



406904

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/24/2021	.	
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The Committee on Judiciary (Broxson and Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 614 - 3268

and insert:

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

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively



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11 ascribed to them in this section, except in those instances
12 where the context clearly indicates a different meaning:

13 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
14 designed and required to be licensed for use upon a highway,
15 including trailers and semitrailers designed for use with such
16 vehicles, except traction engines, road rollers, farm tractors,
17 power shovels, and well drillers, and every vehicle that is
18 propelled by electric power obtained from overhead wires but not
19 operated upon rails, but not including any personal delivery
20 device or mobile carrier as defined in s. 316.003, bicycle,
21 electric bicycle, or moped. ~~However, the term "motor vehicle"~~
22 ~~does not include a motor vehicle as defined in s. 627.732(3)~~
23 ~~when the owner of such vehicle has complied with the~~
24 ~~requirements of ss. 627.730-627.7405, inclusive, unless the~~
25 ~~provisions of s. 324.051 apply; and, in such case, the~~
26 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

27 (7) PROOF OF FINANCIAL RESPONSIBILITY.—Beginning January 1,
28 2022, That proof of ability to respond in damages for liability
29 on account of crashes arising out of the ownership, maintenance,
30 or use of a motor vehicle:

31 (a) With respect to a motor vehicle other than a commercial
32 motor vehicle, nonpublic sector bus, or for-hire passenger
33 transportation vehicle, in the amounts specified in s.
34 324.022(1). ~~amount of \$10,000 because of bodily injury to, or~~
35 ~~death of, one person in any one crash;~~

36 ~~(b) Subject to such limits for one person, in the amount of~~
37 ~~\$20,000 because of bodily injury to, or death of, two or more~~
38 ~~persons in any one crash;~~

39 ~~(c) In the amount of \$10,000 because of injury to, or~~



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40 ~~destruction of, property of others in any one crash; and~~
41 (b) (d) With respect to commercial motor vehicles ~~and~~
42 ~~nonpublic sector buses~~, in the amounts specified in s. 627.7415
43 ~~ss. 627.7415 and 627.742, respectively.~~
44 (c) With respect to nonpublic sector buses, in the amounts
45 specified in s. 627.742.
46 (d) With respect to for-hire passenger transportation
47 vehicles, in the amounts specified in s. 324.032.
48 (9) OWNER; OWNER/LESSOR.—
49 (c) *Application.*—
50 1. The limits on liability in subparagraphs (b)2. and 3. do
51 not apply to an owner of motor vehicles that are used for
52 commercial activity in the owner's ordinary course of business,
53 other than a rental company that rents or leases motor vehicles.
54 For purposes of this paragraph, the term "rental company"
55 includes only an entity that is engaged in the business of
56 renting or leasing motor vehicles to the general public and that
57 rents or leases a majority of its motor vehicles to persons with
58 no direct or indirect affiliation with the rental company. The
59 term "rental company" also includes:
60 a. A related rental or leasing company that is a subsidiary
61 of the same parent company as that of the renting or leasing
62 company that rented or leased the vehicle.
63 b. The holder of a motor vehicle title or an equity
64 interest in a motor vehicle title if the title or equity
65 interest is held pursuant to or to facilitate an asset-backed
66 securitization of a fleet of motor vehicles used solely in the
67 business of renting or leasing motor vehicles to the general
68 public and under the dominion and control of a rental company,



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69 as described in this subparagraph, in the operation of such
70 rental company's business.

71 2. Furthermore, with respect to commercial motor vehicles
72 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
73 liability in subparagraphs (b)2. and 3. do not apply if, at the
74 time of the incident, the commercial motor vehicle is being used
75 in the transportation of materials found to be hazardous for the
76 purposes of the Hazardous Materials Transportation Authorization
77 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
78 required pursuant to such act to carry placards warning others
79 of the hazardous cargo, unless at the time of lease or rental
80 either:

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

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

89 3.a. A motor vehicle dealer, or a motor vehicle dealer's
90 leasing or rental affiliate, that provides a temporary
91 replacement vehicle at no charge or at a reasonable daily charge
92 to a service customer whose vehicle is being held for repair,
93 service, or adjustment by the motor vehicle dealer is immune
94 from any cause of action and is not liable, vicariously or
95 directly, under general law solely by reason of being the owner
96 of the temporary replacement vehicle for harm to persons or
97 property that arises out of the use, or operation, of the



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98 temporary replacement vehicle by any person during the period
99 the temporary replacement vehicle has been entrusted to the
100 motor vehicle dealer's service customer if there is no
101 negligence or criminal wrongdoing on the part of the motor
102 vehicle owner, or its leasing or rental affiliate.

103 b. For purposes of this section, and notwithstanding any
104 other provision of general law, a motor vehicle dealer, or a
105 motor vehicle dealer's leasing or rental affiliate, that gives
106 possession, control, or use of a temporary replacement vehicle
107 to a motor vehicle dealer's service customer may not be adjudged
108 liable in a civil proceeding absent negligence or criminal
109 wrongdoing on the part of the motor vehicle dealer, or the motor
110 vehicle dealer's leasing or rental affiliate, if the motor
111 vehicle dealer or the motor vehicle dealer's leasing or rental
112 affiliate executes a written rental or use agreement and obtains
113 from the person receiving the temporary replacement vehicle a
114 copy of the person's driver license and insurance information
115 reflecting at least the minimum motor vehicle insurance coverage
116 required in the state. Any subsequent determination that the
117 driver license or insurance information provided to the motor
118 vehicle dealer, or the motor vehicle dealer's leasing or rental
119 affiliate, was in any way false, fraudulent, misleading,
120 nonexistent, canceled, not in effect, or invalid does not alter
121 or diminish the protections provided by this section, unless the
122 motor vehicle dealer, or the motor vehicle dealer's leasing or
123 rental affiliate, had actual knowledge thereof at the time
124 possession of the temporary replacement vehicle was provided.

125 c. For purposes of this subparagraph, the term "service
126 customer" does not include an agent or a principal of a motor



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127 vehicle dealer or a motor vehicle dealer's leasing or rental
128 affiliate, and does not include an employee of a motor vehicle
129 dealer or a motor vehicle dealer's leasing or rental affiliate
130 unless the employee was provided a temporary replacement
131 vehicle:

132 (I) While the employee's personal vehicle was being held
133 for repair, service, or adjustment by the motor vehicle dealer;

134 (II) In the same manner as other customers who are provided
135 a temporary replacement vehicle while the customer's vehicle is
136 being held for repair, service, or adjustment; and

137 (III) The employee was not acting within the course and
138 scope of their employment.

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

143 Section 13. Section 324.022, Florida Statutes, is amended
144 to read:

145 324.022 Financial responsibility requirements ~~for property~~
146 ~~damage.~~—

147 (1) (a) Beginning January 1, 2022, every owner or operator
148 of a motor vehicle required to be registered in this state shall
149 establish and continuously maintain the ability to respond in
150 damages for liability on account of accidents arising out of the
151 use of the motor vehicle in the amount of:

152 1. Twenty-five thousand dollars for bodily injury to, or
153 the death of, one person in any one crash and, subject to such
154 limits for one person, in the amount of \$50,000 for bodily
155 injury to, or the death of, two or more persons in any one



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156 crash; and

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

159 (b) The requirements of paragraph (a) this section may be
160 met by one of the methods established in s. 324.031; by self-
161 insuring as authorized by s. 768.28(16); or by maintaining a
162 motor vehicle liability insurance policy that an insurance
163 policy providing coverage for property damage liability in the
164 amount of at least \$10,000 because of damage to, or destruction
165 of, property of others in any one accident arising out of the
166 use of the motor vehicle. The requirements of this section may
167 also be met by having a policy which provides combined property
168 damage liability and bodily injury liability coverage for any
169 one crash arising out of the ownership, maintenance, or use of a
170 motor vehicle and that conforms to the requirements of s.
171 324.151 in the amount of at least \$60,000 for every owner or
172 operator subject to the financial responsibility required in
173 paragraph (a) \$30,000 for combined property damage liability and
174 bodily injury liability for any one crash arising out of the use
175 of the motor vehicle. The policy, with respect to coverage for
176 property damage liability, must meet the applicable requirements
177 of s. 324.151, subject to the usual policy exclusions that have
178 been approved in policy forms by the Office of Insurance
179 Regulation. No insurer shall have any duty to defend uncovered
180 claims irrespective of their joinder with covered claims.

181 (c) Notwithstanding paragraph (a), the following owners or
182 operators may instead establish and continuously maintain the
183 ability to respond in damages for liability on account of
184 accidents arising out of the use of the motor vehicle in the



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185 amount of \$15,000 for bodily injury to, or the death of, one
186 person in any one crash and, subject to such limits for one
187 person, in the amount of \$30,000 for bodily injury to, or the
188 death of, two or more persons in any one crash; and \$10,000 for
189 damage to, or destruction of, property of others in any one
190 crash:

191 1. An owner or operator who has a household income that is
192 200 percent or less of the most current federal poverty
193 guidelines established by the United States Department of Health
194 and Human Services; or

195 2. An owner or operator who meets the definition of a full-
196 time student in a secondary education program under s.
197 1011.61(1)(a) or meets the definition of a full-time student in
198 a postsecondary education program under s. 1009.40.

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

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

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

206 2. A motor vehicle that is used in mass transit and
207 designed to transport more than five passengers, exclusive of
208 the operator of the motor vehicle, and that is owned by a
209 municipality, transit authority, or political subdivision of the
210 state.

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

213 4. A commercial motor vehicle as defined in s. 207.002 or



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214 s. 320.01, which must maintain security as required under ss.
215 324.031 and 627.7415.

216 5. A nonpublic sector bus, which must maintain security as
217 required under ss. 324.031 and 627.742.

218 6.4. A ~~vehicle providing~~ for-hire passenger transportation
219 vehicle, which must ~~that is subject to the provisions of s.~~
220 324.031. A ~~taxicab shall~~ maintain security as required under s.
221 324.032 ~~s. 324.032(1).~~

222 7.5. A personal delivery device as defined in s. 316.003.

223 8. A motorcycle as defined in s. 320.01(26), unless s.
224 324.051 applies; in such case, paragraph (1)(a) and the
225 applicable proof of insurance provisions of s. 320.02 apply.

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

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

236 (4) An ~~The~~ owner or registrant of a motor vehicle who is
237 ~~exempt from the requirements of this section if she or he is~~ a
238 member of the United States Armed Forces and is called to or on
239 active duty outside the United States in an emergency situation
240 is exempt from this section while he or she. ~~The exemption~~
241 ~~provided by this subsection applies only as long as the member~~
242 ~~of the Armed Forces is on such active duty. This exemption~~



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243 ~~outside the United States~~ and applies only while the vehicle
244 covered by the security is not operated by any person. Upon
245 receipt of a written request by the insured to whom the
246 exemption provided in this subsection applies, the insurer shall
247 cancel the coverages and return any unearned premium or suspend
248 the security required by this section. Notwithstanding s.
249 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
250 registration or operator's license of an ~~any~~ owner or registrant
251 of a motor vehicle during the time she or he qualifies for the
252 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
253 of a motor vehicle who qualifies for the ~~an~~ exemption under this
254 subsection shall immediately notify the department before ~~prior~~
255 ~~to~~ and at the end of the expiration of the exemption.

256 Section 14. Subsections (1) and (2) of section 324.0221,
257 Florida Statutes, are amended to read:

258 324.0221 Reports by insurers to the department; suspension
259 of driver license and vehicle registrations; reinstatement.-

260 (1) (a) Each insurer that has issued a policy providing
261 ~~personal injury protection coverage or property damage~~ liability
262 coverage shall report the cancellation or nonrenewal thereof to
263 the department within 10 days after the processing date or
264 effective date of each cancellation or nonrenewal. Upon the
265 issuance of a policy providing ~~personal injury protection~~
266 ~~coverage or property damage~~ liability coverage to a named
267 insured not previously insured by the insurer during that
268 calendar year, the insurer shall report the issuance of the new
269 policy to the department within 10 days. The report must ~~shall~~
270 be in the form ~~and format~~ and contain any information required
271 by the department and must be provided in a format that is



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272 compatible with the data processing capabilities of the
273 department. Failure by an insurer to file proper reports with
274 the department as required by this subsection constitutes a
275 violation of the Florida Insurance Code. These records may ~~shall~~
276 be used by the department only for enforcement and regulatory
277 purposes, including the generation by the department of data
278 regarding compliance by owners of motor vehicles with the
279 requirements for financial responsibility coverage.

280 (b) With respect to an insurance policy providing ~~personal~~
281 ~~injury protection coverage or property damage~~ liability
282 coverage, each insurer shall notify the named insured, or the
283 first-named insured in the case of a commercial fleet policy, in
284 writing that any cancellation or nonrenewal of the policy will
285 be reported by the insurer to the department. The notice must
286 also inform the named insured that failure to maintain bodily
287 injury liability ~~personal injury protection~~ coverage and
288 property damage liability coverage on a motor vehicle when
289 required by law may result in the loss of registration and
290 driving privileges in this state and inform the named insured of
291 the amount of the reinstatement fees required by this section.
292 This notice is for informational purposes only, and an insurer
293 is not civilly liable for failing to provide this notice.

294 (2) The department shall suspend, after due notice and an
295 opportunity to be heard, the registration and driver license of
296 any owner or registrant of a motor vehicle for ~~with respect to~~
297 which security is required under s. 324.022, s. 324.032, s.
298 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

299 (a) The department's records showing that the owner or
300 registrant of such motor vehicle did not have the ~~in full force~~



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301 ~~and effect when required security in full force and effect that~~
302 ~~complies with the requirements of ss. 324.022 and 627.733; or~~

303 (b) Notification by the insurer to the department, in a
304 form approved by the department, of cancellation or termination
305 of the required security.

306 Section 15. Section 324.0222, Florida Statutes, is created
307 to read:

308 324.0222 Application of suspensions for failure to maintain
309 security; reinstatement.—All suspensions for failure to maintain
310 required security as required by law in effect before January 1,
311 2022, remain in full force and effect after January 1, 2022. A
312 driver may reinstate a suspended driver license or registration
313 as provided under s. 324.0221.

314 Section 16. Section 324.023, Florida Statutes, is amended
315 to read:

316 324.023 Financial responsibility for bodily injury or
317 death.—In addition to any other financial responsibility
318 required by law, every owner or operator of a motor vehicle that
319 is required to be registered in this state, or that is located
320 within this state, and who, regardless of adjudication of guilt,
321 has been found guilty of or entered a plea of guilty or nolo
322 contendere to a charge of driving under the influence under s.
323 316.193 after October 1, 2007, shall, by one of the methods
324 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
325 establish and maintain the ability to respond in damages for
326 liability on account of accidents arising out of the use of a
327 motor vehicle in the amount of \$100,000 because of bodily injury
328 to, or death of, one person in any one crash and, subject to
329 such limits for one person, in the amount of \$300,000 because of



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330 bodily injury to, or death of, two or more persons in any one
331 crash and in the amount of \$50,000 because of property damage in
332 any one crash. If the owner or operator chooses to establish and
333 maintain such ability by furnishing a certificate of deposit
334 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
335 deposit must be at least \$350,000. Such higher limits must be
336 carried for a minimum period of 3 years. If the owner or
337 operator has not been convicted of driving under the influence
338 or a felony traffic offense for a period of 3 years from the
339 date of reinstatement of driving privileges for a violation of
340 s. 316.193, the owner or operator is ~~shall be~~ exempt from this
341 section.

342 Section 17. Section 324.031, Florida Statutes, is amended
343 to read:

344 324.031 Manner of proving financial responsibility.—

345 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~
346 ~~or any other for-hire passenger transportation vehicle may prove~~
347 ~~financial responsibility by providing satisfactory evidence of~~
348 ~~holding a motor vehicle liability policy as defined in s.~~
349 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
350 ~~carrier which is a member of the Florida Insurance Guaranty~~
351 ~~Association. The operator or owner of a motor vehicle other than~~
352 ~~a for-hire passenger transportation vehicle any other vehicle~~
353 may prove his or her financial responsibility by:

354 (a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor
355 vehicle liability policy as defined in ss. 324.021(8) and
356 324.151 which provides liability coverage for the motor vehicle
357 being operated;

358 (b) ~~(2)~~ Furnishing a certificate of self-insurance showing a



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359 deposit of cash in accordance with s. 324.161; or

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

362 (2) Beginning January 1, 2022, any person,~~including any~~
363 ~~firm, partnership, association, corporation, or other person,~~
364 ~~other than a natural person,~~ electing to use the method of proof
365 specified in paragraph (1) (b) subsection (2) shall do both of
366 the following:

367 (a) Furnish a certificate of deposit equal to the number of
368 vehicles owned times \$60,000 ~~\$30,000,~~ up to a maximum of
369 \$240,000. ~~\$120,000;~~

370 (b) In addition, any such person, other than a natural
371 person, shall Maintain insurance providing coverage that meets
372 the requirements of s. 324.151 and has limits of:

373 1. At least \$125,000 for bodily injury to, or the death of,
374 one person in any one crash and, subject to such limits for one
375 person, in the amount of \$250,000 for bodily injury to, or the
376 death of, two or more persons in any one crash, and \$50,000 for
377 damage to, or destruction of, property of others in any one
378 crash; or

379 2. At least \$300,000 for combined bodily injury liability
380 and property damage liability for any one crash ~~in excess of~~
381 ~~limits of \$10,000/20,000/10,000 or \$30,000 combined single~~
382 ~~limits, and such excess insurance shall provide minimum limits~~
383 ~~of \$125,000/250,000/50,000 or \$300,000 combined single limits.~~
384 ~~These increased limits shall not affect the requirements for~~
385 ~~proving financial responsibility under s. 324.032(1).~~

386 Section 18. Section 324.032, Florida Statutes, is amended
387 to read:



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388 324.032 ~~Manner of proving~~ Financial responsibility ~~for~~
389 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
390 ~~provisions of s. 324.031:~~

391 (1) An owner or a lessee of a for-hire passenger
392 transportation vehicle that is required to be registered in this
393 state shall establish and continuously maintain the ability to
394 respond in damages for liability on account of accidents arising
395 out of the ownership, maintenance, or use of the for-hire
396 passenger transportation vehicle, in the amount of:

397 (a) One hundred twenty-five thousand dollars for bodily
398 injury to, or the death of, one person in any one crash and,
399 subject to such limits for one person, in the amount of \$250,000
400 for bodily injury to, or the death of, two or more persons in
401 any one crash; and ~~A person who is either the owner or a lessee~~
402 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
403 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
404 ~~for-hire passenger transportation vehicles may prove financial~~
405 ~~responsibility by furnishing satisfactory evidence of holding a~~
406 ~~motor vehicle liability policy, but with minimum limits of~~
407 ~~\$125,000/250,000/50,000.~~

408 (b) Fifty thousand dollars for damage to, or destruction
409 of, property of others in any one crash ~~A person who is either~~
410 ~~the owner or a lessee required to maintain insurance under s.~~
411 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
412 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
413 ~~financial responsibility by furnishing satisfactory evidence of~~
414 ~~holding a motor vehicle liability policy as defined in s.~~
415 ~~324.031.~~

416 (2) Except as provided in subsection (3), the requirements



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417 of this section must be met by the owner or lessee providing
418 satisfactory evidence of holding a motor vehicle liability
419 policy conforming to the requirements of s. 324.151 which is
420 issued by an insurance carrier that is a member of the Florida
421 Insurance Guaranty Association.

422 (3)~~(2)~~ An owner or a lessee who ~~is required to maintain~~
423 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~
424 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
425 ~~transportation vehicles may provide financial responsibility by~~
426 ~~complying with the provisions of s. 324.171, which must such~~
427 ~~compliance to be demonstrated by maintaining at its principal~~
428 ~~place of business an audited financial statement, prepared in~~
429 ~~accordance with generally accepted accounting principles, and~~
430 ~~providing to the department a certification issued by a~~
431 ~~certified public accountant that the applicant's net worth is at~~
432 ~~least equal to the requirements of s. 324.171 as determined by~~
433 ~~the Office of Insurance Regulation of the Financial Services~~
434 ~~Commission, including claims liabilities in an amount certified~~
435 ~~as adequate by a Fellow of the Casualty Actuarial Society.~~

436
437 Upon request by the department, the applicant shall ~~must~~
438 provide the department at the applicant's principal place of
439 business in this state access to the applicant's underlying
440 financial information and financial statements that provide the
441 basis of the certified public accountant's certification. The
442 applicant shall reimburse the requesting department for all
443 reasonable costs incurred by it in reviewing the supporting
444 information. The maximum amount of self-insurance permissible
445 under this subsection is \$300,000 and must be stated on a per-



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446 occurrence basis, and the applicant shall maintain adequate
447 excess insurance issued by an authorized or eligible insurer
448 licensed or approved by the Office of Insurance Regulation. All
449 risks self-insured shall remain with the owner or lessee
450 providing it, and the risks are not transferable to any other
451 person, unless a policy complying with subsections (1) and (2)
452 ~~subsection (1)~~ is obtained.

453 Section 19. Subsection (2) of section 324.051, Florida
454 Statutes, is amended, and subsection (4) is added to that
455 section, to read:

456 324.051 Reports of crashes; suspensions of licenses and
457 registrations.—

458 (2) (a) Thirty days after receipt of notice of any accident
459 described in paragraph (1) (a) involving a motor vehicle within
460 this state, the department shall suspend, after due notice and
461 opportunity to be heard, the license of each operator and all
462 registrations of the owner of the vehicles operated by such
463 operator whether or not involved in such crash and, in the case
464 of a nonresident owner or operator, shall suspend such
465 nonresident's operating privilege in this state, unless such
466 operator or owner shall, prior to the expiration of such 30
467 days, be found by the department to be exempt from the operation
468 of this chapter, based upon evidence satisfactory to the
469 department that:

470 1. The motor vehicle was legally parked at the time of such
471 crash.

472 2. The motor vehicle was owned by the United States
473 Government, this state, or any political subdivision of this
474 state or any municipality therein.



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475 3. Such operator or owner has secured a duly acknowledged
476 written agreement providing for release from liability by all
477 parties injured as the result of said crash and has complied
478 with one of the provisions of s. 324.031.

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

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

487 (b) This subsection does ~~shall~~ not apply:

488 1. To such operator or owner if such operator or owner had
489 in effect at the time of such crash or traffic conviction a
490 motor vehicle ~~an automobile~~ liability policy with respect to all
491 of the registered motor vehicles owned by such operator or
492 owner.

493 2. To such operator, if not the owner of such motor
494 vehicle, if there was in effect at the time of such crash or
495 traffic conviction a motor vehicle ~~an automobile~~ liability
496 policy or bond with respect to his or her operation of motor
497 vehicles not owned by him or her.

498 3. To such operator or owner if the liability of such
499 operator or owner for damages resulting from such crash is, in
500 the judgment of the department, covered by any other form of
501 liability insurance or bond.

502 4. To any person who has obtained from the department a
503 certificate of self-insurance, in accordance with s. 324.171, or



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504 to any person operating a motor vehicle for such self-insurer.

505

506 No such policy or bond shall be effective under this subsection
507 unless it contains limits of not less than those specified in s.
508 324.021(7).

509 (4) As used in this section, the term "motor vehicle"
510 includes a motorcycle as defined in s. 320.01(26).

511 Section 20. Section 324.071, Florida Statutes, is amended
512 to read:

513 324.071 Reinstatement; renewal of license; reinstatement
514 fee.—An ~~Any~~ operator or owner whose license or registration has
515 been suspended pursuant to s. 324.051(2), s. 324.072, s.
516 324.081, or s. 324.121 may effect its reinstatement upon
517 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
518 s. 324.081(2) and (3), as the case may be, and with one of the
519 provisions of s. 324.031 and upon payment to the department of a
520 nonrefundable reinstatement fee of \$15. Only one such fee may
521 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
522 number of licenses and registrations to be then reinstated or
523 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
524 a department trust fund. If ~~When~~ the reinstatement of any
525 license or registration is effected by compliance with s.
526 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
527 license or registration within ~~a period of~~ 3 years after ~~from~~
528 such reinstatement, nor may ~~shall~~ any other license or
529 registration be issued in the name of such person, unless the
530 operator continues ~~is continuing~~ to comply with ~~one of the~~
531 ~~provisions of~~ s. 324.031.

532 Section 21. Subsection (1) of section 324.091, Florida



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533 Statutes, is amended to read:

534 324.091 Notice to department; notice to insurer.—

535 (1) Each owner and operator involved in a crash or
536 conviction case within the purview of this chapter shall furnish
537 evidence of ~~automobile liability insurance~~ or motor vehicle
538 liability insurance within 14 days after the date of the mailing
539 of notice of crash by the department in the form and manner as
540 it may designate. Upon receipt of evidence that a ~~an automobile~~
541 ~~liability policy~~ or motor vehicle liability policy was in effect
542 at the time of the crash or conviction case, the department
543 shall forward to the insurer such information for verification
544 in a method as determined by the department. The insurer shall
545 respond to the department within 20 days after the notice as to
546 whether ~~or not~~ such information is valid. If the department
547 determines that a ~~an automobile liability policy~~ or motor
548 vehicle liability policy was not in effect and did not provide
549 coverage for both the owner and the operator, it must ~~shall~~ take
550 action as it is authorized to do under this chapter.

551 Section 22. Section 324.151, Florida Statutes, is amended
552 to read:

553 324.151 Motor vehicle liability policies; required
554 provisions.—

555 (1) A motor vehicle liability policy that serves as ~~to be~~
556 proof of financial responsibility under s. 324.031(1)(a) must ~~s.~~
557 ~~324.031(1), shall~~ be issued to owners or operators of motor
558 vehicles under the following provisions:

559 (a) A motor vehicle ~~An owner's~~ liability insurance policy
560 issued to an owner of a motor vehicle required to be registered
561 in this state must ~~shall~~ designate by explicit description or by



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562 appropriate reference all motor vehicles for ~~with respect to~~
563 which coverage is thereby granted. The policy must ~~and shall~~
564 insure the person or persons ~~owner~~ named therein and, except for
565 a named driver excluded pursuant to s. 627.747, must insure any
566 resident relative of a named insured ~~other person as operator~~
567 ~~using such motor vehicle or motor vehicles with the express or~~
568 ~~implied permission of such owner against loss from the liability~~
569 imposed by law for damage arising out of the ownership,
570 maintenance, or use of any ~~such~~ motor vehicle ~~or motor vehicles~~
571 ~~within the United States or the Dominion of Canada,~~ subject to
572 ~~limits, exclusive of interest and costs with respect to each~~
573 ~~such motor vehicle as is provided for under s. 324.021(7).~~
574 Except for a named driver excluded pursuant to s. 627.747, the
575 policy must also insure any person operating an insured motor
576 vehicle with the express or implied permission of a named
577 insured against loss from the liability imposed by law for
578 damage arising out of the use of any vehicle. However, the
579 insurer may include provisions in its policy excluding liability
580 coverage for a motor vehicle not designated as an insured
581 vehicle on the policy if such motor vehicle does not qualify as
582 a newly acquired vehicle or as a temporary substitute vehicle
583 and was owned by the insured or was furnished for an insured's
584 regular use for more than 30 consecutive days before the event
585 giving rise to the claim. Insurers may make available, with
586 respect to property damage liability coverage, a deductible
587 amount not to exceed \$500. In the event of a property damage
588 loss covered by a policy containing a property damage deductible
589 provision, the insurer shall pay to the third-party claimant the
590 amount of any property damage liability settlement or judgment,



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591 subject to policy limits, as if no deductible existed.

592 (b) A motor vehicle liability insurance policy issued to a
593 person who does not own a motor vehicle must ~~An operator's motor~~
594 ~~vehicle liability policy of insurance shall~~ insure the person or
595 persons named therein against loss from the liability imposed
596 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~
597 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~
598 ~~same territorial limits and subject to the same limits of~~
599 ~~liability as referred to above with respect to an owner's policy~~
600 ~~of liability insurance.~~

601 (c) All such motor vehicle liability policies must provide
602 liability coverage with limits, exclusive of interest and costs,
603 as specified under s. 324.021(7) for accidents occurring within
604 the United States or Canada. The policies must ~~shall~~ state the
605 name and address of the named insured, the coverage afforded by
606 the policy, the premium charged therefor, the policy period, and
607 the limits of liability, and must ~~shall~~ contain an agreement or
608 be endorsed that insurance is provided in accordance with the
609 coverage defined in this chapter ~~as respects bodily injury and~~
610 ~~death or property damage or both~~ and is subject to ~~all~~
611 ~~provisions of this chapter. The said policies must~~ ~~shall~~ also
612 contain a provision that the satisfaction by an insured of a
613 judgment for such injury or damage may ~~shall~~ not be a condition
614 precedent to the right or duty of the insurance carrier to make
615 payment on account of such injury or damage, and must ~~shall~~ also
616 contain a provision that bankruptcy or insolvency of the insured
617 or of the insured's estate does ~~shall~~ not relieve the insurance
618 carrier of any of its obligations under the said policy.

619 (2) ~~The provisions of This section is~~ is ~~shall~~ not be



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620 applicable to any motor vehicle ~~automobile~~ liability policy
621 unless and until it is furnished as proof of financial
622 responsibility for the future pursuant to s. 324.031, and then
623 applies only from ~~and after~~ the date the ~~said~~ policy is ~~so~~
624 furnished.

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

626 (a) "Newly acquired vehicle" means a vehicle owned by a
627 named insured or resident relative of the named insured which
628 was acquired no more than 30 days before an accident.

629 (b) "Resident relative" means a person related to a named
630 insured by any degree by blood, marriage, or adoption, including
631 a ward or foster child, who usually makes his or her home in the
632 same family unit or residence as the named insured, regardless
633 of whether he or she temporarily lives elsewhere.

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

640 Section 23. Section 324.161, Florida Statutes, is amended
641 to read:

642 324.161 Proof of financial responsibility; deposit.—If a
643 person elects to prove his or her financial responsibility under
644 the method of proof specified in s. 324.031(1)(b), he or she
645 annually must obtain and submit to the department proof of a
646 certificate of deposit in the amount required under s.
647 324.031(2) from a financial institution insured by the Federal
648 Deposit Insurance Corporation or the National Credit Union



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649 ~~Administration~~ ~~Annually, before any certificate of insurance may~~
650 ~~be issued to a person, including any firm, partnership,~~
651 ~~association, corporation, or other person, other than a natural~~
652 ~~person, proof of a certificate of deposit of \$30,000 issued and~~
653 ~~held by a financial institution must be submitted to the~~
654 ~~department.~~ A power of attorney will be issued to and held by
655 the department and may be executed upon a judgment issued
656 against such person making the deposit, for damages for ~~because~~
657 ~~of~~ bodily injury to or death of any person or for damages for
658 ~~because of~~ injury to or destruction of property resulting from
659 the use or operation of any motor vehicle occurring after such
660 deposit was made. Money so deposited is ~~shall~~ ~~be~~ subject to
661 attachment or execution unless such attachment or execution
662 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as
663 aforesaid.

664 Section 24. Subsections (1) and (2) of section 324.171,
665 Florida Statutes, are amended to read:

666 324.171 Self-insurer.—

667 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
668 a certificate of self-insurance from the department. ~~which may,~~
669 ~~in its discretion and~~ Upon application of such a person, the
670 department may issue a ~~said~~ certificate of self-insurance to an
671 applicant who satisfies ~~when such person has satisfied~~ the
672 requirements of this section. Effective January 1, 2022 ~~to~~
673 ~~qualify as a self-insurer under this section:~~

674 (a) A private individual with private passenger vehicles
675 shall possess a net unencumbered worth of at least \$100,000
676 ~~\$40,000~~.

677 (b) A person, including any firm, partnership, association,



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678 corporation, or other person, other than a natural person,
679 shall:

680 1. Possess a net unencumbered worth of at least \$100,000
681 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
682 additional motor vehicle; or

683 2. Maintain sufficient net worth, in an amount determined
684 by the department, to be financially responsible for potential
685 losses. The department annually shall determine the minimum net
686 worth sufficient to satisfy this subparagraph as determined
687 annually by the department, pursuant to rules adopted
688 ~~promulgated~~ by the department, with the assistance of the Office
689 of Insurance Regulation of the Financial Services Commission, ~~to~~
690 ~~be financially responsible for potential losses.~~ The rules must
691 consider any ~~shall take into consideration~~ excess insurance
692 carried by the applicant. The department's determination must
693 ~~shall~~ be based upon reasonable actuarial principles considering
694 the frequency, severity, and loss development of claims incurred
695 by casualty insurers writing coverage on the type of motor
696 vehicles for which a certificate of self-insurance is desired.

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

700 (2) The self-insurance certificate must ~~shall~~ provide
701 limits of liability insurance in the amounts specified under s.
702 324.021(7) ~~or s. 627.7415~~ and ~~shall provide personal injury~~
703 ~~protection coverage under s. 627.733(3)(b).~~

704 Section 25. Section 324.251, Florida Statutes, is amended
705 to read:

706 324.251 Short title.—This chapter may be cited as the



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707 "Financial Responsibility Law of 2021 ~~1955~~" and is ~~shall become~~
708 effective at 12:01 a.m., January 1, 2022 ~~October 1, 1955~~.

709 Section 26. Subsection (4) of section 400.9905, Florida
710 Statutes, is amended to read:

711 400.9905 Definitions.—

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

718 1. ~~(a)~~ Entities licensed or registered by the state under
719 chapter 395; entities licensed or registered by the state and
720 providing only health care services within the scope of services
721 authorized under their respective licenses under ss. 383.30-
722 383.332, chapter 390, chapter 394, chapter 397, this chapter
723 except part X, chapter 429, chapter 463, chapter 465, chapter
724 466, chapter 478, chapter 484, or chapter 651; end-stage renal
725 disease providers authorized under 42 C.F.R. part 494; providers
726 certified and providing only health care services within the
727 scope of services authorized under their respective
728 certifications under 42 C.F.R. part 485, subpart B, subpart H,
729 or subpart J; providers certified and providing only health care
730 services within the scope of services authorized under their
731 respective certifications under 42 C.F.R. part 486, subpart C;
732 providers certified and providing only health care services
733 within the scope of services authorized under their respective
734 certifications under 42 C.F.R. part 491, subpart A; providers
735 certified by the Centers for Medicare and Medicaid Services



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736 under the federal Clinical Laboratory Improvement Amendments and
737 the federal rules adopted thereunder; or any entity that
738 provides neonatal or pediatric hospital-based health care
739 services or other health care services by licensed practitioners
740 solely within a hospital licensed under chapter 395.

741 2.~~(b)~~ Entities that own, directly or indirectly, entities
742 licensed or registered by the state pursuant to chapter 395;
743 entities that own, directly or indirectly, entities licensed or
744 registered by the state and providing only health care services
745 within the scope of services authorized pursuant to their
746 respective licenses under ss. 383.30-383.332, chapter 390,
747 chapter 394, chapter 397, this chapter except part X, chapter
748 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
749 484, or chapter 651; end-stage renal disease providers
750 authorized under 42 C.F.R. part 494; providers certified and
751 providing only health care services within the scope of services
752 authorized under their respective certifications under 42 C.F.R.
753 part 485, subpart B, subpart H, or subpart J; providers
754 certified and providing only health care services within the
755 scope of services authorized under their respective
756 certifications under 42 C.F.R. part 486, subpart C; providers
757 certified and providing only health care services within the
758 scope of services authorized under their respective
759 certifications under 42 C.F.R. part 491, subpart A; providers
760 certified by the Centers for Medicare and Medicaid Services
761 under the federal Clinical Laboratory Improvement Amendments and
762 the federal rules adopted thereunder; or any entity that
763 provides neonatal or pediatric hospital-based health care
764 services by licensed practitioners solely within a hospital



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765 licensed under chapter 395.

766 ~~3.(e)~~ Entities that are owned, directly or indirectly, by
767 an entity licensed or registered by the state pursuant to
768 chapter 395; entities that are owned, directly or indirectly, by
769 an entity licensed or registered by the state and providing only
770 health care services within the scope of services authorized
771 pursuant to their respective licenses under ss. 383.30-383.332,
772 chapter 390, chapter 394, chapter 397, this chapter except part
773 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
774 478, chapter 484, or chapter 651; end-stage renal disease
775 providers authorized under 42 C.F.R. part 494; providers
776 certified and providing only health care services within the
777 scope of services authorized under their respective
778 certifications under 42 C.F.R. part 485, subpart B, subpart H,
779 or subpart J; providers certified and providing only health care
780 services within the scope of services authorized under their
781 respective certifications under 42 C.F.R. part 486, subpart C;
782 providers certified and providing only health care services
783 within the scope of services authorized under their respective
784 certifications under 42 C.F.R. part 491, subpart A; providers
785 certified by the Centers for Medicare and Medicaid Services
786 under the federal Clinical Laboratory Improvement Amendments and
787 the federal rules adopted thereunder; or any entity that
788 provides neonatal or pediatric hospital-based health care
789 services by licensed practitioners solely within a hospital
790 under chapter 395.

791 ~~4.(d)~~ Entities that are under common ownership, directly
792 or indirectly, with an entity licensed or registered by the
793 state pursuant to chapter 395; entities that are under common



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794 ownership, directly or indirectly, with an entity licensed or
795 registered by the state and providing only health care services
796 within the scope of services authorized pursuant to their
797 respective licenses under ss. 383.30-383.332, chapter 390,
798 chapter 394, chapter 397, this chapter except part X, chapter
799 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
800 484, or chapter 651; end-stage renal disease providers
801 authorized under 42 C.F.R. part 494; providers certified and
802 providing only health care services within the scope of services
803 authorized under their respective certifications under 42 C.F.R.
804 part 485, subpart B, subpart H, or subpart J; providers
805 certified and providing only health care services within the
806 scope of services authorized under their respective
807 certifications under 42 C.F.R. part 486, subpart C; providers
808 certified and providing only health care services within the
809 scope of services authorized under their respective
810 certifications under 42 C.F.R. part 491, subpart A; providers
811 certified by the Centers for Medicare and Medicaid Services
812 under the federal Clinical Laboratory Improvement Amendments and
813 the federal rules adopted thereunder; or any entity that
814 provides neonatal or pediatric hospital-based health care
815 services by licensed practitioners solely within a hospital
816 licensed under chapter 395.

817 5.~~(e)~~ An entity that is exempt from federal taxation under
818 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
819 under 26 U.S.C. s. 409 that has a board of trustees at least
820 two-thirds of which are Florida-licensed health care
821 practitioners and provides only physical therapy services under
822 physician orders, any community college or university clinic,



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823 and any entity owned or operated by the federal or state
824 government, including agencies, subdivisions, or municipalities
825 thereof.

826 6.~~(f)~~ A sole proprietorship, group practice, partnership,
827 or corporation that provides health care services by physicians
828 covered by s. 627.419, that is directly supervised by one or
829 more of such physicians, and that is wholly owned by one or more
830 of those physicians or by a physician and the spouse, parent,
831 child, or sibling of that physician.

832 7.~~(g)~~ A sole proprietorship, group practice, partnership,
833 or corporation that provides health care services by licensed
834 health care practitioners under chapter 457, chapter 458,
835 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
836 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
837 chapter 490, chapter 491, or part I, part III, part X, part
838 XIII, or part XIV of chapter 468, or s. 464.012, and that is
839 wholly owned by one or more licensed health care practitioners,
840 or the licensed health care practitioners set forth in this
841 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling
842 of a licensed health care practitioner if one of the owners who
843 is a licensed health care practitioner is supervising the
844 business activities and is legally responsible for the entity's
845 compliance with all federal and state laws. However, a health
846 care practitioner may not supervise services beyond the scope of
847 the practitioner's license, except that, for the purposes of
848 this part, a clinic owned by a licensee in s. 456.053(3) (b)
849 which provides only services authorized pursuant to s.
850 456.053(3) (b) may be supervised by a licensee specified in s.
851 456.053(3) (b).



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

855 9.~~(i)~~ Entities that provide only oncology or radiation
856 therapy services by physicians licensed under chapter 458 or
857 chapter 459 or entities that provide oncology or radiation
858 therapy services by physicians licensed under chapter 458 or
859 chapter 459 which are owned by a corporation whose shares are
860 publicly traded on a recognized stock exchange.

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

864 11.~~(k)~~ Entities that provide licensed practitioners to
865 staff emergency departments or to deliver anesthesia services in
866 facilities licensed under chapter 395 and that derive at least
867 90 percent of their gross annual revenues from the provision of
868 such services. Entities claiming an exemption from licensure
869 under this subparagraph ~~paragraph~~ must provide documentation
870 demonstrating compliance.

871 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
872 perinatology clinical facilities or anesthesia clinical
873 facilities that are not otherwise exempt under subparagraph 1.
874 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are
875 a publicly traded corporation or are wholly owned, directly or
876 indirectly, by a publicly traded corporation. As used in this
877 subparagraph ~~paragraph~~, a publicly traded corporation is a
878 corporation that issues securities traded on an exchange
879 registered with the United States Securities and Exchange
880 Commission as a national securities exchange.



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881 13.~~(m)~~ Entities that are owned by a corporation that has
882 \$250 million or more in total annual sales of health care
883 services provided by licensed health care practitioners where
884 one or more of the persons responsible for the operations of the
885 entity is a health care practitioner who is licensed in this
886 state and who is responsible for supervising the business
887 activities of the entity and is responsible for the entity's
888 compliance with state law for purposes of this part.

889 14.~~(n)~~ Entities that employ 50 or more licensed health care
890 practitioners licensed under chapter 458 or chapter 459 where
891 the billing for medical services is under a single tax
892 identification number. The application for exemption under this
893 subsection must include ~~shall contain information that includes:~~
894 the name, residence, and business address and telephone ~~phone~~
895 number of the entity that owns the practice; a complete list of
896 the names and contact information of all the officers and
897 directors of the corporation; the name, residence address,
898 business address, and medical license number of each licensed
899 Florida health care practitioner employed by the entity; the
900 corporate tax identification number of the entity seeking an
901 exemption; a listing of health care services to be provided by
902 the entity at the health care clinics owned or operated by the
903 entity; and a certified statement prepared by an independent
904 certified public accountant which states that the entity and the
905 health care clinics owned or operated by the entity have not
906 received payment for health care services under medical payments
907 ~~personal injury protection insurance~~ coverage for the preceding
908 year. If the agency determines that an entity that ~~which~~ is
909 exempt under this subsection has received payments for medical



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910 services under medical payments ~~personal injury protection~~
911 ~~insurance~~ coverage, the agency may deny or revoke the exemption
912 from licensure under this subsection.

913 15.~~(e)~~ Entities that are, directly or indirectly, under the
914 common ownership of or that are subject to common control by a
915 mutual insurance holding company, as defined in s. 628.703, with
916 an entity issued a certificate of authority under chapter 624 or
917 chapter 641 which has \$1 billion or more in total annual sales
918 in this state.

919 16.~~(f)~~ Entities that are owned by an entity that is a
920 behavioral health care service provider in at least five other
921 states; that, together with its affiliates, have \$90 million or
922 more in total annual revenues associated with the provision of
923 behavioral health care services; and wherein one or more of the
924 persons responsible for the operations of the entity is a health
925 care practitioner who is licensed in this state, who is
926 responsible for supervising the business activities of the
927 entity, and who is responsible for the entity's compliance with
928 state law for purposes of this part.

929 17.~~(g)~~ Medicaid providers.

930 (b) Notwithstanding paragraph (a) ~~this subsection~~, an
931 entity is ~~shall be~~ deemed a clinic and must be licensed under
932 this part in order to receive medical payments coverage
933 reimbursement under s. 627.7265 unless the entity is:

934 1. Wholly owned by a physician licensed under chapter 458
935 or chapter 459, or by the physician and the spouse, parent,
936 child, or sibling of the physician;

937 2. Wholly owned by a dentist licensed under chapter 466, or
938 by the dentist and the spouse, parent, child, or sibling of the



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939 dentist;

940 3. Wholly owned by a chiropractic physician licensed under
941 chapter 460, or by the chiropractic physician and the spouse,
942 parent, child, or sibling of the chiropractic physician;

943 4. A hospital or ambulatory surgical center licensed under
944 chapter 395;

945 5. An entity that wholly owns or is wholly owned, directly
946 or indirectly, by a hospital or hospitals licensed under chapter
947 395;

948 6. A clinical facility affiliated with an accredited
949 medical school at which training is provided for medical
950 students, residents, or fellows;

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

952 8. Owned by a publicly traded corporation, either directly
953 or indirectly through its subsidiaries, which has \$250 million
954 or more in total annual sales of health care services provided
955 by licensed health care practitioners, if one or more of the
956 persons responsible for the operations of the entity are health
957 care practitioners who are licensed in this state and are
958 responsible for supervising the business activities of the
959 entity and the entity's compliance with state law for purposes
960 of this subsection ~~the Florida Motor Vehicle No-Fault Law, ss.~~
961 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

962 Section 27. Subsection (5) of section 400.991, Florida
963 Statutes, is amended to read:

964 400.991 License requirements; background screenings;
965 prohibitions.—

966 (5) All agency forms for licensure application or exemption
967 from licensure under this part must contain the following



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968 statement:

969

970 INSURANCE FRAUD NOTICE.—A person commits a fraudulent insurance
971 act, as defined in s. 626.989, Florida Statutes, if the person
972 ~~who~~ knowingly submits a false, misleading, or fraudulent
973 application or other document when applying for licensure as a
974 health care clinic, seeking an exemption from licensure as a
975 health care clinic, or demonstrating compliance with part X of
976 chapter 400, Florida Statutes, with the intent to use the
977 license, exemption from licensure, or demonstration of
978 compliance to provide services or seek reimbursement under a
979 motor vehicle liability insurance policy's medical payments
980 coverage ~~the Florida Motor Vehicle No-Fault Law, commits a~~
981 ~~fraudulent insurance act, as defined in s. 626.989, Florida~~
982 ~~Statutes.~~ A person who presents a claim for benefits under
983 medical payments coverage ~~personal injury protection benefits~~
984 knowing that the payee knowingly submitted such health care
985 clinic application or document, commits insurance fraud, as
986 defined in s. 817.234, Florida Statutes.

987 Section 28. Paragraph (g) of subsection (1) of section
988 400.9935, Florida Statutes, is amended to read:

989 400.9935 Clinic responsibilities.—

990 (1) Each clinic shall appoint a medical director or clinic
991 director who shall agree in writing to accept legal
992 responsibility for the following activities on behalf of the
993 clinic. The medical director or the clinic director shall:

994 (g) Conduct systematic reviews of clinic billings to ensure
995 that the billings are not fraudulent or unlawful. Upon discovery
996 of an unlawful charge, the medical director or clinic director



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997 shall take immediate corrective action. If the clinic performs
998 only the technical component of magnetic resonance imaging,
999 static radiographs, computed tomography, or positron emission
1000 tomography, and provides the professional interpretation of such
1001 services, in a fixed facility that is accredited by a national
1002 accrediting organization that is approved by the Centers for
1003 Medicare and Medicaid Services for magnetic resonance imaging
1004 and advanced diagnostic imaging services and if, in the
1005 preceding quarter, the percentage of scans performed by that
1006 clinic which was billed to motor vehicle ~~all personal injury~~
1007 ~~protection~~ insurance carriers under medical payments coverage
1008 was less than 15 percent, the chief financial officer of the
1009 clinic may, in a written acknowledgment provided to the agency,
1010 assume the responsibility for the conduct of the systematic
1011 reviews of clinic billings to ensure that the billings are not
1012 fraudulent or unlawful.

1013 Section 29. Subsection (28) of section 409.901, Florida
1014 Statutes, is amended to read:

1015 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1016 409.901-409.920, except as otherwise specifically provided, the
1017 term:

1018 (28) "Third-party benefit" means any benefit that is or may
1019 be available at any time through contract, court award,
1020 judgment, settlement, agreement, or any arrangement between a
1021 third party and any person or entity, including, without
1022 limitation, a Medicaid recipient, a provider, another third
1023 party, an insurer, or the agency, for any Medicaid-covered
1024 injury, illness, goods, or services, including costs of medical
1025 services related thereto, for bodily ~~personal~~ injury or for



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1026 death of the recipient, but specifically excluding ~~policies of~~
1027 life insurance policies on the recipient, unless available under
1028 terms of the policy to pay medical expenses before ~~prior to~~
1029 death. The term includes, without limitation, collateral, as
1030 defined in this section; ~~health insurance;~~ any benefit under a
1031 health maintenance organization, a preferred provider
1032 arrangement, a prepaid health clinic, liability insurance,
1033 uninsured motorist insurance, or medical payments coverage; or
1034 ~~personal injury protection coverage,~~ medical benefits under
1035 workers' compensation, and any obligation under law or equity to
1036 provide medical support.

1037 Section 30. Paragraph (f) of subsection (11) of section
1038 409.910, Florida Statutes, is amended to read:

1039 409.910 Responsibility for payments on behalf of Medicaid-
1040 eligible persons when other parties are liable.—

1041 (11) The agency may, as a matter of right, in order to
1042 enforce its rights under this section, institute, intervene in,
1043 or join any legal or administrative proceeding in its own name
1044 in one or more of the following capacities: individually, as
1045 subrogee of the recipient, as assignee of the recipient, or as
1046 lienholder of the collateral.

1047 (f) Notwithstanding any provision in this section to the
1048 contrary, in the event of an action in tort against a third
1049 party in which the recipient or his or her legal representative
1050 is a party which results in a judgment, award, or settlement
1051 from a third party, the amount recovered shall be distributed as
1052 follows:

1053 1. After attorney ~~attorney's~~ fees and taxable costs as
1054 defined by the Florida Rules of Civil Procedure, one-half of the



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1055 remaining recovery shall be paid to the agency up to the total
1056 amount of medical assistance provided by Medicaid.

1057 2. The remaining amount of the recovery shall be paid to
1058 the recipient.

1059 3. For purposes of calculating the agency's recovery of
1060 medical assistance benefits paid, the fee for services of an
1061 attorney retained by the recipient or his or her legal
1062 representative shall be calculated at 25 percent of the
1063 judgment, award, or settlement.

1064 4. Notwithstanding any other provision of this section to
1065 the contrary, the agency shall be entitled to all medical
1066 coverage benefits up to the total amount of medical assistance
1067 provided by Medicaid. For purposes of this paragraph, the term
1068 "medical coverage" means any benefits under health insurance, a
1069 health maintenance organization, a preferred provider
1070 arrangement, or a prepaid health clinic, and the portion of
1071 benefits designated for medical payments under ~~coverage for~~
1072 workers' compensation coverage, motor vehicle insurance
1073 coverage, personal injury protection, and casualty coverage.

1074 Section 31. Paragraph (k) of subsection (2) of section
1075 456.057, Florida Statutes, is amended to read:

1076 456.057 Ownership and control of patient records; report or
1077 copies of records to be furnished; disclosure of information.-

1078 (2) As used in this section, the terms "records owner,"
1079 "health care practitioner," and "health care practitioner's
1080 employer" do not include any of the following persons or
1081 entities; furthermore, the following persons or entities are not
1082 authorized to acquire or own medical records, but are authorized
1083 under the confidentiality and disclosure requirements of this



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1084 section to maintain those documents required by the part or
1085 chapter under which they are licensed or regulated:

1086 (k) Persons or entities practicing under s. 627.7265 ~~s.~~
1087 ~~627.736(7)~~.

1088 Section 32. Paragraphs (ee) and (ff) of subsection (1) of
1089 section 456.072, Florida Statutes, are amended to read:

1090 456.072 Grounds for discipline; penalties; enforcement.—

1091 (1) The following acts shall constitute grounds for which
1092 the disciplinary actions specified in subsection (2) may be
1093 taken:

1094 (ee) With respect to making a medical payments coverage
1095 ~~personal injury protection~~ claim under s. 627.7265 ~~as required~~
1096 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1097 bill that has been upcoded. As used in this paragraph, the term
1098 "upcoded" means an action that submits a billing code that would
1099 result in a greater payment amount than would be paid using a
1100 billing code that accurately describes the services performed.
1101 The term does not include an otherwise lawful bill by a magnetic
1102 resonance imaging facility which globally combines both
1103 technical and professional components, if the amount of the
1104 global bill is not more than the components if billed
1105 separately; however, payment of such a bill constitutes payment
1106 in full for all components of such service ~~"upcoded" as defined~~
1107 ~~in s. 627.732.~~

1108 (ff) With respect to making a medical payments coverage
1109 ~~personal injury protection~~ claim pursuant to s. 627.7265 ~~as~~
1110 ~~required by s. 627.736~~, intentionally submitting a claim,
1111 statement, or bill for payment of services that were not
1112 rendered.



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1113 Section 33. Section 559.920, Florida Statutes, is reordered
1114 and amended to read:

1115 559.920 Unlawful acts and practices.—It shall be a
1116 violation of this act for any motor vehicle repair shop or
1117 employee thereof to do any of the following:

1118 (1) Engage or attempt to engage in repair work for
1119 compensation of any type without first being registered with or
1120 having submitted an affidavit of exemption to the department.†

1121 (2) Make or charge for repairs which have not been
1122 expressly or impliedly authorized by the customer.†

1123 (3) Misrepresent that repairs have been made to a motor
1124 vehicle.†

1125 (4) Misrepresent that certain parts and repairs are
1126 necessary to repair a vehicle.†

1127 (5) Misrepresent that the vehicle being inspected or
1128 diagnosed is in a dangerous condition or that the customer's
1129 continued use of the vehicle may be harmful or cause great
1130 damage to the vehicle.†

1131 (6) Fraudulently alter any customer contract, estimate,
1132 invoice, or other document.†

1133 (7) Fraudulently misuse any customer's credit card.†

1134 (8) Make or authorize in any manner or by any means
1135 whatever any written or oral statement which is untrue,
1136 deceptive or misleading, and which is known, or which by the
1137 exercise of reasonable care should be known, to be untrue,
1138 deceptive or misleading.†

1139 (9) Make false promises of a character likely to influence,
1140 persuade, or induce a customer to authorize the repair, service,
1141 or maintenance of a motor vehicle.†



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1142 (10) Substitute used, rebuilt, salvaged, or straightened
1143 parts for new replacement parts without notice to the motor
1144 vehicle owner and to her or his insurer if the cost of repair is
1145 to be paid pursuant to an insurance policy and the identity of
1146 the insurer or its claims adjuster is disclosed to the motor
1147 vehicle repair shop.~~†~~

1148 (11) Cause or allow a customer to sign any work order that
1149 does not state the repairs requested by the customer or the
1150 automobile's odometer reading at the time of repair.~~†~~

1151 (12) Fail or refuse to give to a customer a copy of any
1152 document requiring the customer's signature upon completion or
1153 cancellation of the repair work.~~†~~

1154 (13) Willfully depart from or disregard accepted practices
1155 and professional standards.~~†~~

1156 (14) Have repair work subcontracted without the knowledge
1157 or consent of the customer unless the motor vehicle repair shop
1158 or employee thereof demonstrates that the customer could not
1159 reasonably have been notified.~~†~~

1160 (15) Conduct the business of motor vehicle repair in a
1161 location other than that stated on the registration
1162 certificate.~~†~~

1163 (16) Rebuild or restore a rebuilt vehicle without the
1164 knowledge of the owner in such a manner that it does not conform
1165 to the original vehicle manufacturer's established repair
1166 procedures or specifications and allowable tolerances for the
1167 particular model and year.~~†~~~~or~~

1168 (17) With respect to the replacement or repair of a motor
1169 vehicle windshield:

1170 (a) Threaten, coerce, or intimidate an insured into



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1171 selecting a particular motor vehicle glass repair facility or
1172 motor vehicle repair shop;

1173 (b) Waive or offer to waive the insured's deductible or
1174 offer a rebate, gift, gift card, cash, coupon, or anything of
1175 value to a third party in exchange for a referral of an insured
1176 to the motor vehicle glass repair facility or motor vehicle
1177 repair shop in connection with any claim under an insurance
1178 policy; or

1179 (c) Waive or offer to waive the insured's deductible or
1180 offer a rebate, gift, gift card, cash, coupon or anything of
1181 value to an insured in exchange for the insured filing a motor
1182 vehicle windshield claim under an insurance policy.

1183 (19)~~(17)~~ Perform any other act that is a violation of this
1184 part or that constitutes fraud or misrepresentation.

1185 (18)~~(18)~~ Violate any provision of s. 713.585.

1186 Section 34. Paragraph (b) of subsection (1) and subsection
1187 (8) of section 624.155, Florida Statutes, are amended to read:
1188 624.155 Civil remedy.—

1189 (1) Any person may bring a civil action against an insurer
1190 when such person is damaged:

1191 (b) By the commission of any of the following acts by the
1192 insurer:

1193 1. Except for a third-party bad faith failure to settle
1194 claim subject to s. 624.156, not attempting in good faith to
1195 settle claims when, under all the circumstances, it could and
1196 should have done so, had it acted fairly and honestly toward its
1197 insured and with due regard for her or his interests;

1198 2. Making claims payments to insureds or beneficiaries not
1199 accompanied by a statement setting forth the coverage under



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1200 which payments are being made; ~~or~~

1201 3. Except as to liability coverages, failing to promptly
1202 settle claims, when the obligation to settle a claim has become
1203 reasonably clear, under one portion of the insurance policy
1204 coverage in order to influence settlements under other portions
1205 of the insurance policy coverage; or

1206 4. When handling a first-party claim under a motor vehicle
1207 insurance policy, not attempting in good faith to settle such
1208 claim pursuant to subparagraph 1. when such failure is caused by
1209 a failure to communicate to an insured:

1210 a. Information on who is adjusting the claim;

1211 b. Any issues that may impair the insured's coverage;

1212 c. Information that might resolve the issue in a prompt
1213 manner;

1214 d. Any basis for the insurer's rejection or nonacceptance
1215 of any settlement offer; or

1216 e. Any needed extensions to respond to a time-limited
1217 settlement offer.

1218
1219 Notwithstanding the provisions of the above to the contrary, a
1220 person pursuing a remedy under this section need not prove that
1221 such act was committed or performed with such frequency as to
1222 indicate a general business practice.

1223 (8) The civil remedy specified in this section does not
1224 preempt any other remedy or cause of action provided for
1225 pursuant to any other statute or pursuant to the common law of
1226 this state. ~~A Any person is may obtain a judgment under either~~
1227 ~~the common law remedy of bad faith or this statutory remedy, but~~
1228 ~~shall not be~~ entitled to a judgment under multiple bad faith



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1229 ~~both~~ remedies, whether under statute or common law. This section
1230 shall not be construed to create a common-law cause of action.
1231 The damages recoverable pursuant to this section shall include
1232 those damages which are a reasonably foreseeable result of a
1233 specified violation of this section by the authorized insurer
1234 and may include an award or judgment in an amount that exceeds
1235 the policy limits.

1236 Section 35. Section 624.156, Florida Statutes, is created
1237 to read:

1238 624.156 Bad faith failure to settle actions against motor
1239 vehicle insurers by third-party claimants.-

1240 (1) SCOPE.-This section applies in all actions against any
1241 insurer by a third party for bad faith failure to settle,
1242 whether under statute or common law, for a loss arising out of
1243 the ownership, maintenance, or use of a motor vehicle operated
1244 or principally garaged in this state at the time of an accident,
1245 regardless of whether the insurer is authorized to do business
1246 in this state or issued a policy in this state.

1247 (2) DUTY OF GOOD FAITH.-In handling claims, an insurer has
1248 a fiduciary duty to its insured and must handle claims in good
1249 faith. The insurer shall comply with the best practice standards
1250 of subsection (4) using the same degree of care and diligence as
1251 a person of ordinary care and prudence would exercise in the
1252 management of his or her own business.

1253 (3) BAD FAITH FAILURE TO SETTLE.-"Bad faith failure to
1254 settle" means an insurer's failure to settle a claim when, under
1255 all the circumstances, it could and should have done so, had it
1256 acted fairly and honestly toward its insured and with due regard
1257 for the insured's interests.



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1258 (4) BEST PRACTICE STANDARDS.—Upon the earlier of receiving
1259 notice of a claim or, under subsection (6), a demand for
1260 settlement, an insurer must do all of the following:

1261 (a) Assign a duly licensed and appointed insurance adjuster
1262 to investigate the claim and resolve any questions concerning
1263 the existence or extent of the insured's coverage.

1264 (b) Evaluate every claim fairly, honestly, and with due
1265 regard for the interests of its insured, consider the full
1266 extent of the claimant's recoverable damages, and consider the
1267 information in a reasonable and prudent manner.

1268 (c) Request from the insured or claimant additional
1269 relevant information deemed necessary.

1270 (d) Conduct all verbal and written communications with the
1271 utmost honesty and complete candor.

1272 (e) Make reasonable efforts to explain to nonattorneys
1273 matters requiring expertise beyond the level normally expected
1274 of a layperson with no training in insurance or claims-handling
1275 issues.

1276 (f) Save all written communications and note and save all
1277 verbal communications in a reasonable manner.

1278 (g) Provide the insured, upon request, with all
1279 nonprivileged communications related to the insurer's handling
1280 of the claim.

1281 (h) Provide, at the insurer's expense, reasonable
1282 accommodations necessary to communicate effectively with an
1283 insured covered under the Americans with Disabilities Act.

1284 (i) In handling third-party claims, communicate to an
1285 insured:

1286 1. The identity of any other person or entity the insurer



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1287 knows may be liable;
1288 2. The insurer's activity on and evaluation of the claim;
1289 3. The likelihood and possible extent of an excess
1290 judgment;
1291 4. Steps the insured can take to avoid exposure to an
1292 excess judgment;
1293 5. Requests for examinations under oath and an explanation
1294 of the consequences of an insured's failure to submit to an
1295 examination under oath; and
1296 6. Any demands for settlement under subsection (6) or
1297 settlement offers.
1298 (j) When a loss involves multiple claimants and the
1299 claimants are unwilling to settle cumulatively within the policy
1300 limits and release the insured from further liability, in
1301 addition to fulfilling the requirements of paragraphs (a)-(i),
1302 attempt to minimize the risk of excess judgments against the
1303 insured and settle as many claims as possible within the policy
1304 limits in exchange for a release of the insured from further
1305 liability.
1306 (5) CONDITIONS PRECEDENT.—It is a condition precedent to
1307 filing a third-party action for bad faith failure to settle
1308 against an insurer that the claimant must:
1309 (a) Serve a demand for settlement, as provided in
1310 subsection (6), within the insurer's limits of liability in
1311 exchange for a release of further liability against the insured;
1312 and
1313 (b) Obtain a final judgment in excess of the policy limits
1314 against the insured.
1315 (6) DEMAND FOR SETTLEMENT.—A demand for settlement must do



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1316 all of the following:
1317 (a) Identify the:
1318 1. Date and location of loss;
1319 2. Name, address, and date of birth of the claimant;
1320 3. Name of each insured to whom the demand for settlement
1321 is directed; and
1322 4. Legal and factual basis of the claim.
1323 (b) Provide a reasonably detailed description of the
1324 claimant's:
1325 1. Known injuries caused or aggravated by the incident on
1326 which the claim is based;
1327 2. Medical treatment causally related to the incident on
1328 which the claim is based; and
1329 3. Type and amount of known damages incurred and, if any,
1330 the damages the claimant reasonably anticipates incurring in the
1331 future.
1332 (c) State the amount of the demand for settlement.
1333 (d) State whether the demand for settlement is conditioned
1334 on the completion of an examination under oath, as authorized by
1335 subsection (8).
1336 (e) Provide a physical address, an e-mail address, and a
1337 facsimile number for further communications, including, but not
1338 limited to, responses to the demand for settlement.
1339 (f) Release the insured from any further liability upon the
1340 insurer's acceptance of a demand for settlement which is not
1341 withdrawn pursuant to paragraph (8) (e) or paragraph (8) (g), or
1342 accepted pursuant to paragraph (8) (f).
1343 (g) Be served upon the insurer by certified mail at the
1344 address designated by the insurer with the Department of



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1345 Financial Services under s. 624.422(2).

1346 (7) LIMITATIONS ON CONDITIONS OF ACCEPTANCE OF A DEMAND.—A
1347 claimant may not place any conditions on acceptance of a demand
1348 for settlement other than electing the right to examine the
1349 insured under oath regarding any of the following:

1350 (a) Whether the insured has the ability to satisfy a claim
1351 for damages in excess of the insurer's limits of liability.

1352 (b) Whether any other person or entity may have actual or
1353 potential direct or vicarious liability for the insured's
1354 negligence.

1355 (c) Whether any other insurance exists which may cover some
1356 or all of the damages sustained by the claimant.

1357 (8) EXAMINATION UNDER OATH.—After serving a demand for
1358 settlement, a claimant may examine the insured under oath, on
1359 one occasion for a period of time not to exceed 2 hours,
1360 regarding only the issues in subsection (7).

1361 (a) The claimant may request that the insured bring to the
1362 examination relevant documents in the insured's possession,
1363 custody, or control, including, but not limited to, credit
1364 reports, insurance policies, bank statements, tax returns,
1365 deeds, titles, and other proof of assets or liabilities.

1366 (b) Except as provided in paragraph (7)(b), the claimant
1367 may not examine the insured regarding liability.

1368 (c) The claimant, the insurer, and the insured shall
1369 cooperate in scheduling the examination under oath. The insurer
1370 shall notify the insured of the date, time, and location of the
1371 examination under oath.

1372 (d) The examination under oath must occur within 30 days
1373 after the insurer's acceptance of the settlement demand.



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1374 (e) The claimant may withdraw the demand for settlement if
1375 the insured refuses to submit to an examination under oath.

1376 (f) If the insured refuses to submit to an examination
1377 under oath, the insurer may accept the demand for settlement
1378 without requiring a release of the insured. An insurer that
1379 accepts the demand for settlement pursuant to this paragraph
1380 does not have any further duty to defend the insured and may not
1381 be held liable for damages to the insured if the claimant
1382 thereafter obtains an excess judgment against the insured.

1383 (g) Within 7 days after the examination under oath, the
1384 claimant may withdraw the demand for settlement.

1385 (9) SAFE HARBOR.—When one claim arises out of a single
1386 occurrence, an insurer is not liable in a bad faith failure to
1387 settle action if the insurer tenders its policy limits within 60
1388 days after receiving a demand for settlement under subsection
1389 (6).

1390 (a) When competing claims arise out of a single occurrence
1391 and the sum of the competing claims exceeds the policy limits,
1392 an insurer is not liable in a bad faith failure to settle action
1393 if the insurer initiates an interpleader action at policy limits
1394 within 60 days after receiving notice of the competing claims.
1395 If the court finds for one or more of the claimants, the court
1396 must award the claimants their respective pro rata share of the
1397 interpleaded funds.

1398 (b) This subsection does not affect an insurer's duties to
1399 its insured other than duties related to bad faith failure to
1400 settle.

1401 (10) RELEASE.—An insurer that accepts a demand for
1402 settlement under subsection (6) shall be entitled to a release



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1403 of its insured, except as provided in paragraph (8)(f).

1404 (11) BURDEN OF PROOF.—In any third-party action for bad
1405 faith failure to settle, the claimant must prove by the
1406 preponderance of the evidence that the insurer violated its duty
1407 of good faith under subsection (2) and that the insurer in bad
1408 faith failed to settle, as defined in subsection (3).

1409 (a) In determining whether an insurer violated its duty of
1410 good faith under subsection (2) and in bad faith failed to
1411 settle, as defined in subsection (3), the trier of fact shall
1412 consider all of the following:

1413 1. Whether the insurer complied with the best practice
1414 standards of subsection (4) using the same degree of care and
1415 diligence as a person of ordinary care and prudence would
1416 exercise in the management of his or her own business.

1417 2. Whether the insurer failed to settle a claim when, under
1418 all the circumstances, it could and should have done so, had it
1419 acted fairly and honestly toward its insured and with due regard
1420 for the insured's interests.

1421 3. Whether the claimant or insured failed to provide
1422 relevant information to the insurer on a timely basis.

1423 4. Whether the claimant or insured misrepresented material
1424 facts to the insurer or made material omissions of fact to the
1425 insurer.

1426 5. Whether the insured denied liability or requested that
1427 the case be defended after the insurer fully advised the insured
1428 as to the facts and risks.

1429 6. Whether the insurer timely informed the insured of a
1430 demand to settle within the limits of coverage, the right to
1431 retain personal counsel, and the risk of litigation.



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1432 7. The insurer's willingness to negotiate with the claimant
1433 in anticipation of settlement.

1434 8. The amount of damages the claimant incurred or was
1435 likely to incur in the future under the facts known or
1436 reasonably available at the time of the insurer's response.

1437 9. If applicable, whether there were multiple third-party
1438 claimants seeking, in the aggregate, compensation in excess of
1439 the policy limits from the insured; and, if so, whether the
1440 insurer breached its duty to attempt to minimize the magnitude
1441 of possible excess judgments against the insured and to attempt
1442 to settle as many claims as possible within the policy limits in
1443 exchange for a release of the insured from further liability.

1444 10. Additional factors that the court determines to be
1445 relevant.

1446 (b) The trier of fact, in determining whether an insurer in
1447 bad faith failed to settle, must be informed that an excess
1448 judgment occurred but may not be informed of the amount of the
1449 excess judgment.

1450 (12) DAMAGES.—An insurer that is found to have violated its
1451 duty of good faith under subsection (2) and in bad faith failed
1452 to settle, as defined in subsection (3), is liable for the
1453 amount of any excess judgment. No other damages, including but
1454 not limited to punitive damages, may be awarded in a third-party
1455 bad faith failure to settle action.

1456 (13) ENFORCEMENT.—If a judgment creditor has served a
1457 demand for settlement under subsection (6), and the judgment
1458 exceeds the insured's limits of liability, the judgment creditor
1459 must be subrogated to the rights of the insured against the
1460 insurer for common law bad faith.



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1461 (14) LIMITATION ON MULTIPLE REMEDIES.—A person is not
1462 entitled to a judgment under multiple bad faith remedies,
1463 whether under statute or common law.

1464 Section 36. Paragraphs (i) and (o) of subsection (1) of
1465 section 626.9541, Florida Statutes, are amended to read:

1466 626.9541 Unfair methods of competition and unfair or
1467 deceptive acts or practices defined.—

1468 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1469 ACTS.—The following are defined as unfair methods of competition
1470 and unfair or deceptive acts or practices:

1471 (i) *Unfair claim settlement practices.*—

1472 1. Attempting to settle claims on the basis of an
1473 application, when serving as a binder or intended to become a
1474 part of the policy, or any other material document which was
1475 altered without notice to, or knowledge or consent of, the
1476 insured;

1477 2. Making a material misrepresentation ~~made~~ to an insured
1478 or any other person having an interest in the proceeds payable
1479 under such contract or policy, for the purpose and with the
1480 intent of effecting settlement of such claims, loss, or damage
1481 under such contract or policy on less favorable terms than those
1482 provided in, and contemplated by, such contract or policy; ~~or~~

1483 3. Committing or performing with such frequency as to
1484 indicate a general business practice any of the following:

1485 a. Failing to adopt and implement standards for the proper
1486 investigation of claims;

1487 b. Misrepresenting pertinent facts or insurance policy
1488 provisions relating to coverages at issue;

1489 c. Failing to acknowledge and act promptly upon



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1490 communications with respect to claims;

1491 d. Denying claims without conducting reasonable
1492 investigations based upon available information;

1493 e. Failing to affirm or deny full or partial coverage of
1494 claims, and, as to partial coverage, the dollar amount or extent
1495 of coverage, or failing to provide a written statement that the
1496 claim is being investigated, upon the written request of the
1497 insured within 30 days after proof-of-loss statements have been
1498 completed;

1499 f. Failing to promptly provide a reasonable explanation in
1500 writing to the insured of the basis in the insurance policy, in
1501 relation to the facts or applicable law, for denial of a claim
1502 or for the offer of a compromise settlement;

1503 g. Failing to promptly notify the insured of any additional
1504 information necessary for the processing of a claim; or

1505 h. Failing to clearly explain the nature of the requested
1506 information and the reasons why such information is necessary.

1507 ~~i. Failing to pay personal injury protection insurance~~
1508 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1509 ~~office may order the insurer to pay restitution to a~~
1510 ~~policyholder, medical provider, or other claimant, including~~
1511 ~~interest at a rate consistent with the amount set forth in s.~~
1512 ~~55.03(1), for the time period within which an insurer fails to~~
1513 ~~pay claims as required by law. Restitution is in addition to any~~
1514 ~~other penalties allowed by law, including, but not limited to,~~
1515 ~~the suspension of the insurer's certificate of authority.~~

1516 4. Failing to pay undisputed amounts of partial or full
1517 benefits owed under first-party property insurance policies
1518 within 90 days after an insurer receives notice of a residential



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1519 property insurance claim, determines the amounts of partial or
1520 full benefits, and agrees to coverage, unless payment of the
1521 undisputed benefits is prevented by an act of God, prevented by
1522 the impossibility of performance, or due to actions by the
1523 insured or claimant that constitute fraud, lack of cooperation,
1524 or intentional misrepresentation regarding the claim for which
1525 benefits are owed.

1526 (o) *Illegal dealings in premiums; excess or reduced charges*
1527 *for insurance.*—

1528 1. Knowingly collecting any sum as a premium or charge for
1529 insurance, which is not then provided, or is not in due course
1530 to be provided, subject to acceptance of the risk by the
1531 insurer, by an insurance policy issued by an insurer as
1532 permitted by this code.

1533 2. Knowingly collecting as a premium or charge for
1534 insurance any sum in excess of or less than the premium or
1535 charge applicable to such insurance, in accordance with the
1536 applicable classifications and rates as filed with and approved
1537 by the office, and as specified in the policy; or, in cases when
1538 classifications, premiums, or rates are not required by this
1539 code to be so filed and approved, premiums and charges collected
1540 from a Florida resident in excess of or less than those
1541 specified in the policy and as fixed by the insurer.

1542 Notwithstanding any other provision of law, this provision shall
1543 not be deemed to prohibit the charging and collection, by
1544 surplus lines agents licensed under part VIII of this chapter,
1545 of the amount of applicable state and federal taxes, or fees as
1546 authorized by s. 626.916(4), in addition to the premium required
1547 by the insurer or the charging and collection, by licensed



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1548 agents, of the exact amount of any discount or other such fee
1549 charged by a credit card facility in connection with the use of
1550 a credit card, as authorized by subparagraph (q)3., in addition
1551 to the premium required by the insurer. This subparagraph shall
1552 not be construed to prohibit collection of a premium for a
1553 universal life or a variable or indeterminate value insurance
1554 policy made in accordance with the terms of the contract.

1555 3.a. Imposing or requesting an additional premium for
1556 bodily injury liability coverage, property damage liability
1557 coverage ~~a policy of motor vehicle liability, personal injury~~
1558 ~~protection~~, medical payments coverage ~~payment~~, or collision
1559 coverage in a motor vehicle liability insurance policy ~~insurance~~
1560 ~~or any combination thereof~~ or refusing to renew the policy
1561 solely because the insured was involved in a motor vehicle
1562 accident unless the insurer's file contains information from
1563 which the insurer in good faith determines that the insured was
1564 substantially at fault in the accident.

1565 b. An insurer which imposes and collects such a surcharge
1566 or which refuses to renew such policy shall, in conjunction with
1567 the notice of premium due or notice of nonrenewal, notify the
1568 named insured that he or she is entitled to reimbursement of
1569 such amount or renewal of the policy under the conditions listed
1570 below and will subsequently reimburse him or her or renew the
1571 policy, if the named insured demonstrates that the operator
1572 involved in the accident was:

1573 (I) Lawfully parked;

1574 (II) Reimbursed by, or on behalf of, a person responsible
1575 for the accident or has a judgment against such person;

1576 (III) Struck in the rear by another vehicle headed in the



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1577 same direction and was not convicted of a moving traffic
1578 violation in connection with the accident;

1579 (IV) Hit by a "hit-and-run" driver, if the accident was
1580 reported to the proper authorities within 24 hours after
1581 discovering the accident;

1582 (V) Not convicted of a moving traffic violation in
1583 connection with the accident, but the operator of the other
1584 automobile involved in such accident was convicted of a moving
1585 traffic violation;

1586 (VI) Finally adjudicated not to be liable by a court of
1587 competent jurisdiction;

1588 (VII) In receipt of a traffic citation which was dismissed
1589 or nolle prossed; or

1590 (VIII) Not at fault as evidenced by a written statement
1591 from the insured establishing facts demonstrating lack of fault
1592 which are not rebutted by information in the insurer's file from
1593 which the insurer in good faith determines that the insured was
1594 substantially at fault.

1595 c. In addition to the other provisions of this
1596 subparagraph, an insurer may not fail to renew a policy if the
1597 insured has had only one accident in which he or she was at
1598 fault within the current 3-year period. However, an insurer may
1599 nonrenew a policy for reasons other than accidents in accordance
1600 with s. 627.728. This subparagraph does not prohibit nonrenewal
1601 of a policy under which the insured has had three or more
1602 accidents, regardless of fault, during the most recent 3-year
1603 period.

1604 4. Imposing or requesting an additional premium for, or
1605 refusing to renew, a policy for motor vehicle insurance solely



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1606 because the insured committed a noncriminal traffic infraction
1607 as described in s. 318.14 unless the infraction is:

1608 a. A second infraction committed within an 18-month period,
1609 or a third or subsequent infraction committed within a 36-month
1610 period.

1611 b. A violation of s. 316.183, when such violation is a
1612 result of exceeding the lawful speed limit by more than 15 miles
1613 per hour.

1614 5. Upon the request of the insured, the insurer and
1615 licensed agent shall supply to the insured the complete proof of
1616 fault or other criteria which justifies the additional charge or
1617 cancellation.

1618 6. No insurer shall impose or request an additional premium
1619 for motor vehicle insurance, cancel or refuse to issue a policy,
1620 or refuse to renew a policy because the insured or the applicant
1621 is a handicapped or physically disabled person, so long as such
1622 handicap or physical disability does not substantially impair
1623 such person's mechanically assisted driving ability.

1624 7. No insurer may cancel or otherwise terminate any
1625 insurance contract or coverage, or require execution of a
1626 consent to rate endorsement, during the stated policy term for
1627 the purpose of offering to issue, or issuing, a similar or
1628 identical contract or coverage to the same insured with the same
1629 exposure at a higher premium rate or continuing an existing
1630 contract or coverage with the same exposure at an increased
1631 premium.

1632 8. No insurer may issue a nonrenewal notice on any
1633 insurance contract or coverage, or require execution of a
1634 consent to rate endorsement, for the purpose of offering to



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1635 issue, or issuing, a similar or identical contract or coverage
1636 to the same insured at a higher premium rate or continuing an
1637 existing contract or coverage at an increased premium without
1638 meeting any applicable notice requirements.

1639 9. No insurer shall, with respect to premiums charged for
1640 motor vehicle insurance, unfairly discriminate solely on the
1641 basis of age, sex, marital status, or scholastic achievement.

1642 10. Imposing or requesting an additional premium for motor
1643 vehicle comprehensive or uninsured motorist coverage solely
1644 because the insured was involved in a motor vehicle accident or
1645 was convicted of a moving traffic violation.

1646 11. No insurer shall cancel or issue a nonrenewal notice on
1647 any insurance policy or contract without complying with any
1648 applicable cancellation or nonrenewal provision required under
1649 the Florida Insurance Code.

1650 12. No insurer shall impose or request an additional
1651 premium, cancel a policy, or issue a nonrenewal notice on any
1652 insurance policy or contract because of any traffic infraction
1653 when adjudication has been withheld and no points have been
1654 assessed pursuant to s. 318.14(9) and (10). However, this
1655 subparagraph does not apply to traffic infractions involving
1656 accidents in which the insurer has incurred a loss due to the
1657 fault of the insured.

1658 Section 37. Paragraph (a) of subsection (1) of section
1659 626.989, Florida Statutes, is amended to read:

1660 626.989 Investigation by department or Division of
1661 Investigative and Forensic Services; compliance; immunity;
1662 confidential information; reports to division; division
1663 investigator's power of arrest.-



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1664 (1) For the purposes of this section:
1665 (a) A person commits a "fraudulent insurance act" if the
1666 person:
1667 1. Knowingly and with intent to defraud presents, causes to
1668 be presented, or prepares with knowledge or belief that it will
1669 be presented, to or by an insurer, self-insurer, self-insurance
1670 fund, servicing corporation, purported insurer, broker, or any
1671 agent thereof, any written statement as part of, or in support
1672 of, an application for the issuance of, or the rating of, any
1673 insurance policy, or a claim for payment or other benefit
1674 pursuant to any insurance policy, which the person knows to
1675 contain materially false information concerning any fact
1676 material thereto or if the person conceals, for the purpose of
1677 misleading another, information concerning any fact material
1678 thereto.
1679 2. Knowingly submits:
1680 a. A false, misleading, or fraudulent application or other
1681 document when applying for licensure as a health care clinic,
1682 seeking an exemption from licensure as a health care clinic, or
1683 demonstrating compliance with part X of chapter 400 with an
1684 intent to use the license, exemption from licensure, or
1685 demonstration of compliance to provide services or seek
1686 reimbursement under a motor vehicle liability insurance policy's
1687 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
1688 ~~Law~~.
1689 b. A claim for payment or other benefit under medical
1690 payments coverage, ~~pursuant to a personal injury protection~~
1691 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
1692 the person knows that the payee knowingly submitted a false,



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1693 misleading, or fraudulent application or other document when
1694 applying for licensure as a health care clinic, seeking an
1695 exemption from licensure as a health care clinic, or
1696 demonstrating compliance with part X of chapter 400.

1697 Section 38. Subsection (1) of section 627.06501, Florida
1698 Statutes, is amended to read:

1699 627.06501 Insurance discounts for certain persons
1700 completing driver improvement course.—

1701 (1) Any rate, rating schedule, or rating manual for the
1702 liability, medical payments ~~personal injury protection~~, and
1703 collision coverages of a motor vehicle insurance policy filed
1704 with the office may provide for an appropriate reduction in
1705 premium charges as to such coverages if when the principal
1706 operator on the covered vehicle has successfully completed a
1707 driver improvement course approved and certified by the
1708 Department of Highway Safety and Motor Vehicles which is
1709 effective in reducing crash or violation rates, or both, as
1710 determined pursuant to s. 318.1451(5). Any discount, not to
1711 exceed 10 percent, used by an insurer is presumed to be
1712 appropriate unless credible data demonstrates otherwise.

1713 Section 39. Subsection (15) is added to section 627.0651,
1714 Florida Statutes, to read:

1715 627.0651 Making and use of rates for motor vehicle
1716 insurance.—

1717 (15) Initial rate filings for motor vehicle liability
1718 policies which are submitted to the office on or after January
1719 1, 2022, must reflect the financial responsibility requirements
1720 in s. 324.022 then in effect and may be approved only through
1721 the file and use process under s. 627.0651(1)(a).



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1722 Section 40. Subsection (1) of section 627.0652, Florida
1723 Statutes, is amended to read:

1724 627.0652 Insurance discounts for certain persons completing
1725 safety course.—

1726 (1) Any rates, rating schedules, or rating manuals for the
1727 liability, medical payments ~~personal injury protection~~, and
1728 collision coverages of a motor vehicle insurance policy filed
1729 with the office must ~~shall~~ provide for an appropriate reduction
1730 in premium charges as to such coverages if ~~when~~ the principal
1731 operator on the covered vehicle is an insured 55 years of age or
1732 older who has successfully completed a motor vehicle accident
1733 prevention course approved by the Department of Highway Safety
1734 and Motor Vehicles. Any discount used by an insurer is presumed
1735 to be appropriate unless credible data demonstrates otherwise.

1736 Section 41. Subsections (1), (3), and (6) of section
1737 627.0653, Florida Statutes, are amended to read:

1738 627.0653 Insurance discounts for specified motor vehicle
1739 equipment.—

1740 (1) Any rates, rating schedules, or rating manuals for the
1741 liability, medical payments ~~personal injury protection~~, and
1742 collision coverages of a motor vehicle insurance policy filed
1743 with the office must ~~shall~~ provide a premium discount if the
1744 insured vehicle is equipped with factory-installed, four-wheel
1745 antilock brakes.

1746 (3) Any rates, rating schedules, or rating manuals for
1747 ~~personal injury protection coverage and~~ medical payments
1748 coverage, ~~if offered~~, of a motor vehicle insurance policy filed
1749 with the office must ~~shall~~ provide a premium discount if the
1750 insured vehicle is equipped with one or more air bags that ~~which~~



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1751 are factory installed.

1752 (6) The Office of Insurance Regulation may approve a
1753 premium discount to any rates, rating schedules, or rating
1754 manuals for the liability, medical payments ~~personal injury~~
1755 ~~protection~~, and collision coverages of a motor vehicle insurance
1756 policy filed with the office if the insured vehicle is equipped
1757 with an automated driving system or electronic vehicle collision
1758 avoidance technology that is factory installed or a retrofitted
1759 system and that complies with National Highway Traffic Safety
1760 Administration standards.

1761 Section 42. Section 627.4132, Florida Statutes, is amended
1762 to read:

1763 627.4132 Stacking of coverages prohibited.—If an insured or
1764 named insured is protected by any type of motor vehicle
1765 insurance policy for bodily injury and property damage
1766 ~~liability, personal injury protection, or other coverage~~, the
1767 policy must ~~shall~~ provide that the insured or named insured is
1768 protected only to the extent of the coverage she or he has on
1769 the vehicle involved in the accident. However, if none of the
1770 insured's or named insured's vehicles are ~~is~~ involved in the
1771 accident, coverage is available only to the extent of coverage
1772 on any one of the vehicles with applicable coverage. Coverage on
1773 any other vehicles may ~~shall~~ not be added to or stacked upon
1774 that coverage. This section does not ~~apply~~:

1775 (1) Apply to uninsured motorist coverage that ~~which~~ is
1776 separately governed by s. 627.727.

1777 (2) ~~To~~ Reduce the coverage available by reason of insurance
1778 policies insuring different named insureds.

1779 Section 43. Subsection (1) of section 627.4137, Florida



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1780 Statutes, is amended to read:

1781 627.4137 Disclosure of certain information required.—

1782 (1) Each insurer which does or may provide liability
1783 insurance coverage to pay all or a portion of any claim which
1784 might be made shall provide, within 30 days of the written
1785 request of the claimant or the claimant's attorney, a statement,
1786 under oath, of a corporate officer or the insurer's claims
1787 manager or superintendent setting forth the following
1788 information with regard to each known policy of insurance,
1789 including excess or umbrella insurance:

1790 (a) The name of the insurer.

1791 (b) The name of each insured.

1792 (c) The limits of the liability coverage.

1793 (d) A statement of any policy or coverage defense which
1794 such insurer reasonably believes is available to such insurer at
1795 the time of filing such statement.

1796 (e) A copy of the policy.

1797

1798 In addition, the insured, or her or his insurance agent, upon
1799 written request of the claimant or the claimant's attorney,
1800 shall disclose the name and coverage of each known insurer to
1801 the claimant and shall forward such request for information as
1802 required by this subsection to all affected insurers. The
1803 insurer shall then supply the information required in this
1804 subsection to the claimant within 30 days of receipt of such
1805 request. If an insurer fails to timely comply with this section,
1806 the claimant may file an action in a court of competent
1807 jurisdiction to enforce this section. If the court determines
1808 that the insurer violated this section, the claimant is entitled



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1809 to an award of reasonable attorney fees and costs to be paid by
1810 the insurer.

1811 Section 44. Section 627.7263, Florida Statutes, is amended
1812 to read:

1813 627.7263 Rental and leasing driver's insurance to be
1814 primary; exception.—

1815 (1) The valid and collectible liability insurance and
1816 medical payments coverage ~~or personal injury protection~~
1817 ~~insurance providing coverage~~ for the lessor of a motor vehicle
1818 for rent or lease is primary unless otherwise stated in at least
1819 10-point type on the face of the rental or lease agreement. Such
1820 insurance is primary for the limits of liability ~~and personal~~
1821 ~~injury protection~~ coverage as required by s. 324.021(7) and the
1822 medical payments coverage limit specified under s. 627.7265 ~~ss.~~
1823 ~~324.021(7) and 627.736.~~

1824 (2) If the lessee's coverage is to be primary, the rental
1825 or lease agreement must contain the following language, in at
1826 least 10-point type:

1827
1828 "The valid and collectible liability insurance and medical
1829 payments coverage ~~personal injury protection insurance~~ of an ~~any~~
1830 authorized rental or leasing driver is primary for the limits of
1831 liability ~~and personal injury protection~~ coverage required under
1832 section 324.021(7), Florida Statutes, and the medical payments
1833 coverage limit specified under section 627.7265 ~~by ss.~~
1834 ~~324.021(7) and 627.736, Florida Statutes."~~

1835 Section 45. Section 627.7265, Florida Statutes, is created
1836 to read:

1837 627.7265 Motor vehicle insurance; medical payments



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1838 coverage.-

1839 (1) Medical payments coverage must protect the named
1840 insured, resident relatives, persons operating the insured motor
1841 vehicle, passengers in the insured motor vehicle, and persons
1842 who are struck by the insured motor vehicle and suffer bodily
1843 injury while not an occupant of a self-propelled motor vehicle
1844 at a limit of at least \$5,000 for medical expense incurred due
1845 to bodily injury, sickness, or disease arising out of the
1846 ownership, maintenance, or use of a motor vehicle. Medical
1847 payments coverage must pay for reasonable expenses for necessary
1848 medical, diagnostic, and rehabilitative services that are
1849 lawfully provided, supervised, ordered, or prescribed by a
1850 physician licensed under chapter 458 or chapter 459, by a
1851 dentist licensed under chapter 466, or by a chiropractic
1852 physician licensed under chapter 460 or that are provided in a
1853 hospital or in a facility that owns, or is wholly owned by, a
1854 hospital. The coverage must provide an additional death benefit
1855 of at least \$5,000.

1856 (a) Before issuing a motor vehicle liability insurance
1857 policy that is furnished as proof of financial responsibility
1858 under s. 324.031, the insurer must offer medical payments
1859 coverage at limits of \$5,000 and \$10,000. The insurer may also
1860 offer medical payments coverage at any limit greater than
1861 \$5,000.

1862 (b) The medical payments coverage must be offered with an
1863 option with no deductible. The insurer may also offer medical
1864 payments coverage with a deductible not to exceed \$500.

1865 (c) This section may not be construed to limit any other
1866 coverage made available by an insurer.



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1867 (2) Upon receiving notice of an accident that is
1868 potentially covered by medical payments coverage benefits, the
1869 insurer must reserve \$5,000 of medical payments coverage
1870 benefits for payment to physicians licensed under chapter 458 or
1871 chapter 459 or dentists licensed under chapter 466 who provide
1872 emergency services and care, as defined in s. 395.002, or who
1873 provide hospital inpatient care. The amount required to be held
1874 in reserve may be used only to pay claims from such physicians
1875 or dentists until 30 days after the date the insurer receives
1876 notice of the accident. After the 30-day period, any amount of
1877 the reserve for which the insurer has not received notice of
1878 such claims may be used by the insurer to pay other claims. This
1879 subsection does not require an insurer to establish a claim
1880 reserve for insurance accounting purposes.

1881 (3) An insurer providing medical payments coverage benefits
1882 may not:

1883 (a) Seek a lien on any recovery in tort by judgment,
1884 settlement, or otherwise for medical payments coverage benefits,
1885 regardless of whether suit has been filed or settlement has been
1886 reached without suit; or

1887 (b) Bring a cause of action against a person to whom or for
1888 whom medical payments coverage benefits were paid, except when
1889 medical payments coverage benefits were paid by reason of fraud
1890 committed by that person.

1891 (4) An insurer providing medical payments coverage may
1892 include provisions in its policy allowing for subrogation for
1893 medical payments coverage benefits paid if the expenses giving
1894 rise to the payments were caused by the wrongful act or omission
1895 of another who is not also an insured under the policy paying



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1896 the medical payments coverage benefits. However, this
1897 subrogation right is inferior to the rights of the injured
1898 insured and is available only after all the insured's damages
1899 are recovered and the insured is made whole. An insured who
1900 obtains a recovery from a third party of the full amount of the
1901 damages sustained and delivers a release or satisfaction that
1902 impairs a medical payments insurer's subrogation right is liable
1903 to the insurer for repayment of medical payments coverage
1904 benefits less any expenses of acquiring the recovery, including
1905 a prorated share of attorney fees and costs, and shall hold that
1906 net recovery in trust to be delivered to the medical payments
1907 insurer. The insurer may not include any provision in its policy
1908 allowing for subrogation for any death benefit paid.

1909 Section 46. Subsections (1) and (7) of section 627.727,
1910 Florida Statutes, are amended to read:

1911 627.727 Motor vehicle insurance; uninsured and underinsured
1912 vehicle coverage; insolvent insurer protection.-

1913 (1) A ~~No~~ motor vehicle liability insurance policy that
1914 ~~which~~ provides bodily injury liability coverage may not shall be
1915 delivered or issued for delivery in this state with respect to
1916 any specifically insured or identified motor vehicle registered
1917 or principally garaged in this state, unless uninsured motor
1918 vehicle coverage is provided therein or supplemental thereto for
1919 the protection of persons insured thereunder who are legally
1920 entitled to recover damages from owners or operators of
1921 uninsured motor vehicles because of bodily injury, sickness, or
1922 disease, including death, resulting therefrom. However, the
1923 coverage required under this section is not applicable if when,
1924 or to the extent that, an insured named in the policy makes a



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1925 written rejection of the coverage on behalf of all insureds
1926 under the policy. If ~~When~~ a motor vehicle is leased for a ~~period~~
1927 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
1928 of the lease contract, provides liability coverage on the leased
1929 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
1930 privilege to reject uninsured motorist coverage or to select
1931 lower limits than the bodily injury liability limits, regardless
1932 of whether the lessor is qualified as a self-insurer pursuant to
1933 s. 324.171. Unless an insured, or a lessee having the privilege
1934 of rejecting uninsured motorist coverage, requests such coverage
1935 or requests higher uninsured motorist limits in writing, the
1936 coverage or such higher uninsured motorist limits need not be
1937 provided in or supplemental to any other policy that ~~which~~
1938 renews, extends, changes, supersedes, or replaces an existing
1939 policy with the same bodily injury liability limits when an
1940 insured or lessee had rejected the coverage. When an insured or
1941 lessee has initially selected limits of uninsured motorist
1942 coverage lower than her or his bodily injury liability limits,
1943 higher limits of uninsured motorist coverage need not be
1944 provided in or supplemental to any other policy that ~~which~~
1945 renews, extends, changes, supersedes, or replaces an existing
1946 policy with the same bodily injury liability limits unless an
1947 insured requests higher uninsured motorist coverage in writing.
1948 The rejection or selection of lower limits must ~~shall~~ be made on
1949 a form approved by the office. The form must ~~shall~~ fully advise
1950 the applicant of the nature of the coverage and must ~~shall~~ state
1951 that the coverage is equal to bodily injury liability limits
1952 unless lower limits are requested or the coverage is rejected.
1953 The heading of the form must ~~shall~~ be in 12-point bold type and



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1954 ~~must shall~~ state: "You are electing not to purchase certain
1955 valuable coverage that ~~which~~ protects you and your family or you
1956 are purchasing uninsured motorist limits less than your bodily
1957 injury liability limits when you sign this form. Please read
1958 carefully." If this form is signed by a named insured, it will
1959 be conclusively presumed that there was an informed, knowing
1960 rejection of coverage or election of lower limits on behalf of
1961 all insureds. The insurer shall notify the named insured at
1962 least annually of her or his options as to the coverage required
1963 by this section. Such notice must shall be part of, and attached
1964 to, the notice of premium, must shall provide for a means to
1965 allow the insured to request such coverage, and must shall be
1966 given in a manner approved by the office. Receipt of this notice
1967 does not constitute an affirmative waiver of the insured's right
1968 to uninsured motorist coverage if ~~where~~ the insured has not
1969 signed a selection or rejection form. The coverage described
1970 under this section must shall be over and above, but may shall
1971 not duplicate, the benefits available to an insured under any
1972 workers' compensation law, ~~personal injury protection benefits,~~
1973 disability benefits law, or similar law; under any automobile
1974 medical payments ~~expense~~ coverage; under any motor vehicle
1975 liability insurance coverage; or from the owner or operator of
1976 the uninsured motor vehicle or any other person or organization
1977 jointly or severally liable together with such owner or operator
1978 for the accident, ~~+~~ and such coverage must shall cover the
1979 difference, if any, between the sum of such benefits and the
1980 damages sustained, up to the maximum amount of such coverage
1981 provided under this section. The amount of coverage available
1982 under this section may shall not be reduced by a setoff against



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1983 any coverage, including liability insurance. Such coverage does
1984 ~~shall~~ not inure directly or indirectly to the benefit of any
1985 workers' compensation or disability benefits carrier or any
1986 person or organization qualifying as a self-insurer under any
1987 workers' compensation or disability benefits law or similar law.

1988 (7) The legal liability of an uninsured motorist coverage
1989 insurer includes ~~does not include~~ damages in tort for pain,
1990 suffering, disability or physical impairment, disfigurement,
1991 mental anguish, and inconvenience, and the loss of capacity for
1992 the enjoyment of life experienced in the past and to be
1993 experienced in the future unless the injury or disease is
1994 described in one or more of paragraphs (a) - (d) of s. 627.737(2).

1995 Section 47. Section 627.7275, Florida Statutes, is amended
1996 to read:

1997 627.7275 Motor vehicle liability.—

1998 (1) A motor vehicle insurance policy ~~providing personal~~
1999 ~~injury protection as set forth in s. 627.736~~ may not be
2000 delivered or issued for delivery in this state for a with
2001 ~~respect to any~~ specifically insured or identified motor vehicle
2002 registered or principally garaged in this state must provide
2003 bodily injury liability coverage and unless the policy also
2004 ~~provides coverage for~~ property damage liability coverage as
2005 required under ~~by~~ s. 324.022.

2006 (2) (a) Insurers writing motor vehicle insurance in this
2007 state shall make available, subject to the insurers' usual
2008 underwriting restrictions:

2009 1. Coverage under policies as described in subsection (1)
2010 to an applicant for private passenger motor vehicle insurance
2011 coverage who is seeking the coverage in order to reinstate the



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2012 applicant's driving privileges in this state if the driving
2013 privileges were revoked or suspended pursuant to s. 316.646 or
2014 s. 324.0221 due to the failure of the applicant to maintain
2015 required security.

2016 2. Coverage under policies as described in subsection (1),
2017 which includes bodily injury ~~also provides~~ liability coverage
2018 and property damage liability coverage, for bodily injury,
2019 ~~death, and property damage arising out of the ownership,~~
2020 ~~maintenance, or use of the motor vehicle~~ in an amount not less
2021 than the minimum limits required under ~~described in~~ s.
2022 324.021(7) or s. 324.023 and which conforms to the requirements
2023 of s. 324.151, to an applicant for private passenger motor
2024 vehicle insurance coverage who is seeking the coverage in order
2025 to reinstate the applicant's driving privileges in this state
2026 after such privileges were revoked or suspended under s. 316.193
2027 or s. 322.26(2) for driving under the influence.

2028 3. Coverage that provides bodily injury liability coverage
2029 and property damage liability coverage in the amounts specified
2030 in s. 324.022(1)(c). An insurer may only deliver or issue for
2031 delivery a policy providing such coverage to an applicant or
2032 insured who, before the issuance or renewal of the policy,
2033 represents to the insurer in writing or electronically that such
2034 person:

2035 a. Has a household income that is 200 percent or less of
2036 the most current federal poverty guidelines established by the
2037 United States Department of Health and Human Services. An
2038 insurer must, before accepting such representation, provide
2039 written or electronic notice to the applicant or insured
2040 regarding the dollar amounts that constitute a household income



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2041 that is 200 percent of the most current federal poverty
2042 guidelines. An insurer is not required to verify the veracity of
2043 the applicant's or insured's representation. However, an insurer
2044 may not deny or exclude liability coverage under the policy
2045 solely because such representation of the applicant or insured
2046 was false.

2047 b. Meets the definition of a full-time student in a
2048 secondary education program under s. 1011.61(1)(a), or meets the
2049 definition of a full-time student in a postsecondary education
2050 program under s. 1009.40. An insurer must, before accepting such
2051 representation, provide written or electronic notice to the
2052 applicant or insured regarding the number of educational hours
2053 that meet the definition of a full-time student. An insurer is
2054 not required to verify the veracity of the applicant's or
2055 insured's representation. However, an insurer may not deny or
2056 exclude liability coverage under the policy solely because such
2057 representation of the applicant or insured was false.

2058 (b) The policies described in subparagraphs (a)1. and (a)2.
2059 must ~~paragraph (a)~~ shall be issued for at least 6 months and, as
2060 to the minimum coverages required under this section, may not be
2061 canceled by the insured for any reason or by the insurer after
2062 60 days, during which period the insurer is completing the
2063 underwriting of the policy. After the insurer has completed
2064 underwriting the policy, the insurer shall notify the Department
2065 of Highway Safety and Motor Vehicles that the policy is in full
2066 force and effect and is not cancelable for the remainder of the
2067 policy period. A premium must ~~shall~~ be collected and the
2068 coverage is in effect for the 60-day period during which the
2069 insurer is completing the underwriting of the policy, whether or



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2070 not the person's driver license, motor vehicle tag, and motor
2071 vehicle registration are in effect. Once the noncancelable
2072 provisions of the policy become effective, the bodily injury
2073 liability and property damage liability coverages ~~for bodily~~
2074 ~~injury, property damage, and personal injury protection~~ may not
2075 be reduced below the minimum limits required under s. 324.021 or
2076 s. 324.023 during the policy period.

2077 (c) This subsection controls to the extent of any conflict
2078 with any other section.

2079 (d) An insurer issuing a policy subject to this section may
2080 cancel the policy if, during the policy term, the named insured,
2081 or any other operator who resides in the same household or
2082 customarily operates an automobile insured under the policy, has
2083 his or her driver license suspended or revoked.

2084 (e) This subsection does not require an insurer to offer a
2085 policy of insurance to an applicant if such offer would be
2086 inconsistent with the insurer's underwriting guidelines and
2087 procedures.

2088 Section 48. Effective upon this act becoming a law, section
2089 627.7278, Florida Statutes, is created to read:

2090 627.7278 Applicability and construction; notice to
2091 policyholders.-

2092 (1) As used in this section, the term "minimum security
2093 requirements" means security that enables a person to respond in
2094 damages for liability on account of crashes arising out of the
2095 ownership, maintenance, or use of a motor vehicle, in the
2096 amounts required by s. 324.022(1), as amended by this act.

2097 (2) Effective January 1, 2022:

2098 (a) Motor vehicle insurance policies issued or renewed on



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2099 or after that date may not include personal injury protection.

2100 (b) All persons subject to s. 324.022, s. 324.032, s.
2101 627.7415, or s. 627.742 must maintain at least minimum security
2102 requirements.

2103 (c) Any new or renewal motor vehicle insurance policy
2104 delivered or issued for delivery in this state must provide
2105 coverage that complies with minimum security requirements.

2106 (d) An existing motor vehicle insurance policy issued
2107 before that date which provides personal injury protection and
2108 property damage liability coverage that meets the requirements
2109 of s. 324.022 on December 31, 2021, but which does not meet
2110 minimum security requirements on or after January 1, 2022, is
2111 deemed to meet minimum security requirements until such policy
2112 is renewed, nonrenewed, or canceled on or after January 1, 2022.
2113 Sections 627.730-627.7405, 400.9905, 400.991, 456.057, 456.072,
2114 627.7263, 627.727, 627.748, 627.9541(1)(i), and 817.234, Florida
2115 Statutes 2020, remain in full force and effect for motor vehicle
2116 accidents covered under a policy issued under the Florida Motor
2117 Vehicle No-Fault Law before January 1, 2022, until the policy is
2118 renewed, nonrenewed, or canceled.

2119 (3) Each insurer shall allow each insured who has a new or
2120 renewal policy providing personal injury protection which
2121 becomes effective before January 1, 2022, and whose policy does
2122 not meet minimum security requirements on or after January 1,
2123 2022, to change coverages so as to eliminate personal injury
2124 protection and obtain coverage providing minimum security
2125 requirements, which shall be effective on or after January 1,
2126 2022. The insurer is not required to provide coverage complying
2127 with minimum security requirements in such policies if the



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2128 insured does not pay the required premium, if any, by January 1,
2129 2022, or such later date as the insurer may allow. The insurer
2130 also shall offer each insured medical payments coverage pursuant
2131 to s. 627.7265. Any reduction in the premium must be refunded by
2132 the insurer. The insurer may not impose on the insured an
2133 additional fee or charge that applies solely to a change in
2134 coverage; however, the insurer may charge an additional required
2135 premium that is actuarially indicated.

2136 (4) By September 1, 2021, each motor vehicle insurer shall
2137 provide notice of this section to each motor vehicle
2138 policyholder who is subject to this section. The notice is
2139 subject to approval by the office and must clearly inform the
2140 policyholder that:

2141 (a) The Florida Motor Vehicle No-Fault Law is repealed
2142 effective January 1, 2022, and that on or after that date, the
2143 insured is no longer required to maintain personal injury
2144 protection insurance coverage, that personal injury protection
2145 coverage is no longer available for purchase in this state, and
2146 that all new or renewal policies issued on or after that date
2147 will not contain that coverage.

2148 (b) Effective January 1, 2022, a person subject to the
2149 financial responsibility requirements of s. 324.022 must
2150 maintain minimum security requirements that enable the person to
2151 respond to damages for liability on account of accidents arising
2152 out of the use of a motor vehicle in the following amounts:

2153 1. Twenty-five thousand dollars for bodily injury to, or
2154 the death of, one person in any one crash and, subject to such
2155 limits for one person, in the amount of \$50,000 for bodily
2156 injury to, or the death of, two or more persons in any one



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2157 crash; and
2158 2. Ten thousand dollars for damage to, or destruction of,
2159 the property of others in any one crash.
2160 (c) Persons subject to the financial responsibility
2161 requirements of s. 324.022 who have a household income of 200
2162 percent or less of the federal poverty guidelines or who are
2163 full-time secondary or postsecondary students may instead
2164 maintain minimum security requirements that enable the person to
2165 respond to damages for liability on account of accidents arising
2166 out of the use of a motor vehicle in the following amounts:
2167 1. Fifteen thousand dollars for bodily injury to, or the
2168 death of, one person in any one crash and, subject to such
2169 limits for one person, in the amount of \$30,000 for bodily
2170 injury to, or the death of, two or more persons in any one
2171 crash; and
2172 2. Ten thousand dollars for damage to, or destruction of,
2173 the property of others in any one crash.
2174 (d) Bodily injury liability coverage protects the insured,
2175 up to the coverage limits, against loss if the insured is
2176 legally responsible for the death of or bodily injury to others
2177 in a motor vehicle accident.
2178 (e) Effective January 1, 2022, each policyholder of motor
2179 vehicle liability insurance purchased as proof of financial
2180 responsibility must be offered medical payments coverage
2181 benefits that comply with s. 627.7265. The insurer must offer
2182 medical payments coverage at limits of \$5,000 and \$10,000
2183 without a deductible. The insurer may also offer medical
2184 payments coverage at other limits greater than \$5,000, and may
2185 offer coverage with a deductible of up to \$500. Medical payments



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2186 coverage pays covered medical expenses, up to the limits of such
2187 coverage, for injuries sustained in a motor vehicle crash by the
2188 named insured, resident relatives, persons operating the insured
2189 motor vehicle, passengers in the insured motor vehicle, and
2190 persons who are struck by the insured motor vehicle and suffer
2191 bodily injury while not an occupant of a self-propelled motor
2192 vehicle as provided in s. 627.7265. Medical payments coverage
2193 pays for reasonable expenses for necessary medical, diagnostic,
2194 and rehabilitative services that are lawfully provided,
2195 supervised, ordered, or prescribed by a physician licensed under
2196 chapter 458 or chapter 459, by a dentist licensed under chapter
2197 466, or by a chiropractic physician licensed under chapter 460
2198 or that are provided in a hospital or in a facility that owns,
2199 or is wholly owned by, a hospital. Medical payments coverage
2200 also provides a death benefit of at least \$5,000.

2201 (f) The policyholder may obtain uninsured and underinsured
2202 motorist coverage, which provides benefits, up to the limits of
2203 such coverage, to a policyholder or other insured entitled to
2204 recover damages for bodily injury, sickness, disease, or death
2205 resulting from a motor vehicle accident with an uninsured or
2206 underinsured owner or operator of a motor vehicle.

2207 (g) If the policyholder's new or renewal motor vehicle
2208 insurance policy is effective before January 1, 2022, and
2209 contains personal injury protection and property damage
2210 liability coverage as required by state law before January 1,
2211 2022, but does not meet minimum security requirements on or
2212 after January 1, 2022, the policy is deemed to meet minimum
2213 security requirements until it is renewed, nonrenewed, or
2214 canceled on or after January 1, 2022.



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2215 (h) A policyholder whose new or renewal policy becomes
2216 effective before January 1, 2022, but does not meet minimum
2217 security requirements on or after January 1, 2022, may change
2218 coverages under the policy so as to eliminate personal injury
2219 protection and to obtain coverage providing minimum security
2220 requirements, including bodily injury liability coverage, which
2221 are effective on or after January 1, 2022.

2222 (i) If the policyholder has any questions, he or she should
2223 contact the person named at the telephone number provided in the
2224 notice.

2225 Section 49. Paragraph (a) of subsection (1) of section
2226 627.728, Florida Statutes, is amended to read:

2227 627.728 Cancellations; nonrenewals.—

2228 (1) As used in this section, the term:

2229 (a) "Policy" means the bodily injury and property damage
2230 liability, ~~personal injury protection~~, medical payments,
2231 comprehensive, collision, and uninsured motorist coverage
2232 portions of a policy of motor vehicle insurance delivered or
2233 issued for delivery in this state:

2234 1. Insuring a natural person as named insured or one or
2235 more related individuals who are residents ~~resident~~ of the same
2236 household; and

2237 2. Insuring only a motor vehicle of the private passenger
2238 type or station wagon type which is not used as a public or
2239 livery conveyance for passengers or rented to others; or
2240 insuring any other four-wheel motor vehicle having a load
2241 capacity of 1,500 pounds or less which is not used in the
2242 occupation, profession, or business of the insured other than
2243 farming; other than any policy issued under an automobile



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2244 insurance assigned risk plan or covering garage, automobile
2245 sales agency, repair shop, service station, or public parking
2246 place operation hazards.

2247
2248 The term "policy" does not include a binder as defined in
2249 s. 627.420 unless the duration of the binder period exceeds 60
2250 days.

2251 Section 50. Section 627.7288, Florida Statutes, is amended
2252 to read:

2253 627.7288 Comprehensive coverage; deductibles for deductible
2254 ~~not to apply to~~ motor vehicle glass.-

2255 (1) Authorized insurers must offer motor vehicle insurance
2256 that does not apply any ~~The~~ deductible provisions of the any
2257 ~~policy of motor vehicle insurance, delivered or issued in this~~
2258 ~~state by an authorized insurer, providing to~~ comprehensive
2259 coverage or combined additional coverage that is ~~shall not be~~
2260 applicable to damage to the windshield of any motor vehicle
2261 covered under such policy.

2262 (2) An insurer may also offer, for an actuarially
2263 reasonable premium credit or discount, a separate deductible no
2264 greater than \$200 for damage to the windshield of any motor
2265 vehicle covered under a motor vehicle insurance policy delivered
2266 or issued by the insurer in this state.

2267 Section 51. Subsection (1), paragraph (a) of subsection
2268 (5), and subsections (6) and (7) of section 627.7295, Florida
2269 Statutes, are amended to read:

2270 627.7295 Motor vehicle insurance contracts.-

2271 (1) As used in this section, the term:

2272 (a) "Policy" means a motor vehicle insurance policy that



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2273 provides bodily injury liability ~~personal injury protection~~
2274 coverage and, property damage liability coverage, ~~or both~~.

2275 (b) "Binder" means a binder that provides motor vehicle
2276 bodily injury liability coverage ~~personal injury protection~~ and
2277 property damage liability coverage.

2278 (5) (a) A licensed general lines agent may charge a per-
2279 policy fee of up to not to exceed \$10 to cover the
2280 administrative costs of the agent associated with selling the
2281 motor vehicle insurance policy if the policy covers only bodily
2282 injury liability coverage ~~personal injury protection coverage~~ as
2283 ~~provided by s. 627.736~~ and property damage liability coverage as
2284 provided by s. 627.7275 and if no other insurance is sold or
2285 issued in conjunction with or collateral to the policy. The fee
2286 is not ~~considered~~ part of the premium.

2287 (6) If a motor vehicle owner's driver license, license
2288 plate, and registration have previously been suspended pursuant
2289 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2290 only as provided in s. 627.7275.

2291 (7) A policy of private passenger motor vehicle insurance
2292 or a binder for such a policy may be initially issued in this
2293 state only if, before the effective date of such binder or
2294 policy, the insurer or agent has collected from the insured an
2295 amount equal to at least 1 month's premium. An insurer, agent,
2296 or premium finance company may not, directly or indirectly, take
2297 any action that results ~~resulting~~ in the insured paying ~~having~~
2298 ~~paid~~ from the insured's own funds an amount less than the 1
2299 month's premium required by this subsection. This subsection
2300 applies without regard to whether the premium is financed by a
2301 premium finance company or is paid pursuant to a periodic



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2302 payment plan of an insurer or an insurance agent.

2303 (a) This subsection does not apply:

2304 1. If an insured or member of the insured's family is
2305 renewing or replacing a policy or a binder for such policy
2306 written by the same insurer or a member of the same insurer
2307 group. ~~This subsection does not apply~~

2308 2. To an insurer that issues private passenger motor
2309 vehicle coverage primarily to active duty or former military
2310 personnel or their dependents. ~~This subsection does not apply~~

2311 3. If all policy payments are paid pursuant to a payroll
2312 deduction plan, an automatic electronic funds transfer payment
2313 plan from the policyholder, or a recurring credit card or debit
2314 card agreement with the insurer.

2315 (b) This subsection and subsection (4) do not apply if:

2316 1. All policy payments to an insurer are paid pursuant to
2317 an automatic electronic funds transfer payment plan from an
2318 agent, a managing general agent, or a premium finance company
2319 and if the policy includes, at a minimum, bodily injury
2320 liability coverage and ~~personal injury protection pursuant to~~
2321 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~
2322 coverage pursuant to s. 627.7275; or and ~~bodily injury liability~~
2323 ~~in at least the amount of \$10,000 because of bodily injury to,~~
2324 ~~or death of, one person in any one accident and in the amount of~~
2325 ~~\$20,000 because of bodily injury to, or death of, two or more~~
2326 ~~persons in any one accident. This subsection and subsection (4)~~
2327 ~~do not apply if~~

2328 2. An insured has had a policy in effect for at least 6
2329 months, the insured's agent is terminated by the insurer that
2330 issued the policy, and the insured obtains coverage on the



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2331 policy's renewal date with a new company through the terminated
2332 agent.

2333 Section 52. Section 627.7415, Florida Statutes, is amended
2334 to read:

2335 627.7415 Commercial motor vehicles; additional liability
2336 insurance coverage.—Beginning January 1, 2022, commercial motor
2337 vehicles, as defined in s. 207.002 or s. 320.01, operated upon
2338 the roads and highways of this state must ~~shall~~ be insured with
2339 the following minimum levels of combined bodily liability
2340 insurance and property damage liability insurance in addition to
2341 any other insurance requirements:

2342 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a
2343 commercial motor vehicle with a gross vehicle weight of 26,000
2344 pounds or more, but less than 35,000 pounds.

2345 (2) One hundred twenty thousand dollars per occurrence for
2346 a commercial motor vehicle with a gross vehicle weight of 35,000
2347 pounds or more, but less than 44,000 pounds.

2348 (3) Three hundred thousand dollars per occurrence for a
2349 commercial motor vehicle with a gross vehicle weight of 44,000
2350 pounds or more.

2351 (4) All commercial motor vehicles subject to regulations of
2352 the United States Department of Transportation, 49 C.F.R. part
2353 387, subpart A, and as may be hereinafter amended, shall be
2354 insured in an amount equivalent to the minimum levels of
2355 financial responsibility as set forth in such regulations.

2356
2357 A violation of this section is a noncriminal traffic
2358 infraction, punishable as a nonmoving violation as provided in
2359 chapter 318.



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2360 Section 53. Section 627.747, Florida Statutes, is created
2361 to read:

2362 627.747 Named driver exclusion.—

2363 (1) A private passenger motor vehicle policy may exclude an
2364 identified individual from the following coverages while the
2365 identified individual is operating a motor vehicle, provided
2366 that the identified individual is specifically excluded by name
2367 on the declarations page or by endorsement, and the policyholder
2368 consents in writing to the exclusion:

2369 (a) Property damage liability coverage.

2370 (b) Bodily injury liability coverage.

2371 (c) Uninsured motorist coverage for any damages sustained
2372 by the identified excluded individual, if the policyholder has
2373 purchased such coverage.

2374 (d) Any coverage the policyholder is not required by law to
2375 purchase.

2376 (2) A private passenger motor vehicle policy may not
2377 exclude coverage when:

2378 (a) The identified excluded individual is injured while not
2379 operating a motor vehicle;

2380 (b) The exclusion is unfairly discriminatory under the
2381 Florida Insurance Code, as determined by the office; or

2382 (c) The exclusion is inconsistent with the underwriting
2383 rules filed by the insurer pursuant to s. 627.0651(13)(a).

2384 Section 54. Paragraphs (b), (c), and (g) of subsection (7),
2385 paragraphs (a) and (b) of subsection (8), and paragraph (b) of
2386 subsection (16) of section 627.748, Florida Statutes, are
2387 amended to read:

2388 627.748 Transportation network companies.—



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2389 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE
2390 REQUIREMENTS.—

2391 (b) The following automobile insurance requirements apply
2392 while a participating TNC driver is logged on to the digital
2393 network but is not engaged in a prearranged ride:

2394 1. Automobile insurance that provides:

2395 a. A primary automobile liability coverage of at least
2396 \$50,000 for death and bodily injury per person, \$100,000 for
2397 death and bodily injury per incident, and \$25,000 for property
2398 damage; and

2399 ~~b. Personal injury protection benefits that meet the~~
2400 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
2401 ~~and~~

2402 ~~e.~~ Uninsured and underinsured vehicle coverage as required
2403 by s. 627.727.

2404 2. The coverage requirements of this paragraph may be
2405 satisfied by any of the following:

2406 a. Automobile insurance maintained by the TNC driver or the
2407 TNC vehicle owner;

2408 b. Automobile insurance maintained by the TNC; or

2409 c. A combination of sub-subparagraphs a. and b.

2410 (c) The following automobile insurance requirements apply
2411 while a TNC driver is engaged in a prearranged ride:

2412 1. Automobile insurance that provides:

2413 a. A primary automobile liability coverage of at least \$1
2414 million for death, bodily injury, and property damage; and

2415 ~~b. Personal injury protection benefits that meet the~~
2416 ~~minimum coverage amounts required of a limousine under ss.~~
2417 ~~627.730-627.7405; and~~



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2418 ~~e.~~ Uninsured and underinsured vehicle coverage as required
2419 by s. 627.727.

2420 2. The coverage requirements of this paragraph may be
2421 satisfied by any of the following:

2422 a. Automobile insurance maintained by the TNC driver or the
2423 TNC vehicle owner;

2424 b. Automobile insurance maintained by the TNC; or

2425 c. A combination of sub-subparagraphs a. and b.

2426 (g) Insurance satisfying the requirements under this
2427 subsection is deemed to satisfy the financial responsibility
2428 requirement for a motor vehicle under chapter 324 ~~and the~~
2429 ~~security required under s. 627.733~~ for any period when the TNC
2430 driver is logged onto the digital network or engaged in a
2431 prearranged ride.

2432 (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;
2433 EXCLUSIONS.—

2434 (a) Before a TNC driver is allowed to accept a request for
2435 a prearranged ride on the digital network, the TNC must disclose
2436 in writing to the TNC driver:

2437 1. The insurance coverage, including the types of coverage
2438 and the limits for each coverage, which the TNC provides while
2439 the TNC driver uses a TNC vehicle in connection with the TNC's
2440 digital network.

2441 2. That the TNC driver's own automobile insurance policy
2442 might not provide any coverage while the TNC driver is logged on
2443 to the digital network or is engaged in a prearranged ride,
2444 depending on the terms of the TNC driver's own automobile
2445 insurance policy.

2446 3. That the provision of rides for compensation which are



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2447 not prearranged rides subjects the driver to the coverage
2448 requirements imposed under s. 324.032(1) and (2) and that
2449 failure to meet such coverage requirements subjects the TNC
2450 driver to penalties provided in s. 324.221, up to and including
2451 a misdemeanor of the second degree.

2452 (b)1. An insurer that provides an automobile liability
2453 insurance policy under this part may exclude any and all
2454 coverage afforded under the policy issued to an owner or
2455 operator of a TNC vehicle while driving that vehicle for any
2456 loss or injury that occurs while a TNC driver is logged on to a
2457 digital network or while a TNC driver provides a prearranged
2458 ride. Exclusions imposed under this subsection are limited to
2459 coverage while a TNC driver is logged on to a digital network or
2460 while a TNC driver provides a prearranged ride. This right to
2461 exclude all coverage may apply to any coverage included in an
2462 automobile insurance policy, including, but not limited to:

- 2463 a. Liability coverage for bodily injury and property
2464 damage;
- 2465 b. Uninsured and underinsured motorist coverage;
- 2466 c. Medical payments coverage;
- 2467 d. Comprehensive physical damage coverage; and
- 2468 e. Collision physical damage coverage; ~~and~~
- 2469 ~~f. Personal injury protection.~~

2470 2. The exclusions described in subparagraph 1. apply
2471 notwithstanding any requirement under chapter 324. These
2472 exclusions do not affect or diminish coverage otherwise
2473 available for permissive drivers or resident relatives under the
2474 personal automobile insurance policy of the TNC driver or owner
2475 of the TNC vehicle who are not occupying the TNC vehicle at the



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2476 time of loss. This section does not require that a personal
2477 automobile insurance policy provide coverage while the TNC
2478 driver is logged on to a digital network, while the TNC driver
2479 is engaged in a prearranged ride, or while the TNC driver
2480 otherwise uses a vehicle to transport riders for compensation.

2481 3. This section must not be construed to require an insurer
2482 to use any particular policy language or reference to this
2483 section in order to exclude any and all coverage for any loss or
2484 injury that occurs while a TNC driver is logged on to a digital
2485 network or while a TNC driver provides a prearranged ride.

2486 4. This section does not preclude an insurer from providing
2487 primary or excess coverage for the TNC driver's vehicle by
2488 contract or endorsement.

2489 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

2490 (b) An entity may elect, upon written notification to the
2491 department, to be regulated as a luxury ground TNC. A luxury
2492 ground TNC must:

2493 1. Comply with all of the requirements of this section
2494 applicable to a TNC, including subsection (17), which do not
2495 conflict with subparagraph 2. or which do not prohibit the
2496 company from connecting riders to drivers who operate for-hire
2497 vehicles as defined in s. 320.01(15), including limousines and
2498 luxury sedans and excluding taxicabs.

2499 2. Maintain insurance coverage as required by subsection
2500 (7). However, if a prospective luxury ground TNC satisfies
2501 minimum financial responsibility through compliance with s.
2502 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives
2503 the department written notification of its election to be
2504 regulated as a luxury ground TNC, the luxury ground TNC may use



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2505 self-insurance to meet the insurance requirements of subsection
2506 (7), so long as such self-insurance complies with s. 324.032(3)
2507 ~~s. 324.032(2)~~ and provides the limits of liability required by
2508 subsection (7).

2509 Section 55. Paragraph (a) of subsection (2) of section
2510 627.749, Florida Statutes, is amended to read:

2511 627.749 Autonomous vehicles; insurance requirements.-

2512 (2) INSURANCE REQUIREMENTS.-

2513 (a) A fully autonomous vehicle with the automated driving
2514 system engaged while logged on to an on-demand autonomous
2515 vehicle network or engaged in a prearranged ride must be covered
2516 by a policy of automobile insurance which provides:

2517 1. Primary liability coverage of at least \$1 million for
2518 death, bodily injury, and property damage.

2519 2. ~~Personal injury protection benefits that meet the~~
2520 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

2521 3. Uninsured and underinsured vehicle coverage as required
2522 by s. 627.727.

2523 Section 56. Section 627.8405, Florida Statutes, is amended
2524 to read:

2525 627.8405 Prohibited acts; financing companies.-A ~~No~~ premium
2526 finance company ~~shall~~, in a premium finance agreement or other
2527 agreement, may not finance the cost of or otherwise provide for
2528 the collection or remittance of dues, assessments, fees, or
2529 other periodic payments of money for the cost of:

2530 (1) A membership in an automobile club. The term
2531 "automobile club" means a legal entity that ~~which~~, in
2532 consideration of dues, assessments, or periodic payments of
2533 money, promises its members or subscribers to assist them in



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2534 matters relating to the ownership, operation, use, or
2535 maintenance of a motor vehicle; however, the term ~~this~~
2536 ~~definition of "automobile club"~~ does not include persons,
2537 associations, or corporations ~~which are~~ organized and operated
2538 solely for the purpose of conducting, sponsoring, or sanctioning
2539 motor vehicle races, exhibitions, or contests upon racetracks,
2540 or upon racecourses established and marked as such for the
2541 duration of such particular events. As used in this subsection,
2542 the term ~~words~~ "motor vehicle" has ~~used herein have~~ the same
2543 meaning as ~~defined~~ in chapter 320.

2544 (2) An accidental death and dismemberment policy sold in
2545 combination with a policy providing only bodily injury liability
2546 coverage ~~personal injury protection~~ and property damage
2547 liability coverage only policy.

2548 (3) Any product not regulated under ~~the provisions of this~~
2549 insurance code.

2550

2551 This section also applies to premium financing by any
2552 insurance agent or insurance company under part XVI. The
2553 commission shall adopt rules to assure disclosure, at the time
2554 of sale, of coverages financed ~~with personal injury protection~~
2555 and shall prescribe the form of such disclosure.

2556 Section 57. Subsection (1) of section 627.915, Florida
2557 Statutes, is amended to read:

2558 627.915 Insurer experience reporting.—

2559 (1) Each insurer transacting private passenger automobile
2560 insurance in this state shall report certain information
2561 annually to the office. The information will be due on or before
2562 July 1 of each year. The information must ~~shall~~ be divided into



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2563 the following categories: bodily injury liability; property
2564 damage liability; uninsured motorist; ~~personal injury protection~~
2565 ~~benefits~~; medical payments; and comprehensive and collision. The
2566 information given must ~~shall~~ be on direct insurance writings in
2567 the state alone and ~~shall~~ represent total limits data. The
2568 information set forth in paragraphs (a)-(f) is applicable to
2569 voluntary private passenger and Joint Underwriting Association
2570 private passenger writings and must ~~shall~~ be reported for each
2571 of the latest 3 calendar-accident years, with an evaluation date
2572 of March 31 of the current year. The information set forth in
2573 paragraphs (g)-(j) is applicable to voluntary private passenger
2574 writings and must ~~shall~~ be reported on a calendar-accident year
2575 basis ultimately seven times at seven different stages of
2576 development.

2577 (a) Premiums earned for the latest 3 calendar-accident
2578 years.

2579 (b) Loss development factors and the historic development
2580 of those factors.

2581 (c) Policyholder dividends incurred.

2582 (d) Expenses for other acquisition and general expense.

2583 (e) Expenses for agents' commissions and taxes, licenses,
2584 and fees.

2585 (f) Profit and contingency factors as utilized in the
2586 insurer's automobile rate filings for the applicable years.

2587 (g) Losses paid.

2588 (h) Losses unpaid.

2589 (i) Loss adjustment expenses paid.

2590 (j) Loss adjustment expenses unpaid.

2591 Section 58. Subsections (2) and (3) of section 628.909,



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2592 Florida Statutes, are amended to read:
2593 628.909 Applicability of other laws.—
2594 (2) The following provisions of the Florida Insurance Code
2595 apply to captive insurance companies that ~~who~~ are not industrial
2596 insured captive insurance companies to the extent that such
2597 provisions are not inconsistent with this part:
2598 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2599 624.40851, 624.4095, 624.411, 624.425, and 624.426.
2600 (b) Chapter 625, part II.
2601 (c) Chapter 626, part IX.
2602 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~
2603 ~~provided.~~
2604 ~~(e) Chapter 628.~~
2605 (3) The following provisions of the Florida Insurance Code
2606 ~~shall~~ apply to industrial insured captive insurance companies to
2607 the extent that such provisions are not inconsistent with this
2608 part:
2609 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
2610 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).
2611 (b) Chapter 625, part II, if the industrial insured captive
2612 insurance company is incorporated in this state.
2613 (c) Chapter 626, part IX.
2614 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~
2615 ~~provided.~~
2616 ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~
2617 ~~628.6018.~~
2618 Section 59. Subsections (2), (6), and (7) of section
2619 705.184, Florida Statutes, are amended to read:
2620 705.184 Derelict or abandoned motor vehicles on the



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2621 premises of public-use airports.-

2622 (2) The airport director or the director's designee shall
2623 contact the Department of Highway Safety and Motor Vehicles to
2624 notify that department that the airport has possession of the
2625 abandoned or derelict motor vehicle and to determine the name
2626 and address of the owner of the motor vehicle, the insurance
2627 company insuring the motor vehicle, ~~notwithstanding the~~
2628 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
2629 the motor vehicle. Within 7 business days after receipt of the
2630 information, the director or the director's designee shall send
2631 notice by certified mail, return receipt requested, to the owner
2632 of the motor vehicle, the insurance company insuring the motor
2633 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2634 persons of record claiming a lien against the motor vehicle. The
2635 notice must ~~shall~~ state the fact of possession of the motor
2636 vehicle, that charges for reasonable towing, storage, and
2637 parking fees, if any, have accrued and the amount thereof, that
2638 a lien as provided in subsection (6) will be claimed, that the
2639 lien is subject to enforcement pursuant to law, that the owner
2640 or lienholder, if any, has the right to a hearing as set forth
2641 in subsection (4), and that any motor vehicle which, at the end
2642 of 30 calendar days after receipt of the notice, has not been
2643 removed from the airport upon payment in full of all accrued
2644 charges for reasonable towing, storage, and parking fees, if
2645 any, may be disposed of as provided in s. 705.182(2)(a), (b),
2646 (d), or (e), including, but not limited to, the motor vehicle
2647 being sold free of all prior liens after 35 calendar days after
2648 the time the motor vehicle is stored if any prior liens on the
2649 motor vehicle are more than 5 years of age or after 50 calendar



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2650 days after the time the motor vehicle is stored if any prior
2651 liens on the motor vehicle are 5 years of age or less.

2652 (6) The airport pursuant to this section or, if used, a
2653 licensed independent wrecker company pursuant to s. 713.78 shall
2654 have a lien on an abandoned or derelict motor vehicle for all
2655 reasonable towing, storage, and accrued parking fees, if any,
2656 except that no storage fee may ~~shall~~ be charged if the motor
2657 vehicle is stored less than 6 hours. As a prerequisite to
2658 perfecting a lien under this section, the airport director or
2659 the director's designee must serve a notice in accordance with
2660 subsection (2) on the owner of the motor vehicle, the insurance
2661 company insuring the motor vehicle, ~~notwithstanding the~~
2662 ~~provisions of s. 627.736,~~ and all persons of record claiming a
2663 lien against the motor vehicle. If attempts to notify the owner,
2664 the insurance company insuring the motor vehicle,
2665 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
2666 not successful, the requirement of notice by mail shall be
2667 considered met. Serving of the notice does not dispense with
2668 recording the claim of lien.

2669 (7) (a) For the purpose of perfecting its lien under this
2670 section, the airport shall record a claim of lien which states
2671 ~~shall state:~~

2672 1. The name and address of the airport.

2673 2. The name of the owner of the motor vehicle, the
2674 insurance company insuring the motor vehicle, ~~notwithstanding~~
2675 ~~the provisions of s. 627.736,~~ and all persons of record claiming
2676 a lien against the motor vehicle.

2677 3. The costs incurred from reasonable towing, storage, and
2678 parking fees, if any.



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2679 4. A description of the motor vehicle sufficient for
2680 identification.

2681 (b) The claim of lien must ~~shall~~ be signed and sworn to or
2682 affirmed by the airport director or the director's designee.

2683 (c) The claim of lien is ~~shall be~~ sufficient if it is in
2684 substantially the following form:

2685

CLAIM OF LIEN

2687 State of

2688 County of

2689 Before me, the undersigned notary public, personally appeared

2690, who was duly sworn and says that he/she is the

2691 of, whose address is.....; and that the
2692 following described motor vehicle:

2693 ...(Description of motor vehicle)...

2694 owned by, whose address is, has accrued

2695 \$..... in fees for a reasonable tow, for storage, and for

2696 parking, if applicable; that the lienor served its notice to the

2697 owner, the insurance company insuring the motor vehicle

2698 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~

2699 and all persons of record claiming a lien against the motor

2700 vehicle on, ...(year)..., by.....

2701 ...(Signature)...

2702 Sworn to (or affirmed) and subscribed before me this day of

2703, ...(year)..., by ...(name of person making statement)....

2704 ...(Signature of Notary Public).....(Print, Type, or Stamp

2705 Commissioned name of Notary Public)...

2706 Personally Known...OR Produced...as identification.

2707



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2708 However, the negligent inclusion or omission of any information
2709 in this claim of lien which does not prejudice the owner does
2710 not constitute a default that operates to defeat an otherwise
2711 valid lien.

2712 (d) The claim of lien must ~~shall~~ be served on the owner of
2713 the motor vehicle, the insurance company insuring the motor
2714 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2715 persons of record claiming a lien against the motor vehicle. If
2716 attempts to notify the owner, the insurance company insuring the
2717 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
2718 lienholders are not successful, the requirement of notice by
2719 mail shall be considered met. The claim of lien must ~~shall~~ be so
2720 served before recordation.

2721 (e) The claim of lien must ~~shall~~ be recorded with the clerk
2722 of court in the county where the airport is located. The
2723 recording of the claim of lien shall be constructive notice to
2724 all persons of the contents and effect of such claim. The lien
2725 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
2726 ~~take~~ priority as of that time.

2727 Section 60. Subsection (4) of section 713.78, Florida
2728 Statutes, is amended to read:

2729 713.78 Liens for recovering, towing, or storing vehicles
2730 and vessels.-

2731 (4) (a) A person regularly engaged in the business of
2732 recovering, towing, or storing vehicles or vessels who comes
2733 into possession of a vehicle or vessel pursuant to subsection
2734 (2), and who claims a lien for recovery, towing, or storage
2735 services, shall give notice, by certified mail, to the
2736 registered owner, the insurance company insuring the vehicle



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2737 ~~notwithstanding s. 627.736~~, and all persons claiming a lien
2738 thereon, as disclosed by the records in the Department of
2739 Highway Safety and Motor Vehicles or as disclosed by the records
2740 of any corresponding agency in any other state in which the
2741 vehicle is identified through a records check of the National
2742 Motor Vehicle Title Information System or an equivalent
2743 commercially available system as being titled or registered.

2744 (b) Whenever a law enforcement agency authorizes the
2745 removal of a vehicle or vessel or whenever a towing service,
2746 garage, repair shop, or automotive service, storage, or parking
2747 place notifies the law enforcement agency of possession of a
2748 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2749 enforcement agency of the jurisdiction where the vehicle or
2750 vessel is stored shall contact the Department of Highway Safety
2751 and Motor Vehicles, or the appropriate agency of the state of
2752 registration, if known, within 24 hours through the medium of
2753 electronic communications, giving the full description of the
2754 vehicle or vessel. Upon receipt of the full description of the
2755 vehicle or vessel, the department shall search its files to
2756 determine the owner's name, the insurance company insuring the
2757 vehicle or vessel, and whether any person has filed a lien upon
2758 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2759 notify the applicable law enforcement agency within 72 hours.
2760 The person in charge of the towing service, garage, repair shop,
2761 or automotive service, storage, or parking place shall obtain
2762 such information from the applicable law enforcement agency
2763 within 5 days after the date of storage and shall give notice
2764 pursuant to paragraph (a). The department may release the
2765 insurance company information to the requestor ~~notwithstanding~~



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2766 ~~s. 627.736.~~

2767 (c) The notice of lien must be sent by certified mail to
2768 the registered owner, the insurance company insuring the vehicle
2769 ~~notwithstanding s. 627.736,~~ and all other persons claiming a
2770 lien thereon within 7 business days, excluding Saturday and
2771 Sunday, after the date of storage of the vehicle or vessel.
2772 However, in no event shall the notice of lien be sent less than
2773 30 days before the sale of the vehicle or vessel. The notice
2774 must state:

2775 1. If the claim of lien is for a vehicle, the last 8 digits
2776 of the vehicle identification number of the vehicle subject to
2777 the lien, or, if the claim of lien is for a vessel, the hull
2778 identification number of the vessel subject to the lien, clearly
2779 printed in the delivery address box and on the outside of the
2780 envelope sent to the registered owner and all other persons
2781 claiming an interest therein or lien thereon.

2782 2. The name, physical address, and telephone number of the
2783 lienor, and the entity name, as registered with the Division of
2784 Corporations, of the business where the towing and storage
2785 occurred, which must also appear on the outside of the envelope
2786 sent to the registered owner and all other persons claiming an
2787 interest in or lien on the vehicle or vessel.

2788 3. The fact of possession of the vehicle or vessel.

2789 4. The name of the person or entity that authorized the
2790 lienor to take possession of the vehicle or vessel.

2791 5. That a lien as provided in subsection (2) is claimed.

2792 6. That charges have accrued and include an itemized
2793 statement of the amount thereof.

2794 7. That the lien is subject to enforcement under law and



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2795 that the owner or lienholder, if any, has the right to a hearing
2796 as set forth in subsection (5).

2797 8. That any vehicle or vessel that remains unclaimed, or
2798 for which the charges for recovery, towing, or storage services
2799 remain unpaid, may be sold free of all prior liens 35 days after
2800 the vehicle or vessel is stored by the lienor if the vehicle or
2801 vessel is more than 3 years of age or 50 days after the vehicle
2802 or vessel is stored by the lienor if the vehicle or vessel is 3
2803 years of age or less.

2804 9. The address at which the vehicle or vessel is physically
2805 located.

2806 (d) The notice of lien may not be sent to the registered
2807 owner, the insurance company insuring the vehicle or vessel, and
2808 all other persons claiming a lien thereon less than 30 days
2809 before the sale of the vehicle or vessel.

2810 (e) If attempts to locate the name and address of the owner
2811 or lienholder prove unsuccessful, the towing-storage operator
2812 shall, after 7 business days, excluding Saturday and Sunday,
2813 after the initial tow or storage, notify the public agency of
2814 jurisdiction where the vehicle or vessel is stored in writing by
2815 certified mail or acknowledged hand delivery that the towing-
2816 storage company has been unable to locate the name and address
2817 of the owner or lienholder and a physical search of the vehicle
2818 or vessel has disclosed no ownership information and a good
2819 faith effort has been made, including records checks of the
2820 Department of Highway Safety and Motor Vehicles database and the
2821 National Motor Vehicle Title Information System or an equivalent
2822 commercially available system. For purposes of this paragraph
2823 and subsection (9), the term "good faith effort" means that the



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2824 following checks have been performed by the company to establish
2825 the prior state of registration and for title:

2826 1. A check of the department's database for the owner and
2827 any lienholder.

2828 2. A check of the electronic National Motor Vehicle Title
2829 Information System or an equivalent commercially available
2830 system to determine the state of registration when there is not
2831 a current registration record for the vehicle or vessel on file
2832 with the department.

2833 3. A check of the vehicle or vessel for any type of tag,
2834 tag record, temporary tag, or regular tag.

2835 4. A check of the law enforcement report for a tag number
2836 or other information identifying the vehicle or vessel, if the
2837 vehicle or vessel was towed at the request of a law enforcement
2838 officer.

2839 5. A check of the trip sheet or tow ticket of the tow truck
2840 operator to determine whether a tag was on the vehicle or vessel
2841 at the beginning of the tow, if a private tow.

2842 6. If there is no address of the owner on the impound
2843 report, a check of the law enforcement report to determine
2844 whether an out-of-state address is indicated from driver license
2845 information.

2846 7. A check of the vehicle or vessel for an inspection
2847 sticker or other stickers and decals that may indicate a state
2848 of possible registration.

2849 8. A check of the interior of the vehicle or vessel for any
2850 papers that may be in the glove box, trunk, or other areas for a
2851 state of registration.

2852 9. A check of the vehicle for a vehicle identification



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2853 number.

2854 10. A check of the vessel for a vessel registration number.

2855 11. A check of the vessel hull for a hull identification
2856 number which should be carved, burned, stamped, embossed, or
2857 otherwise permanently affixed to the outboard side of the
2858 transom or, if there is no transom, to the outmost seaboard side
2859 at the end of the hull that bears the rudder or other steering
2860 mechanism.

2861 Section 61. Section 768.852, Florida Statutes, is created
2862 to read:

2863 768.852 Limitation on damages due to operating a motor
2864 vehicle while uninsured.—

2865 (1) Except as provided in subsection (2), if a person
2866 suffers an injury or death while operating a motor vehicle and
2867 the person knew or should have known that he or she was not in
2868 compliance with applicable laws requiring the maintenance of
2869 insurance coverage or other forms of financial responsibility,
2870 the person or the person's personal representative may recover
2871 damages only for personal injury or wrongful death, and the
2872 amount of damages recovered may not exceed the minimum financial
2873 responsibility required under s. 324.022(1)(a)1.

2874 (2) The limitation on damages in subsection (1) does not
2875 apply if the person who is liable for the personal injury or
2876 wrongful death:

2877 (a) Was driving while under the influence of an alcoholic
2878 beverage, inhalant, or controlled substance;

2879 (b) Acted intentionally, recklessly, or with gross
2880 negligence;

2881 (c) Fled from the scene of the accident; or



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2882 (d) Was acting in furtherance of an offense or in immediate
2883 flight from an offense that constitutes a felony at the time of
2884 the accident.

2885
2886 ===== T I T L E A M E N D M E N T =====

2887 And the title is amended as follows:

2888 Delete lines 30 - 252

2889 and insert:

2890 legislative intent; amending s. 324.021, F.S.;

2891 revising definitions of the terms "motor vehicle" and

2892 "proof of financial responsibility"; revising minimum

2893 coverage requirements for proof of financial

2894 responsibility for specified motor vehicles; defining

2895 the term "for-hire passenger transportation vehicle";

2896 conforming provisions to changes made by the act;

2897 amending s. 324.022, F.S.; revising minimum liability

2898 coverage requirements for motor vehicle owners or

2899 operators; revising authorized methods for meeting

2900 such requirements; providing alternative minimum

2901 liability insurance coverage requirements for certain

2902 motor vehicle owners or operators; deleting a

2903 provision relating to an insurer's duty to defend

2904 certain claims; revising the vehicles that are

2905 excluded from the definition of the term "motor

2906 vehicle"; providing security requirements for certain

2907 excluded vehicles; specifying circumstances when

2908 motorcycles are subject to financial responsibility

2909 requirements; conforming provisions to changes made by

2910 the act; conforming cross-references; amending s.



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2911 324.0221, F.S.; revising coverages that subject a
2912 policy to certain insurer reporting and notice
2913 requirements; conforming provisions to changes made by
2914 the act; creating s. 324.0222, F.S.; providing that
2915 driver license or registration suspensions for failure
2916 to maintain required security which were in effect
2917 before a specified date remain in full force and
2918 effect; providing that such suspended licenses or
2919 registrations may be reinstated as provided in a
2920 specified section; amending s. 324.023, F.S.;

2921 conforming cross-references; making technical changes;
2922 amending s. 324.031, F.S.; specifying a method of
2923 proving financial responsibility; revising the amount
2924 of a certificate of deposit required to elect a
2925 certain method of proof of financial responsibility;
2926 revising excess liability coverage requirements for a
2927 person electing to use such method; amending s.
2928 324.032, F.S.; revising financial responsibility
2929 requirements for owners or lessees of for-hire
2930 passenger transportation vehicles; amending s.
2931 324.051, F.S.; specifying that motor vehicles include
2932 motorcycles for purposes of the section; making
2933 technical changes; amending ss. 324.071, and 324.091,
2934 F.S.; making technical changes; amending s. 324.151,
2935 F.S.; revising requirements for motor vehicle
2936 liability insurance policies relating to coverage, and
2937 exclusion from coverage, for certain drivers and
2938 vehicles; defining terms; conforming provisions to
2939 changes made by the act; making technical changes;



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2940 amending s. 324.161, F.S.; revising requirements for a
2941 certificate of deposit that is required if a person
2942 elects a certain method of proving financial
2943 responsibility; amending s. 324.171, F.S.; revising
2944 the minimum net worth requirements to qualify certain
2945 persons as self-insurers; conforming provisions to
2946 changes made by the act; amending s. 324.251, F.S.;;
2947 revising the short title and an effective date;
2948 amending s. 400.9905, F.S.; revising the definition of
2949 the term "clinic"; amending ss. 400.991 and 400.9935,
2950 F.S.; conforming provisions to changes made by the
2951 act; amending s. 409.901, F.S.; revising the
2952 definition of the term "third-party benefit"; amending
2953 s. 409.910, F.S.; revising the definition of the term
2954 "medical coverage"; amending s. 456.057, F.S.;;
2955 conforming a provision to changes made by the act;
2956 amending s. 456.072, F.S.; revising specified grounds
2957 for discipline for certain health professions;
2958 defining the term "upcoded"; amending s. 559.920,
2959 F.S.; prohibiting certain practices by motor vehicle
2960 repair shops or motor vehicle glass repair facilities
2961 with respect to the replacement or repair of motor
2962 vehicle windshields; amending s. 624.155, F.S.;;
2963 providing an exception to the circumstances under
2964 which a person who is damaged may bring a civil action
2965 against an insurer; adding a cause of action against
2966 insurers in certain circumstances; providing that a
2967 person is not entitled to judgments under multiple bad
2968 faith remedies; creating s. 624.156, F.S.; providing



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2969 that the section applies to bad faith failure to
2970 settle actions against any insurer brought by a third
2971 party for a loss arising out of the ownership,
2972 maintenance, or use of a motor vehicle under specified
2973 circumstances; providing that insurers have a duty of
2974 good faith; defining the term "bad faith failure to
2975 settle"; specifying best practice standards for
2976 insurers upon receiving notice of a claim or a demand
2977 for settlement; specifying certain requirements for
2978 insurer communications to an insured in handling
2979 third-party claims; specifying requirements for the
2980 insurer when a loss involves multiple claimants under
2981 certain conditions; specifying conditions precedent
2982 for claimants filing third-party bad faith failure to
2983 settle actions; specifying requirements for
2984 information that must be included in a demand for
2985 settlement; requiring a demand for settlement to
2986 release the insured from liability under certain
2987 conditions; requiring the demand for settlement be
2988 served upon the insurer at the address designated with
2989 the Department of Financial Services; prohibiting
2990 claimants from placing conditions on acceptance of a
2991 demand for settlement other than electing the right to
2992 examine the insured under oath regarding certain
2993 information; authorizing claimants to examine insureds
2994 under oath under certain conditions; authorizing the
2995 claimant to request the insured bring relevant
2996 documents to the examination under oath; prohibiting
2997 the claimant from examining the insured under oath



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2998 regarding liability; providing an exception; requiring
2999 the claimant, insurer, and insured to cooperate in
3000 scheduling the examination under oath; specifying the
3001 timeframe within which the examination must take
3002 place; authorizing the claimant to withdraw the demand
3003 for settlement if the insured refuses to submit to an
3004 examination under oath; authorizing an insurer to
3005 accept a demand for settlement if the insured refuses
3006 to submit to an examination under oath; absolving an
3007 insurer of a duty to defend and of liability under
3008 certain circumstances; specifying the timeframe within
3009 which a claimant may withdraw a demand for settlement;
3010 providing that insurers may not be held liable in
3011 certain third-party bad faith failure to settle
3012 actions if they tender policy limits within a certain
3013 timeframe; providing that insurers may not be held
3014 liable in third-party bad faith failure to settle
3015 actions involving multiple claimants if such insurers
3016 file an interpleader action within a certain time
3017 frame; specifying that certain provisions providing
3018 that insurers may not be held liable for a bad faith
3019 failure to settle do not affect certain other duties
3020 of such insurers; specifying that insurers that accept
3021 demands for settlement are entitled to releases of
3022 their insureds; providing an exception; requiring
3023 claimants to prove in any third-party bad faith
3024 failure to settle action by a preponderance of the
3025 evidence that the insurer violated its duty of good
3026 faith and in bad faith failed to settle; specifying



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3027 factors for the trier of fact to consider in
3028 determining whether an insurer violated its duty of
3029 good faith and in bad faith failed to settle;
3030 requiring the trier of fact to be informed of an
3031 excess judgment; prohibiting disclosure of certain
3032 judgment information to the trier of fact; limiting
3033 damages in third-party bad faith failure to settle
3034 actions; providing that judgment creditors must be
3035 subrogated to the rights of the insured under certain
3036 circumstances; prohibiting multiple bad faith
3037 remedies; amending s. 626.9541, F.S.; conforming a
3038 provision to changes made by the act; revising the
3039 type of insurance coverage applicable to a certain
3040 prohibited act; amending s. 626.989, F.S.; revising
3041 the definition of the term "fraudulent insurance act";
3042 amending s. 627.06501, F.S.; revising coverages that
3043 may provide for a reduction in motor vehicle insurance
3044 policy premium charges under certain circumstances;
3045 amending s. 627.0651, F.S.; specifying requirements
3046 for initial rate filings for motor vehicle liability
3047 policies submitted to the Office of Insurance
3048 Regulation beginning on a specified date; amending s.
3049 627.0652, F.S.; revising coverages that must provide a
3050 premium charge reduction under certain circumstances;
3051 amending s. 627.0653, F.S.; revising coverages subject
3052 to premium discounts for specified motor vehicle
3053 equipment; amending s. 627.4132, F.S.; revising
3054 coverages that are subject to a stacking prohibition;
3055 amending s. 627.4137, F.S.; requiring that insurers



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3056 disclose certain information at the request of a
3057 claimant's attorney; authorizing a claimant to file an
3058 action under certain circumstances; providing for the
3059 award of reasonable attorney fees and costs under
3060 certain circumstances; amending s. 627.7263, F.S.;
3061 revising coverages that are deemed primary, except
3062 under certain circumstances, for the lessor of a motor
3063 vehicle for lease or rent; revising a notice that is
3064 required if the lessee's coverage is to be primary;
3065 creating s. 627.7265, F.S.; specifying persons whom
3066 medical payments coverage must protect; requiring
3067 medical payments coverage to cover reasonable expenses
3068 for certain medical services provided by specified
3069 providers and facilities and to provide a death
3070 benefit; specifying the minimum medical expense and
3071 death benefit limits; specifying coverage options an
3072 insurer is required or authorized to offer; providing
3073 construction relating to limits on certain other
3074 coverages; requiring insurers, upon receiving certain
3075 notice of an accident, to hold a specified reserve for
3076 certain purposes for a certain timeframe; providing
3077 that the reserve requirement does not require insurers
3078 to establish a claim reserve for accounting purposes;
3079 specifying that an insurer providing medical payments
3080 coverage benefits may not seek a lien on a certain
3081 recovery and may not bring a certain cause of action;
3082 authorizing insurers to include policy provisions
3083 allowing for subrogation, under certain circumstances,
3084 for medical payments benefits paid; providing



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3085 construction; specifying a requirement for an insured
3086 for repayment of medical payments benefits under
3087 certain circumstances; prohibiting insurers from
3088 including policy provisions allowing for subrogation
3089 for death benefits paid; amending s. 627.727, F.S.;
3090 revising the legal liability of an uninsured motorist
3091 coverage insurer; conforming provisions to changes
3092 made by the act; amending s. 627.7275, F.S.; revising
3093 required coverages for a motor vehicle insurance
3094 policy; specifying that insurers must make certain
3095 coverages available under certain circumstances;
3096 requiring insurers to make certain notices to certain
3097 persons; specifying that insurers need not verify the
3098 veracity of certain representations made by an
3099 applicant or insured; prohibiting insurers from
3100 denying or excluding certain coverages in certain
3101 circumstances; conforming provisions to changes made
3102 by the act; creating s. 627.7278, F.S.; defining the
3103 term "minimum security requirements"; providing
3104 requirements, applicability, and construction relating
3105 to motor vehicle insurance policies as of a certain
3106 date; requiring insurers to allow certain insureds to
3107 make certain coverage changes, subject to certain
3108 conditions; requiring an insurer to provide, by a
3109 specified date, a specified notice to policyholders
3110 relating to requirements under the act; amending s.
3111 627.728, F.S.; conforming a provision to changes made
3112 by the act; making technical changes; amending s.
3113 627.7288, F.S.; providing that insurers must offer



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3114 policies providing certain coverages for windshield
3115 loss without a deductible; providing that insurers may
3116 offer certain deductibles for windshield loss for an
3117 appropriate premium discount or credit; amending s.
3118 627.7295, F.S.; revising the definitions of the terms
3119 "policy" and "binder"; revising the coverages of a
3120 motor vehicle insurance policy for which a licensed
3121 general lines agent may charge a specified fee;
3122 conforming provisions to changes made by the act;
3123 amending s. 627.7415, F.S.; revising additional
3124 liability insurance requirements for commercial motor
3125 vehicles; creating s. 627.747, F.S.; providing that
3126 private passenger motor vehicle policies may exclude
3127 certain identified individuals from specified
3128 coverages under certain circumstances; providing that
3129 such policies may not exclude coverage under certain
3130 circumstances; amending s. 627.748, F.S.; revising
3131 insurance requirements for transportation network
3132 company drivers; conforming provisions to changes made
3133 by the act; amending s. 627.749, F.S.; conforming a
3134 provision to changes made by the act; amending s.
3135 627.8405, F.S.; revising coverages in a policy sold in
3136 combination with an accidental death and dismemberment
3137 policy which a premium finance company may not
3138 finance; revising rulemaking authority of the
3139 Financial Services Commission; amending ss. 627.915,
3140 628.909, 705.184, and 713.78, F.S.; conforming
3141 provisions to changes made by the act; making
3142 technical changes; creating s. 768.852, F.S.;



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3143 providing that when certain persons do not comply with
3144 certain insurance or financial responsibility
3145 requirements, such persons or their personal
3146 representatives may not obtain recovery in excess of
3147 certain amounts for the person's bodily injuries or
3148 death; providing exceptions; amending s. 817.234,
3149 F.S.; revising