)~~(7) "Railroad company" means a person developing, or  
1168 providing service on, a high-speed rail system.

1169 ~~(7)~~(8) "Selected person or entity" means the person or  
1170 entity to whom the department ~~enterprise~~ awards a contract to  
1171 establish a high-speed rail system pursuant to ss. 341.822-  
1172 341.842 ~~ss. 341.8201-341.842~~.

1173 Section 35. Effective July 1, 2023, section 341.822,  
1174 Florida Statutes, is amended to read:

1175 341.822 Powers and duties.—

1176 (1) The department ~~enterprise~~ shall locate, plan, design,  
1177 finance, construct, maintain, own, operate, administer, and  
1178 manage the high-speed rail system in the state.

1179 (2) (a) ~~In addition to the powers granted to~~ The  
1180 ~~department, the enterprise~~ has full authority to exercise all  
1181 powers granted to it under this chapter. Powers shall include,  
1182 but are not limited to, the ability to plan, construct,  
1183 maintain, repair, and operate a high-speed rail system, to  
1184 acquire corridors, and to coordinate the development and  
1185 operation of publicly funded passenger rail systems in the  
1186 state.

1187 (b) It is the express intention of ss. 341.822-341.842 ~~ss.~~

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1188 ~~341.8201-341.842~~ that the department ~~enterprise~~ be authorized to  
1189 plan, develop, own, purchase, lease, or otherwise acquire,  
1190 demolish, construct, improve, relocate, equip, repair, maintain,  
1191 operate, and manage the high-speed rail system; to expend funds  
1192 to publicize, advertise, and promote the advantages of using the  
1193 high-speed rail system and its facilities; and to cooperate,  
1194 coordinate, partner, and contract with other entities, public  
1195 and private, to accomplish these purposes.

1196 (c) The department ~~enterprise~~ shall establish a process to  
1197 issue permits to railroad companies for the construction of  
1198 communication facilities within a new or existing public or  
1199 private high-speed rail system. The department ~~enterprise~~ may  
1200 adopt rules to administer such permits, including rules  
1201 regarding the form, content, and necessary supporting  
1202 documentation for permit applications; the process for  
1203 submitting applications; and the application fee for a permit  
1204 under s. 341.825. The department ~~enterprise~~ shall provide a copy  
1205 of a completed permit application to municipalities and counties  
1206 where the high-speed rail system will be located. The department  
1207 ~~enterprise~~ shall allow each such municipality and county 30 days  
1208 to provide comments to the department ~~enterprise~~ regarding the  
1209 application, including any recommendations regarding conditions  
1210 that may be placed on the permit.

1211 (3) The department ~~may enterprise~~ shall have the authority  
1212 ~~to employ procurement methods available to the department under~~

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1213 ~~chapters 255, 287, 334, and 337, or otherwise in accordance with~~  
1214 ~~law. The enterprise may also~~ solicit proposals and, with  
1215 legislative approval as evidenced by approval of the project in  
1216 the department's work program, enter into agreements with  
1217 private entities, or consortia thereof, for the building,  
1218 operation, ownership, or financing of the high-speed rail  
1219 system.

1220 ~~(4) The executive director of the enterprise shall appoint~~  
1221 ~~staff, who shall be exempt from part II of chapter 110.~~

1222 ~~(4)(5)~~ The powers conferred upon the department enterprise  
1223 under ss. 341.822-341.842 ~~ss. 341.8201-341.842~~ shall be in  
1224 addition and supplemental to the existing powers of the  
1225 ~~department, and these powers~~ shall not be construed as repealing  
1226 any provision of any other law, general or local, but shall  
1227 supersede such other laws that are inconsistent with the  
1228 exercise of the powers provided under ss. 341.822-341.842 ~~ss.~~  
1229 ~~341.8201-341.842~~ and provide a complete method for the exercise  
1230 of such powers granted.

1231 ~~(5)(6)~~ Any proposed rail ~~enterprise~~ project or improvement  
1232 shall be developed in accordance with the Florida Transportation  
1233 Plan and the work program under s. 339.135.

1234 Section 36. Effective July 1, 2023, subsections (2) and  
1235 (3), paragraph (b) of subsection (4), and subsection (5) of  
1236 section 341.825, Florida Statutes, are amended to read:

1237 341.825 Communication facilities.—

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1238 (2) APPLICATION SUBMISSION.—A railroad company may submit  
1239 to the department ~~enterprise~~ an application to obtain a permit  
1240 to construct communication facilities within a new or existing  
1241 high-speed rail system. The application shall include an  
1242 application fee limited to the amount needed to pay the  
1243 anticipated cost of reviewing the application, not to exceed  
1244 \$10,000, which shall be deposited into the State Transportation  
1245 Trust Fund. The application must include the following  
1246 information:

1247 (a) The location of the proposed communication facilities.

1248 (b) A description of the proposed communication  
1249 facilities.

1250 (c) Any other information reasonably required by the  
1251 department ~~enterprise~~.

1252 (3) APPLICATION REVIEW.—The department ~~enterprise~~ shall  
1253 review each application for completeness within 30 days after  
1254 receipt of the application.

1255 (a) If the department ~~enterprise~~ determines that an  
1256 application is not complete, the department ~~enterprise~~ shall,  
1257 within 30 days after the receipt of the initial application,  
1258 notify the applicant in writing of any errors or omissions. An  
1259 applicant shall have 30 days within which to correct the errors  
1260 or omissions in the initial application.

1261 (b) If the department ~~enterprise~~ determines that an  
1262 application is complete, the department ~~enterprise~~ shall act

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1263 upon the permit application within 60 days after ~~of~~ the receipt  
1264 of the completed application by approving in whole, approving  
1265 with conditions as the department ~~enterprise~~ deems appropriate,  
1266 or denying the application, and stating the reason for issuance  
1267 or denial. In determining whether an application should be  
1268 approved, approved with modifications or conditions, or denied,  
1269 the department ~~enterprise~~ shall consider any comments or  
1270 recommendations received from a municipality or county and the  
1271 extent to which the proposed communication facilities:

1272 1. Are located in a manner that is appropriate for the  
1273 communication technology specified by the applicant.

1274 2. Serve an existing or projected future need for  
1275 communication facilities.

1276 3. Provide sufficient wireless voice and data coverage and  
1277 capacity for the safe and efficient operation of the high-speed  
1278 rail system and the safety, use, and efficiency of its crew and  
1279 passengers.

1280 (c) The failure to adopt any recommendation or comment may  
1281 not be a basis for challenging the issuance of a permit.

1282 (4) EFFECT OF PERMIT.—

1283 (b) A permit may include conditions that constitute  
1284 variances and exemptions from rules of the department ~~enterprise~~  
1285 or any other agency, which would otherwise be applicable to the  
1286 communication facilities within the new or existing high-speed  
1287 rail system.

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1288 (5) MODIFICATION OF PERMIT.—A permit may be modified by  
1289 the applicant after issuance upon the filing of a petition with  
1290 the department ~~enterprise~~.

1291 (a) A petition for modification must set forth the  
1292 proposed modification and the factual reasons asserted for the  
1293 modification.

1294 (b) The department ~~enterprise~~ shall act upon the petition  
1295 within 30 days by approving or denying the application, and  
1296 stating the reason for issuance or denial.

1297 Section 37. Effective July 1, 2023, section 341.836,  
1298 Florida Statutes, is amended to read:

1299 341.836 Associated development.—

1300 (1) The department ~~enterprise~~, alone or as part of a joint  
1301 development, may undertake associated developments to be a  
1302 source of revenue for the establishment, construction,  
1303 operation, or maintenance of the high-speed rail system. Such  
1304 associated developments must be consistent, to the extent  
1305 feasible, with applicable local government comprehensive plans  
1306 and local land development regulations and otherwise be in  
1307 compliance with ss. 341.822-341.842 ~~ss. 341.8201-341.842~~.

1308 (2) Sections 341.822-341.842 ~~Sections 341.8201-341.842~~ do  
1309 not prohibit the department ~~enterprise~~, the selected person or  
1310 entity, or a party to a joint venture with the department  
1311 ~~enterprise~~ or its selected person or entity from obtaining  
1312 approval, pursuant to any other law, for any associated

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1313 development that is reasonably related to the high-speed rail  
1314 system.

1315 Section 38. Effective July 1, 2023, section 341.838,  
1316 Florida Statutes, is amended to read:

1317 341.838 Fares, rates, rents, fees, and charges.—

1318 (1) The department ~~enterprise~~ may establish, revise,  
1319 charge, and collect fares, rates, rents, fees, charges, and  
1320 revenues for the use of and for the services furnished, or to be  
1321 furnished, by the system and ~~to~~ contract with any person,  
1322 partnership, association, corporation, or other body, public or  
1323 private, in respect thereof. Such fares, rates, rents, fees, and  
1324 charges shall be reviewed annually by the department ~~enterprise~~  
1325 and may be adjusted as set forth in the contract setting such  
1326 fares, rates, rents, fees, or charges. The funds collected  
1327 pursuant to this section shall, with any other funds available,  
1328 be used to pay the cost of designing, building, operating,  
1329 financing, and maintaining the system and each and every portion  
1330 thereof, to the extent that the payment of such cost has not  
1331 otherwise been adequately provided for.

1332 (2) Fares, rates, rents, fees, and charges established,  
1333 revised, charged, and collected by the department ~~enterprise~~  
1334 pursuant to this section shall not be subject to supervision or  
1335 regulation by any other department, commission, board, body,  
1336 bureau, or agency of this state other than the department  
1337 ~~enterprise~~.

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1338 Section 39. Effective July 1, 2023, section 341.839,  
1339 Florida Statutes, is amended to read:  
1340 341.839 Alternate means.—Sections 341.822-341.842 ~~Sections~~  
1341 ~~341.8201-341.842~~ provide an additional and alternative method  
1342 for accomplishing the purposes authorized therein and are  
1343 supplemental and additional to powers conferred by other laws.  
1344 Except as otherwise expressly provided in ss. 341.822-341.842  
1345 ~~ss. 341.8201-341.842~~, none of the powers granted to the  
1346 department enterprise under ss. 341.822-341.842 ~~ss. 341.8201-~~  
1347 ~~341.842~~ are subject to the supervision or require the approval  
1348 or consent of any municipality or political subdivision or any  
1349 commission, board, body, bureau, or official.

1350 Section 40. Effective July 1, 2023, section 341.840,  
1351 Florida Statutes, is amended to read:

1352 341.840 Tax exemption.—

1353 (1) The exercise of the powers granted under ss. 341.822-  
1354 341.842 ~~ss. 341.8201-341.842~~ will be in all respects for the  
1355 benefit of the people of this state, for the increase of their  
1356 commerce, welfare, and prosperity, and for the improvement of  
1357 their health and living conditions. The design, construction,  
1358 operation, maintenance, and financing of a high-speed rail  
1359 system by the department enterprise, its agent, or the owner or  
1360 lessee thereof, as herein authorized, constitutes the  
1361 performance of an essential public function.

1362 (2) (a) For the purposes of this section, the term

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1363 "department" ~~"enterprise"~~ does not include agents of the  
1364 department ~~enterprise~~ other than contractors who qualify as such  
1365 pursuant to subsection (7).

1366 (b) For the purposes of this section, any item or property  
1367 that is within the definition of the term "associated  
1368 development" in s. 341.8203(1) may not be considered part of the  
1369 high-speed rail system as defined in s. 341.8203(3) ~~s.~~  
1370 ~~341.8203(4)~~.

1371 (3) (a) Purchases or leases of tangible personal property  
1372 or real property by the department ~~enterprise~~, excluding agents  
1373 of the department ~~enterprise~~, are exempt from taxes imposed by  
1374 chapter 212 as provided in s. 212.08(6). Purchases or leases of  
1375 tangible personal property that is incorporated into the high-  
1376 speed rail system as a component part thereof, as determined by  
1377 the department ~~enterprise~~, by agents of the department  
1378 ~~enterprise~~ or the owner of the high-speed rail system are exempt  
1379 from sales or use taxes imposed by chapter 212. Leases, rentals,  
1380 or licenses to use real property granted to agents of the  
1381 department ~~enterprise~~ or the owner of the high-speed rail system  
1382 are exempt from taxes imposed by s. 212.031 if the real property  
1383 becomes part of such system. The exemptions granted in this  
1384 subsection do not apply to sales, leases, or licenses by the  
1385 department ~~enterprise~~, agents of the department ~~enterprise~~, or  
1386 the owner of the high-speed rail system.

1387 (b) The exemption granted in paragraph (a) to purchases or

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1388 leases of tangible personal property by agents of the department  
1389 ~~enterprise~~ or by the owner of the high-speed rail system applies  
1390 only to property that becomes a component part of such system.  
1391 It does not apply to items, including, but not limited to,  
1392 cranes, bulldozers, forklifts, other machinery and equipment,  
1393 tools and supplies, or other items of tangible personal property  
1394 used in the construction, operation, or maintenance of the high-  
1395 speed rail system when such items are not incorporated into the  
1396 high-speed rail system as a component part thereof.

1397 (4) Any bonds or other security, and all notes, mortgages,  
1398 security agreements, letters of credit, or other instruments  
1399 that arise out of or are given to secure the repayment of bonds  
1400 or other security, issued by the department ~~enterprise~~, or on  
1401 behalf of the department ~~enterprise~~, their transfer, and the  
1402 income therefrom, including any profit made on the sale thereof,  
1403 shall at all times be free from taxation of every kind by the  
1404 state, the counties, and the municipalities and other political  
1405 subdivisions in the state. This subsection, however, does not  
1406 exempt from taxation or assessment the leasehold interest of a  
1407 lessee in any project or any other property or interest owned by  
1408 the lessee. The exemption granted by this subsection is not  
1409 applicable to any tax imposed by chapter 220 on interest income  
1410 or profits on the sale of debt obligations owned by  
1411 corporations.

1412 (5) When property of the department ~~enterprise~~ is leased

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1413 to another person or entity, the property shall be exempt from  
1414 ad valorem taxation only if the use by the lessee qualifies the  
1415 property for exemption under s. 196.199.

1416 (6) A leasehold interest held by the department enterprise  
1417 is not subject to intangible tax. However, if a leasehold  
1418 interest held by the department enterprise is subleased to a  
1419 nongovernmental lessee, such subleasehold interest shall be  
1420 deemed to be an interest described in s. 199.023(1)(d), Florida  
1421 Statutes 2005, and is subject to the intangible tax.

1422 (7)(a) In order to be considered an agent of the  
1423 department enterprise for purposes of the exemption from sales  
1424 and use tax granted by subsection (3) for tangible personal  
1425 property incorporated into the high-speed rail system, a  
1426 contractor of the department enterprise that purchases or  
1427 fabricates such tangible personal property must be certified by  
1428 the department enterprise as provided in this subsection.

1429 (b)1. A contractor must apply for a renewal of the  
1430 exemption not later than December 1 of each calendar year.

1431 2. A contractor must apply to the department enterprise on  
1432 the application form adopted by the department enterprise, which  
1433 shall develop the form in consultation with the Department of  
1434 Revenue.

1435 3. The department enterprise shall review each submitted  
1436 application and determine whether it is complete. The department  
1437 enterprise shall notify the applicant of any deficiencies in the

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1438 application within 30 days. Upon receipt of a completed  
1439 application, the department ~~enterprise~~ shall evaluate the  
1440 application for exemption under this subsection and issue a  
1441 certification that the contractor is qualified to act as an  
1442 agent of the department ~~enterprise~~ for purposes of this section  
1443 or a denial of such certification within 30 days. The department  
1444 ~~enterprise~~ shall provide the Department of Revenue with a copy  
1445 of each certification issued upon approval of an application.  
1446 Upon receipt of a certification from the department ~~enterprise~~,  
1447 the Department of Revenue shall issue an exemption permit to the  
1448 contractor.

1449 (c)1. The contractor may extend a copy of its exemption  
1450 permit to its vendors in lieu of paying sales tax on purchases  
1451 of tangible personal property qualifying for exemption under  
1452 this section. Possession of a copy of the exemption permit  
1453 relieves the seller of the responsibility of collecting tax on  
1454 the sale, and the Department of Revenue shall look solely to the  
1455 contractor for recovery of tax upon a determination that the  
1456 contractor was not entitled to the exemption.

1457 2. The contractor may extend a copy of its exemption  
1458 permit to real property subcontractors supplying and installing  
1459 tangible personal property that is exempt under subsection (3).  
1460 Any such subcontractor may extend a copy of the permit to the  
1461 subcontractor's vendors in order to purchase qualifying tangible  
1462 personal property tax-exempt. If the subcontractor uses the

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1463 exemption permit to purchase tangible personal property that is  
1464 determined not to qualify for exemption under subsection (3),  
1465 the Department of Revenue may assess and collect any tax,  
1466 penalties, and interest that are due from either the contractor  
1467 holding the exemption permit or the subcontractor that extended  
1468 the exemption permit to the seller.

1469 (d) Any contractor authorized to act as an agent of the  
1470 department ~~enterprise~~ under this section shall maintain the  
1471 necessary books and records to document the exempt status of  
1472 purchases and fabrication costs made or incurred under the  
1473 permit. In addition, an authorized contractor extending its  
1474 exemption permit to its subcontractors shall maintain a copy of  
1475 the subcontractor's books, records, and invoices indicating all  
1476 purchases made by the subcontractor under the authorized  
1477 contractor's permit. If, in an audit conducted by the Department  
1478 of Revenue, it is determined that tangible personal property  
1479 purchased or fabricated claiming exemption under this section  
1480 does not meet the criteria for exemption, the amount of taxes  
1481 not paid at the time of purchase or fabrication shall be  
1482 immediately due and payable to the Department of Revenue,  
1483 together with the appropriate interest and penalty, computed  
1484 from the date of purchase, in the manner prescribed by chapter  
1485 212.

1486 (e) If a contractor fails to apply for a high-speed rail  
1487 system exemption permit, or if a contractor initially determined

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1488 by the department enterprise to not qualify for exemption is  
1489 subsequently determined to be eligible, the contractor shall  
1490 receive the benefit of the exemption in this subsection through  
1491 a refund of previously paid taxes for transactions that  
1492 otherwise would have been exempt. A refund may not be made for  
1493 such taxes without the issuance of a certification by the  
1494 department enterprise that the contractor was authorized to make  
1495 purchases tax-exempt and a determination by the Department of  
1496 Revenue that the purchases qualified for the exemption.

1497 (f) The department enterprise may adopt rules governing  
1498 the application process for exemption of a contractor as an  
1499 authorized agent of the department enterprise.

1500 (g) The Department of Revenue may adopt rules governing  
1501 the issuance and form of high-speed rail system exemption  
1502 permits, the audit of contractors and subcontractors using such  
1503 permits, the recapture of taxes on nonqualified purchases, and  
1504 the manner and form of refund applications.

1505 Section 41. Effective July 1, 2023, paragraph (b) of  
1506 subsection (4) of section 343.58, Florida Statutes, is amended  
1507 to read:

1508 343.58 County funding for the South Florida Regional  
1509 Transportation Authority.—

1510 (4) Notwithstanding any other provision of law to the  
1511 contrary and effective July 1, 2010, until as provided in  
1512 paragraph (d), the department shall transfer annually from the

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1513 State Transportation Trust Fund to the South Florida Regional  
1514 Transportation Authority the amounts specified in subparagraph  
1515 (a)1. or subparagraph (a)2.

1516 (b) Funding required by this subsection may not be  
1517 provided from the funds dedicated to the State Transportation  
1518 Trust Fund ~~Florida Rail Enterprise~~ pursuant to s. 201.15(4)(a)4.

1519 Section 42. Paragraph (d) of subsection (2) of section  
1520 349.04, Florida Statutes, is amended to read:

1521 349.04 Purposes and powers.—

1522 (2) The authority is hereby granted, and shall have and  
1523 may exercise all powers necessary, appurtenant, convenient, or  
1524 incidental to the carrying out of the aforesaid purposes,  
1525 including, but without being limited to, the right and power:

1526 (d) To enter into and make leases for terms not exceeding  
1527 99 ~~40~~ years, as either lessee or lessor, in order to carry out  
1528 the right to lease as set forth in this chapter.

1529 Section 43. Paragraph (a) of subsection (4) of section  
1530 377.809, Florida Statutes, is amended to read:

1531 377.809 Energy Economic Zone Pilot Program.—

1532 (4)(a) Beginning July 1, 2012, all the incentives and  
1533 benefits provided for enterprise zones pursuant to state law  
1534 shall be available to the energy economic zones designated  
1535 pursuant to this section on or before July 1, 2010. In order to  
1536 provide incentives, by March 1, 2012, each local governing body  
1537 that has jurisdiction over an energy economic zone must, by

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1538 local ordinance, establish the boundary of the energy economic  
1539 zone, specify applicable energy-efficiency standards, and  
1540 determine eligibility criteria for the application of state and  
1541 local incentives and benefits in the energy economic zone.  
1542 However, in order to receive benefits provided under s. 288.106,  
1543 a business must be a qualified target industry business under s.  
1544 288.106 for state purposes. An energy economic zone's boundary  
1545 may be revised by local ordinance. Such incentives and benefits  
1546 include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183,  
1547 288.106, and 624.5105 and the public utility discounts provided  
1548 in s. 290.007(8). The exemption provided in s. 212.08(5)(c)  
1549 shall be for renewable energy as defined in s. 377.803. For  
1550 purposes of this section, any applicable requirements for  
1551 employee residency for higher refund or credit thresholds must  
1552 be based on employee residency in the energy economic zone or an  
1553 enterprise zone. A business in an energy economic zone may also  
1554 be eligible for funding under ss. 288.047 and 445.003, ~~and a~~  
1555 ~~transportation project in an energy economic zone shall be~~  
1556 ~~provided priority in funding under s. 339.2821.~~ Other projects  
1557 shall be given priority ranking to the extent practicable for  
1558 grants administered under state energy programs.

1559 Section 44. For the purpose of incorporating the  
1560 amendments made by this act to sections 327.33 and 327.4107,  
1561 Florida Statutes, in references thereto, paragraphs (h) and (aa)  
1562 of subsection (1) of section 327.73, Florida Statutes, are

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1563 reenacted to read:

1564 327.73 Noncriminal infractions.—

1565 (1) Violations of the following provisions of the vessel  
1566 laws of this state are noncriminal infractions:

1567 (h) Section 327.33(2), relating to careless operation.

1568 (aa) Section 327.4107, relating to vessels at risk of  
1569 becoming derelict on waters of this state, for which the civil  
1570 penalty is:

1571 1. For a first offense, \$50.

1572 2. For a second offense occurring 30 days or more after a  
1573 first offense, \$100.

1574 3. For a third or subsequent offense occurring 30 days or  
1575 more after a previous offense, \$250.

1576

1577 Any person cited for a violation of any provision of this  
1578 subsection shall be deemed to be charged with a noncriminal  
1579 infraction, shall be cited for such an infraction, and shall be  
1580 cited to appear before the county court. The civil penalty for  
1581 any such infraction is \$50, except as otherwise provided in this  
1582 section. Any person who fails to appear or otherwise properly  
1583 respond to a uniform boating citation shall, in addition to the  
1584 charge relating to the violation of the boating laws of this  
1585 state, be charged with the offense of failing to respond to such  
1586 citation and, upon conviction, be guilty of a misdemeanor of the  
1587 second degree, punishable as provided in s. 775.082 or s.

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1588 775.083. A written warning to this effect shall be provided at  
1589 the time such uniform boating citation is issued.

1590 Section 45. By October 1, 2020, the Department of  
1591 Transportation, each expressway and bridge authority created  
1592 pursuant to chapter 348, Florida Statutes, and the Mid-Bay  
1593 Bridge Authority re-created pursuant to chapter 2000-411, Laws  
1594 of Florida, shall each submit a report documenting its  
1595 uncollected customer receivables to the Governor, the President  
1596 of the Senate, and the Speaker of the House of Representatives.  
1597 Each report must include an aged summary of customer receivables  
1598 for electronic toll collection as well as toll-by-plate as of  
1599 June 30, 2020. Additionally, each report must include a schedule  
1600 by year of customer receivables written off, sold to a  
1601 collection agency, or assigned to a collection agency. Each  
1602 report must include a detailed discussion by each entity from  
1603 its independent certified public accountant describing the  
1604 accounting methodology used within the entity's audited  
1605 financial statements to record revenue and bad debt.

1606 Section 46. Effective January 1, 2021, sections 627.730,  
1607 627.731, 627.7311, 627.732, 627.733, 627.734, 627.736, 627.737,  
1608 627.739, 627.7401, 627.7403, and 627.7405, Florida Statutes, are  
1609 repealed.

1610 Section 47. Effective January 1, 2021, section 627.7407,  
1611 Florida Statutes, is repealed.

1612 Section 48. Effective January 1, 2021, subsection (1) of

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1613 section 316.646, Florida Statutes, is amended to read:

1614 316.646 Security required; proof of security and display  
1615 thereof.-

1616 (1) Any person required by s. 324.022 to maintain  
1617 liability security for property damage, ~~liability security,~~  
1618 ~~required by s. 324.023 to maintain liability security for bodily~~  
1619 ~~injury, or death, or required by s. 627.733 to maintain personal~~  
1620 ~~injury protection security on a motor vehicle~~ shall have in his  
1621 or her immediate possession at all times while operating such  
1622 motor vehicle proper proof of maintenance of the ~~required~~  
1623 security required under s. 324.021(7).

1624 (a) Such proof must ~~shall~~ be in a uniform paper or  
1625 electronic format, as prescribed by the department, a valid  
1626 insurance policy, an insurance policy binder, a certificate of  
1627 insurance, or such other proof as may be prescribed by the  
1628 department.

1629 (b)1. The act of presenting to a law enforcement officer  
1630 an electronic device displaying proof of insurance in an  
1631 electronic format does not constitute consent for the officer to  
1632 access any information on the device other than the displayed  
1633 proof of insurance.

1634 2. The person who presents the device to the officer  
1635 assumes the liability for any resulting damage to the device.

1636 Section 49. Effective January 1, 2021, paragraph (b) of  
1637 subsection (2) of section 318.18, Florida Statutes, is amended

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1638 to read:

1639 318.18 Amount of penalties.—The penalties required for a  
1640 noncriminal disposition pursuant to s. 318.14 or a criminal  
1641 offense listed in s. 318.17 are as follows:

1642 (2) Thirty dollars for all nonmoving traffic violations  
1643 and:

1644 (b) For all violations of ss. 320.0605, 320.07(1),  
1645 322.065, and 322.15(1). A ~~Any~~ person who is cited for a  
1646 violation of s. 320.07(1) shall be charged a delinquent fee  
1647 pursuant to s. 320.07(4).

1648 1. If a person who is cited for a violation of s. 320.0605  
1649 or s. 320.07 can show proof of having a valid registration at  
1650 the time of arrest, the clerk of the court may dismiss the case  
1651 and may assess a dismissal fee of up to \$10, from which the  
1652 clerk shall remit \$2.50 to the Department of Revenue for deposit  
1653 into the General Revenue Fund. A person who finds it impossible  
1654 or impractical to obtain a valid registration certificate must  
1655 submit an affidavit detailing the reasons for the impossibility  
1656 or impracticality. The reasons may include, but are not limited  
1657 to, the fact that the vehicle was sold, stolen, or destroyed;  
1658 that the state in which the vehicle is registered does not issue  
1659 a certificate of registration; or that the vehicle is owned by  
1660 another person.

1661 2. If a person who is cited for a violation of s. 322.03,  
1662 s. 322.065, or s. 322.15 can show a driver license issued to him

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1663 or her and valid at the time of arrest, the clerk of the court  
1664 may dismiss the case and may assess a dismissal fee of up to  
1665 \$10, from which the clerk shall remit \$2.50 to the Department of  
1666 Revenue for deposit into the General Revenue Fund.

1667 3. If a person who is cited for a violation of s. 316.646  
1668 can show proof of security as required by s. 324.021(7) ~~s.~~  
1669 ~~627.733~~, issued to the person and valid at the time of arrest,  
1670 the clerk of the court may dismiss the case and may assess a  
1671 dismissal fee of up to \$10, from which the clerk shall remit  
1672 \$2.50 to the Department of Revenue for deposit into the General  
1673 Revenue Fund. A person who finds it impossible or impractical to  
1674 obtain proof of security must submit an affidavit detailing the  
1675 reasons for the impracticality. The reasons may include, but are  
1676 not limited to, the fact that the vehicle has since been sold,  
1677 stolen, or destroyed; ~~that the owner or registrant of the~~  
1678 ~~vehicle is not required by s. 627.733 to maintain personal~~  
1679 ~~injury protection insurance;~~ or that the vehicle is owned by  
1680 another person.

1681 Section 50. Effective January 1, 2021, paragraphs (a) and  
1682 (d) of subsection (5) of section 320.02, Florida Statutes, are  
1683 amended to read:

1684 320.02 Registration required; application for  
1685 registration; forms.—

1686 (5) (a) Proof that bodily injury liability coverage and  
1687 property damage liability coverage ~~personal injury protection~~

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1688 ~~benefits~~ have been purchased if required under s. 324.022, s.  
1689 324.032, or s. 627.742 s. 627.733, that ~~property damage~~  
1690 ~~liability coverage has been purchased as required under s.~~  
1691 324.022, that bodily injury liability ~~or death~~ coverage has been  
1692 purchased if required under s. 324.023, and that combined bodily  
1693 liability insurance and property damage liability insurance have  
1694 been purchased if required under s. 627.7415 must ~~shall~~ be  
1695 provided in the manner prescribed by law by the applicant at the  
1696 time of application for registration of any motor vehicle that  
1697 is subject to such requirements. The issuing agent may not ~~shall~~  
1698 ~~refuse to~~ issue registration if such proof of purchase is not  
1699 provided. Insurers shall furnish uniform proof-of-purchase cards  
1700 in a paper or electronic format in a form prescribed by the  
1701 department and include the name of the insured's insurance  
1702 company, the coverage identification number, and the make, year,  
1703 and vehicle identification number of the vehicle insured. The  
1704 card must contain a statement notifying the applicant of the  
1705 penalty specified under s. 316.646(4). The card or insurance  
1706 policy, insurance policy binder, or certificate of insurance or  
1707 a photocopy of any of these; an affidavit containing the name of  
1708 the insured's insurance company, the insured's policy number,  
1709 and the make and year of the vehicle insured; or such other  
1710 proof as may be prescribed by the department constitutes ~~shall~~  
1711 ~~constitute~~ sufficient proof of purchase. If an affidavit is  
1712 provided as proof, it must be in substantially the following

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1713 form:

1714

1715 Under penalty of perjury, I ...(Name of insured)... do hereby  
1716 certify that I have ...(bodily injury liability and Personal  
1717 ~~Injury Protection~~, property damage liability, ~~and, if required,~~  
1718 ~~Bodily Injury Liability~~)... insurance currently in effect with  
1719 ...(Name of insurance company)... under ...(policy number)...  
1720 covering ...(make, year, and vehicle identification number of  
1721 vehicle).... ...(Signature of Insured)...

1722

1723 Such affidavit must include the following warning:

1724

1725 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
1726 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
1727 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
1728 SUBJECT TO PROSECUTION.

1729

1730 If an application is made through a licensed motor vehicle  
1731 dealer as required under s. 319.23, the original or a photocopy  
1732 ~~photostatic copy~~ of such card, insurance policy, insurance  
1733 policy binder, or certificate of insurance or the original  
1734 affidavit from the insured must ~~shall~~ be forwarded by the dealer  
1735 to the tax collector of the county or the Department of Highway  
1736 Safety and Motor Vehicles for processing. By executing the  
1737 ~~afosaidd~~ affidavit, a ~~ne~~ licensed motor vehicle dealer is not

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1738 ~~will be~~ liable in damages for any inadequacy, insufficiency, or  
1739 falsification of any statement contained therein. ~~A card must~~  
1740 ~~also indicate the existence of any bodily injury liability~~  
1741 ~~insurance voluntarily purchased.~~

1742 (d) The verifying of ~~proof of personal injury protection~~  
1743 ~~insurance, proof of property damage liability insurance, proof~~  
1744 ~~of combined bodily liability insurance and property damage~~  
1745 ~~liability insurance, or proof of financial responsibility~~  
1746 ~~insurance~~ and the issuance or failure to issue the motor vehicle  
1747 registration under ~~the provisions of~~ this chapter may not be  
1748 construed in any court as a warranty of the reliability or  
1749 accuracy of the evidence of such proof, or as meaning that the  
1750 provisions of any insurance policy furnished as proof of  
1751 financial responsibility comply with state law. Neither the  
1752 department nor any tax collector is liable in damages for any  
1753 inadequacy, insufficiency, falsification, or unauthorized  
1754 modification of any item of ~~the proof of personal injury~~  
1755 ~~protection insurance, proof of property damage liability~~  
1756 ~~insurance, proof of combined bodily liability insurance and~~  
1757 ~~property damage liability insurance, or proof of financial~~  
1758 responsibility before insurance prior to, during, or subsequent  
1759 to the verification of the proof. The issuance of a motor  
1760 vehicle registration does not constitute prima facie evidence or  
1761 a presumption of insurance coverage.

1762 Section 51. Effective January 1, 2021, paragraph (b) of

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1763 subsection (1) of section 320.0609, Florida Statutes, is amended  
1764 to read:

1765 320.0609 Transfer and exchange of registration license  
1766 plates; transfer fee.—

1767 (1)

1768 (b) The transfer of a license plate from a vehicle  
1769 disposed of to a newly acquired vehicle does not constitute a  
1770 new registration. The application for transfer must ~~shall~~ be  
1771 accepted without requiring proof of ~~personal injury protection~~  
1772 ~~or~~ liability insurance.

1773 Section 52. Effective January 1, 2021, paragraph (g) is  
1774 added to subsection (1) of section 320.27, Florida Statutes, and  
1775 subsection (3) of that section is amended, to read:

1776 320.27 Motor vehicle dealers.—

1777 (1) DEFINITIONS.—The following words, terms, and phrases  
1778 when used in this section have the meanings respectively  
1779 ascribed to them in this subsection, except where the context  
1780 clearly indicates a different meaning:

1781 (g) "Garage liability insurance" means, beginning January  
1782 1, 2021, combined single-limit liability coverage, including  
1783 property damage and bodily injury liability coverage, in the  
1784 amount of at least \$60,000.

1785 (3) APPLICATION AND FEE.—The ~~application for the~~ license  
1786 application must ~~shall~~ be in such form as may be prescribed by  
1787 the department and is ~~shall be~~ subject to such rules ~~with~~

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1788 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.  
1789 Such application must ~~shall~~ be verified by oath or affirmation  
1790 and must ~~shall~~ contain a full statement of the name and birth  
1791 date of the person or persons applying for the license ~~therefor~~;  
1792 the name of the firm or copartnership, with the names and places  
1793 of residence of all members ~~thereof~~, if such applicant is a firm  
1794 or copartnership; the names and places of residence of the  
1795 principal officers, if the applicant is a body corporate or  
1796 other artificial body; the name of the state under whose laws  
1797 the corporation is organized; the present and former place or  
1798 places of residence of the applicant; and the prior business in  
1799 which the applicant has been engaged and its ~~the~~ location  
1800 ~~thereof~~. ~~The~~ ~~Such~~ application must ~~shall~~ describe the exact  
1801 location of the place of business and must ~~shall~~ state whether  
1802 the place of business is owned by the applicant and when  
1803 acquired, or, if leased, a true copy of the lease must ~~shall~~ be  
1804 attached to the application. The applicant shall certify that  
1805 the location provides an adequately equipped office and is not a  
1806 residence; that the location affords sufficient unoccupied space  
1807 upon and within which adequately to store all motor vehicles  
1808 offered and displayed for sale; and that the location is a  
1809 suitable place where the applicant can in good faith carry on  
1810 such business and keep and maintain books, records, and files  
1811 necessary to conduct such business, which must ~~shall~~ be  
1812 available at all reasonable hours to inspection by the

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1813 department or any of its inspectors or other employees. The  
1814 applicant shall certify that the business of a motor vehicle  
1815 dealer is the principal business that will ~~which shall~~ be  
1816 conducted at that location. The application must ~~shall~~ contain a  
1817 statement that the applicant is either franchised by a  
1818 manufacturer of motor vehicles, in which case the name of each  
1819 motor vehicle that the applicant is franchised to sell must  
1820 ~~shall~~ be included, or an independent (nonfranchised) motor  
1821 vehicle dealer. The application must ~~shall~~ contain other  
1822 relevant information as may be required by the department. The  
1823 applicant shall furnish, including evidence, in a form approved  
1824 by the department, that the applicant is insured under a garage  
1825 liability insurance policy or a general liability insurance  
1826 policy coupled with a business automobile policy having the  
1827 coverages and limits of the garage liability insurance coverage  
1828 in accordance with paragraph (1) (g), ~~which shall include, at a~~  
1829 ~~minimum, \$25,000 combined single-limit liability coverage~~  
1830 ~~including bodily injury and property damage protection and~~  
1831 ~~\$10,000 personal injury protection.~~ However, a salvage motor  
1832 vehicle dealer as defined in subparagraph (1) (c) 5. is exempt  
1833 from the requirements for garage liability insurance ~~and~~  
1834 ~~personal injury protection insurance~~ on those vehicles that  
1835 cannot be legally operated on roads, highways, or streets in  
1836 this state. Franchise dealers must submit a garage liability  
1837 insurance policy, and all other dealers must submit a garage

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1838 liability insurance policy or a general liability insurance  
1839 policy coupled with a business automobile policy. Such policy  
1840 must ~~shall~~ be for the license period, and evidence of a new or  
1841 continued policy must ~~shall~~ be delivered to the department at  
1842 the beginning of each license period. Upon making an initial  
1843 application, the applicant shall pay to the department a fee of  
1844 \$300 in addition to any other fees required by law. Applicants  
1845 may choose to extend the licensure period for 1 additional year  
1846 for a total of 2 years. An initial applicant shall pay to the  
1847 department a fee of \$300 for the first year and \$75 for the  
1848 second year, in addition to any other fees required by law. An  
1849 applicant for renewal shall pay to the department \$75 for a 1-  
1850 year renewal or \$150 for a 2-year renewal, in addition to any  
1851 other fees required by law. Upon making an application for a  
1852 change of location, the applicant ~~person~~ shall pay a fee of \$50  
1853 in addition to any other fees now required by law. The  
1854 department shall, in the case of every application for initial  
1855 licensure, verify whether certain facts set forth in the  
1856 application are true. Each applicant, general partner in the  
1857 case of a partnership, or corporate officer and director in the  
1858 case of a corporate applicant shall, ~~must~~ file a set of  
1859 fingerprints with the department for the purpose of determining  
1860 any prior criminal record or any outstanding warrants. The  
1861 department shall submit the fingerprints to the Department of  
1862 Law Enforcement for state processing and forwarding to the

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1863 Federal Bureau of Investigation for federal processing. The  
1864 actual cost of state and federal processing must ~~shall~~ be borne  
1865 by the applicant and is in addition to the fee for licensure.  
1866 The department may issue a license to an applicant pending the  
1867 results of the fingerprint investigation, which license is fully  
1868 revocable if the department subsequently determines that any  
1869 facts set forth in the application are not true or correctly  
1870 represented.

1871 Section 53. Effective January 1, 2021, paragraph (j) of  
1872 subsection (3) of section 320.771, Florida Statutes, is amended  
1873 to read:

1874 320.771 License required of recreational vehicle dealers.—

1875 (3) APPLICATION.—The application for such license shall be  
1876 in the form prescribed by the department and subject to such  
1877 rules as may be prescribed by it. The application shall be  
1878 verified by oath or affirmation and shall contain:

1879 (j) A statement that the applicant is insured under a  
1880 garage liability insurance policy in accordance with s.  
1881 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~  
1882 ~~combined single limit liability coverage, including bodily~~  
1883 ~~injury and property damage protection, and \$10,000 personal~~  
1884 ~~injury protection,~~ if the applicant is to be licensed as a  
1885 dealer in, or intends to sell, recreational vehicles.

1886

1887 The department shall, if it deems necessary, cause an

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1888 investigation to be made to ascertain if the facts set forth in  
1889 the application are true and shall not issue a license to the  
1890 applicant until it is satisfied that the facts set forth in the  
1891 application are true.

1892 Section 54. Effective January 1, 2021, subsections (1) and  
1893 (2) of section 322.251, Florida Statutes, are amended to read:

1894 322.251 Notice of cancellation, suspension, revocation, or  
1895 disqualification of license.—

1896 (1) All orders of cancellation, suspension, revocation, or  
1897 disqualification issued under ~~the provisions of~~ this chapter,  
1898 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~  
1899 be given either by personal delivery thereof to the licensee  
1900 whose license is being canceled, suspended, revoked, or  
1901 disqualified or by deposit in the United States mail in an  
1902 envelope, first class, postage prepaid, addressed to the  
1903 licensee at his or her last known mailing address furnished to  
1904 the department. Such mailing by the department constitutes  
1905 notification, and any failure by the person to receive the  
1906 mailed order will not affect or stay the effective date or term  
1907 of the cancellation, suspension, revocation, or disqualification  
1908 of the licensee's driving privilege.

1909 (2) The giving of notice and an order of cancellation,  
1910 suspension, revocation, or disqualification by mail is complete  
1911 upon expiration of 20 days after deposit in the United States  
1912 mail for all notices except those issued under chapter 324 ~~or~~

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1913 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in  
1914 the United States mail. Proof of the giving of notice and an  
1915 order of cancellation, suspension, revocation, or  
1916 disqualification in either manner must ~~shall~~ be made by entry in  
1917 the records of the department that such notice was given. The  
1918 entry is admissible in the courts of this state and constitutes  
1919 sufficient proof that such notice was given.

1920 Section 55. Effective January 1, 2021, paragraph (a) of  
1921 subsection (8) of section 322.34, Florida Statutes, is amended  
1922 to read:

1923 322.34 Driving while license suspended, revoked, canceled,  
1924 or disqualified.—

1925 (8) (a) Upon the arrest of a person for the offense of  
1926 driving while the person's driver license or driving privilege  
1927 is suspended or revoked, the arresting officer shall determine:

1928 1. Whether the person's driver license is suspended or  
1929 revoked, or the person is under suspension or revocation  
1930 equivalent status.

1931 2. Whether the person's driver license has remained  
1932 suspended or revoked, or the person has been under suspension or  
1933 revocation equivalent status, since a conviction for the offense  
1934 of driving with a suspended or revoked license.

1935 3. Whether the suspension, revocation, or suspension or  
1936 revocation equivalent status was made under s. 316.646 ~~or s.~~  
1937 ~~627.733~~, relating to failure to maintain required security, or

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1938 under s. 322.264, relating to habitual traffic offenders.

1939 4. Whether the driver is the registered owner or co-owner  
1940 of the vehicle.

1941 Section 56. Effective January 1, 2021, section 324.011,  
1942 Florida Statutes, is amended to read:

1943 324.011 Legislative intent and purpose of chapter.—It is  
1944 the Legislature's intent of this chapter to ensure that the  
1945 privilege of owning or operating a motor vehicle in this state  
1946 is exercised ~~recognize the existing privilege to own or operate~~  
1947 ~~a motor vehicle on the public streets and highways of this state~~  
1948 ~~when such vehicles are used~~ with due consideration for others'  
1949 safety ~~others~~ and their property, ~~and~~ to promote safety, and to  
1950 provide financial security requirements for ~~such~~ owners and ~~or~~  
1951 operators whose responsibility it is to recompense others for  
1952 injury to person or property caused by the operation of a motor  
1953 vehicle. Therefore, this chapter requires that every owner or  
1954 operator of a motor vehicle required to be registered in this  
1955 state establish, maintain, and it is required herein that the  
1956 ~~operator of a motor vehicle involved in a crash or convicted of~~  
1957 ~~certain traffic offenses meeting the operative provisions of s.~~  
1958 ~~324.051(2) shall respond for such damages and show proof of~~  
1959 financial ability to respond for damages arising out of the  
1960 ownership, maintenance, or use of a motor vehicle in future  
1961 ~~accidents~~ as a requisite to owning or operating a motor vehicle  
1962 in this state ~~his or her future exercise of such privileges.~~

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1963 Section 57. Effective January 1, 2021, subsections (1) and  
1964 (7) and paragraph (c) of subsection (9) of section 324.021,  
1965 Florida Statutes, are amended, and subsection (12) is added to  
1966 that section, to read:

1967 324.021 Definitions; minimum insurance required.—The  
1968 following words and phrases when used in this chapter shall, for  
1969 the purpose of this chapter, have the meanings respectively  
1970 ascribed to them in this section, except in those instances  
1971 where the context clearly indicates a different meaning:

1972 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is  
1973 designed and required to be licensed for use upon a highway,  
1974 including trailers and semitrailers designed for use with such  
1975 vehicles, except traction engines, road rollers, farm tractors,  
1976 power shovels, and well drillers, and every vehicle that is  
1977 propelled by electric power obtained from overhead wires but not  
1978 operated upon rails, but not including any personal delivery  
1979 device or mobile carrier as defined in s. 316.003, bicycle, or  
1980 moped. ~~However, the term "motor vehicle" does not include a~~  
1981 ~~motor vehicle as defined in s. 627.732(3) when the owner of such~~  
1982 ~~vehicle has complied with the requirements of ss. 627.730-~~  
1983 ~~627.7405, inclusive, unless the provisions of s. 324.051 apply;~~  
1984 ~~and, in such case, the applicable proof of insurance provisions~~  
1985 ~~of s. 320.02 apply.~~

1986 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~That~~ Proof of  
1987 ability to respond in damages for liability on account of

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1988 | crashes arising out of the ownership, maintenance, or use of a  
1989 | motor vehicle:

1990 |       (a) Beginning January 1, 2021, with respect to a motor  
1991 | vehicle that is not a commercial motor vehicle, nonpublic sector  
1992 | bus, or for-hire passenger transportation vehicle, in the amount  
1993 | of:

1994 |       1. Twenty-five thousand dollars for ~~\$10,000 because of~~  
1995 | bodily injury to, or the death of, one person in any one crash  
1996 | and,

1997 |       ~~(b)~~ subject to such limits for one person, in the amount  
1998 | of \$50,000 for ~~\$20,000 because of~~ bodily injury to, or the death  
1999 | of, two or more persons in any one crash; and

2000 |       2. ~~(e)~~ Ten thousand dollars for damage ~~In the amount of~~  
2001 | ~~\$10,000 because of injury~~ to, or destruction of, property of  
2002 | others in any one crash. ~~and~~

2003 |       ~~(b)(d)~~ With respect to commercial motor vehicles and  
2004 | nonpublic sector buses, in the amounts specified in s. 627.7415  
2005 | ss. 627.7415 and 627.742, respectively.

2006 |       (c) With respect to nonpublic sector buses, in the amounts  
2007 | specified in s. 627.742.

2008 |       (d) With respect to for-hire passenger transportation  
2009 | vehicles, in the amounts specified in s. 324.032.

2010 |       (9) OWNER; OWNER/LESSOR.—

2011 |       (c) *Application.*—

2012 |       1. The limits on liability in subparagraphs (b)2. and 3.

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2013 do not apply to an owner of motor vehicles that are used for  
2014 commercial activity in the owner's ordinary course of business,  
2015 other than a rental company that rents or leases motor vehicles.  
2016 For purposes of this paragraph, the term "rental company"  
2017 includes only an entity that is engaged in the business of  
2018 renting or leasing motor vehicles to the general public and that  
2019 rents or leases a majority of its motor vehicles to persons with  
2020 no direct or indirect affiliation with the rental company. The  
2021 term also includes a motor vehicle dealer that provides  
2022 temporary replacement vehicles to its customers for up to 10  
2023 days. The term "rental company" also includes:

2024 a. A related rental or leasing company that is a  
2025 subsidiary of the same parent company as that of the renting or  
2026 leasing company that rented or leased the vehicle.

2027 b. The holder of a motor vehicle title or an equity  
2028 interest in a motor vehicle title if the title or equity  
2029 interest is held pursuant to or to facilitate an asset-backed  
2030 securitization of a fleet of motor vehicles used solely in the  
2031 business of renting or leasing motor vehicles to the general  
2032 public and under the dominion and control of a rental company,  
2033 as described in this subparagraph, in the operation of such  
2034 rental company's business.

2035 2. Furthermore, with respect to commercial motor vehicles  
2036 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on  
2037 liability in subparagraphs (b)2. and 3. do not apply if, at the

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2038 time of the incident, the commercial motor vehicle is being used  
2039 in the transportation of materials found to be hazardous for the  
2040 purposes of the Hazardous Materials Transportation Authorization  
2041 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is  
2042 required pursuant to such act to carry placards warning others  
2043 of the hazardous cargo, unless at the time of lease or rental  
2044 either:

2045 a. The lessee indicates in writing that the vehicle will  
2046 not be used to transport materials found to be hazardous for the  
2047 purposes of the Hazardous Materials Transportation Authorization  
2048 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

2049 b. The lessee or other operator of the commercial motor  
2050 vehicle has in effect insurance with limits of at least \$5  
2051 million ~~\$5,000,000~~ combined property damage and bodily injury  
2052 liability.

2053 (12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every for-  
2054 hire vehicle as defined in s. 320.01(15) which is offered or  
2055 used to provide transportation for persons, including taxicabs,  
2056 limousines, and jitneys.

2057 Section 58. Effective January 1, 2021, section 324.022,  
2058 Florida Statutes, is amended to read:

2059 324.022 Financial responsibility requirements ~~for property~~  
2060 ~~damage.~~—

2061 (1) (a) Beginning January 1, 2021, every owner or operator  
2062 of a motor vehicle required to be registered in this state shall

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2063 establish and continuously maintain the ability to respond in  
2064 damages for liability on account of accidents arising out of the  
2065 use of the motor vehicle in the amount of:

2066 1. Twenty-five thousand dollars for bodily injury to, or  
2067 the death of, one person in any one crash and, subject to such  
2068 limits for one person, in the amount of \$50,000 for bodily  
2069 injury to, or the death of, two or more persons in any one  
2070 crash; and

2071 2. Ten thousand dollars for ~~\$10,000 because of~~ damage to,  
2072 or destruction of, property of others in any one crash.

2073 (b) The requirements of paragraph (a) ~~this section~~ may be  
2074 met by one of the methods established in s. 324.031; by self-  
2075 insuring as authorized by s. 768.28(16); or by maintaining a  
2076 motor vehicle liability insurance policy that ~~an insurance~~  
2077 ~~policy providing coverage for property damage liability in the~~  
2078 ~~amount of at least \$10,000 because of damage to, or destruction~~  
2079 ~~of, property of others in any one accident arising out of the~~  
2080 ~~use of the motor vehicle. The requirements of this section may~~  
2081 ~~also be met by having a policy which provides~~ combined property  
2082 damage liability and bodily injury liability coverage for any  
2083 one crash arising out of the ownership, maintenance, or use of a  
2084 motor vehicle and that conforms to the requirements of s.  
2085 324.151 in the amount of at least \$60,000 for every owner or  
2086 operator subject to the financial responsibility required in  
2087 paragraph (a) ~~\$30,000 for combined property damage liability and~~

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2088 ~~bodily injury liability for any one crash arising out of the use~~  
2089 ~~of the motor vehicle. The policy, with respect to coverage for~~  
2090 ~~property damage liability, must meet the applicable requirements~~  
2091 ~~of s. 324.151, subject to the usual policy exclusions that have~~  
2092 ~~been approved in policy forms by the Office of Insurance~~  
2093 ~~Regulation. No insurer shall have any duty to defend uncovered~~  
2094 ~~claims irrespective of their joinder with covered claims.~~

2095 (2) As used in this section, the term:

2096 (a) "Motor vehicle" means any self-propelled vehicle that  
2097 has four or more wheels and that is of a type designed and  
2098 required to be licensed for use on the highways of this state,  
2099 and any trailer or semitrailer designed for use with such  
2100 vehicle. The term does not include the following:

2101 1. A mobile home as defined in s. 320.01.

2102 2. A motor vehicle that is used in mass transit and  
2103 designed to transport more than five passengers, exclusive of  
2104 the operator of the motor vehicle, and that is owned by a  
2105 municipality, transit authority, or political subdivision of the  
2106 state.

2107 3. A school bus as defined in s. 1006.25, which must  
2108 maintain security as required under s. 316.615.

2109 4. A commercial motor vehicle as defined in s. 207.002 or  
2110 s. 320.01, which must maintain security as required under ss.  
2111 324.031 and 627.7415.

2112 5. A nonpublic sector bus, which must maintain security as

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2113 required under ss. 324.031 and 627.742.

2114 ~~6.4. A vehicle providing for-hire passenger transportation~~  
2115 ~~vehicle, which must that is subject to the provisions of s.~~  
2116 ~~324.031. A taxicab shall maintain security as required under s.~~  
2117 ~~324.032 s. 324.032(1).~~

2118 ~~7.5. A personal delivery device as defined in s. 316.003.~~

2119 (b) "Owner" means the person who holds legal title to a  
2120 motor vehicle or the debtor or lessee who has the right to  
2121 possession of a motor vehicle that is the subject of a security  
2122 agreement or lease with an option to purchase.

2123 (3) Each nonresident owner or registrant of a motor  
2124 vehicle that, whether operated or not, has been physically  
2125 present within this state for more than 90 days during the  
2126 preceding 365 days shall maintain security as required by  
2127 subsection (1). The security must be ~~that is~~ in effect  
2128 continuously throughout the period the motor vehicle remains  
2129 within this state.

2130 (4) An ~~The~~ owner or registrant of a motor vehicle who is  
2131 ~~exempt from the requirements of this section if she or he is a~~  
2132 member of the United States Armed Forces and is called to or on  
2133 active duty outside the United States in an emergency situation  
2134 is exempt from this section while he or she. ~~The exemption~~  
2135 ~~provided by this subsection applies only as long as the member~~  
2136 ~~of the Armed Forces is on such active duty.~~ This exemption  
2137 ~~outside the United States and applies only while the vehicle~~

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2138 covered by the security is not operated by any person. Upon  
2139 receipt of a written request by the insured to whom the  
2140 exemption provided in this subsection applies, the insurer shall  
2141 cancel the coverages and return any unearned premium or suspend  
2142 the security required by this section. Notwithstanding s.  
2143 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the  
2144 registration or operator's license of an ~~any~~ owner or registrant  
2145 of a motor vehicle during the time she or he qualifies for the  
2146 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant  
2147 of a motor vehicle who qualifies for the ~~an~~ exemption under this  
2148 subsection shall immediately notify the department before ~~prior~~  
2149 ~~to~~ and at the end of the expiration of the exemption.

2150 Section 59. Effective January 1, 2021, subsections (1) and  
2151 (2) of section 324.0221, Florida Statutes, are amended to read:

2152 324.0221 Reports by insurers to the department; suspension  
2153 of driver license and vehicle registrations; reinstatement.—

2154 (1)(a) Each insurer that has issued a policy providing  
2155 ~~personal injury protection coverage or property damage~~ liability  
2156 coverage shall report the cancellation or nonrenewal thereof to  
2157 the department within 10 days after the processing date or  
2158 effective date of each cancellation or nonrenewal. Upon the  
2159 issuance of a policy providing ~~personal injury protection~~  
2160 ~~coverage or property damage~~ liability coverage to a named  
2161 insured not previously insured by the insurer during that  
2162 calendar year, the insurer shall report the issuance of the new

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2163 | policy to the department within 10 days. The report must ~~shall~~  
2164 | be in the form ~~and format~~ and contain any information required  
2165 | by the department and must be provided in a format that is  
2166 | compatible with the data processing capabilities of the  
2167 | department. Failure by an insurer to file proper reports with  
2168 | the department as required by this subsection constitutes a  
2169 | violation of the Florida Insurance Code. These records may ~~shall~~  
2170 | be used by the department only for enforcement and regulatory  
2171 | purposes, including the generation by the department of data  
2172 | regarding compliance by owners of motor vehicles with the  
2173 | requirements for financial responsibility coverage.

2174 |       (b) With respect to an insurance policy providing ~~personal~~  
2175 | ~~injury protection coverage or property damage~~ liability  
2176 | coverage, each insurer shall notify the named insured, or the  
2177 | first-named insured in the case of a commercial fleet policy, in  
2178 | writing that any cancellation or nonrenewal of the policy will  
2179 | be reported by the insurer to the department. The notice must  
2180 | also inform the named insured that failure to maintain bodily  
2181 | injury liability ~~personal injury protection~~ coverage and  
2182 | property damage liability coverage on a motor vehicle when  
2183 | required by law may result in the loss of registration and  
2184 | driving privileges in this state and inform the named insured of  
2185 | the amount of the reinstatement fees required by this section.  
2186 | This notice is for informational purposes only, and an insurer  
2187 | is not civilly liable for failing to provide this notice.

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2188 (2) The department shall suspend, after due notice and an  
2189 opportunity to be heard, the registration and driver license of  
2190 any owner or registrant of a motor vehicle for ~~with respect to~~  
2191 which security is required under s. 324.022, s. 324.032, s.  
2192 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

2193 (a) The department's records showing that the owner or  
2194 registrant of such motor vehicle did not have the ~~in full force~~  
2195 ~~and effect when~~ required security in full force and effect that  
2196 ~~complies with the requirements of ss. 324.022 and 627.733;~~ or

2197 (b) Notification by the insurer to the department, in a  
2198 form approved by the department, of cancellation or termination  
2199 of the required security.

2200 Section 60. Effective January 1, 2021, section 324.0222,  
2201 Florida Statutes, is created to read:

2202 324.0222 Application of suspensions for failure to  
2203 maintain security; reinstatement.—All suspensions for failure to  
2204 maintain required security as required by law in effect before  
2205 January 1, 2021, remain in full force and effect on or after  
2206 January 1, 2021. A driver may reinstate a suspended driver  
2207 license or registration as provided under s. 324.0221.

2208 Section 61. Effective January 1, 2021, section 324.023,  
2209 Florida Statutes, is amended to read:

2210 324.023 Financial responsibility for bodily injury or  
2211 death.—In addition to any other financial responsibility  
2212 required by law, every owner or operator of a motor vehicle that

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2213 is required to be registered in this state, or that is located  
2214 within this state, and who, regardless of adjudication of guilt,  
2215 has been found guilty of or entered a plea of guilty or nolo  
2216 contendere to a charge of driving under the influence under s.  
2217 316.193 after October 1, 2007, shall, by one of the methods  
2218 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,  
2219 establish and maintain the ability to respond in damages for  
2220 liability on account of accidents arising out of the use of a  
2221 motor vehicle in the amount of \$100,000 because of bodily injury  
2222 to, or death of, one person in any one crash and, subject to  
2223 such limits for one person, in the amount of \$300,000 because of  
2224 bodily injury to, or death of, two or more persons in any one  
2225 crash and in the amount of \$50,000 because of property damage in  
2226 any one crash. If the owner or operator chooses to establish and  
2227 maintain such ability by furnishing a certificate of deposit  
2228 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of  
2229 deposit must be at least \$350,000. Such higher limits must be  
2230 carried for a minimum period of 3 years. If the owner or  
2231 operator has not been convicted of driving under the influence  
2232 or a felony traffic offense for a period of 3 years from the  
2233 date of reinstatement of driving privileges for a violation of  
2234 s. 316.193, the owner or operator is ~~shall be~~ exempt from this  
2235 section.

2236 Section 62. Effective January 1, 2021, paragraph (b) of  
2237 subsection (2) of section 324.051, Florida Statutes, is amended

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2238 | to read:

2239 |       324.051 Reports of crashes; suspensions of licenses and  
2240 | registrations.—

2241 |       (2)

2242 |       (b) This subsection does ~~shall~~ not apply:2243 |       1. To such operator or owner if such operator or owner had  
2244 | in effect at the time of such crash or traffic conviction a  
2245 | motor vehicle ~~an automobile~~ liability policy with respect to all  
2246 | of the registered motor vehicles owned by such operator or  
2247 | owner.2248 |       2. To such operator, if not the owner of such motor  
2249 | vehicle, if there was in effect at the time of such crash or  
2250 | traffic conviction a motor vehicle ~~an automobile~~ liability  
2251 | policy or bond with respect to his or her operation of motor  
2252 | vehicles not owned by him or her.2253 |       3. To such operator or owner if the liability of such  
2254 | operator or owner for damages resulting from such crash is, in  
2255 | the judgment of the department, covered by any other form of  
2256 | liability insurance or bond.2257 |       4. To any person who has obtained from the department a  
2258 | certificate of self-insurance, in accordance with s. 324.171, or  
2259 | to any person operating a motor vehicle for such self-insurer.2260 |  
2261 | No such policy or bond shall be effective under this subsection  
2262 | unless it contains limits of not less than those specified in s.

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2263 324.021(7).

2264 Section 63. Effective January 1, 2021, section 324.071,  
2265 Florida Statutes, is amended to read:

2266 324.071 Reinstatement; renewal of license; reinstatement  
2267 fee.—~~An~~ Any operator or owner whose license or registration has  
2268 been suspended pursuant to s. 324.051(2), s. 324.072, s.  
2269 324.081, or s. 324.121 may effect its reinstatement upon  
2270 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or  
2271 s. 324.081(2) and (3), as the case may be, and with one of the  
2272 provisions of s. 324.031 and upon payment to the department of a  
2273 nonrefundable reinstatement fee of \$15. Only one such fee may  
2274 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the  
2275 number of licenses and registrations to be then reinstated or  
2276 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to  
2277 a department trust fund. If ~~When~~ the reinstatement of any  
2278 license or registration is effected by compliance with s.  
2279 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the  
2280 license or registration within ~~a period of~~ 3 years after ~~from~~  
2281 such reinstatement, nor may ~~shall~~ any other license or  
2282 registration be issued in the name of such person, unless the  
2283 operator continues ~~is continuing~~ to comply with ~~one of the~~  
2284 ~~provisions of~~ s. 324.031.

2285 Section 64. Effective January 1, 2021, subsection (1) of  
2286 section 324.091, Florida Statutes, is amended to read:

2287 324.091 Notice to department; notice to insurer.—

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2288 (1) Each owner and operator involved in a crash or  
2289 conviction case within the purview of this chapter shall furnish  
2290 evidence of ~~automobile liability insurance~~ or motor vehicle  
2291 liability insurance within 14 days after the date of the mailing  
2292 of notice of crash by the department in the form and manner as  
2293 it may designate. Upon receipt of evidence that a ~~an automobile~~  
2294 ~~liability policy~~ or motor vehicle liability policy was in effect  
2295 at the time of the crash or conviction case, the department  
2296 shall forward to the insurer such information for verification  
2297 in a method as determined by the department. The insurer shall  
2298 respond to the department within 20 days after the notice as to  
2299 whether ~~or not~~ such information is valid. If the department  
2300 determines that a ~~an automobile liability policy~~ or motor  
2301 vehicle liability policy was not in effect and did not provide  
2302 coverage for both the owner and the operator, it must ~~shall~~ take  
2303 action as it is authorized to do under this chapter.

2304 Section 65. Effective January 1, 2021, section 324.151,  
2305 Florida Statutes, is amended to read:

2306 324.151 Motor vehicle liability policies; required  
2307 provisions.—

2308 (1) A motor vehicle liability policy that serves as to be  
2309 proof of financial responsibility under s. 324.031(1)(a) must ~~s.~~  
2310 ~~324.031(1), shall~~ be issued to owners or operators of motor  
2311 vehicles under the following provisions:

2312 (a) A motor vehicle ~~An owner's~~ liability insurance policy

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2313 issued to an owner of a motor vehicle required to be registered  
2314 in this state must ~~shall~~ designate by explicit description or by  
2315 appropriate reference all motor vehicles for ~~with respect to~~  
2316 which coverage is thereby granted. The policy must ~~and shall~~  
2317 insure the person or persons ~~owner~~ named therein and, except for  
2318 a named driver excluded pursuant to s. 627.747, must insure any  
2319 resident relative of a named insured ~~other person as operator~~  
2320 ~~using such motor vehicle or motor vehicles with the express or~~  
2321 ~~implied permission of such owner against loss from the liability~~  
2322 imposed by law for damage arising out of the ownership,  
2323 maintenance, or use of any such motor vehicle ~~or motor vehicles~~  
2324 ~~within the United States or the Dominion of Canada,~~ subject to  
2325 ~~limits, exclusive of interest and costs with respect to each~~  
2326 ~~such motor vehicle as is provided for under s. 324.021(7).~~  
2327 Except for a named driver excluded pursuant to s. 627.747, the  
2328 policy must also insure any person operating an insured motor  
2329 vehicle with the express or implied permission of a named  
2330 insured against loss from the liability imposed by law for  
2331 damage arising out of the use of the insured vehicle. However,  
2332 the insurer may include provisions in its policy excluding  
2333 liability coverage for a motor vehicle not designated as an  
2334 insured vehicle on the policy if such motor vehicle does not  
2335 qualify as a newly acquired vehicle, does not qualify as a  
2336 temporary substitute vehicle, and was owned by the insured or  
2337 was furnished for an insured's regular use for more than 30

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2338 consecutive days before the event giving rise to the claim.  
2339 Insurers may make available, with respect to property damage  
2340 liability coverage, a deductible amount not to exceed \$500. In  
2341 the event of a property damage loss covered by a policy  
2342 containing a property damage deductible provision, the insurer  
2343 shall pay to the third-party claimant the amount of any property  
2344 damage liability settlement or judgment, subject to policy  
2345 limits, as if no deductible existed.

2346 (b) A motor vehicle liability insurance policy issued to a  
2347 person who does not own a motor vehicle must ~~An operator's motor~~  
2348 ~~vehicle liability policy of insurance shall~~ insure the person or  
2349 persons named therein against loss from the liability imposed  
2350 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~  
2351 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~  
2352 ~~same territorial limits and subject to the same limits of~~  
2353 ~~liability as referred to above with respect to an owner's policy~~  
2354 ~~of liability insurance.~~

2355 (c) All such motor vehicle liability policies must provide  
2356 liability coverage with limits, exclusive of interest and costs,  
2357 as specified under s. 324.021(7) for accidents occurring within  
2358 the United States or Canada. The policies must ~~shall~~ state the  
2359 name and address of the named insured, the coverage afforded by  
2360 the policy, the premium charged therefor, the policy period, and  
2361 the limits of liability, and must ~~shall~~ contain an agreement or  
2362 be endorsed that insurance is provided in accordance with the

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2363 coverage defined in this chapter ~~as respects bodily injury and~~  
2364 ~~death or property damage or both~~ and is subject to all  
2365 ~~provisions of~~ this chapter. The said policies must ~~shall~~ also  
2366 contain a provision that the satisfaction by an insured of a  
2367 judgment for such injury or damage may ~~shall~~ not be a condition  
2368 precedent to the right or duty of the insurance carrier to make  
2369 payment on account of such injury or damage, and must ~~shall~~ also  
2370 contain a provision that bankruptcy or insolvency of the insured  
2371 or of the insured's estate may ~~shall~~ not relieve the insurance  
2372 carrier of any of its obligations under the said policy.

2373 (2) ~~The provisions of~~ This section is ~~shall~~ not be  
2374 applicable to any motor vehicle ~~automobile~~ liability policy  
2375 unless and until it is furnished as proof of financial  
2376 responsibility for the future pursuant to s. 324.031, and then  
2377 applies only from ~~and after~~ the date the said policy is ~~so~~  
2378 furnished.

2379 (3) As used in this section, the term:

2380 (a) "Newly acquired vehicle" means a vehicle owned by a  
2381 named insured or resident relative of the named insured which  
2382 was acquired within 30 days before an accident.

2383 (b) "Resident relative" means a person related to a named  
2384 insured by any degree by blood, marriage, or adoption, including  
2385 a ward or foster child, who usually makes his or her home in the  
2386 same family unit or residence as the named insured, whether or  
2387 not he or she temporarily lives elsewhere.

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2388           (c) "Temporary substitute vehicle" means any motor vehicle  
2389 as defined in s. 320.01(1) which is not owned by the named  
2390 insured and which is temporarily used with the permission of the  
2391 owner as a substitute for the owned motor vehicle designated on  
2392 the policy when the owned vehicle is withdrawn from normal use  
2393 because of breakdown, repair, servicing, loss, or destruction.

2394           Section 66. Effective January 1, 2021, section 324.161,  
2395 Florida Statutes, is amended to read:

2396           324.161 Proof of financial responsibility; deposit.-If a  
2397 person elects to prove his or her financial responsibility under  
2398 the method of proof specified in s. 324.031(1) (b), he or she  
2399 annually must obtain and submit to the department proof of a  
2400 certificate of deposit in the amount required under s.  
2401 324.031(2) from a financial institution insured by the Federal  
2402 Deposit Insurance Corporation or the National Credit Union  
2403 Administration Annually, before any certificate of insurance may  
2404 be issued to a person, including any firm, partnership,  
2405 association, corporation, or other person, other than a natural  
2406 person, proof of a certificate of deposit of \$30,000 issued and  
2407 held by a financial institution must be submitted to the  
2408 department. A power of attorney will be issued to and held by  
2409 the department and may be executed upon a judgment issued  
2410 against such person making the deposit, for damages for because  
2411 of bodily injury to or death of any person or for damages for  
2412 because of injury to or destruction of property resulting from

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2413 the use or operation of any motor vehicle occurring after such  
2414 deposit was made. Money so deposited is ~~shall~~ not ~~be~~ subject to  
2415 attachment or execution unless such attachment or execution  
2416 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as  
2417 aforesaid.

2418 Section 67. Effective January 1, 2021, subsections (1) and  
2419 (2) of section 324.171, Florida Statutes, are amended to read:

2420 324.171 Self-insurer.—

2421 (1) A ~~Any~~ person may qualify as a self-insurer by  
2422 obtaining a certificate of self-insurance from the department.  
2423 ~~which may, in its discretion and~~ Upon application of such a  
2424 person, the department may issue a ~~said~~ certificate of self-  
2425 insurance to an applicant who satisfies ~~when such person has~~  
2426 ~~satisfied~~ the requirements of this section. Effective January 1,  
2427 2021 ~~to qualify as a self-insurer under this section:~~

2428 (a) A private individual with private passenger vehicles  
2429 shall possess a net unencumbered worth of at least \$100,000  
2430 ~~\$40,000~~.

2431 (b) A person, including any firm, partnership,  
2432 association, corporation, or other person, other than a natural  
2433 person, shall:

2434 1. Possess a net unencumbered worth of at least \$100,000  
2435 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each  
2436 additional motor vehicle; or

2437 2. Maintain sufficient net worth, in an amount determined

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2438 by the department, to be financially responsible for potential  
2439 losses. The department annually shall determine the minimum net  
2440 worth sufficient to satisfy this subparagraph as determined  
2441 annually by the department, pursuant to rules adopted  
2442 promulgated by the department, with the assistance of the Office  
2443 of Insurance Regulation of the Financial Services Commission, ~~to~~  
2444 ~~be financially responsible for potential losses.~~ The rules must  
2445 consider any shall take into consideration excess insurance  
2446 carried by the applicant. The department's determination must  
2447 ~~shall~~ be based upon reasonable actuarial principles considering  
2448 the frequency, severity, and loss development of claims incurred  
2449 by casualty insurers writing coverage on the type of motor  
2450 vehicles for which a certificate of self-insurance is desired.

2451 (c) The owner of a commercial motor vehicle, as defined in  
2452 s. 207.002 or s. 320.01, may qualify as a self-insurer subject  
2453 to the standards provided ~~for~~ in subparagraph (b)2.

2454 (2) The self-insurance certificate must ~~shall~~ provide  
2455 limits of liability insurance in the amounts specified under s.  
2456 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~  
2457 ~~protection coverage under s. 627.733(3)(b).~~

2458 Section 68. Effective January 1, 2021, section 324.251,  
2459 Florida Statutes, is amended to read:

2460 324.251 Short title.—This chapter may be cited as the  
2461 "Financial Responsibility Law of 2020 1955" and is shall become  
2462 effective at 12:01 a.m., January 1, 2021 ~~October 1, 1955.~~

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2463 Section 69. Effective January 1, 2021, subsection (4) of  
2464 section 400.9905, Florida Statutes, is amended to read:

2465 400.9905 Definitions.—

2466 (4) (a) "Clinic" means an entity where health care services  
2467 are provided to individuals and which tenders charges for  
2468 reimbursement for such services, including a mobile clinic and a  
2469 portable equipment provider. As used in this part, the term does  
2470 not include and the licensure requirements of this part do not  
2471 apply to:

2472 1.(a) Entities licensed or registered by the state under  
2473 chapter 395; entities licensed or registered by the state and  
2474 providing only health care services within the scope of services  
2475 authorized under their respective licenses under ss. 383.30-  
2476 383.332, chapter 390, chapter 394, chapter 397, this chapter  
2477 except part X, chapter 429, chapter 463, chapter 465, chapter  
2478 466, chapter 478, chapter 484, or chapter 651; end-stage renal  
2479 disease providers authorized under 42 C.F.R. part 405, subpart  
2480 U; providers certified under 42 C.F.R. part 485, subpart B or  
2481 subpart H; providers certified by the Centers for Medicare and  
2482 Medicaid Services under the federal Clinical Laboratory  
2483 Improvement Amendments and the federal rules adopted thereunder;  
2484 or any entity that provides neonatal or pediatric hospital-based  
2485 health care services or other health care services by licensed  
2486 practitioners solely within a hospital licensed under chapter  
2487 395.

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2488        2.~~(b)~~ Entities that own, directly or indirectly, entities  
2489 licensed or registered by the state pursuant to chapter 395;  
2490 entities that own, directly or indirectly, entities licensed or  
2491 registered by the state and providing only health care services  
2492 within the scope of services authorized pursuant to their  
2493 respective licenses under ss. 383.30-383.332, chapter 390,  
2494 chapter 394, chapter 397, this chapter except part X, chapter  
2495 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
2496 484, or chapter 651; end-stage renal disease providers  
2497 authorized under 42 C.F.R. part 405, subpart U; providers  
2498 certified under 42 C.F.R. part 485, subpart B or subpart H;  
2499 providers certified by the Centers for Medicare and Medicaid  
2500 Services under the federal Clinical Laboratory Improvement  
2501 Amendments and the federal rules adopted thereunder; or any  
2502 entity that provides neonatal or pediatric hospital-based health  
2503 care services by licensed practitioners solely within a hospital  
2504 licensed under chapter 395.

2505        3.~~(e)~~ Entities that are owned, directly or indirectly, by  
2506 an entity licensed or registered by the state pursuant to  
2507 chapter 395; entities that are owned, directly or indirectly, by  
2508 an entity licensed or registered by the state and providing only  
2509 health care services within the scope of services authorized  
2510 pursuant to their respective licenses under ss. 383.30-383.332,  
2511 chapter 390, chapter 394, chapter 397, this chapter except part  
2512 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter

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2513 478, chapter 484, or chapter 651; end-stage renal disease  
2514 providers authorized under 42 C.F.R. part 405, subpart U;  
2515 providers certified under 42 C.F.R. part 485, subpart B or  
2516 subpart H; providers certified by the Centers for Medicare and  
2517 Medicaid Services under the federal Clinical Laboratory  
2518 Improvement Amendments and the federal rules adopted thereunder;  
2519 or any entity that provides neonatal or pediatric hospital-based  
2520 health care services by licensed practitioners solely within a  
2521 hospital under chapter 395.

2522 4.(d) Entities that are under common ownership, directly  
2523 or indirectly, with an entity licensed or registered by the  
2524 state pursuant to chapter 395; entities that are under common  
2525 ownership, directly or indirectly, with an entity licensed or  
2526 registered by the state and providing only health care services  
2527 within the scope of services authorized pursuant to their  
2528 respective licenses under ss. 383.30-383.332, chapter 390,  
2529 chapter 394, chapter 397, this chapter except part X, chapter  
2530 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
2531 484, or chapter 651; end-stage renal disease providers  
2532 authorized under 42 C.F.R. part 405, subpart U; providers  
2533 certified under 42 C.F.R. part 485, subpart B or subpart H;  
2534 providers certified by the Centers for Medicare and Medicaid  
2535 Services under the federal Clinical Laboratory Improvement  
2536 Amendments and the federal rules adopted thereunder; or any  
2537 entity that provides neonatal or pediatric hospital-based health

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2538 care services by licensed practitioners solely within a hospital  
2539 licensed under chapter 395.

2540 5.~~(e)~~ An entity that is exempt from federal taxation under  
2541 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan  
2542 under 26 U.S.C. s. 409 that has a board of trustees at least  
2543 two-thirds of which are Florida-licensed health care  
2544 practitioners and provides only physical therapy services under  
2545 physician orders, any community college or university clinic,  
2546 and any entity owned or operated by the federal or state  
2547 government, including agencies, subdivisions, or municipalities  
2548 thereof.

2549 6.~~(f)~~ A sole proprietorship, group practice, partnership,  
2550 or corporation that provides health care services by physicians  
2551 covered by s. 627.419, that is directly supervised by one or  
2552 more of such physicians, and that is wholly owned by one or more  
2553 of those physicians or by a physician and the spouse, parent,  
2554 child, or sibling of that physician.

2555 7.~~(g)~~ A sole proprietorship, group practice, partnership,  
2556 or corporation that provides health care services by licensed  
2557 health care practitioners under chapter 457, chapter 458,  
2558 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
2559 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
2560 chapter 490, chapter 491, or part I, part III, part X, part  
2561 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
2562 wholly owned by one or more licensed health care practitioners,

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2563 or the licensed health care practitioners set forth in this  
2564 ~~subparagraph~~ ~~paragraph~~ and the spouse, parent, child, or sibling  
2565 of a licensed health care practitioner if one of the owners who  
2566 is a licensed health care practitioner is supervising the  
2567 business activities and is legally responsible for the entity's  
2568 compliance with all federal and state laws. However, a health  
2569 care practitioner may not supervise services beyond the scope of  
2570 the practitioner's license, except that, for the purposes of  
2571 this part, a clinic owned by a licensee in s. 456.053(3) (b)  
2572 which provides only services authorized pursuant to s.  
2573 456.053(3) (b) may be supervised by a licensee specified in s.  
2574 456.053(3) (b).

2575 ~~8.(h)~~ Clinical facilities affiliated with an accredited  
2576 medical school at which training is provided for medical  
2577 students, residents, or fellows.

2578 ~~9.(i)~~ Entities that provide only oncology or radiation  
2579 therapy services by physicians licensed under chapter 458 or  
2580 chapter 459 or entities that provide oncology or radiation  
2581 therapy services by physicians licensed under chapter 458 or  
2582 chapter 459 which are owned by a corporation whose shares are  
2583 publicly traded on a recognized stock exchange.

2584 ~~10.(j)~~ Clinical facilities affiliated with a college of  
2585 chiropractic accredited by the Council on Chiropractic Education  
2586 at which training is provided for chiropractic students.

2587 ~~11.(k)~~ Entities that provide licensed practitioners to

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2588 staff emergency departments or to deliver anesthesia services in  
2589 facilities licensed under chapter 395 and that derive at least  
2590 90 percent of their gross annual revenues from the provision of  
2591 such services. Entities claiming an exemption from licensure  
2592 under this subparagraph ~~paragraph~~ must provide documentation  
2593 demonstrating compliance.

2594 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or  
2595 perinatology clinical facilities or anesthesia clinical  
2596 facilities that are not otherwise exempt under subparagraph 1.  
2597 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are  
2598 a publicly traded corporation or are wholly owned, directly or  
2599 indirectly, by a publicly traded corporation. As used in this  
2600 subparagraph ~~paragraph~~, a publicly traded corporation is a  
2601 corporation that issues securities traded on an exchange  
2602 registered with the United States Securities and Exchange  
2603 Commission as a national securities exchange.

2604 13.~~(m)~~ Entities that are owned by a corporation that has  
2605 \$250 million or more in total annual sales of health care  
2606 services provided by licensed health care practitioners where  
2607 one or more of the persons responsible for the operations of the  
2608 entity is a health care practitioner who is licensed in this  
2609 state and who is responsible for supervising the business  
2610 activities of the entity and is responsible for the entity's  
2611 compliance with state law for purposes of this part.

2612 14.~~(n)~~ Entities that employ 50 or more licensed health

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2613 care practitioners licensed under chapter 458 or chapter 459  
2614 where the billing for medical services is under a single tax  
2615 identification number. The application for exemption under this  
2616 subsection must include ~~shall contain information that includes:~~  
2617 the name, residence, and business address and telephone ~~phone~~  
2618 number of the entity that owns the practice; a complete list of  
2619 the names and contact information of all the officers and  
2620 directors of the corporation; the name, residence address,  
2621 business address, and medical license number of each licensed  
2622 Florida health care practitioner employed by the entity; the  
2623 corporate tax identification number of the entity seeking an  
2624 exemption; a listing of health care services to be provided by  
2625 the entity at the health care clinics owned or operated by the  
2626 entity; and a certified statement prepared by an independent  
2627 certified public accountant which states that the entity and the  
2628 health care clinics owned or operated by the entity have not  
2629 received payment for health care services under medical payments  
2630 ~~personal injury protection~~ insurance coverage for the preceding  
2631 year. If the agency determines that an entity that ~~which~~ is  
2632 exempt under this subsection has received payments for medical  
2633 services under medical payments ~~personal injury protection~~  
2634 insurance coverage, the agency may deny or revoke the exemption  
2635 from licensure under this subsection.

2636 (b) Notwithstanding paragraph (a) ~~this subsection~~, an  
2637 entity is ~~shall be~~ deemed a clinic and must be licensed under

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2638 this part in order to receive medical payments coverage  
2639 reimbursement under s. 627.7265 unless the entity is: the  
2640 ~~Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~  
2641 ~~exempted under s. 627.736(5)(h).~~

2642 1. Wholly owned by a physician licensed under chapter 458  
2643 or chapter 459, or by the physician and the spouse, parent,  
2644 child, or sibling of the physician;

2645 2. Wholly owned by a dentist licensed under chapter 466,  
2646 or by the dentist and the spouse, parent, child, or sibling of  
2647 the dentist;

2648 3. Wholly owned by a chiropractic physician licensed under  
2649 chapter 460, or by the chiropractic physician and the spouse,  
2650 parent, child, or sibling of the chiropractic physician;

2651 4. A hospital or ambulatory surgical center licensed under  
2652 chapter 395;

2653 5. An entity that wholly owns or is wholly owned, directly  
2654 or indirectly, by a hospital or hospitals licensed under chapter  
2655 395;

2656 6. A clinical facility affiliated with an accredited  
2657 medical school at which training is provided for medical  
2658 students, residents, or fellows;

2659 7. Certified under 42 C.F.R. part 485, subpart H; or

2660 8. Owned by a publicly traded corporation, either directly  
2661 or indirectly through its subsidiaries, which has \$250 million  
2662 or more in total annual sales of health care services provided

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2663 by licensed health care practitioners, if one or more of the  
2664 persons responsible for the operations of the entity are health  
2665 care practitioners who are licensed in this state and are  
2666 responsible for supervising the business activities of the  
2667 entity and the entity's compliance with state law for purposes  
2668 of this subsection.

2669 Section 70. Effective January 1, 2021, subsection (5) of  
2670 section 400.991, Florida Statutes, is amended to read:

2671 400.991 License requirements; background screenings;  
2672 prohibitions.—

2673 (5) All agency forms for licensure application or  
2674 exemption from licensure under this part must contain the  
2675 following statement:

2676  
2677 INSURANCE FRAUD NOTICE.—A person commits a fraudulent  
2678 insurance act, as defined in s. 626.989, Florida Statutes,  
2679 if the person ~~who~~ knowingly submits a false, misleading, or  
2680 fraudulent application or other document when applying for  
2681 licensure as a health care clinic, seeking an exemption  
2682 from licensure as a health care clinic, or demonstrating  
2683 compliance with part X of chapter 400, Florida Statutes,  
2684 with the intent to use the license, exemption from  
2685 licensure, or demonstration of compliance to provide  
2686 services or seek reimbursement under a motor vehicle  
2687 liability insurance policy's medical payments coverage ~~the~~

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2688 ~~Florida Motor Vehicle No-Fault Law, commits a fraudulent~~  
2689 ~~insurance act, as defined in s. 626.989, Florida Statutes.~~  
2690 A person who presents a claim for benefits under medical  
2691 payments coverage, personal injury protection benefits  
2692 knowing that the payee knowingly submitted such health care  
2693 clinic application or document, commits insurance fraud, as  
2694 defined in s. 817.234, Florida Statutes.

2695 Section 71. Effective January 1, 2021, paragraph (g) of  
2696 subsection (1) of section 400.9935, Florida Statutes, is amended  
2697 to read:

2698 400.9935 Clinic responsibilities.—

2699 (1) Each clinic shall appoint a medical director or clinic  
2700 director who shall agree in writing to accept legal  
2701 responsibility for the following activities on behalf of the  
2702 clinic. The medical director or the clinic director shall:

2703 (g) Conduct systematic reviews of clinic billings to  
2704 ensure that the billings are not fraudulent or unlawful. Upon  
2705 discovery of an unlawful charge, the medical director or clinic  
2706 director shall take immediate corrective action. If the clinic  
2707 performs only the technical component of magnetic resonance  
2708 imaging, static radiographs, computed tomography, or positron  
2709 emission tomography, and provides the professional  
2710 interpretation of such services, in a fixed facility that is  
2711 accredited by a national accrediting organization that is  
2712 approved by the Centers for Medicare and Medicaid Services for

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2713 magnetic resonance imaging and advanced diagnostic imaging  
2714 services and if, in the preceding quarter, the percentage of  
2715 scans performed by that clinic which was billed to motor vehicle  
2716 ~~all personal injury protection~~ insurance carriers under medical  
2717 payments coverage was less than 15 percent, the chief financial  
2718 officer of the clinic may, in a written acknowledgment provided  
2719 to the agency, assume the responsibility for the conduct of the  
2720 systematic reviews of clinic billings to ensure that the  
2721 billings are not fraudulent or unlawful.

2722 Section 72. Effective January 1, 2021, subsection (28) of  
2723 section 409.901, Florida Statutes, is amended to read:

2724 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
2725 409.901-409.920, except as otherwise specifically provided, the  
2726 term:

2727 (28) "Third-party benefit" means any benefit that is or  
2728 may be available at any time through contract, court award,  
2729 judgment, settlement, agreement, or any arrangement between a  
2730 third party and any person or entity, including, without  
2731 limitation, a Medicaid recipient, a provider, another third  
2732 party, an insurer, or the agency, for any Medicaid-covered  
2733 injury, illness, goods, or services, including costs of medical  
2734 services related thereto, for bodily ~~personal~~ injury or for  
2735 death of the recipient, but specifically excluding ~~policies of~~  
2736 life insurance policies on the recipient, unless available under  
2737 terms of the policy to pay medical expenses before ~~prior to~~

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2738 death. The term includes, without limitation, collateral, as  
2739 defined in this section;~~;~~ health insurance;~~;~~ any benefit under a  
2740 health maintenance organization, a preferred provider  
2741 arrangement, a prepaid health clinic, liability insurance,  
2742 uninsured motorist insurance, or medical payments coverage; or  
2743 ~~personal injury protection coverage,~~ medical benefits under  
2744 workers' compensation, and any obligation under law or equity to  
2745 provide medical support.

2746 Section 73. Effective January 1, 2021, paragraph (f) of  
2747 subsection (11) of section 409.910, Florida Statutes, is amended  
2748 to read:

2749 409.910 Responsibility for payments on behalf of Medicaid-  
2750 eligible persons when other parties are liable.-

2751 (11) The agency may, as a matter of right, in order to  
2752 enforce its rights under this section, institute, intervene in,  
2753 or join any legal or administrative proceeding in its own name  
2754 in one or more of the following capacities: individually, as  
2755 subrogee of the recipient, as assignee of the recipient, or as  
2756 lienholder of the collateral.

2757 (f) Notwithstanding any provision in this section to the  
2758 contrary, in the event of an action in tort against a third  
2759 party in which the recipient or his or her legal representative  
2760 is a party which results in a judgment, award, or settlement  
2761 from a third party, the amount recovered shall be distributed as  
2762 follows:

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2763 1. After attorney ~~attorney's~~ fees and taxable costs as  
2764 defined by the Florida Rules of Civil Procedure, one-half of the  
2765 remaining recovery shall be paid to the agency up to the total  
2766 amount of medical assistance provided by Medicaid.

2767 2. The remaining amount of the recovery shall be paid to  
2768 the recipient.

2769 3. For purposes of calculating the agency's recovery of  
2770 medical assistance benefits paid, the fee for services of an  
2771 attorney retained by the recipient or his or her legal  
2772 representative shall be calculated at 25 percent of the  
2773 judgment, award, or settlement.

2774 4. Notwithstanding any other provision of this section to  
2775 the contrary, the agency shall be entitled to all medical  
2776 coverage benefits up to the total amount of medical assistance  
2777 provided by Medicaid. For purposes of this paragraph, the term  
2778 "medical coverage" means any benefits under health insurance, a  
2779 health maintenance organization, a preferred provider  
2780 arrangement, or a prepaid health clinic, and the portion of  
2781 benefits designated for medical payments under ~~coverage for~~  
2782 workers' compensation coverage, motor vehicle insurance  
2783 coverage, personal injury protection, and casualty coverage.

2784 Section 74. Effective January 1, 2021, paragraph (k) of  
2785 subsection (2) of section 456.057, Florida Statutes, is amended  
2786 to read:

2787 456.057 Ownership and control of patient records; report

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2788 or copies of records to be furnished; disclosure of  
2789 information.—

2790 (2) As used in this section, the terms "records owner,"  
2791 "health care practitioner," and "health care practitioner's  
2792 employer" do not include any of the following persons or  
2793 entities; furthermore, the following persons or entities are not  
2794 authorized to acquire or own medical records, but are authorized  
2795 under the confidentiality and disclosure requirements of this  
2796 section to maintain those documents required by the part or  
2797 chapter under which they are licensed or regulated:

2798 (k) Persons or entities practicing under s. 627.7265 ~~s.~~  
2799 ~~627.736(7)~~.

2800 Section 75. Effective January 1, 2021, paragraphs (ee) and  
2801 (ff) of subsection (1) of section 456.072, Florida Statutes, are  
2802 amended to read:

2803 456.072 Grounds for discipline; penalties; enforcement.—

2804 (1) The following acts shall constitute grounds for which  
2805 the disciplinary actions specified in subsection (2) may be  
2806 taken:

2807 (ee) With respect to making a medical payments coverage  
2808 personal injury protection claim under s. 627.7265 as required  
2809 by s. 627.736, intentionally submitting a claim, statement, or  
2810 bill that has been upcoded. As used in this paragraph, the term  
2811 "upcoded" means an action that submits a billing code that would  
2812 result in a greater payment amount than would be paid using a

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2813 billing code that accurately describes the services performed.  
2814 The term does not include an otherwise lawful bill by a magnetic  
2815 resonance imaging facility, which globally combines both  
2816 technical and professional components, if the amount of the  
2817 global bill is not more than the components if billed  
2818 separately; however, payment of such a bill constitutes payment  
2819 in full for all components of such service ~~"upcoded" as defined~~  
2820 ~~in s. 627.732.~~

2821 (ff) With respect to making a medical payments coverage  
2822 ~~personal injury protection~~ claim as required under s. 627.7265  
2823 ~~by s. 627.736~~, intentionally submitting a claim, statement, or  
2824 bill for payment of services that were not rendered.

2825 Section 76. Effective January 1, 2021, paragraphs (i) and  
2826 (o) of subsection (1) of section 626.9541, Florida Statutes, are  
2827 amended to read:

2828 626.9541 Unfair methods of competition and unfair or  
2829 deceptive acts or practices defined.—

2830 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
2831 ACTS.—The following are defined as unfair methods of competition  
2832 and unfair or deceptive acts or practices:

2833 (i) *Unfair claim settlement practices.*—

2834 1. Attempting to settle claims on the basis of an  
2835 application, when serving as a binder or intended to become a  
2836 part of the policy, or any other material document which was  
2837 altered without notice to, or knowledge or consent of, the

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2838 insured;

2839       2. A material misrepresentation made to an insured or any  
2840 other person having an interest in the proceeds payable under  
2841 such contract or policy, for the purpose and with the intent of  
2842 effecting settlement of such claims, loss, or damage under such  
2843 contract or policy on less favorable terms than those provided  
2844 in, and contemplated by, such contract or policy; ~~or~~

2845       3. Committing or performing with such frequency as to  
2846 indicate a general business practice any of the following:

2847       a. Failing to adopt and implement standards for the proper  
2848 investigation of claims;

2849       b. Misrepresenting pertinent facts or insurance policy  
2850 provisions relating to coverages at issue;

2851       c. Failing to acknowledge and act promptly upon  
2852 communications with respect to claims;

2853       d. Denying claims without conducting reasonable  
2854 investigations based upon available information;

2855       e. Failing to affirm or deny full or partial coverage of  
2856 claims, and, as to partial coverage, the dollar amount or extent  
2857 of coverage, or failing to provide a written statement that the  
2858 claim is being investigated, upon the written request of the  
2859 insured within 30 days after proof-of-loss statements have been  
2860 completed;

2861       f. Failing to promptly provide a reasonable explanation in  
2862 writing to the insured of the basis in the insurance policy, in

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2863 relation to the facts or applicable law, for denial of a claim  
2864 or for the offer of a compromise settlement;

2865 g. Failing to promptly notify the insured of any  
2866 additional information necessary for the processing of a claim;  
2867 or

2868 h. Failing to clearly explain the nature of the requested  
2869 information and the reasons why such information is necessary.

2870 ~~i. Failing to pay personal injury protection insurance~~  
2871 ~~claims within the time periods required by s. 627.736(4)(b). The~~  
2872 ~~office may order the insurer to pay restitution to a~~  
2873 ~~policyholder, medical provider, or other claimant, including~~  
2874 ~~interest at a rate consistent with the amount set forth in s.~~  
2875 ~~55.03(1), for the time period within which an insurer fails to~~  
2876 ~~pay claims as required by law. Restitution is in addition to any~~  
2877 ~~other penalties allowed by law, including, but not limited to,~~  
2878 ~~the suspension of the insurer's certificate of authority.~~

2879 4. Failing to pay undisputed amounts of partial or full  
2880 benefits owed under first-party property insurance policies  
2881 within 90 days after an insurer receives notice of a residential  
2882 property insurance claim, determines the amounts of partial or  
2883 full benefits, and agrees to coverage, unless payment of the  
2884 undisputed benefits is prevented by an act of God, prevented by  
2885 the impossibility of performance, or due to actions by the  
2886 insured or claimant that constitute fraud, lack of cooperation,  
2887 or intentional misrepresentation regarding the claim for which

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2888 | benefits are owed.

2889 |       (o) *Illegal dealings in premiums; excess or reduced*  
2890 | *charges for insurance.*—

2891 |       1. Knowingly collecting any sum as a premium or charge for  
2892 | insurance, which is not then provided, or is not in due course  
2893 | to be provided, subject to acceptance of the risk by the  
2894 | insurer, by an insurance policy issued by an insurer as  
2895 | permitted by this code.

2896 |       2. Knowingly collecting as a premium or charge for  
2897 | insurance any sum in excess of or less than the premium or  
2898 | charge applicable to such insurance, in accordance with the  
2899 | applicable classifications and rates as filed with and approved  
2900 | by the office, and as specified in the policy; or, in cases when  
2901 | classifications, premiums, or rates are not required by this  
2902 | code to be so filed and approved, premiums and charges collected  
2903 | from a Florida resident in excess of or less than those  
2904 | specified in the policy and as fixed by the insurer.

2905 | Notwithstanding any other provision of law, this provision shall  
2906 | not be deemed to prohibit the charging and collection, by  
2907 | surplus lines agents licensed under part VIII of this chapter,  
2908 | of the amount of applicable state and federal taxes, or fees as  
2909 | authorized by s. 626.916(4), in addition to the premium required  
2910 | by the insurer or the charging and collection, by licensed  
2911 | agents, of the exact amount of any discount or other such fee  
2912 | charged by a credit card facility in connection with the use of

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2913 a credit card, as authorized by subparagraph (q)3., in addition  
2914 to the premium required by the insurer. This subparagraph shall  
2915 not be construed to prohibit collection of a premium for a  
2916 universal life or a variable or indeterminate value insurance  
2917 policy made in accordance with the terms of the contract.

2918 3.a. Imposing or requesting an additional premium for  
2919 bodily injury liability coverage, property damage liability  
2920 coverage ~~a policy of motor vehicle liability, personal injury~~  
2921 ~~protection,~~ medical payments coverage ~~payment,~~ or collision  
2922 coverage in a motor vehicle liability insurance policy ~~insurance~~  
2923 ~~or any combination thereof~~ or refusing to renew the policy  
2924 solely because the insured was involved in a motor vehicle  
2925 accident unless the insurer's file contains information from  
2926 which the insurer in good faith determines that the insured was  
2927 substantially at fault in the accident.

2928 b. An insurer which imposes and collects such a surcharge  
2929 or which refuses to renew such policy shall, in conjunction with  
2930 the notice of premium due or notice of nonrenewal, notify the  
2931 named insured that he or she is entitled to reimbursement of  
2932 such amount or renewal of the policy under the conditions listed  
2933 below and will subsequently reimburse him or her or renew the  
2934 policy, if the named insured demonstrates that the operator  
2935 involved in the accident was:

2936 (I) Lawfully parked;

2937 (II) Reimbursed by, or on behalf of, a person responsible

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2938 for the accident or has a judgment against such person;  
2939 (III) Struck in the rear by another vehicle headed in the  
2940 same direction and was not convicted of a moving traffic  
2941 violation in connection with the accident;  
2942 (IV) Hit by a "hit-and-run" driver, if the accident was  
2943 reported to the proper authorities within 24 hours after  
2944 discovering the accident;  
2945 (V) Not convicted of a moving traffic violation in  
2946 connection with the accident, but the operator of the other  
2947 automobile involved in such accident was convicted of a moving  
2948 traffic violation;  
2949 (VI) Finally adjudicated not to be liable by a court of  
2950 competent jurisdiction;  
2951 (VII) In receipt of a traffic citation which was dismissed  
2952 or nolle prossed; or  
2953 (VIII) Not at fault as evidenced by a written statement  
2954 from the insured establishing facts demonstrating lack of fault  
2955 which are not rebutted by information in the insurer's file from  
2956 which the insurer in good faith determines that the insured was  
2957 substantially at fault.  
2958 c. In addition to the other provisions of this  
2959 subparagraph, an insurer may not fail to renew a policy if the  
2960 insured has had only one accident in which he or she was at  
2961 fault within the current 3-year period. However, an insurer may  
2962 nonrenew a policy for reasons other than accidents in accordance

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2963 with s. 627.728. This subparagraph does not prohibit nonrenewal  
2964 of a policy under which the insured has had three or more  
2965 accidents, regardless of fault, during the most recent 3-year  
2966 period.

2967 4. Imposing or requesting an additional premium for, or  
2968 refusing to renew, a policy for motor vehicle insurance solely  
2969 because the insured committed a noncriminal traffic infraction  
2970 as described in s. 318.14 unless the infraction is:

2971 a. A second infraction committed within an 18-month  
2972 period, or a third or subsequent infraction committed within a  
2973 36-month period.

2974 b. A violation of s. 316.183, when such violation is a  
2975 result of exceeding the lawful speed limit by more than 15 miles  
2976 per hour.

2977 5. Upon the request of the insured, the insurer and  
2978 licensed agent shall supply to the insured the complete proof of  
2979 fault or other criteria which justifies the additional charge or  
2980 cancellation.

2981 6. No insurer shall impose or request an additional  
2982 premium for motor vehicle insurance, cancel or refuse to issue a  
2983 policy, or refuse to renew a policy because the insured or the  
2984 applicant is a handicapped or physically disabled person, so  
2985 long as such handicap or physical disability does not  
2986 substantially impair such person's mechanically assisted driving  
2987 ability.

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2988           7. No insurer may cancel or otherwise terminate any  
2989 insurance contract or coverage, or require execution of a  
2990 consent to rate endorsement, during the stated policy term for  
2991 the purpose of offering to issue, or issuing, a similar or  
2992 identical contract or coverage to the same insured with the same  
2993 exposure at a higher premium rate or continuing an existing  
2994 contract or coverage with the same exposure at an increased  
2995 premium.

2996           8. No insurer may issue a nonrenewal notice on any  
2997 insurance contract or coverage, or require execution of a  
2998 consent to rate endorsement, for the purpose of offering to  
2999 issue, or issuing, a similar or identical contract or coverage  
3000 to the same insured at a higher premium rate or continuing an  
3001 existing contract or coverage at an increased premium without  
3002 meeting any applicable notice requirements.

3003           9. No insurer shall, with respect to premiums charged for  
3004 motor vehicle insurance, unfairly discriminate solely on the  
3005 basis of age, sex, marital status, or scholastic achievement.

3006           10. Imposing or requesting an additional premium for motor  
3007 vehicle comprehensive or uninsured motorist coverage solely  
3008 because the insured was involved in a motor vehicle accident or  
3009 was convicted of a moving traffic violation.

3010           11. No insurer shall cancel or issue a nonrenewal notice  
3011 on any insurance policy or contract without complying with any  
3012 applicable cancellation or nonrenewal provision required under

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3013 the Florida Insurance Code.

3014 12. No insurer shall impose or request an additional  
3015 premium, cancel a policy, or issue a nonrenewal notice on any  
3016 insurance policy or contract because of any traffic infraction  
3017 when adjudication has been withheld and no points have been  
3018 assessed pursuant to s. 318.14(9) and (10). However, this  
3019 subparagraph does not apply to traffic infractions involving  
3020 accidents in which the insurer has incurred a loss due to the  
3021 fault of the insured.

3022 Section 77. Effective January 1, 2021, paragraph (a) of  
3023 subsection (1) of section 626.989, Florida Statutes, is amended  
3024 to read:

3025 626.989 Investigation by department or Division of  
3026 Investigative and Forensic Services; compliance; immunity;  
3027 confidential information; reports to division; division  
3028 investigator's power of arrest.-

3029 (1) For the purposes of this section:

3030 (a) A person commits a "fraudulent insurance act" if the  
3031 person:

3032 1. Knowingly and with intent to defraud presents, causes  
3033 to be presented, or prepares with knowledge or belief that it  
3034 will be presented, to or by an insurer, self-insurer, self-  
3035 insurance fund, servicing corporation, purported insurer,  
3036 broker, or any agent thereof, any written statement as part of,  
3037 or in support of, an application for the issuance of, or the

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3038 rating of, any insurance policy, or a claim for payment or other  
3039 benefit pursuant to any insurance policy, which the person knows  
3040 to contain materially false information concerning any fact  
3041 material thereto or if the person conceals, for the purpose of  
3042 misleading another, information concerning any fact material  
3043 thereto.

3044 2. Knowingly submits:

3045 a. A false, misleading, or fraudulent application or other  
3046 document when applying for licensure as a health care clinic,  
3047 seeking an exemption from licensure as a health care clinic, or  
3048 demonstrating compliance with part X of chapter 400 with an  
3049 intent to use the license, exemption from licensure, or  
3050 demonstration of compliance to provide services or seek  
3051 reimbursement under a motor vehicle liability insurance policy's  
3052 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~  
3053 ~~Law~~.

3054 b. A claim for payment or other benefit under medical  
3055 payments coverage ~~pursuant to a personal injury protection~~  
3056 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if  
3057 the person knows that the payee knowingly submitted a false,  
3058 misleading, or fraudulent application or other document when  
3059 applying for licensure as a health care clinic, seeking an  
3060 exemption from licensure as a health care clinic, or  
3061 demonstrating compliance with part X of chapter 400.

3062 Section 78. Effective January 1, 2021, subsection (1) of

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Amendment No.

3063 section 627.06501, Florida Statutes, is amended to read:

3064 627.06501 Insurance discounts for certain persons  
3065 completing driver improvement course.-

3066 (1) Any rate, rating schedule, or rating manual for the  
3067 liability, medical payments ~~personal injury protection~~, and  
3068 collision coverages of a motor vehicle insurance policy filed  
3069 with the office may provide for an appropriate reduction in  
3070 premium charges as to such coverages if when the principal  
3071 operator on the covered vehicle has successfully completed a  
3072 driver improvement course approved and certified by the  
3073 Department of Highway Safety and Motor Vehicles which is  
3074 effective in reducing crash or violation rates, or both, as  
3075 determined pursuant to s. 318.1451(5). Any discount, not to  
3076 exceed 10 percent, used by an insurer is presumed to be  
3077 appropriate unless credible data demonstrates otherwise.

3078 Section 79. Effective January 1, 2021, subsection (15) is  
3079 added to section 627.0651, Florida Statutes, to read:

3080 627.0651 Making and use of rates for motor vehicle  
3081 insurance.-

3082 (15) Initial rate filings for motor vehicle liability  
3083 policies which are submitted to the office on or after January  
3084 1, 2021, must reflect the financial responsibility requirements  
3085 in s. 324.022, as amended, and may be approved only through the  
3086 file and use process under s. 627.0651(1)(a).

3087 Section 80. Effective January 1, 2021, subsection (1) of

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3088 section 627.0652, Florida Statutes, is amended to read:

3089       627.0652 Insurance discounts for certain persons  
3090 completing safety course.—

3091       (1) Any rates, rating schedules, or rating manuals for the  
3092 liability, medical payments ~~personal injury protection~~, and  
3093 collision coverages of a motor vehicle insurance policy filed  
3094 with the office must ~~shall~~ provide for an appropriate reduction  
3095 in premium charges as to such coverages if ~~when~~ the principal  
3096 operator on the covered vehicle is an insured 55 years of age or  
3097 older who has successfully completed a motor vehicle accident  
3098 prevention course approved by the Department of Highway Safety  
3099 and Motor Vehicles. Any discount used by an insurer is presumed  
3100 to be appropriate unless credible data demonstrates otherwise.

3101       Section 81. Effective January 1, 2021, subsections (1),  
3102 (3), and (6) of section 627.0653, Florida Statutes, are amended  
3103 to read:

3104       627.0653 Insurance discounts for specified motor vehicle  
3105 equipment.—

3106       (1) Any rates, rating schedules, or rating manuals for the  
3107 liability, medical payments ~~personal injury protection~~, and  
3108 collision coverages of a motor vehicle insurance policy filed  
3109 with the office must ~~shall~~ provide a premium discount if the  
3110 insured vehicle is equipped with factory-installed, four-wheel  
3111 antilock brakes.

3112       (3) Any rates, rating schedules, or rating manuals for

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3113 ~~personal injury protection coverage and~~ medical payments  
3114 coverage, ~~if offered,~~ of a motor vehicle insurance policy filed  
3115 with the office must ~~shall~~ provide a premium discount if the  
3116 insured vehicle is equipped with one or more air bags that ~~which~~  
3117 are factory installed.

3118 (6) The Office of Insurance Regulation may approve a  
3119 premium discount to any rates, rating schedules, or rating  
3120 manuals for the liability, medical payments ~~personal injury~~  
3121 ~~protection,~~ and collision coverages of a motor vehicle insurance  
3122 policy filed with the office if the insured vehicle is equipped  
3123 with an automated driving system or electronic vehicle collision  
3124 avoidance technology that is factory installed or a retrofitted  
3125 system and that complies with National Highway Traffic Safety  
3126 Administration standards.

3127 Section 82. Effective January 1, 2021, section 627.4132,  
3128 Florida Statutes, is amended to read:

3129 627.4132 Stacking of coverages prohibited.—If an insured  
3130 or named insured is protected by any type of motor vehicle  
3131 insurance policy for bodily injury and property damage  
3132 liability, ~~personal injury protection, or other coverage,~~ the  
3133 policy must ~~shall~~ provide that the insured or named insured is  
3134 protected only to the extent of the coverage she or he has on  
3135 the vehicle involved in the accident. However, if none of the  
3136 insured's or named insured's vehicles are ~~is~~ involved in the  
3137 accident, coverage is available only to the extent of coverage

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3138 on any one of the vehicles with applicable coverage. Coverage on  
3139 any other vehicles may ~~shall~~ not be added to or stacked upon  
3140 that coverage. This section does not apply:

3141 (1) To uninsured motorist coverage that ~~which~~ is  
3142 separately governed by s. 627.727.

3143 (2) To reduce the coverage available by reason of  
3144 insurance policies insuring different named insureds.

3145 Section 83. Effective January 1, 2021, section 627.7263,  
3146 Florida Statutes, is amended to read:

3147 627.7263 Rental and leasing driver's insurance to be  
3148 primary; exception.—

3149 (1) The valid and collectible liability insurance and  
3150 medical payments coverage ~~or personal injury protection~~  
3151 ~~insurance providing coverage~~ for the lessor of a motor vehicle  
3152 for rent or lease is primary unless otherwise stated in at least  
3153 10-point type on the face of the rental or lease agreement. Such  
3154 insurance is primary for the limits of liability ~~and personal~~  
3155 ~~injury protection~~ coverage as required by s. 324.021(7) and the  
3156 medical payments coverage limit specified under s. 627.7265 ~~ss.~~  
3157 ~~324.021(7) and 627.736.~~

3158 (2) If the lessee's coverage is to be primary, the rental  
3159 or lease agreement must contain the following language, in at  
3160 least 10-point type:

3161  
3162 "The valid and collectible liability insurance and medical

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3163 payments coverage ~~personal injury protection insurance~~ of  
3164 an ~~any~~ authorized rental or leasing driver is primary for  
3165 the limits of liability ~~and personal injury protection~~  
3166 coverage required under section 324.021(7), Florida  
3167 Statutes, and the medical payments coverage limit specified  
3168 under section 627.7265 ~~by ss. 324.021(7) and 627.736,~~  
3169 Florida Statutes."

3170 Section 84. Effective January 1, 2021, section 627.7265,  
3171 Florida Statutes, is created to read:

3172 627.7265 Motor vehicle insurance; medical payments  
3173 coverage.-

3174 (1) Medical payments coverage must protect the named  
3175 insured, resident relatives, persons operating the insured motor  
3176 vehicle, passengers in the insured motor vehicle, and persons  
3177 who are struck by the insured motor vehicle and suffer bodily  
3178 injury while not an occupant of a self-propelled motor vehicle  
3179 at a limit of at least \$5,000 for medical expense incurred due  
3180 to bodily injury, sickness, or disease arising out of the  
3181 ownership, maintenance, or use of a motor vehicle. The coverage  
3182 must provide an additional death benefit of at least \$5,000.

3183 (a) Before issuing a motor vehicle liability insurance  
3184 policy that is furnished as proof of financial responsibility  
3185 under s. 324.031, the insurer must offer medical payments  
3186 coverage at limits of \$5,000 and \$10,000. The insurer may also  
3187 offer medical payments coverage at any limit greater than

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3188 \$5,000.

3189 (b) The medical payments coverage must be offered with an  
3190 option with no deductible. The insurer may also offer medical  
3191 payments coverage with a deductible not to exceed \$500.

3192 (c) Each motor vehicle liability insurance policy that is  
3193 furnished as proof of financial responsibility under s. 324.031  
3194 is deemed to have:

3195 1. Medical payments coverage to a limit of \$10,000, unless  
3196 the insurer obtains the policyholder's written refusal of  
3197 medical payments coverage or written selection of medical  
3198 payments coverage at a limit other than \$10,000. The rejection  
3199 or selection of coverage at a limit other than \$10,000 must be  
3200 made on a form approved by the office.

3201 2. No medical payments coverage deductible, unless the  
3202 insurer obtains the policyholder's written selection of a  
3203 deductible of up to \$500. The selection of a deductible must be  
3204 made on a form approved by the office.

3205 (d)1. The forms in subparagraphs (c)1. and 2. must fully  
3206 advise the applicant of the nature of the coverage being  
3207 rejected or the policy limit or deductible being selected. If  
3208 the form is signed by a named insured, it is conclusively  
3209 presumed that there was an informed, knowing rejection of the  
3210 coverage or election of the policy limit or deductible selected.

3211 2. Unless the policyholder requests in writing the  
3212 coverage specified in this section, it need not be provided in

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3213 or supplemental to any other policy that renews, insures,  
3214 extends, changes, supersedes, or replaces an existing policy if  
3215 the policyholder has rejected the coverage specified in this  
3216 section or has selected an alternative coverage limit or  
3217 deductible. At least annually, the insurer shall provide the  
3218 policyholder with a notice of the availability of such coverage  
3219 in a form approved by the office. The notice must be part of,  
3220 and attached to, the notice of premium and must provide for a  
3221 means to allow the insured to request medical payments coverage  
3222 at the limits and deductibles required to be offered under this  
3223 section. The notice must be given in a manner approved by the  
3224 office. Receipt of this notice does not constitute an  
3225 affirmative waiver of the insured's right to medical payments  
3226 coverage if the insured has not signed a selection or rejection  
3227 form.

3228 (e) This section may not be construed to limit any other  
3229 coverage made available by an insurer.

3230 (2) Upon receiving notice of an accident that is  
3231 potentially covered by medical payments coverage benefits, the  
3232 insurer must reserve \$5,000 of medical payments coverage  
3233 benefits for payment to physicians licensed under chapter 458 or  
3234 chapter 459 or dentists licensed under chapter 466 who provide  
3235 emergency services and care, as defined in s. 395.002, or who  
3236 provide hospital inpatient care. The amount required to be held  
3237 in reserve may be used only to pay claims from such physicians

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3238 or dentists until 30 days after the date the insurer receives  
3239 notice of the accident. After the 30-day period, any amount of  
3240 the reserve for which the insurer has not received notice of  
3241 such claims may be used by the insurer to pay other claims. This  
3242 subsection does not require an insurer to establish a claim  
3243 reserve for insurance accounting purposes.

3244 (3) An insurer providing medical payments coverage  
3245 benefits may not have a:

3246 (a) Lien on any recovery in tort by judgment, settlement,  
3247 or otherwise for medical payments coverage benefits, whether  
3248 suit has been filed or settlement has been reached without suit;  
3249 or

3250 (b) Cause of action against a person to whom or for whom  
3251 medical payments coverage benefits were paid, except when  
3252 medical payments coverage benefits are paid by reason of fraud  
3253 the person commits.

3254 (4) An insurer providing medical payments coverage may  
3255 include provisions in its policy allowing for subrogation for  
3256 medical payments benefits paid if the expenses giving rise to  
3257 the payments were caused by the wrongful act or omission of  
3258 another who is not also an insured under the policy paying the  
3259 medical payments benefits. However, this subrogation right is  
3260 inferior to the rights of the injured insured and is available  
3261 only after all the insured's damages are recovered and the  
3262 insured is made whole. An insured who obtains a recovery from a

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3263 third party of the full amount of the damages sustained and  
3264 delivers a release or satisfaction that impairs a medical  
3265 payments insurer's subrogation right is liable to the insurer  
3266 for repayment of medical payments benefits less any expenses of  
3267 acquiring the recovery, including a prorated share of attorney  
3268 fees and costs, and shall hold that net recovery in trust to be  
3269 delivered to the medical payments insurer. The insurer may not  
3270 include any provision in its policy allowing for subrogation for  
3271 any death benefit paid.

3272 Section 85. Effective January 1, 2021, subsections (1) and  
3273 (7) of section 627.727, Florida Statutes, are amended to read:

3274 627.727 Motor vehicle insurance; uninsured and  
3275 underinsured vehicle coverage; insolvent insurer protection.—

3276 (1) A ~~No~~ motor vehicle liability insurance policy that  
3277 ~~which~~ provides bodily injury liability coverage may not shall be  
3278 delivered or issued for delivery in this state with respect to  
3279 any specifically insured or identified motor vehicle registered  
3280 or principally garaged in this state, unless uninsured motor  
3281 vehicle coverage is provided therein or supplemental thereto for  
3282 the protection of persons insured thereunder who are legally  
3283 entitled to recover damages from owners or operators of  
3284 uninsured motor vehicles because of bodily injury, sickness, or  
3285 disease, including death, resulting therefrom. However, the  
3286 coverage required under this section is not applicable if when,  
3287 or to the extent that, an insured named in the policy makes a

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3288 written rejection of the coverage on behalf of all insureds  
3289 under the policy. ~~If~~ When a motor vehicle is leased for a ~~period~~  
3290 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms  
3291 of the lease contract, provides liability coverage on the leased  
3292 vehicle, the lessee of such vehicle has ~~shall have~~ the sole  
3293 privilege to reject uninsured motorist coverage or to select  
3294 lower limits than the bodily injury liability limits, regardless  
3295 of whether the lessor is qualified as a self-insurer pursuant to  
3296 s. 324.171. Unless an insured, or a lessee having the privilege  
3297 of rejecting uninsured motorist coverage, requests such coverage  
3298 or requests higher uninsured motorist limits in writing, the  
3299 coverage or such higher uninsured motorist limits need not be  
3300 provided in or supplemental to any other policy that ~~which~~  
3301 renews, extends, changes, supersedes, or replaces an existing  
3302 policy with the same bodily injury liability limits when an  
3303 insured or lessee had rejected the coverage. When an insured or  
3304 lessee has initially selected limits of uninsured motorist  
3305 coverage lower than her or his bodily injury liability limits,  
3306 higher limits of uninsured motorist coverage need not be  
3307 provided in or supplemental to any other policy that ~~which~~  
3308 renews, extends, changes, supersedes, or replaces an existing  
3309 policy with the same bodily injury liability limits unless an  
3310 insured requests higher uninsured motorist coverage in writing.  
3311 The rejection or selection of lower limits must ~~shall~~ be made on  
3312 a form approved by the office. The form must ~~shall~~ fully advise

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3313 the applicant of the nature of the coverage and must ~~shall~~ state  
3314 that the coverage is equal to bodily injury liability limits  
3315 unless lower limits are requested or the coverage is rejected.  
3316 The heading of the form must ~~shall~~ be in 12-point bold type and  
3317 must ~~shall~~ state: "You are electing not to purchase certain  
3318 valuable coverage that ~~which~~ protects you and your family or you  
3319 are purchasing uninsured motorist limits less than your bodily  
3320 injury liability limits when you sign this form. Please read  
3321 carefully." If this form is signed by a named insured, it will  
3322 be conclusively presumed that there was an informed, knowing  
3323 rejection of coverage or election of lower limits on behalf of  
3324 all insureds. The insurer shall notify the named insured at  
3325 least annually of her or his options as to the coverage required  
3326 by this section. Such notice must ~~shall~~ be part of, and attached  
3327 to, the notice of premium, must ~~shall~~ provide for a means to  
3328 allow the insured to request such coverage, and must ~~shall~~ be  
3329 given in a manner approved by the office. Receipt of this notice  
3330 does not constitute an affirmative waiver of the insured's right  
3331 to uninsured motorist coverage if ~~where~~ the insured has not  
3332 signed a selection or rejection form. The coverage described  
3333 under this section must ~~shall~~ be over and above, but may ~~shall~~  
3334 not duplicate, the benefits available to an insured under any  
3335 workers' compensation law, ~~personal injury protection benefits,~~  
3336 disability benefits law, or similar law; under any automobile  
3337 medical payments ~~expense~~ coverage; under any motor vehicle

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3338 liability insurance coverage; or from the owner or operator of  
3339 the uninsured motor vehicle or any other person or organization  
3340 jointly or severally liable together with such owner or operator  
3341 for the accident,~~+~~ and such coverage must ~~shall~~ cover the  
3342 difference, if any, between the sum of such benefits and the  
3343 damages sustained, up to the maximum amount of such coverage  
3344 provided under this section. The amount of coverage available  
3345 under this section may ~~shall~~ not be reduced by a setoff against  
3346 any coverage, including liability insurance. Such coverage does  
3347 ~~shall~~ not inure directly or indirectly to the benefit of any  
3348 workers' compensation or disability benefits carrier or any  
3349 person or organization qualifying as a self-insurer under any  
3350 workers' compensation or disability benefits law or similar law.

3351 (7) The legal liability of an uninsured motorist coverage  
3352 insurer includes ~~does not include~~ damages in tort for pain,  
3353 suffering, disability or physical impairment, disfigurement,  
3354 mental anguish, and inconvenience, and the loss of capacity for  
3355 the enjoyment of life experienced in the past and to be  
3356 experienced in the future ~~unless the injury or disease is~~  
3357 ~~described in one or more of paragraphs (a)-(d) of s. 627.737(2).~~

3358 Section 86. Effective January 1, 2021, subsection (1) and  
3359 paragraphs (a) and (b) of subsection (2) of section 627.7275,  
3360 Florida Statutes, are amended to read:

3361 627.7275 Motor vehicle liability.—

3362 (1) A motor vehicle insurance policy ~~providing personal~~

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3363 ~~injury protection as set forth in s. 627.736 may not be~~  
3364 delivered or issued for delivery in this state for a with  
3365 ~~respect to any~~ specifically insured or identified motor vehicle  
3366 registered or principally garaged in this state must provide  
3367 bodily injury liability coverage and ~~unless the policy also~~  
3368 ~~provides coverage for~~ property damage liability coverage as  
3369 required under ~~by~~ s. 324.022.

3370 (2) (a) Insurers writing motor vehicle insurance in this  
3371 state shall make available, subject to the insurers' usual  
3372 underwriting restrictions:

3373 1. Coverage under policies as described in subsection (1)  
3374 to an applicant for private passenger motor vehicle insurance  
3375 coverage who is seeking the coverage in order to reinstate the  
3376 applicant's driving privileges in this state if the driving  
3377 privileges were revoked or suspended pursuant to s. 316.646 or  
3378 s. 324.0221 due to the failure of the applicant to maintain  
3379 required security.

3380 2. Coverage under policies as described in subsection (1),  
3381 which includes bodily injury also provides liability coverage  
3382 and property damage liability coverage, ~~for bodily injury,~~  
3383 ~~death, and property damage arising out of the ownership,~~  
3384 ~~maintenance, or use of the motor vehicle in an amount not less~~  
3385 than the minimum limits required under ~~described in~~ s.  
3386 324.021(7) or s. 324.023 and which conforms to the requirements  
3387 of s. 324.151, to an applicant for private passenger motor

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3388 vehicle insurance coverage who is seeking the coverage in order  
3389 to reinstate the applicant's driving privileges in this state  
3390 after such privileges were revoked or suspended under s. 316.193  
3391 or s. 322.26(2) for driving under the influence.

3392 (b) The policies described in paragraph (a) must ~~shall~~ be  
3393 issued for at least 6 months and, as to the minimum coverages  
3394 required under this section, may not be canceled by the insured  
3395 for any reason or by the insurer after 60 days, during which  
3396 period the insurer is completing the underwriting of the policy.  
3397 After the insurer has completed underwriting the policy, the  
3398 insurer shall notify the Department of Highway Safety and Motor  
3399 Vehicles that the policy is in full force and effect and is not  
3400 cancelable for the remainder of the policy period. A premium  
3401 must ~~shall~~ be collected and the coverage is in effect for the  
3402 60-day period during which the insurer is completing the  
3403 underwriting of the policy, whether or not the person's driver  
3404 license, motor vehicle tag, and motor vehicle registration are  
3405 in effect. Once the noncancelable provisions of the policy  
3406 become effective, the bodily injury liability and property  
3407 damage liability coverages ~~for bodily injury, property damage,~~  
3408 ~~and personal injury protection~~ may not be reduced below the  
3409 minimum limits required under s. 324.021 or s. 324.023 during  
3410 the policy period.

3411 Section 87. Effective upon this act becoming a law,  
3412 section 627.7278, Florida Statutes, is created to read:

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3413 627.7278 Applicability and construction; notice to  
3414 policyholders.—

3415 (1) As used in this section, the term "minimum security  
3416 requirements" means security that enables a person to respond in  
3417 damages for liability on account of crashes arising out of the  
3418 ownership, maintenance, or use of a motor vehicle, in the  
3419 amounts required by s. 324.021(7).

3420 (2) Effective January 1, 2021:

3421 (a) Motor vehicle insurance policies issued or renewed on  
3422 or after that date may not include personal injury protection.

3423 (b) All persons subject to s. 324.022, s. 324.032, s.  
3424 627.7415, or s. 627.742 must maintain at least minimum security  
3425 requirements.

3426 (c) Any new or renewal motor vehicle insurance policy  
3427 delivered or issued for delivery in this state must provide  
3428 coverage that complies with minimum security requirements.

3429 (d) An existing motor vehicle insurance policy issued  
3430 before January 1, 2021, that provides personal injury protection  
3431 and property damage liability coverage which meets the  
3432 requirements of s. 324.022 on December 31, 2020, but which does  
3433 not meet minimum security requirements on or after January 1,  
3434 2021, is deemed to meet the security requirements of s. 324.022  
3435 until such policy is renewed, nonrenewed, or canceled on or  
3436 after January 1, 2021. Sections 400.9905, 400.991, 456.057,  
3437 456.072, 626.9541(1)(i), 627.7263, 627.727, 627.730-627.7405,

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3438 627.748, and 817.234, Florida Statutes 2019, remain in full  
3439 force and effect for motor vehicle accidents covered under a  
3440 policy issued under the Florida Motor Vehicle No-Fault Law  
3441 before January 1, 2021, until the policy is renewed, nonrenewed,  
3442 or canceled on or after January 1, 2021.

3443 (3) Each insurer shall allow each insured who has a new or  
3444 renewal policy providing personal injury protection which  
3445 becomes effective before January 1, 2021, and whose policy does  
3446 not meet minimum security requirements on or after January 1,  
3447 2021, to change coverages so as to eliminate personal injury  
3448 protection and obtain coverage providing minimum security  
3449 requirements, which shall be effective on or after January 1,  
3450 2021. The insurer is not required to provide coverage complying  
3451 with minimum security requirements in such policies if the  
3452 insured does not pay the required premium, if any, by January 1,  
3453 2021, or such later date as the insurer may allow. The insurer  
3454 must also offer each insured medical payments coverage pursuant  
3455 to s. 627.7265. Any reduction in the premium must be refunded by  
3456 the insurer. The insurer may not impose on the insured an  
3457 additional fee or charge that applies solely to a change in  
3458 coverage; however, the insurer may charge an additional required  
3459 premium that is actuarially indicated.

3460 (4) By September 1, 2020, each motor vehicle insurer shall  
3461 provide notice of this section to each motor vehicle  
3462 policyholder who is subject to this section. The notice is

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3463 subject to approval by the office and must clearly inform the  
3464 policyholder that:

3465 (a) The Florida Motor Vehicle No-Fault Law is repealed  
3466 effective January 1, 2021, and that on or after that date, the  
3467 insured is no longer required to maintain personal injury  
3468 protection insurance coverage, that personal injury protection  
3469 coverage is no longer available for purchase in this state, and  
3470 that all new or renewal policies issued on or after that date  
3471 will not contain that coverage.

3472 (b) Effective January 1, 2021, a person subject to the  
3473 financial responsibility requirements of s. 324.022 must  
3474 maintain minimum security requirements that enable the person to  
3475 respond to damages for liability on account of accidents arising  
3476 out of the use of a motor vehicle in the following amounts:

3477 1. Twenty-five thousand dollars for bodily injury to, or  
3478 the death of, one person in any one crash and, subject to such  
3479 limits for one person, in the amount of \$50,000 for bodily  
3480 injury to, or the death of, two or more persons in any one  
3481 crash; and

3482 2. Ten thousand dollars for damage to, or destruction of,  
3483 the property of others in any one crash.

3484 (c) Bodily injury liability coverage protects the insured,  
3485 up to the coverage limits, against loss if the insured is  
3486 legally responsible for the death of or bodily injury to others  
3487 in a motor vehicle accident.

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3488        (d) Effective January 1, 2021, each policyholder of motor  
3489 vehicle liability insurance purchased as proof of financial  
3490 responsibility must be offered medical payments coverage  
3491 benefits that comply with s. 627.7265. The insurer must offer  
3492 medical payments coverage at limits of \$5,000 and \$10,000  
3493 without a deductible. The insurer may also offer medical  
3494 payments coverage at other limits greater than \$5,000, and may  
3495 offer coverage with a deductible of up to \$500. Medical payments  
3496 coverage pays covered medical expenses incurred due to bodily  
3497 injury, sickness, or disease arising out of the ownership,  
3498 maintenance, or use of the motor vehicle, up to the limits of  
3499 such coverage, for injuries sustained in a motor vehicle crash  
3500 by the named insured, resident relatives, persons operating the  
3501 insured motor vehicle, passengers in the insured motor vehicle,  
3502 and persons who are struck by the insured motor vehicle and  
3503 suffer bodily injury while not an occupant of a self-propelled  
3504 motor vehicle as provided in s. 627.7265. Medical payments  
3505 coverage also provides a death benefit of at least \$5,000.

3506        (e) The policyholder may obtain uninsured and underinsured  
3507 motorist coverage, which provides benefits, up to the limits of  
3508 such coverage, to a policyholder or other insured entitled to  
3509 recover damages for bodily injury, sickness, disease, or death  
3510 resulting from a motor vehicle accident with an uninsured or  
3511 underinsured owner or operator of a motor vehicle.

3512        (f) If the policyholder's new or renewal motor vehicle

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3513 insurance policy is effective before January 1, 2021, and  
3514 contains personal injury protection and property damage  
3515 liability coverage as required by state law before January 1,  
3516 2021, but does not meet minimum security requirements on or  
3517 after January 1, 2021, the policy is deemed to meet minimum  
3518 security requirements until it is renewed, nonrenewed, or  
3519 canceled on or after January 1, 2021.

3520 (g) A policyholder whose new or renewal policy becomes  
3521 effective before January 1, 2021, but does not meet minimum  
3522 security requirements on or after January 1, 2021, may change  
3523 coverages under the policy so as to eliminate personal injury  
3524 protection and to obtain coverage providing minimum security  
3525 requirements, including bodily injury liability coverage, which  
3526 are effective on or after January 1, 2021.

3527 (h) If the policyholder has any questions, he or she  
3528 should contact the person named at the telephone number provided  
3529 in the notice.

3530 Section 88. Effective January 1, 2021, paragraph (a) of  
3531 subsection (1) of section 627.728, Florida Statutes, is amended  
3532 to read:

3533 627.728 Cancellations; nonrenewals.—

3534 (1) As used in this section, the term:

3535 (a) "Policy" means the bodily injury and property damage  
3536 liability, ~~personal injury protection~~, medical payments,  
3537 comprehensive, collision, and uninsured motorist coverage

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3538 portions of a policy of motor vehicle insurance delivered or  
3539 issued for delivery in this state:

3540 1. Insuring a natural person as named insured or one or  
3541 more related individuals who are residents ~~resident~~ of the same  
3542 household; and

3543 2. Insuring only a motor vehicle of the private passenger  
3544 type or station wagon type which is not used as a public or  
3545 livery conveyance for passengers or rented to others; or  
3546 insuring any other four-wheel motor vehicle having a load  
3547 capacity of 1,500 pounds or less which is not used in the  
3548 occupation, profession, or business of the insured other than  
3549 farming; other than any policy issued under an automobile  
3550 insurance assigned risk plan or covering garage, automobile  
3551 sales agency, repair shop, service station, or public parking  
3552 place operation hazards.

3553  
3554 The term "policy" does not include a binder as defined in s.  
3555 627.420 unless the duration of the binder period exceeds 60  
3556 days.

3557 Section 89. Effective January 1, 2021, subsection (1),  
3558 paragraph (a) of subsection (5), and subsections (6) and (7) of  
3559 section 627.7295, Florida Statutes, are amended to read:

3560 627.7295 Motor vehicle insurance contracts.—

3561 (1) As used in this section, the term:

3562 (a) "Policy" means a motor vehicle insurance policy that

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3563 provides bodily injury liability ~~personal injury protection~~  
3564 coverage and, property damage liability coverage, ~~or both~~.

3565 (b) "Binder" means a binder that provides motor vehicle  
3566 bodily injury liability coverage ~~personal injury protection~~ and  
3567 property damage liability coverage.

3568 (5) (a) A licensed general lines agent may charge a per-  
3569 policy fee of up to ~~not to exceed~~ \$10 to cover the  
3570 administrative costs of the agent associated with selling the  
3571 motor vehicle insurance policy if the policy covers only bodily  
3572 injury liability coverage ~~personal injury protection coverage as~~  
3573 ~~provided by s. 627.736~~ and property damage liability coverage as  
3574 provided by s. 627.7275 and if no other insurance is sold or  
3575 issued in conjunction with or collateral to the policy. The fee  
3576 is not ~~considered~~ part of the premium.

3577 (6) If a motor vehicle owner's driver license, license  
3578 plate, and registration have previously been suspended pursuant  
3579 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy  
3580 only as provided in s. 627.7275.

3581 (7) A policy of private passenger motor vehicle insurance  
3582 or a binder for such a policy may be initially issued in this  
3583 state only if, before the effective date of such binder or  
3584 policy, the insurer or agent has collected from the insured an  
3585 amount equal to at least 1 month's premium. An insurer, agent,  
3586 or premium finance company may not, directly or indirectly, take  
3587 any action that results ~~resulting~~ in the insured paying ~~having~~

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3588 ~~paid~~ from the insured's own funds an amount less than the 1  
3589 month's premium required by this subsection. This subsection  
3590 applies without regard to whether the premium is financed by a  
3591 premium finance company or is paid pursuant to a periodic  
3592 payment plan of an insurer or an insurance agent.

3593 (a) This subsection does not apply:

3594 1. If an insured or member of the insured's family is  
3595 renewing or replacing a policy or a binder for such policy  
3596 written by the same insurer or a member of the same insurer  
3597 group. ~~This subsection does not apply~~

3598 2. To an insurer that issues private passenger motor  
3599 vehicle coverage primarily to active duty or former military  
3600 personnel or their dependents. ~~This subsection does not apply~~

3601 3. If all policy payments are paid pursuant to a payroll  
3602 deduction plan, an automatic electronic funds transfer payment  
3603 plan from the policyholder, or a recurring credit card or debit  
3604 card agreement with the insurer.

3605 (b) This subsection and subsection (4) do not apply if:

3606 1. All policy payments to an insurer are paid pursuant to  
3607 an automatic electronic funds transfer payment plan from an  
3608 agent, a managing general agent, or a premium finance company  
3609 and if the policy includes, at a minimum, bodily injury  
3610 liability coverage and ~~personal injury protection pursuant to~~  
3611 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~  
3612 coverage pursuant to s. 627.7275; or ~~and bodily injury liability~~

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3613 ~~in at least the amount of \$10,000 because of bodily injury to,~~  
3614 ~~or death of, one person in any one accident and in the amount of~~  
3615 ~~\$20,000 because of bodily injury to, or death of, two or more~~  
3616 ~~persons in any one accident. This subsection and subsection (4)~~  
3617 ~~do not apply if~~

3618       2. An insured has had a policy in effect for at least 6  
3619 months, the insured's agent is terminated by the insurer that  
3620 issued the policy, and the insured obtains coverage on the  
3621 policy's renewal date with a new company through the terminated  
3622 agent.

3623       Section 90. Effective January 1, 2021, section 627.7415,  
3624 Florida Statutes, is amended to read:

3625       627.7415 Commercial motor vehicles; additional liability  
3626 insurance coverage.—Beginning January 1, 2021, commercial motor  
3627 vehicles, as defined in s. 207.002 or s. 320.01, operated upon  
3628 the roads and highways of this state must ~~shall~~ be insured with  
3629 the following minimum levels of combined bodily liability  
3630 insurance and property damage liability insurance in addition to  
3631 any other insurance requirements:

3632       (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a  
3633 commercial motor vehicle with a gross vehicle weight of 26,000  
3634 pounds or more, but less than 35,000 pounds.

3635       (2) One hundred twenty thousand dollars per occurrence for  
3636 a commercial motor vehicle with a gross vehicle weight of 35,000  
3637 pounds or more, but less than 44,000 pounds.

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3638 (3) Three hundred thousand dollars per occurrence for a  
3639 commercial motor vehicle with a gross vehicle weight of 44,000  
3640 pounds or more.

3641 (4) All commercial motor vehicles subject to regulations  
3642 of the United States Department of Transportation, 49 C.F.R.  
3643 part 387, subpart A, and as may be hereinafter amended, shall be  
3644 insured in an amount equivalent to the minimum levels of  
3645 financial responsibility as set forth in such regulations.

3646  
3647 A violation of this section is a noncriminal traffic infraction,  
3648 punishable as a nonmoving violation as provided in chapter 318.

3649 Section 91. Effective January 1, 2021, section 627.747,  
3650 Florida Statutes, is created to read:

3651 627.747 Named driver exclusion.-

3652 (1) A private passenger motor vehicle policy may exclude  
3653 an identified individual from the following coverages while the  
3654 identified individual is operating a motor vehicle, provided  
3655 that the identified individual is specifically excluded by name  
3656 on the declarations page or by endorsement, and the policyholder  
3657 consents in writing to the exclusion:

3658 (a) Property damage liability coverage.

3659 (b) Bodily injury liability coverage.

3660 (c) Uninsured motorist coverage for any damages sustained  
3661 by the identified excluded individual, if the policyholder has  
3662 purchased such coverage.

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3663 (d) Any coverage the policyholder is not required by law  
3664 to purchase.

3665 (2) A private passenger motor vehicle policy may not  
3666 exclude coverage when:

3667 (a) The identified excluded individual is injured while  
3668 not operating a motor vehicle;

3669 (b) The exclusion is unfairly discriminatory under the  
3670 Florida Insurance Code, as determined by the office; or

3671 (c) The exclusion is inconsistent with the underwriting  
3672 rules filed by the insurer pursuant to s. 627.0651(13)(a).

3673 Section 92. Effective January 1, 2021, paragraphs (b),  
3674 (c), and (g) of subsection (7) and paragraphs (a) and (b) of  
3675 subsection (8) of section 627.748, Florida Statutes, are amended  
3676 to read:

3677 627.748 Transportation network companies.—

3678 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER  
3679 INSURANCE REQUIREMENTS.—

3680 (b) The following automobile insurance requirements apply  
3681 while a participating TNC driver is logged on to the digital  
3682 network but is not engaged in a prearranged ride:

3683 1. Automobile insurance that provides:

3684 a. A primary automobile liability coverage of at least  
3685 \$50,000 for death and bodily injury per person, \$100,000 for  
3686 death and bodily injury per incident, and \$25,000 for property  
3687 damage; and

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- 3688           b. ~~Personal injury protection benefits that meet the~~  
3689 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~  
3690 ~~and~~
- 3691           ~~e.~~ Uninsured and underinsured vehicle coverage as required  
3692 by s. 627.727.
- 3693           2. The coverage requirements of this paragraph may be  
3694 satisfied by any of the following:
- 3695           a. Automobile insurance maintained by the TNC driver;  
3696           b. Automobile insurance maintained by the TNC; or  
3697           c. A combination of sub-subparagraphs a. and b.
- 3698           (c) The following automobile insurance requirements apply  
3699 while a TNC driver is engaged in a prearranged ride:
- 3700           1. Automobile insurance that provides:
- 3701           a. A primary automobile liability coverage of at least \$1  
3702 million for death, bodily injury, and property damage; and
- 3703           b. ~~Personal injury protection benefits that meet the~~  
3704 ~~minimum coverage amounts required of a limousine under ss.~~  
3705 ~~627.730-627.7405; and~~
- 3706           ~~e.~~ Uninsured and underinsured vehicle coverage as required  
3707 by s. 627.727.
- 3708           2. The coverage requirements of this paragraph may be  
3709 satisfied by any of the following:
- 3710           a. Automobile insurance maintained by the TNC driver;  
3711           b. Automobile insurance maintained by the TNC; or  
3712           c. A combination of sub-subparagraphs a. and b.

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3713 (g) Insurance satisfying the requirements under this  
3714 subsection is deemed to satisfy the financial responsibility  
3715 requirement for a motor vehicle under chapter 324 ~~and the~~  
3716 ~~security required under s. 627.733~~ for any period when the TNC  
3717 driver is logged onto the digital network or engaged in a  
3718 prearranged ride.

3719 (8) TRANSPORTATION NETWORK COMPANY AND INSURER;  
3720 DISCLOSURE; EXCLUSIONS.—

3721 (a) Before a TNC driver is allowed to accept a request for  
3722 a prearranged ride on the digital network, the TNC must disclose  
3723 in writing to the TNC driver:

3724 1. The insurance coverage, including the types of coverage  
3725 and the limits for each coverage, which the TNC provides while  
3726 the TNC driver uses a TNC vehicle in connection with the TNC's  
3727 digital network.

3728 2. That the TNC driver's own automobile insurance policy  
3729 might not provide any coverage while the TNC driver is logged on  
3730 to the digital network or is engaged in a prearranged ride,  
3731 depending on the terms of the TNC driver's own automobile  
3732 insurance policy.

3733 3. That the provision of rides for compensation which are  
3734 not prearranged rides subjects the driver to the coverage  
3735 requirements imposed under s. 324.032(1) and (2) and that  
3736 failure to meet such coverage requirements subjects the TNC  
3737 driver to penalties provided in s. 324.221, up to and including

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3738 a misdemeanor of the second degree.

3739 (b)1. An insurer that provides an automobile liability  
3740 insurance policy under this part may exclude any and all  
3741 coverage afforded under the policy issued to an owner or  
3742 operator of a TNC vehicle while driving that vehicle for any  
3743 loss or injury that occurs while a TNC driver is logged on to a  
3744 digital network or while a TNC driver provides a prearranged  
3745 ride. Exclusions imposed under this subsection are limited to  
3746 coverage while a TNC driver is logged on to a digital network or  
3747 while a TNC driver provides a prearranged ride. This right to  
3748 exclude all coverage may apply to any coverage included in an  
3749 automobile insurance policy, including, but not limited to:

3750 a. Liability coverage for bodily injury and property  
3751 damage;

3752 b. Uninsured and underinsured motorist coverage;

3753 c. Medical payments coverage;

3754 d. Comprehensive physical damage coverage; and

3755 e. Collision physical damage coverage; ~~and~~

3756 ~~f. Personal injury protection.~~

3757 2. The exclusions described in subparagraph 1. apply  
3758 notwithstanding any requirement under chapter 324. These  
3759 exclusions do not affect or diminish coverage otherwise  
3760 available for permissive drivers or resident relatives under the  
3761 personal automobile insurance policy of the TNC driver or owner  
3762 of the TNC vehicle who are not occupying the TNC vehicle at the

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3763 time of loss. This section does not require that a personal  
3764 automobile insurance policy provide coverage while the TNC  
3765 driver is logged on to a digital network, while the TNC driver  
3766 is engaged in a prearranged ride, or while the TNC driver  
3767 otherwise uses a vehicle to transport riders for compensation.

3768 3. This section must not be construed to require an  
3769 insurer to use any particular policy language or reference to  
3770 this section in order to exclude any and all coverage for any  
3771 loss or injury that occurs while a TNC driver is logged on to a  
3772 digital network or while a TNC driver provides a prearranged  
3773 ride.

3774 4. This section does not preclude an insurer from  
3775 providing primary or excess coverage for the TNC driver's  
3776 vehicle by contract or endorsement.

3777 Section 93. Effective January 1, 2021, paragraph (a) of  
3778 subsection (2) of section 627.749, Florida Statutes, is amended  
3779 to read:

3780 627.749 Autonomous vehicles; insurance requirements.—

3781 (2) INSURANCE REQUIREMENTS.—

3782 (a) A fully autonomous vehicle with the automated driving  
3783 system engaged while logged on to an on-demand autonomous  
3784 vehicle network or engaged in a prearranged ride must be covered  
3785 by a policy of automobile insurance which provides:

3786 1. Primary liability coverage of at least \$1 million for  
3787 death, bodily injury, and property damage.

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3788 2. ~~Personal injury protection benefits that meet the~~  
3789 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

3790 ~~3.~~ Uninsured and underinsured vehicle coverage as required  
3791 by s. 627.727.

3792 Section 94. Effective January 1, 2021, section 627.8405,  
3793 Florida Statutes, is amended to read:

3794 627.8405 Prohibited acts; financing companies.—~~A~~ ~~No~~  
3795 premium finance company ~~shall~~, in a premium finance agreement or  
3796 other agreement, may not finance the cost of or otherwise  
3797 provide for the collection or remittance of dues, assessments,  
3798 fees, or other periodic payments of money for the cost of:

3799 (1) A membership in an automobile club. The term  
3800 "automobile club" means a legal entity that ~~which~~, in  
3801 consideration of dues, assessments, or periodic payments of  
3802 money, promises its members or subscribers to assist them in  
3803 matters relating to the ownership, operation, use, or  
3804 maintenance of a motor vehicle; however, the term ~~this~~  
3805 ~~definition of "automobile club"~~ does not include persons,  
3806 associations, or corporations ~~which are~~ organized and operated  
3807 solely for the purpose of conducting, sponsoring, or sanctioning  
3808 motor vehicle races, exhibitions, or contests upon racetracks,  
3809 or upon racecourses established and marked as such for the  
3810 duration of such particular events. The term ~~words~~ "motor  
3811 vehicle" used herein has ~~have~~ the same meaning as defined in  
3812 chapter 320.

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3813 (2) An accidental death and dismemberment policy sold in  
3814 combination with a policy providing only bodily injury liability  
3815 coverage ~~personal injury protection~~ and property damage  
3816 liability coverage only policy.

3817 (3) Any product not regulated under ~~the provisions of this~~  
3818 insurance code.

3819  
3820 This section also applies to premium financing by any insurance  
3821 agent or insurance company under part XVI. The commission shall  
3822 adopt rules to assure disclosure, at the time of sale, of  
3823 coverages financed ~~with personal injury protection~~ and shall  
3824 prescribe the form of such disclosure.

3825 Section 95. Effective January 1, 2021, subsection (1) of  
3826 section 627.915, Florida Statutes, is amended to read:

3827 627.915 Insurer experience reporting.-

3828 (1) Each insurer transacting private passenger automobile  
3829 insurance in this state shall report certain information  
3830 annually to the office. The information will be due on or before  
3831 July 1 of each year. The information must ~~shall~~ be divided into  
3832 the following categories: bodily injury liability; property  
3833 damage liability; uninsured motorist; ~~personal injury protection~~  
3834 ~~benefits~~; medical payments; and comprehensive and collision. The  
3835 information given must ~~shall~~ be on direct insurance writings in  
3836 the state alone and ~~shall~~ represent total limits data. The  
3837 information set forth in paragraphs (a)-(f) is applicable to

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3838 voluntary private passenger and Joint Underwriting Association  
3839 private passenger writings and must ~~shall~~ be reported for each  
3840 of the latest 3 calendar-accident years, with an evaluation date  
3841 of March 31 of the current year. The information set forth in  
3842 paragraphs (g)-(j) is applicable to voluntary private passenger  
3843 writings and must ~~shall~~ be reported on a calendar-accident year  
3844 basis ultimately seven times at seven different stages of  
3845 development.

3846 (a) Premiums earned for the latest 3 calendar-accident  
3847 years.

3848 (b) Loss development factors and the historic development  
3849 of those factors.

3850 (c) Policyholder dividends incurred.

3851 (d) Expenses for other acquisition and general expense.

3852 (e) Expenses for agents' commissions and taxes, licenses,  
3853 and fees.

3854 (f) Profit and contingency factors as utilized in the  
3855 insurer's automobile rate filings for the applicable years.

3856 (g) Losses paid.

3857 (h) Losses unpaid.

3858 (i) Loss adjustment expenses paid.

3859 (j) Loss adjustment expenses unpaid.

3860 Section 96. Effective January 1, 2021, subsections (2) and  
3861 (3) of section 628.909, Florida Statutes, are amended to read:

3862 628.909 Applicability of other laws.-

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3863 (2) The following provisions of the Florida Insurance Code  
3864 apply to captive insurance companies that ~~who~~ are not industrial  
3865 insured captive insurance companies to the extent that such  
3866 provisions are not inconsistent with this part:

3867 (a) Chapter 624, except for ss. 624.407, 624.408,  
3868 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

3869 (b) Chapter 625, part II.

3870 (c) Chapter 626, part IX.

3871 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~  
3872 ~~provided.~~

3873 ~~(e)~~ Chapter 628.

3874 (3) The following provisions of the Florida Insurance Code  
3875 ~~shall~~ apply to industrial insured captive insurance companies to  
3876 the extent that such provisions are not inconsistent with this  
3877 part:

3878 (a) Chapter 624, except for ss. 624.407, 624.408,  
3879 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and  
3880 624.609(1).

3881 (b) Chapter 625, part II, if the industrial insured  
3882 captive insurance company is incorporated in this state.

3883 (c) Chapter 626, part IX.

3884 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~  
3885 ~~provided.~~

3886 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and  
3887 628.6018.

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3888 Section 97. Effective January 1, 2021, subsections (2),  
3889 (6), and (7) of section 705.184, Florida Statutes, are amended  
3890 to read:

3891 705.184 Derelict or abandoned motor vehicles on the  
3892 premises of public-use airports.-

3893 (2) The airport director or the director's designee shall  
3894 contact the Department of Highway Safety and Motor Vehicles to  
3895 notify that department that the airport has possession of the  
3896 abandoned or derelict motor vehicle and to determine the name  
3897 and address of the owner of the motor vehicle, the insurance  
3898 company insuring the motor vehicle, ~~notwithstanding the~~  
3899 ~~provisions of s. 627.736,~~ and any person who has filed a lien on  
3900 the motor vehicle. Within 7 business days after receipt of the  
3901 information, the director or the director's designee shall send  
3902 notice by certified mail, return receipt requested, to the owner  
3903 of the motor vehicle, the insurance company insuring the motor  
3904 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
3905 persons of record claiming a lien against the motor vehicle. The  
3906 notice must ~~shall~~ state the fact of possession of the motor  
3907 vehicle, that charges for reasonable towing, storage, and  
3908 parking fees, if any, have accrued and the amount thereof, that  
3909 a lien as provided in subsection (6) will be claimed, that the  
3910 lien is subject to enforcement pursuant to law, that the owner  
3911 or lienholder, if any, has the right to a hearing as set forth  
3912 in subsection (4), and that any motor vehicle which, at the end

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3913 of 30 calendar days after receipt of the notice, has not been  
3914 removed from the airport upon payment in full of all accrued  
3915 charges for reasonable towing, storage, and parking fees, if  
3916 any, may be disposed of as provided in s. 705.182(2) (a), (b),  
3917 (d), or (e), including, but not limited to, the motor vehicle  
3918 being sold free of all prior liens after 35 calendar days after  
3919 the time the motor vehicle is stored if any prior liens on the  
3920 motor vehicle are more than 5 years of age or after 50 calendar  
3921 days after the time the motor vehicle is stored if any prior  
3922 liens on the motor vehicle are 5 years of age or less.

3923 (6) The airport pursuant to this section or, if used, a  
3924 licensed independent wrecker company pursuant to s. 713.78 shall  
3925 have a lien on an abandoned or derelict motor vehicle for all  
3926 reasonable towing, storage, and accrued parking fees, if any,  
3927 except that no storage fee may ~~shall~~ be charged if the motor  
3928 vehicle is stored less than 6 hours. As a prerequisite to  
3929 perfecting a lien under this section, the airport director or  
3930 the director's designee must serve a notice in accordance with  
3931 subsection (2) on the owner of the motor vehicle, the insurance  
3932 company insuring the motor vehicle, ~~notwithstanding the~~  
3933 ~~provisions of s. 627.736,~~ and all persons of record claiming a  
3934 lien against the motor vehicle. If attempts to notify the owner,  
3935 the insurance company insuring the motor vehicle,  
3936 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are  
3937 not successful, the requirement of notice by mail shall be

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3938 considered met. Serving of the notice does not dispense with  
3939 recording the claim of lien.

3940 (7) (a) For the purpose of perfecting its lien under this  
3941 section, the airport shall record a claim of lien which states  
3942 ~~shall state~~:

3943 1. The name and address of the airport.

3944 2. The name of the owner of the motor vehicle, the  
3945 insurance company insuring the motor vehicle, ~~notwithstanding~~  
3946 ~~the provisions of s. 627.736~~, and all persons of record claiming  
3947 a lien against the motor vehicle.

3948 3. The costs incurred from reasonable towing, storage, and  
3949 parking fees, if any.

3950 4. A description of the motor vehicle sufficient for  
3951 identification.

3952 (b) The claim of lien must ~~shall~~ be signed and sworn to or  
3953 affirmed by the airport director or the director's designee.

3954 (c) The claim of lien is ~~shall be~~ sufficient if it is in  
3955 substantially the following form:

3956  
3957 CLAIM OF LIEN  
3958 State of .....  
3959 County of .....  
3960 Before me, the undersigned notary public, personally appeared  
3961 ....., who was duly sworn and says that he/she is the  
3962 ..... of ....., whose address is.....; and that the

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3963 following described motor vehicle:  
 3964 ... (Description of motor vehicle) ...  
 3965 owned by ....., whose address is ....., has accrued  
 3966 \$..... in fees for a reasonable tow, for storage, and for  
 3967 parking, if applicable; that the lienor served its notice to the  
 3968 owner, the insurance company insuring the motor vehicle  
 3969 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~  
 3970 and all persons of record claiming a lien against the motor  
 3971 vehicle on ....., ... (year) ..., by.....

3972 ... (Signature) ...  
 3973 Sworn to (or affirmed) and subscribed before me this .... day of  
 3974 ....., ... (year) ..., by ... (name of person making statement) ....  
 3975 ... (Signature of Notary Public) ..... (Print, Type, or Stamp  
 3976 Commissioned name of Notary Public) ...

3977 Personally Known...OR Produced...as identification.

3978  
 3979 However, the negligent inclusion or omission of any information  
 3980 in this claim of lien which does not prejudice the owner does  
 3981 not constitute a default that operates to defeat an otherwise  
 3982 valid lien.

3983 (d) The claim of lien must ~~shall~~ be served on the owner of  
 3984 the motor vehicle, the insurance company insuring the motor  
 3985 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
 3986 persons of record claiming a lien against the motor vehicle. If  
 3987 attempts to notify the owner, the insurance company insuring the

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3988 motor vehicle ~~notwithstanding the provisions of s. 627.736~~, or  
3989 lienholders are not successful, the requirement of notice by  
3990 mail shall be considered met. The claim of lien must ~~shall~~ be so  
3991 served before recordation.

3992 (e) The claim of lien must ~~shall~~ be recorded with the  
3993 clerk of court in the county where the airport is located. The  
3994 recording of the claim of lien shall be constructive notice to  
3995 all persons of the contents and effect of such claim. The lien  
3996 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~  
3997 ~~take~~ priority as of that time.

3998 Section 98. Effective January 1, 2021, subsection (4) of  
3999 section 713.78, Florida Statutes, is amended to read:

4000 713.78 Liens for recovering, towing, or storing vehicles  
4001 and vessels.-

4002 (4) (a) A person regularly engaged in the business of  
4003 recovering, towing, or storing vehicles or vessels who comes  
4004 into possession of a vehicle or vessel pursuant to subsection  
4005 (2), and who claims a lien for recovery, towing, or storage  
4006 services, shall give notice, by certified mail, to the  
4007 registered owner, the insurance company insuring the vehicle  
4008 ~~notwithstanding s. 627.736~~, and all persons claiming a lien  
4009 thereon, as disclosed by the records in the Department of  
4010 Highway Safety and Motor Vehicles or as disclosed by the records  
4011 of any corresponding agency in any other state in which the  
4012 vehicle is identified through a records check of the National

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4013 Motor Vehicle Title Information System or an equivalent  
4014 commercially available system as being titled or registered.  
4015 (b) Whenever a law enforcement agency authorizes the  
4016 removal of a vehicle or vessel or whenever a towing service,  
4017 garage, repair shop, or automotive service, storage, or parking  
4018 place notifies the law enforcement agency of possession of a  
4019 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
4020 enforcement agency of the jurisdiction where the vehicle or  
4021 vessel is stored shall contact the Department of Highway Safety  
4022 and Motor Vehicles, or the appropriate agency of the state of  
4023 registration, if known, within 24 hours through the medium of  
4024 electronic communications, giving the full description of the  
4025 vehicle or vessel. Upon receipt of the full description of the  
4026 vehicle or vessel, the department shall search its files to  
4027 determine the owner's name, the insurance company insuring the  
4028 vehicle or vessel, and whether any person has filed a lien upon  
4029 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
4030 notify the applicable law enforcement agency within 72 hours.  
4031 The person in charge of the towing service, garage, repair shop,  
4032 or automotive service, storage, or parking place shall obtain  
4033 such information from the applicable law enforcement agency  
4034 within 5 days after the date of storage and shall give notice  
4035 pursuant to paragraph (a). The department may release the  
4036 insurance company information to the requestor ~~notwithstanding~~  
4037 ~~s. 627.736.~~

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4038 (c) The notice of lien must be sent by certified mail to  
4039 the registered owner, the insurance company insuring the vehicle  
4040 ~~notwithstanding s. 627.736~~, and all other persons claiming a  
4041 lien thereon within 7 business days, excluding Saturday and  
4042 Sunday, after the date of storage of the vehicle or vessel.  
4043 However, in no event shall the notice of lien be sent less than  
4044 30 days before the sale of the vehicle or vessel. The notice  
4045 must state:

4046 1. If the claim of lien is for a vehicle, the last 8  
4047 digits of the vehicle identification number of the vehicle  
4048 subject to the lien, or, if the claim of lien is for a vessel,  
4049 the hull identification number of the vessel subject to the  
4050 lien, clearly printed in the delivery address box and on the  
4051 outside of the envelope sent to the registered owner and all  
4052 other persons claiming an interest therein or lien thereon.

4053 2. The name, physical address, and telephone number of the  
4054 lienor, and the entity name, as registered with the Division of  
4055 Corporations, of the business where the towing and storage  
4056 occurred, which must also appear on the outside of the envelope  
4057 sent to the registered owner and all other persons claiming an  
4058 interest in or lien on the vehicle or vessel.

4059 3. The fact of possession of the vehicle or vessel.

4060 4. The name of the person or entity that authorized the  
4061 lienor to take possession of the vehicle or vessel.

4062 5. That a lien as provided in subsection (2) is claimed.

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4063 6. That charges have accrued and include an itemized  
4064 statement of the amount thereof.

4065 7. That the lien is subject to enforcement under law and  
4066 that the owner or lienholder, if any, has the right to a hearing  
4067 as set forth in subsection (5).

4068 8. That any vehicle or vessel that remains unclaimed, or  
4069 for which the charges for recovery, towing, or storage services  
4070 remain unpaid, may be sold free of all prior liens 35 days after  
4071 the vehicle or vessel is stored by the lienor if the vehicle or  
4072 vessel is more than 3 years of age or 50 days after the vehicle  
4073 or vessel is stored by the lienor if the vehicle or vessel is 3  
4074 years of age or less.

4075 9. The address at which the vehicle or vessel is  
4076 physically located.

4077 (d) The notice of lien may not be sent to the registered  
4078 owner, the insurance company insuring the vehicle or vessel, and  
4079 all other persons claiming a lien thereon less than 30 days  
4080 before the sale of the vehicle or vessel.

4081 (e) If attempts to locate the name and address of the  
4082 owner or lienholder prove unsuccessful, the towing-storage  
4083 operator shall, after 7 business days, excluding Saturday and  
4084 Sunday, after the initial tow or storage, notify the public  
4085 agency of jurisdiction where the vehicle or vessel is stored in  
4086 writing by certified mail or acknowledged hand delivery that the  
4087 towing-storage company has been unable to locate the name and

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4088 address of the owner or lienholder and a physical search of the  
4089 vehicle or vessel has disclosed no ownership information and a  
4090 good faith effort has been made, including records checks of the  
4091 Department of Highway Safety and Motor Vehicles database and the  
4092 National Motor Vehicle Title Information System or an equivalent  
4093 commercially available system. For purposes of this paragraph  
4094 and subsection (9), the term "good faith effort" means that the  
4095 following checks have been performed by the company to establish  
4096 the prior state of registration and for title:

4097 1. A check of the department's database for the owner and  
4098 any lienholder.

4099 2. A check of the electronic National Motor Vehicle Title  
4100 Information System or an equivalent commercially available  
4101 system to determine the state of registration when there is not  
4102 a current registration record for the vehicle or vessel on file  
4103 with the department.

4104 3. A check of the vehicle or vessel for any type of tag,  
4105 tag record, temporary tag, or regular tag.

4106 4. A check of the law enforcement report for a tag number  
4107 or other information identifying the vehicle or vessel, if the  
4108 vehicle or vessel was towed at the request of a law enforcement  
4109 officer.

4110 5. A check of the trip sheet or tow ticket of the tow  
4111 truck operator to determine whether a tag was on the vehicle or  
4112 vessel at the beginning of the tow, if a private tow.

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4113           6. If there is no address of the owner on the impound  
4114 report, a check of the law enforcement report to determine  
4115 whether an out-of-state address is indicated from driver license  
4116 information.

4117           7. A check of the vehicle or vessel for an inspection  
4118 sticker or other stickers and decals that may indicate a state  
4119 of possible registration.

4120           8. A check of the interior of the vehicle or vessel for  
4121 any papers that may be in the glove box, trunk, or other areas  
4122 for a state of registration.

4123           9. A check of the vehicle for a vehicle identification  
4124 number.

4125           10. A check of the vessel for a vessel registration  
4126 number.

4127           11. A check of the vessel hull for a hull identification  
4128 number which should be carved, burned, stamped, embossed, or  
4129 otherwise permanently affixed to the outboard side of the  
4130 transom or, if there is no transom, to the outmost seaboard side  
4131 at the end of the hull that bears the rudder or other steering  
4132 mechanism.

4133           Section 99. Effective January 1, 2021, paragraph (a) of  
4134 subsection (1), paragraph (c) of subsection (7), paragraphs (a),  
4135 (b), and (c) of subsection (8), and subsections (9) and (10) of  
4136 section 817.234, Florida Statutes, are amended to read:

4137           817.234 False and fraudulent insurance claims.-

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4138 (1) (a) A person commits insurance fraud punishable as  
4139 provided in subsection (11) if that person, with the intent to  
4140 injure, defraud, or deceive any insurer:

4141 1. Presents or causes to be presented any written or oral  
4142 statement as part of, or in support of, a claim for payment or  
4143 other benefit pursuant to an insurance policy or a health  
4144 maintenance organization subscriber or provider contract,  
4145 knowing that such statement contains ~~any~~ false, incomplete, or  
4146 misleading information concerning any fact or thing material to  
4147 such claim;

4148 2. Prepares or makes any written or oral statement that is  
4149 intended to be presented to an ~~any~~ insurer in connection with,  
4150 or in support of, any claim for payment or other benefit  
4151 pursuant to an insurance policy or a health maintenance  
4152 organization subscriber or provider contract, knowing that such  
4153 statement contains ~~any~~ false, incomplete, or misleading  
4154 information concerning any fact or thing material to such claim;

4155 3.a. Knowingly presents, causes to be presented, or  
4156 prepares or makes with knowledge or belief that it will be  
4157 presented to an ~~any~~ insurer, purported insurer, servicing  
4158 corporation, insurance broker, or insurance agent, or any  
4159 employee or agent thereof, ~~any~~ false, incomplete, or misleading  
4160 information or a written or oral statement as part of, or in  
4161 support of, an application for the issuance of, or the rating  
4162 of, any insurance policy, or a health maintenance organization

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4163 subscriber or provider contract; or

4164 b. Knowingly conceals information concerning any fact  
4165 material to such application; or

4166 4. Knowingly presents, causes to be presented, or prepares  
4167 or makes with knowledge or belief that it will be presented to  
4168 any insurer a claim for payment or other benefit under medical  
4169 payments coverage in a motor vehicle ~~a personal injury~~  
4170 ~~protection~~ insurance policy if the person knows that the payee  
4171 knowingly submitted a false, misleading, or fraudulent  
4172 application or other document when applying for licensure as a  
4173 health care clinic, seeking an exemption from licensure as a  
4174 health care clinic, or demonstrating compliance with part X of  
4175 chapter 400.

4176 (7)

4177 ~~(c) An insurer, or any person acting at the direction of~~  
4178 ~~or on behalf of an insurer, may not change an opinion in a~~  
4179 ~~mental or physical report prepared under s. 627.736(7) or direct~~  
4180 ~~the physician preparing the report to change such opinion;~~  
4181 ~~however, this provision does not preclude the insurer from~~  
4182 ~~calling to the attention of the physician errors of fact in the~~  
4183 ~~report based upon information in the claim file. Any person who~~  
4184 ~~violates this paragraph commits a felony of the third degree,~~  
4185 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

4186 (8) (a) It is unlawful for any person intending to defraud  
4187 any other person to solicit or cause to be solicited any

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4188 business from a person involved in a motor vehicle accident for  
4189 the purpose of making, adjusting, or settling motor vehicle tort  
4190 claims or claims for benefits under medical payments coverage in  
4191 a motor vehicle insurance policy ~~personal injury protection~~  
4192 ~~benefits required by s. 627.736~~. Any person who violates ~~the~~  
4193 ~~provisions of~~ this paragraph commits a felony of the second  
4194 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
4195 775.084. A person who is convicted of a violation of this  
4196 subsection shall be sentenced to a minimum term of imprisonment  
4197 of 2 years.

4198 (b) A person may not solicit or cause to be solicited any  
4199 business from a person involved in a motor vehicle accident by  
4200 any means of communication other than advertising directed to  
4201 the public for the purpose of making motor vehicle tort claims  
4202 or claims for benefits under medical payments coverage in a  
4203 motor vehicle insurance policy ~~personal injury protection~~  
4204 ~~benefits required by s. 627.736~~, within 60 days after the  
4205 occurrence of the motor vehicle accident. Any person who  
4206 violates this paragraph commits a felony of the third degree,  
4207 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4208 (c) A lawyer, health care practitioner as defined in s.  
4209 456.001, or owner or medical director of a clinic required to be  
4210 licensed pursuant to s. 400.9905 may not, at any time after 60  
4211 days have elapsed from the occurrence of a motor vehicle  
4212 accident, solicit or cause to be solicited any business from a

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4213 person involved in a motor vehicle accident by means of in  
4214 person or telephone contact at the person's residence, for the  
4215 purpose of making motor vehicle tort claims or claims for  
4216 benefits under medical payments coverage in a motor vehicle  
4217 insurance policy ~~personal injury protection benefits required by~~  
4218 ~~s. 627.736~~. Any person who violates this paragraph commits a  
4219 felony of the third degree, punishable as provided in s.  
4220 775.082, s. 775.083, or s. 775.084.

4221 (9) A person may not organize, plan, or knowingly  
4222 participate in an intentional motor vehicle crash or a scheme to  
4223 create documentation of a motor vehicle crash that did not occur  
4224 for the purpose of making motor vehicle tort claims or claims  
4225 for benefits under medical payments coverage in a motor vehicle  
4226 insurance policy ~~personal injury protection benefits as required~~  
4227 ~~by s. 627.736~~. Any person who violates this subsection commits a  
4228 felony of the second degree, punishable as provided in s.  
4229 775.082, s. 775.083, or s. 775.084. A person who is convicted of  
4230 a violation of this subsection shall be sentenced to a minimum  
4231 term of imprisonment of 2 years.

4232 (10) A licensed health care practitioner who is found  
4233 guilty of insurance fraud under this section for an act relating  
4234 to a motor vehicle ~~personal injury protection~~ insurance policy  
4235 loses his or her license to practice for 5 years and may not  
4236 receive reimbursement under medical payments coverage in a motor  
4237 vehicle insurance policy ~~for personal injury protection benefits~~

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4238 for 10 years.

4239 Section 100. For the 2020-2021 fiscal year, the sum of  
4240 \$83,651 in nonrecurring funds is appropriated from the Insurance  
4241 Regulatory Trust Fund to the Office of Insurance Regulation for  
4242 the purpose of implementing this act.

4243 Section 101. The Legislature finds and declares that this  
4244 act fulfills an important state interest.

4245 Section 102. Except as otherwise expressly provided in  
4246 this act and except for this section, which shall take effect  
4247 upon this act becoming a law, this act shall take effect July 1,  
4248 2020.

4249

4250 -----

4251 **T I T L E A M E N D M E N T**

4252 Remove lines 45-134 and insert:

4253 persons under certain circumstances; amending s.  
4254 324.031, F.S.; specifying a method of proving  
4255 financial responsibility; revising the amount of a  
4256 certificate of deposit required to elect a certain  
4257 method of proof of financial responsibility; revising  
4258 excess liability coverage requirements for a person  
4259 electing to use such method; amending s. 324.032,  
4260 F.S.; revising financial responsibility requirements  
4261 for owners or lessees of for-hire passenger  
4262 transportation vehicles; amending s. 327.33, F.S.;

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4263 specifying the operation of a vessel at slow speed,  
4264 minimum wake in certain circumstances; providing  
4265 requirements for flags displayed from vessels and  
4266 barges actively engaged in construction operations;  
4267 defining the term "slow speed, minimum wake"; amending  
4268 s. 327.4107, F.S.; prohibiting the anchoring or  
4269 mooring of certain vessels in specified locations;  
4270 authorizing law enforcement to relocate specified  
4271 vessels if certain conditions exist; amending s.  
4272 327.59, F.S.; prohibiting certain vessels from  
4273 remaining in certain marinas that have been deemed  
4274 unsuitable for refuge during a hurricane; authorizing  
4275 removal of such vessels under certain circumstances;  
4276 limiting liability for certain damages; providing  
4277 construction; providing for penalties; amending s.  
4278 333.03, F.S.; requiring airport protection zoning  
4279 regulations to require certain permit applicants to  
4280 submit a final valid determination from the Federal  
4281 Aviation Administration; amending s. 337.14, F.S.;  
4282 requiring certain contractors to be certified by the  
4283 Department of Transportation as qualified; revising  
4284 the financial statements required to accompany an  
4285 application for certification; prohibiting the  
4286 department from considering certain financial  
4287 information; requiring the contractor to submit

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4288 interim financial statements under certain  
4289 circumstances; providing requirements for such  
4290 statements; authorizing a single entity to provide  
4291 certain contracted services for airport projects  
4292 wholly or partially funded by the department; amending  
4293 s. 337.25, F.S.; requiring the department to afford a  
4294 right of first refusal to certain individuals under  
4295 specified circumstances; providing requirements and  
4296 procedures for the right of first refusal; amending s.  
4297 337.401, F.S.; specifying permit application  
4298 timeframes required for the installation, location, or  
4299 relocation of utilities within rights-of-way; creating  
4300 s. 338.236, F.S.; authorizing the department to plan,  
4301 design, and construct staging areas as part of the  
4302 turnpike system for the intended purpose of staging  
4303 supplies for prompt provision of assistance to the  
4304 public in a declared state of emergency; requiring the  
4305 department, in consultation with the Division of  
4306 Emergency Management, to select sites for such areas;  
4307 providing factors to be considered in selecting sites;  
4308 requiring the department to give priority  
4309 consideration to placement of such staging areas in  
4310 specified counties; authorizing the department to  
4311 acquire property necessary for such staging areas;  
4312 authorizing the department to authorize certain other

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Amendment No.

4313 uses of staging areas; requiring staging area projects  
4314 to be included in the department's work program;  
4315 amending ss. 339.08 and 339.135, F.S.; conforming  
4316 provisions to changes made by the act; amending s.  
4317 339.175, F.S.; revising the date by which a  
4318 metropolitan planning organization must submit a list  
4319 of project priorities to the appropriate department  
4320 district; repealing s. 339.2821, F.S., relating to  
4321 economic development transportation projects; amending  
4322 s. 341.302, F.S.; revising the maximum amount of  
4323 liability insurance the department may purchase;  
4324 revising department responsibilities regarding rail  
4325 systems; amending s. 341.303, F.S.; revising  
4326 department funding authority regarding rail systems;  
4327 conforming provisions to changes made by the act;  
4328 repealing s. 341.8201, F.S., relating to the "Florida  
4329 Rail Enterprise Act" short title; amending s.  
4330 341.8203, F.S.; revising definitions; amending s.  
4331 341.822, F.S.; requiring the department, rather than  
4332 the Florida Rail Enterprise, to locate, plan, design,  
4333 finance, construct, maintain, own, operate,  
4334 administer, and manage the high-speed rail system in  
4335 the state; amending ss. 341.825, 341.836, 341.838,  
4336 341.839, 341.840, and 343.58, F.S.; conforming  
4337 provisions to changes made by the act; amending s.

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4338 349.04, F.S.; increasing the authorized duration of a  
4339 lease by the Jacksonville Transportation Authority;  
4340 amending s. 377.809, F.S.; conforming provisions to  
4341 changes made by the act; reenacting s. 327.73(1)(h)  
4342 and (aa), F.S., relating to careless operation of  
4343 vessels and at-risk vessels, respectively, to  
4344 incorporate amendments made by the act; requiring  
4345 reports to the Governor and Legislature from the  
4346 department and various authorities regarding toll  
4347 collections; repealing ss. 627.730, 627.731, 627.7311,  
4348 627.732, 627.733, 627.734, 627.736, 627.737, 627.739,  
4349 627.7401, 627.7403, and 627.7405, F.S., which comprise  
4350 the Florida Motor Vehicle No-Fault Law; repealing s.  
4351 627.7407, F.S., relating to application of the Florida  
4352 Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;  
4353 revising a requirement for proof of security on a  
4354 motor vehicle and the applicability of the  
4355 requirement; amending s. 318.18, F.S.; conforming a  
4356 provision to changes made by the act; amending s.  
4357 320.02, F.S.; revising the motor vehicle insurance  
4358 coverages that an applicant must show to register  
4359 certain vehicles with the Department of Highway Safety  
4360 and Motor Vehicles; conforming a provision to changes  
4361 made by the act; revising construction; amending s.  
4362 320.0609, F.S.; conforming a provision to changes made

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4363 by the act; amending s. 320.27, F.S.; defining the  
4364 term "garage liability insurance"; revising garage  
4365 liability insurance requirements for motor vehicle  
4366 dealer applicants; conforming a provision to changes  
4367 made by the act; amending s. 320.771, F.S.; revising  
4368 garage liability insurance requirements for  
4369 recreational vehicle dealer license applicants;  
4370 amending ss. 322.251 and 322.34, F.S.; conforming  
4371 provisions to changes made by the act; amending s.  
4372 324.011, F.S.; revising legislative intent; amending  
4373 s. 324.021, F.S.; revising definitions of the terms  
4374 "motor vehicle" and "proof of financial  
4375 responsibility"; revising minimum coverage  
4376 requirements for proof of financial responsibility for  
4377 specified motor vehicles; defining the term "for-hire  
4378 passenger transportation vehicle"; conforming  
4379 provisions to changes made by the act; amending s.  
4380 324.022, F.S.; revising minimum liability coverage  
4381 requirements for motor vehicle owners or operators;  
4382 revising authorized methods for meeting such  
4383 requirements; deleting a provision relating to an  
4384 insurer's duty to defend certain claims; revising the  
4385 vehicles that are excluded from the definition of the  
4386 term "motor vehicle"; providing security requirements  
4387 for certain excluded vehicles; conforming provisions

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Amendment No.

4388 to changes made by the act; conforming cross-  
4389 references; amending s. 324.0221, F.S.; revising  
4390 coverages that subject a policy to certain insurer  
4391 reporting and notice requirements; conforming  
4392 provisions to changes made by the act; creating s.  
4393 324.0222, F.S.; providing that driver license or  
4394 registration suspensions for failure to maintain  
4395 required security which were in effect before a  
4396 specified date remain in full force and effect;  
4397 providing that such suspended licenses or  
4398 registrations may be reinstated as provided in a  
4399 specified section; amending s. 324.023, F.S.;  
4400 conforming cross-references; amending ss. 324.051,  
4401 324.071, and 324.091, F.S.; making technical changes;  
4402 amending s. 324.151, F.S.; revising requirements for  
4403 motor vehicle liability insurance policies relating to  
4404 coverage, and exclusion from coverage, for certain  
4405 drivers and vehicles; defining terms; conforming  
4406 provisions to changes made by the act; making  
4407 technical changes; amending s. 324.161, F.S.; revising  
4408 requirements for a certificate of deposit that is  
4409 required if a person elects a certain method of  
4410 proving financial responsibility; amending s. 324.171,  
4411 F.S.; revising the minimum net worth requirements to  
4412 qualify certain persons as self-insurers; conforming

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4413 provisions to changes made by the act; amending s.  
4414 324.251, F.S.; revising the short title and an  
4415 effective date; amending s. 400.9905, F.S.; revising  
4416 the definition of the term "clinic"; amending ss.  
4417 400.991 and 400.9935, F.S.; conforming provisions to  
4418 changes made by the act; amending s. 409.901, F.S.;  
4419 revising the definition of the term "third-party  
4420 benefit"; amending s. 409.910, F.S.; revising the  
4421 definition of the term "medical coverage"; amending s.  
4422 456.057, F.S.; conforming a cross-reference; amending  
4423 s. 456.072, F.S.; revising specified grounds for  
4424 discipline for certain health professions; amending s.  
4425 626.9541, F.S.; conforming a provision to changes made  
4426 by the act; revising the type of insurance coverage  
4427 applicable to a certain prohibited act; amending s.  
4428 626.989, F.S.; revising the definition of the term  
4429 "fraudulent insurance act"; amending s. 627.06501,  
4430 F.S.; revising coverages that may provide for a  
4431 reduction in motor vehicle insurance policy premium  
4432 charges under certain circumstances; amending s.  
4433 627.0651, F.S.; specifying requirements for initial  
4434 rate filings for motor vehicle liability policies  
4435 submitted to the Office of Insurance Regulation  
4436 beginning on a specified date; amending s. 627.0652,  
4437 F.S.; revising coverages that must provide a premium

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4438 charge reduction under certain circumstances; amending  
4439 s. 627.0653, F.S.; revising coverages subject to  
4440 premium discounts for specified motor vehicle  
4441 equipment; amending s. 627.4132, F.S.; revising the  
4442 coverages of a motor vehicle policy which are subject  
4443 to a stacking prohibition; amending s. 627.7263, F.S.;  
4444 revising coverages that are deemed primary, except  
4445 under certain circumstances, for the lessor of a motor  
4446 vehicle for lease or rent; revising a notice that is  
4447 required if the lessee's coverage is to be primary;  
4448 creating s. 627.7265, F.S.; specifying persons whom  
4449 medical payments coverage must protect; specifying the  
4450 minimum medical expense and death benefit limits;  
4451 specifying coverage options an insurer must and may  
4452 offer; providing that motor vehicle liability  
4453 insurance policies are deemed to have medical payments  
4454 coverage at a certain limit and with no deductible  
4455 unless rejected or modified by the policyholder by  
4456 certain means; specifying requirements for certain  
4457 forms approved by the office; requiring insurers to  
4458 provide policyholders with a certain annual notice;  
4459 providing construction relating to limits on certain  
4460 other coverages; requiring insurers, upon receiving  
4461 certain notice of an accident, to hold a specified  
4462 reserve for certain purposes for a certain timeframe;

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4463 providing that the reserve requirement does not  
4464 require insurers to establish a claim reserve for  
4465 accounting purposes; specifying that an insurer  
4466 providing medical payments coverage benefits may not  
4467 have a lien on a certain recovery and may not have a  
4468 certain cause of action; authorizing insurers to  
4469 include policy provisions allowing for subrogation,  
4470 under certain circumstances, for medical payments  
4471 benefits paid; providing construction; specifying a  
4472 requirement for an insured for repayment of medical  
4473 payments benefits under certain circumstances;  
4474 prohibiting insurers from including policy provisions  
4475 allowing for subrogation for death benefits paid;  
4476 amending s. 627.727, F.S.; revising the legal  
4477 liability of an uninsured motorist coverage insurer;  
4478 conforming provisions to changes made by the act;  
4479 amending s. 627.7275, F.S.; revising required  
4480 coverages for a motor vehicle insurance policy;  
4481 conforming provisions to changes made by the act;  
4482 creating s. 627.7278, F.S.; defining the term "minimum  
4483 security requirements"; providing a prohibition,  
4484 requirements, applicability, and construction relating  
4485 to motor vehicle insurance policies as of a certain  
4486 date; requiring insurers to allow certain insureds to  
4487 make certain coverage changes, subject to certain

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4488 conditions; requiring an insurer to provide, by a  
4489 specified date, a specified notice to policyholders  
4490 relating to requirements under the act; amending s.  
4491 627.728, F.S.; conforming a provision to changes made  
4492 by the act; amending s. 627.7295, F.S.; revising the  
4493 definitions of the terms "policy" and "binder";  
4494 revising the coverages of a motor vehicle insurance  
4495 policy for which a licensed general lines agent may  
4496 charge a specified fee; conforming a provision to  
4497 changes made by the act; amending s. 627.7415, F.S.;  
4498 revising additional liability insurance requirements  
4499 for commercial motor vehicles; creating s. 627.747,  
4500 F.S.; providing that private passenger motor vehicle  
4501 policies may exclude certain identified individuals  
4502 from specified coverages under certain circumstances;  
4503 providing that such policies may not exclude coverage  
4504 under certain circumstances; amending s. 627.748,  
4505 F.S.; revising insurance requirements for  
4506 transportation network company drivers; conforming  
4507 provisions to changes made by the act; amending s.  
4508 627.749, F.S.; conforming a provision to changes made  
4509 by the act; amending s. 627.8405, F.S.; revising  
4510 coverages in a policy sold in combination with an  
4511 accidental death and dismemberment policy which a  
4512 premium finance company may not finance; revising

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4513 rulemaking authority of the Financial Services  
4514 Commission; amending ss. 627.915, 628.909, 705.184,  
4515 and 713.78, F.S.; conforming provisions to changes  
4516 made by the act; amending s. 817.234, F.S.; revising  
4517 coverages that are the basis of specified prohibited  
4518 false and fraudulent insurance claims; conforming  
4519 provisions to changes made by the act; providing an  
4520 appropriation; providing a declaration of important

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