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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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Senator Brandes moved the following:

Senate Amendment (with title amendment)

Delete lines 294 - 1347

and insert:

Section 3. Present subsection (5) of section 316.646, Florida Statutes, is redesignated as subsection (6), a new subsection (5) is added to that section, and subsection (1) of that section is amended, to read:

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

(1) Any person required by s. 324.022 to maintain liability



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12 ~~security for property damage, liability security, required by s.~~
13 ~~324.023 to maintain liability security for~~ bodily injury, or
14 ~~death, or required by s. 627.733 to maintain personal injury~~
15 ~~protection security on a motor vehicle~~ shall have in his or her
16 immediate possession at all times while operating such motor
17 vehicle proper proof of maintenance of the ~~required~~ security
18 required under s. 324.021(7).

19 (a) Such proof must ~~shall~~ be in a uniform paper or
20 electronic format, as prescribed by the department, a valid
21 insurance policy, an insurance policy binder, a certificate of
22 insurance, or such other proof as may be prescribed by the
23 department.

24 (b)1. The act of presenting to a law enforcement officer an
25 electronic device displaying proof of insurance in an electronic
26 format does not constitute consent for the officer to access any
27 information on the device other than the displayed proof of
28 insurance.

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

31 (5) Upon implementation of the motor vehicle insurance
32 online verification system established in s. 324.252, a law
33 enforcement officer, during a traffic stop or crash
34 investigation, shall access information from the online
35 verification system to establish compliance with this chapter
36 and chapter 324 and to verify the current validity of the policy
37 described on any insurance identification card produced by the
38 operator of a motor vehicle during the traffic stop or crash
39 investigation.

40 Section 4. Paragraph (b) of subsection (2) of section



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41 318.18, Florida Statutes, is amended to read:

42 318.18 Amount of penalties.—The penalties required for a
43 noncriminal disposition pursuant to s. 318.14 or a criminal
44 offense listed in s. 318.17 are as follows:

45 (2) Thirty dollars for all nonmoving traffic violations
46 and:

47 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
48 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
49 320.07(1) shall be charged a delinquent fee pursuant to s.
50 320.07(4).

51 1. If a person who is cited for a violation of s. 320.0605
52 or s. 320.07 can show proof of having a valid registration at
53 the time of arrest, the clerk of the court may dismiss the case
54 and may assess a dismissal fee of up to \$10, from which the
55 clerk shall remit \$2.50 to the Department of Revenue for deposit
56 into the General Revenue Fund. A person who finds it impossible
57 or impractical to obtain a valid registration certificate must
58 submit an affidavit detailing the reasons for the impossibility
59 or impracticality. The reasons may include, but are not limited
60 to, the fact that the vehicle was sold, stolen, or destroyed;
61 that the state in which the vehicle is registered does not issue
62 a certificate of registration; or that the vehicle is owned by
63 another person.

64 2. If a person who is cited for a violation of s. 322.03,
65 s. 322.065, or s. 322.15 can show a driver license issued to him
66 or her and valid at the time of arrest, the clerk of the court
67 may dismiss the case and may assess a dismissal fee of up to
68 \$10, from which the clerk shall remit \$2.50 to the Department of
69 Revenue for deposit into the General Revenue Fund.



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70 3. If a person who is cited for a violation of s. 316.646
71 can show proof of security as required by s. 324.021(7) ~~s.~~
72 ~~627.733~~, issued to the person and valid at the time of arrest,
73 the clerk of the court may dismiss the case and may assess a
74 dismissal fee of up to \$10, from which the clerk shall remit
75 \$2.50 to the Department of Revenue for deposit into the General
76 Revenue Fund. A person who finds it impossible or impractical to
77 obtain proof of security must submit an affidavit detailing the
78 reasons for the impracticality. The reasons may include, but are
79 not limited to, the fact that the vehicle has since been sold,
80 stolen, or destroyed; ~~that the owner or registrant of the~~
81 ~~vehicle is not required by s. 627.733 to maintain personal~~
82 ~~injury protection insurance;~~ or that the vehicle is owned by
83 another person.

84 Section 5. Paragraphs (a) and (d) of subsection (5) of
85 section 320.02, Florida Statutes, are amended, and paragraph (f)
86 is added to that subsection, to read:

87 320.02 Registration required; application for registration;
88 forms.-

89 (5) (a) Proof that bodily injury liability coverage and
90 property damage liability coverage ~~personal injury protection~~
91 ~~benefits~~ have been purchased if required under s. 324.022, s.
92 324.032, or s. 627.742 ~~s. 627.733~~, ~~that property damage~~
93 ~~liability coverage has been purchased as required under s.~~
94 ~~324.022~~, that bodily injury liability ~~or death~~ coverage has been
95 purchased if required under s. 324.023, and that combined bodily
96 liability insurance and property damage liability insurance have
97 been purchased if required under s. 627.7415 must ~~shall~~ be
98 provided in the manner prescribed by law by the applicant at the



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99 time of application for registration of any motor vehicle that
100 is subject to such requirements. The issuing agent may not shall
101 ~~refuse to~~ issue registration if such proof of purchase is not
102 provided. Insurers shall furnish uniform proof-of-purchase cards
103 in a paper or electronic format in a form prescribed by the
104 department and include the name of the insured's insurance
105 company, the coverage identification number, and the make, year,
106 and vehicle identification number of the vehicle insured. The
107 card must contain a statement notifying the applicant of the
108 penalty specified under s. 316.646(4). The card or insurance
109 policy, insurance policy binder, or certificate of insurance or
110 a photocopy of any of these; an affidavit containing the name of
111 the insured's insurance company, the insured's policy number,
112 and the make and year of the vehicle insured; or such other
113 proof as may be prescribed by the department constitutes shall
114 ~~constitute~~ sufficient proof of purchase. If an affidavit is
115 provided as proof, it must be in substantially the following
116 form:

117
118 Under penalty of perjury, I ...(Name of insured)... do hereby
119 certify that I have ...(bodily injury liability and Personal
120 ~~Injury Protection~~, property damage liability, ~~and, if required,~~
121 ~~Bodily Injury Liability~~)... insurance currently in effect with
122 ...(Name of insurance company)... under ...(policy number)...
123 covering ...(make, year, and vehicle identification number of
124 vehicle).... ...(Signature of Insured)...

125
126 Such affidavit must include the following warning:
127



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128 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
129 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
130 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
131 SUBJECT TO PROSECUTION.

132

133 If an application is made through a licensed motor vehicle
134 dealer as required under s. 319.23, the original or a photocopy
135 ~~photostatic copy~~ of such card, insurance policy, insurance
136 policy binder, or certificate of insurance or the original
137 affidavit from the insured must ~~shall~~ be forwarded by the dealer
138 to the tax collector of the county or the Department of Highway
139 Safety and Motor Vehicles for processing. By executing the
140 ~~aforsaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not
141 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
142 falsification of any statement contained therein. ~~A card must~~
143 ~~also indicate the existence of any bodily injury liability~~
144 ~~insurance voluntarily purchased.~~

145 (d) The verifying of ~~proof of personal injury protection~~
146 ~~insurance, proof of property damage liability insurance, proof~~
147 ~~of combined bodily liability insurance and property damage~~
148 ~~liability insurance, or proof of financial responsibility~~
149 ~~insurance~~ and the issuance or failure to issue the motor vehicle
150 registration under ~~the provisions of~~ this chapter may not be
151 construed in any court as a warranty of the reliability or
152 accuracy of the evidence of such proof or as meaning that the
153 provisions of any insurance policy furnished as proof of
154 financial responsibility comply with state law. Neither the
155 department nor any tax collector is liable in damages for any
156 inadequacy, insufficiency, falsification, or unauthorized



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157 modification of any item of ~~the proof of personal injury~~
158 ~~protection insurance, proof of property damage liability~~
159 ~~insurance, proof of combined bodily liability insurance and~~
160 ~~property damage liability insurance, or proof of financial~~
161 responsibility before ~~insurance prior to~~, during, or subsequent
162 to the verification of the proof. The issuance of a motor
163 vehicle registration does not constitute prima facie evidence or
164 a presumption of insurance coverage.

165 (f) Upon implementation of the motor vehicle insurance
166 online verification system established in s. 324.252, the online
167 verification system may be used in lieu of the verification
168 procedures in this subsection.

169 Section 6. Paragraph (b) of subsection (1) of section
170 320.0609, Florida Statutes, is amended to read:

171 320.0609 Transfer and exchange of registration license
172 plates; transfer fee.—

173 (1)

174 (b) The transfer of a license plate from a vehicle disposed
175 of to a newly acquired vehicle does not constitute a new
176 registration. The application for transfer must ~~shall~~ be
177 accepted without requiring proof of ~~personal injury protection~~
178 ~~or~~ liability insurance.

179 Section 7. Subsection (3) of section 320.27, Florida
180 Statutes, is amended, and paragraph (g) is added to subsection
181 (1) of that section, to read:

182 320.27 Motor vehicle dealers.—

183 (1) DEFINITIONS.—The following words, terms, and phrases
184 when used in this section have the meanings respectively
185 ascribed to them in this subsection, except where the context



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186 clearly indicates a different meaning:

187 (g) "Garage liability insurance" means, beginning January
188 1, 2022, combined single-limit liability coverage, including
189 property damage and bodily injury liability coverage, in the
190 amount of at least \$60,000.

191 (3) APPLICATION AND FEE.—~~The application for the license~~
192 application must shall be in such form as may be prescribed by
193 the department and is shall be subject to such rules ~~with~~
194 ~~respect thereto~~ as may be so prescribed by the department it.
195 Such application must shall be verified by oath or affirmation
196 and must shall contain a full statement of the name and birth
197 date of the person or persons applying for the license therefor;
198 the name of the firm or copartnership, with the names and places
199 of residence of all members ~~thereof~~, if such applicant is a firm
200 or copartnership; the names and places of residence of the
201 principal officers, if the applicant is a body corporate or
202 other artificial body; the name of the state under whose laws
203 the corporation is organized; the present and former place or
204 places of residence of the applicant; and the prior business in
205 which the applicant has been engaged and its the location
206 ~~thereof~~. ~~The~~ ~~Such~~ application must shall describe the exact
207 location of the place of business and must shall state whether
208 the place of business is owned by the applicant and when
209 acquired, or, if leased, a true copy of the lease must shall be
210 attached to the application. The applicant shall certify that
211 the location provides an adequately equipped office and is not a
212 residence; that the location affords sufficient unoccupied space
213 upon and within which adequately to store all motor vehicles
214 offered and displayed for sale; and that the location is a



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215 suitable place where the applicant can in good faith carry on
216 such business and keep and maintain books, records, and files
217 necessary to conduct such business, which must ~~shall~~ be
218 available at all reasonable hours to inspection by the
219 department or any of its inspectors or other employees. The
220 applicant shall certify that the business of a motor vehicle
221 dealer is the principal business that will ~~which shall~~ be
222 conducted at that location. The application must ~~shall~~ contain a
223 statement that the applicant is either franchised by a
224 manufacturer of motor vehicles, in which case the name of each
225 motor vehicle that the applicant is franchised to sell must
226 ~~shall~~ be included, or an independent (nonfranchised) motor
227 vehicle dealer. The application must ~~shall~~ contain other
228 relevant information as may be required by the department. The
229 applicant shall furnish, including evidence, in a form approved
230 by the department, that the applicant is insured under a garage
231 liability insurance policy or a general liability insurance
232 policy coupled with a business automobile policy having the
233 coverages and limits of the garage liability insurance coverage
234 in accordance with paragraph (1) (g), which shall include, at a
235 minimum, \$25,000 combined single-limit liability coverage
236 including bodily injury and property damage protection and
237 \$10,000 personal injury protection. However, a salvage motor
238 vehicle dealer as defined in subparagraph (1) (c) 5. is exempt
239 from the requirements for garage liability insurance ~~and~~
240 ~~personal injury protection insurance~~ on those vehicles that
241 cannot be legally operated on roads, highways, or streets in
242 this state. Franchise dealers must submit a garage liability
243 insurance policy, and all other dealers must submit a garage



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244 liability insurance policy or a general liability insurance
245 policy coupled with a business automobile policy. Such policy
246 must ~~shall~~ be for the license period, and evidence of a new or
247 continued policy must ~~shall~~ be delivered to the department at
248 the beginning of each license period. Upon making an initial
249 application, the applicant shall pay to the department a fee of
250 \$300 in addition to any other fees required by law. Applicants
251 may choose to extend the licensure period for 1 additional year
252 for a total of 2 years. An initial applicant shall pay to the
253 department a fee of \$300 for the first year and \$75 for the
254 second year, in addition to any other fees required by law. An
255 applicant for renewal shall pay to the department \$75 for a 1-
256 year renewal or \$150 for a 2-year renewal, in addition to any
257 other fees required by law. Upon making an application for a
258 change of location, the applicant ~~person~~ shall pay a fee of \$50
259 in addition to any other fees now required by law. The
260 department shall, in the case of every application for initial
261 licensure, verify whether certain facts set forth in the
262 application are true. Each applicant, general partner in the
263 case of a partnership, or corporate officer and director in the
264 case of a corporate applicant shall, ~~must~~ file a set of
265 fingerprints with the department for the purpose of determining
266 any prior criminal record or any outstanding warrants. The
267 department shall submit the fingerprints to the Department of
268 Law Enforcement for state processing and forwarding to the
269 Federal Bureau of Investigation for federal processing. The
270 actual cost of state and federal processing must ~~shall~~ be borne
271 by the applicant and is in addition to the fee for licensure.
272 The department may issue a license to an applicant pending the



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273 results of the fingerprint investigation, which license is fully
274 revocable if the department subsequently determines that any
275 facts set forth in the application are not true or correctly
276 represented.

277 Section 8. Paragraph (j) of subsection (3) of section
278 320.771, Florida Statutes, is amended to read:

279 320.771 License required of recreational vehicle dealers.-

280 (3) APPLICATION.-The application for such license shall be
281 in the form prescribed by the department and subject to such
282 rules as may be prescribed by it. The application shall be
283 verified by oath or affirmation and shall contain:

284 (j) A statement that the applicant is insured under a
285 garage liability insurance policy in accordance with s.
286 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
287 ~~combined single-limit liability coverage, including bodily~~
288 ~~injury and property damage protection, and \$10,000 personal~~
289 ~~injury protection,~~ if the applicant is to be licensed as a
290 dealer in, or intends to sell, recreational vehicles. However, a
291 garage liability policy is not required for the licensure of a
292 mobile home dealer who sells only park trailers.

293

294 The department shall, if it deems necessary, cause an
295 investigation to be made to ascertain if the facts set forth in
296 the application are true and may ~~shall~~ not issue a license to
297 the applicant until it is satisfied that the facts set forth in
298 the application are true.

299 Section 9. Subsections (1) and (2) of section 322.251,
300 Florida Statutes, are amended to read:

301 322.251 Notice of cancellation, suspension, revocation, or



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302 disqualification of license.-

303 (1) All orders of cancellation, suspension, revocation, or
304 disqualification issued under ~~the provisions of~~ this chapter,
305 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~
306 be given either by personal delivery thereof to the licensee
307 whose license is being canceled, suspended, revoked, or
308 disqualified or by deposit in the United States mail in an
309 envelope, first class, postage prepaid, addressed to the
310 licensee at his or her last known mailing address furnished to
311 the department. Such mailing by the department constitutes
312 notification, and any failure by the person to receive the
313 mailed order will not affect or stay the effective date or term
314 of the cancellation, suspension, revocation, or disqualification
315 of the licensee's driving privilege.

316 (2) The giving of notice and an order of cancellation,
317 suspension, revocation, or disqualification by mail is complete
318 upon expiration of 20 days after deposit in the United States
319 mail for all notices except those issued under chapter 324 ~~or~~
320 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in
321 the United States mail. Proof of the giving of notice and an
322 order of cancellation, suspension, revocation, or
323 disqualification in either manner must ~~shall~~ be made by entry in
324 the records of the department that such notice was given. The
325 entry is admissible in the courts of this state and constitutes
326 sufficient proof that such notice was given.

327 Section 10. Paragraph (a) of subsection (8) of section
328 322.34, Florida Statutes, is amended to read:

329 322.34 Driving while license suspended, revoked, canceled,
330 or disqualified.-



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

334 1. Whether the person's driver license is suspended or
335 revoked, or the person is under suspension or revocation
336 equivalent status.

337 2. Whether the person's driver license has remained
338 suspended or revoked, or the person has been under suspension or
339 revocation equivalent status, since a conviction for the offense
340 of driving with a suspended or revoked license.

341 3. Whether the suspension, revocation, or suspension or
342 revocation equivalent status was made under s. 316.646 ~~or s.~~
343 ~~627.733~~, relating to failure to maintain required security, or
344 under s. 322.264, relating to habitual traffic offenders.

345 4. Whether the driver is the registered owner or co-owner
346 of the vehicle.

347 Section 11. Section 324.011, Florida Statutes, is amended
348 to read:

349 324.011 Legislative intent; purpose of chapter.—It is the
350 intent of the Legislature that this chapter ensure that the
351 privilege of owning or operating a motor vehicle in this state
352 be exercised ~~to recognize the existing privilege to own or~~
353 ~~operate a motor vehicle on the public streets and highways of~~
354 ~~this state when such vehicles are used~~ with due consideration
355 for others' safety ~~others~~ and ~~their~~ property, promoting ~~and to~~
356 ~~promote~~ safety, and providing ~~provide~~ financial security
357 requirements for ~~such~~ owners and ~~or~~ operators whose
358 responsibility it is to recompense others for injury to person
359 or property caused by the operation of a motor vehicle.



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360 Therefore, the purpose of this chapter is to require that every
361 owner or operator of a motor vehicle required to be registered
362 in this state establish, maintain, and it is required herein
363 ~~that the operator of a motor vehicle involved in a crash or~~
364 ~~convicted of certain traffic offenses meeting the operative~~
365 ~~provisions of s. 324.051(2) shall respond for such damages and~~
366 show proof of financial ability to respond for damages arising
367 out of the ownership, maintenance, or use of a motor vehicle in
368 ~~future accidents~~ as a requisite to owning or operating a motor
369 vehicle in this state ~~his or her future exercise of such~~
370 ~~privileges.~~

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

374 324.021 Definitions; minimum insurance required.—The
375 following words and phrases when used in this chapter shall, for
376 the purpose of this chapter, have the meanings respectively
377 ascribed to them in this section, except in those instances
378 where the context clearly indicates a different meaning:

379 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
380 designed and required to be licensed for use upon a highway,
381 including trailers and semitrailers designed for use with such
382 vehicles, except traction engines, road rollers, farm tractors,
383 power shovels, and well drillers, and every vehicle that is
384 propelled by electric power obtained from overhead wires but not
385 operated upon rails, but not including any personal delivery
386 device or mobile carrier as defined in s. 316.003, bicycle,
387 electric bicycle, or moped. ~~However, the term "motor vehicle"~~
388 ~~does not include a motor vehicle as defined in s. 627.732(3)~~



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389 ~~when the owner of such vehicle has complied with the~~
390 ~~requirements of ss. 627.730-627.7405, inclusive, unless the~~
391 ~~provisions of s. 324.051 apply; and, in such case, the~~
392 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

393 (7) PROOF OF FINANCIAL RESPONSIBILITY.-Beginning January 1,
394 2022, That proof of ability to respond in damages for liability
395 on account of crashes arising out of the ownership, maintenance,
396 or use of a motor vehicle:

397 (a) With respect to a motor vehicle other than a commercial
398 motor vehicle, nonpublic sector bus, or for-hire passenger
399 transportation vehicle, in the amounts specified in s.
400 324.022 (1). ~~amount of \$10,000 because of bodily injury to, or~~
401 ~~death of, one person in any one crash;~~

402 ~~(b) Subject to such limits for one person, in the amount of~~
403 ~~\$20,000 because of bodily injury to, or death of, two or more~~
404 ~~persons in any one crash;~~

405 ~~(c) In the amount of \$10,000 because of injury to, or~~
406 ~~destruction of, property of others in any one crash; and~~

407 ~~(b)-(d) With respect to commercial motor vehicles and~~
408 ~~nonpublic sector buses, in the amounts specified in s. 627.7415~~
409 ~~ss. 627.7415 and 627.742, respectively.~~

410 (c) With respect to nonpublic sector buses, in the amounts
411 specified in s. 627.742.

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

414 (9) OWNER; OWNER/LESSOR.-

415 (c) Application.-

416 1. The limits on liability in subparagraphs (b)2. and 3. do
417 not apply to an owner of motor vehicles that are used for



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418 commercial activity in the owner's ordinary course of business,
419 other than a rental company that rents or leases motor vehicles.
420 For purposes of this paragraph, the term "rental company"
421 includes only an entity that is engaged in the business of
422 renting or leasing motor vehicles to the general public and that
423 rents or leases a majority of its motor vehicles to persons with
424 no direct or indirect affiliation with the rental company. The
425 term "rental company" also includes:

426 a. A related rental or leasing company that is a subsidiary
427 of the same parent company as that of the renting or leasing
428 company that rented or leased the vehicle.

429 b. The holder of a motor vehicle title or an equity
430 interest in a motor vehicle title if the title or equity
431 interest is held pursuant to or to facilitate an asset-backed
432 securitization of a fleet of motor vehicles used solely in the
433 business of renting or leasing motor vehicles to the general
434 public and under the dominion and control of a rental company,
435 as described in this subparagraph, in the operation of such
436 rental company's business.

437 2. Furthermore, with respect to commercial motor vehicles
438 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
439 liability in subparagraphs (b)2. and 3. do not apply if, at the
440 time of the incident, the commercial motor vehicle is being used
441 in the transportation of materials found to be hazardous for the
442 purposes of the Hazardous Materials Transportation Authorization
443 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
444 required pursuant to such act to carry placards warning others
445 of the hazardous cargo, unless at the time of lease or rental
446 either:



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

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

455 3.a. A motor vehicle dealer, or a motor vehicle dealer's
456 leasing or rental affiliate, that provides a temporary
457 replacement vehicle at no charge or at a reasonable daily charge
458 to a service customer whose vehicle is being held for repair,
459 service, or adjustment by the motor vehicle dealer is immune
460 from any cause of action and is not liable, vicariously or
461 directly, under general law solely by reason of being the owner
462 of the temporary replacement vehicle for harm to persons or
463 property that arises out of the use, or operation, of the
464 temporary replacement vehicle by any person during the period
465 the temporary replacement vehicle has been entrusted to the
466 motor vehicle dealer's service customer if there is no
467 negligence or criminal wrongdoing on the part of the motor
468 vehicle owner, or its leasing or rental affiliate.

469 b. For purposes of this section, and notwithstanding any
470 other provision of general law, a motor vehicle dealer, or a
471 motor vehicle dealer's leasing or rental affiliate, that gives
472 possession, control, or use of a temporary replacement vehicle
473 to a motor vehicle dealer's service customer may not be adjudged
474 liable in a civil proceeding absent negligence or criminal
475 wrongdoing on the part of the motor vehicle dealer, or the motor



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476 vehicle dealer's leasing or rental affiliate, if the motor
477 vehicle dealer or the motor vehicle dealer's leasing or rental
478 affiliate executes a written rental or use agreement and obtains
479 from the person receiving the temporary replacement vehicle a
480 copy of the person's driver license and insurance information
481 reflecting at least the minimum motor vehicle insurance coverage
482 required in the state. Any subsequent determination that the
483 driver license or insurance information provided to the motor
484 vehicle dealer, or the motor vehicle dealer's leasing or rental
485 affiliate, was in any way false, fraudulent, misleading,
486 nonexistent, canceled, not in effect, or invalid does not alter
487 or diminish the protections provided by this section, unless the
488 motor vehicle dealer, or the motor vehicle dealer's leasing or
489 rental affiliate, had actual knowledge thereof at the time
490 possession of the temporary replacement vehicle was provided.

491 c. For purposes of this subparagraph, the term "service
492 customer" does not include an agent or a principal of a motor
493 vehicle dealer or a motor vehicle dealer's leasing or rental
494 affiliate, and does not include an employee of a motor vehicle
495 dealer or a motor vehicle dealer's leasing or rental affiliate
496 unless the employee was provided a temporary replacement
497 vehicle:

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

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

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



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

509 Section 13. Section 324.022, Florida Statutes, is amended
510 to read:

511 324.022 Financial responsibility requirements ~~for property~~
512 ~~damage.—~~

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

518 1. Twenty-five thousand dollars for bodily injury to, or
519 the death of, one person in any one crash and, subject to such
520 limits for one person, in the amount of \$50,000 for bodily
521 injury to, or the death of, two or more persons in any one
522 crash; and

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

525 (b) The requirements of paragraph (a) ~~this section~~ may be
526 met by one of the methods established in s. 324.031; by self-
527 insuring as authorized by s. 768.28(16); or by maintaining a
528 motor vehicle liability insurance policy that ~~an insurance~~
529 ~~policy providing coverage for property damage liability in the~~
530 ~~amount of at least \$10,000 because of damage to, or destruction~~
531 ~~of, property of others in any one accident arising out of the~~
532 ~~use of the motor vehicle. The requirements of this section may~~
533 ~~also be met by having a policy which provides~~ combined property



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534 damage liability and bodily injury liability coverage for any
535 one crash arising out of the ownership, maintenance, or use of a
536 motor vehicle and that conforms to the requirements of s.
537 324.151 in the amount of at least \$60,000 for every owner or
538 operator subject to the financial responsibility required in
539 paragraph (a) \$30,000 for combined property damage liability and
540 bodily injury liability for any one crash arising out of the use
541 of the motor vehicle. The policy, with respect to coverage for
542 property damage liability, must meet the applicable requirements
543 of s. 324.151, subject to the usual policy exclusions that have
544 been approved in policy forms by the Office of Insurance
545 Regulation. No insurer shall have any duty to defend uncovered
546 claims irrespective of their joinder with covered claims.

547 (c) Notwithstanding paragraph (a), the following owners or
548 operators may instead establish and continuously maintain the
549 ability to respond in damages for liability on account of
550 accidents arising out of the use of the motor vehicle in the
551 amount of \$15,000 for bodily injury to, or the death of, one
552 person in any one crash and, subject to such limits for one
553 person, in the amount of \$30,000 for bodily injury to, or the
554 death of, two or more persons in any one crash; and \$10,000 for
555 damage to, or destruction of, property of others in any one
556 crash:

557 1. An owner or operator who has a household income that is
558 200 percent or less of the most current federal poverty
559 guidelines established by the United States Department of Health
560 and Human Services; or

561 2. An owner or operator who meets the definition of a full-
562 time student in a secondary education program under s.



563 1011.61(1)(a) or meets the definition of a full-time student in
564 a postsecondary education program under s. 1009.40.

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

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

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

572 2. A motor vehicle that is used in mass transit and
573 designed to transport more than five passengers, exclusive of
574 the operator of the motor vehicle, and that is owned by a
575 municipality, transit authority, or political subdivision of the
576 state.

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

579 4. A commercial motor vehicle as defined in s. 207.002 or
580 s. 320.01, which must maintain security as required under ss.
581 324.031 and 627.7415.

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

584 ~~6.4. A vehicle providing for-hire passenger transportation~~
585 ~~vehicle, which must that is subject to the provisions of s.~~
586 ~~324.031. A taxicab shall maintain security as required under s.~~
587 ~~324.032 s. 324.032(1).~~

588 ~~7.5. A personal delivery device as defined in s. 316.003.~~

589 8. A motorcycle as defined in s. 320.01(26), unless s.
590 324.051 applies; in such case, paragraph (1)(a) and the
591 applicable proof of insurance provisions of s. 320.02 apply.



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

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

602 (4) An ~~The~~ owner or registrant of a motor vehicle who is
603 ~~exempt from the requirements of this section if she or he is a~~
604 member of the United States Armed Forces and is called to or on
605 active duty outside the United States in an emergency situation
606 is exempt from this section while he or she. ~~The exemption~~
607 ~~provided by this subsection applies only as long as the member~~
608 ~~of the Armed Forces is on such active duty.~~ This exemption
609 ~~outside the United States and applies only while the vehicle~~
610 covered by the security is not operated by any person. Upon
611 receipt of a written request by the insured to whom the
612 exemption provided in this subsection applies, the insurer shall
613 cancel the coverages and return any unearned premium or suspend
614 the security required by this section. Notwithstanding s.
615 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
616 registration or operator's license of an ~~any~~ owner or registrant
617 of a motor vehicle during the time she or he qualifies for the
618 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
619 of a motor vehicle who qualifies for the ~~an~~ exemption under this
620 subsection shall immediately notify the department before ~~prior~~



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621 ~~to~~ and at the end of the expiration of the exemption.

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

625 324.0221 Reports by insurers to the department; suspension
626 of driver license and vehicle registrations; reinstatement.—

627 (1) (a) Each insurer that has issued a policy providing
628 ~~personal injury protection coverage or property damage~~ liability
629 coverage shall report the cancellation or nonrenewal thereof to
630 the department within 10 days after the processing date or
631 effective date of each cancellation or nonrenewal. Upon the
632 issuance of a policy providing ~~personal injury protection~~
633 ~~coverage or property damage~~ liability coverage to a named
634 insured not previously insured by the insurer during that
635 calendar year, the insurer shall report the issuance of the new
636 policy to the department within 10 days. The report must ~~shall~~
637 be in the form ~~and format~~ and contain any information required
638 by the department and must be provided in a format that is
639 compatible with the data processing capabilities of the
640 department. Failure by an insurer to file proper reports with
641 the department as required by this subsection constitutes a
642 violation of the Florida Insurance Code. These records may ~~shall~~
643 be used by the department only for enforcement and regulatory
644 purposes, including the generation by the department of data
645 regarding compliance by owners of motor vehicles with the
646 requirements for financial responsibility coverage.

647 (b) With respect to an insurance policy providing ~~personal~~
648 ~~injury protection coverage or property damage~~ liability
649 coverage, each insurer shall notify the named insured, or the



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650 first-named insured in the case of a commercial fleet policy, in
651 writing that any cancellation or nonrenewal of the policy will
652 be reported by the insurer to the department. The notice must
653 also inform the named insured that failure to maintain bodily
654 injury liability ~~personal injury protection~~ coverage and
655 property damage liability coverage on a motor vehicle when
656 required by law may result in the loss of registration and
657 driving privileges in this state and inform the named insured of
658 the amount of the reinstatement fees required by this section.
659 This notice is for informational purposes only, and an insurer
660 is not civilly liable for failing to provide this notice.

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

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

668 (2) The department shall suspend, after due notice and an
669 opportunity to be heard, the registration and driver license of
670 any owner or registrant of a motor vehicle for ~~with respect to~~
671 which security is required under s. 324.022, s. 324.032, s.
672 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

677 (b) Notification by the insurer to the department, in a
678 form approved by the department, of cancellation or termination



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679 of the required security.

680 (4) The department may implement by rule a method of
681 insurance verification.

682 Section 15. Section 324.0222, Florida Statutes, is created
683 to read:

684 324.0222 Application of suspensions for failure to maintain
685 security; reinstatement.—All suspensions for failure to maintain
686 required security as required by law in effect before January 1,
687 2022, remain in full force and effect after January 1, 2022. A
688 driver may reinstate a suspended driver license or registration
689 as provided under s. 324.0221.

690 Section 16. Section 324.023, Florida Statutes, is amended
691 to read:

692 324.023 Financial responsibility for bodily injury or
693 death.—In addition to any other financial responsibility
694 required by law, every owner or operator of a motor vehicle that
695 is required to be registered in this state, or that is located
696 within this state, and who, regardless of adjudication of guilt,
697 has been found guilty of or entered a plea of guilty or nolo
698 contendere to a charge of driving under the influence under s.
699 316.193 after October 1, 2007, shall, by one of the methods
700 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
701 establish and maintain the ability to respond in damages for
702 liability on account of accidents arising out of the use of a
703 motor vehicle in the amount of \$100,000 because of bodily injury
704 to, or death of, one person in any one crash and, subject to
705 such limits for one person, in the amount of \$300,000 because of
706 bodily injury to, or death of, two or more persons in any one
707 crash and in the amount of \$50,000 because of property damage in



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708 any one crash. If the owner or operator chooses to establish and
709 maintain such ability by furnishing a certificate of deposit
710 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
711 deposit must be at least \$350,000. Such higher limits must be
712 carried for a minimum period of 3 years. If the owner or
713 operator has not been convicted of driving under the influence
714 or a felony traffic offense for a period of 3 years from the
715 date of reinstatement of driving privileges for a violation of
716 s. 316.193, the owner or operator is ~~shall be~~ exempt from this
717 section.

718 Section 17. Section 324.031, Florida Statutes, is amended
719 to read:

720 324.031 Manner of proving financial responsibility.-

721 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~
722 ~~or any other for-hire passenger transportation vehicle may prove~~
723 ~~financial responsibility by providing satisfactory evidence of~~
724 ~~holding a motor vehicle liability policy as defined in s.~~
725 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
726 ~~carrier which is a member of the Florida Insurance Guaranty~~
727 ~~Association. The operator or owner of a motor vehicle other than~~
728 ~~a for-hire passenger transportation vehicle any other vehicle~~
729 may prove his or her financial responsibility by:

730 (a)(1) Furnishing satisfactory evidence of holding a motor
731 vehicle liability policy as defined in ss. 324.021(8) and
732 324.151 which provides liability coverage for the motor vehicle
733 being operated;

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

736 (c)(3) Furnishing a certificate of self-insurance issued by



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737 the department in accordance with s. 324.171.

738 (2) Beginning January 1, 2022, any person,~~including any~~
739 ~~firm, partnership, association, corporation, or other person,~~
740 ~~other than a natural person,~~ electing to use the method of proof
741 specified in paragraph (1)(b) subsection (2) shall do both of
742 the following:

743 (a) Furnish a certificate of deposit equal to the number of
744 vehicles owned times \$60,000 ~~\$30,000,~~ up to a maximum of
745 \$240,000. ~~\$120,000;~~

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

749 1. At least \$125,000 for bodily injury to, or the death of,
750 one person in any one crash and, subject to such limits for one
751 person, in the amount of \$250,000 for bodily injury to, or the
752 death of, two or more persons in any one crash; and \$50,000 for
753 damage to, or destruction of, property of others in any one
754 crash; or

755 2. At least \$300,000 for combined bodily injury liability
756 and property damage liability for any one crash ~~in excess of~~
757 ~~limits of \$10,000/20,000/10,000 or \$30,000 combined single~~
758 ~~limits, and such excess insurance shall provide minimum limits~~
759 ~~of \$125,000/250,000/50,000 or \$300,000 combined single limits.~~
760 ~~These increased limits shall not affect the requirements for~~
761 ~~proving financial responsibility under s. 324.032(1).~~

762 Section 18. Section 324.032, Florida Statutes, is amended
763 to read:

764 324.032 ~~Manner of proving~~ Financial responsibility for
765 ~~for-hire passenger transportation vehicles.~~ ~~Notwithstanding the~~



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766 ~~provisions of s. 324.031:~~

767 (1) An owner or a lessee of a for-hire passenger
768 transportation vehicle that is required to be registered in this
769 state shall establish and continuously maintain the ability to
770 respond in damages for liability on account of accidents arising
771 out of the ownership, maintenance, or use of the for-hire
772 passenger transportation vehicle, in the amount of:

773 (a) One hundred twenty-five thousand dollars for bodily
774 injury to, or the death of, one person in any one crash and,
775 subject to such limits for one person, in the amount of \$250,000
776 for bodily injury to, or the death of, two or more persons in
777 any one crash; and ~~A person who is either the owner or a lessee~~
778 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
779 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
780 ~~for-hire passenger transportation vehicles may prove financial~~
781 ~~responsibility by furnishing satisfactory evidence of holding a~~
782 ~~motor vehicle liability policy, but with minimum limits of~~
783 ~~\$125,000/250,000/50,000.~~

784 (b) Fifty thousand dollars for damage to, or destruction
785 of, property of others in any one crash ~~A person who is either~~
786 ~~the owner or a lessee required to maintain insurance under s.~~
787 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
788 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
789 ~~financial responsibility by furnishing satisfactory evidence of~~
790 ~~holding a motor vehicle liability policy as defined in s.~~
791 ~~324.031.~~

792 (2) Except as provided in subsection (3), the requirements
793 of this section must be met by the owner or lessee providing
794 satisfactory evidence of holding a motor vehicle liability



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795 policy conforming to the requirements of s. 324.151 which is
796 issued by an insurance carrier that is a member of the Florida
797 Insurance Guaranty Association.

798 (3)(2) An owner or a lessee who ~~is required to maintain~~
799 ~~insurance under s. 324.021(9)(b) and who~~ operates at least 300
800 ~~taxicabs, limousines, jitneys, or any other~~ for-hire passenger
801 transportation vehicles may provide financial responsibility by
802 complying with ~~the provisions of~~ s. 324.171, which must such
803 ~~compliance to~~ be demonstrated by maintaining at its principal
804 place of business an audited financial statement, prepared in
805 accordance with generally accepted accounting principles, and
806 providing to the department a certification issued by a
807 certified public accountant that the applicant's net worth is at
808 least equal to the requirements of s. 324.171 as determined by
809 the Office of Insurance Regulation of the Financial Services
810 Commission, including claims liabilities in an amount certified
811 as adequate by a Fellow of the Casualty Actuarial Society.

812
813 Upon request by the department, the applicant shall ~~must~~ provide
814 the department at the applicant's principal place of business in
815 this state access to the applicant's underlying financial
816 information and financial statements that provide the basis of
817 the certified public accountant's certification. The applicant
818 shall reimburse the requesting department for all reasonable
819 costs incurred by it in reviewing the supporting information.
820 The maximum amount of self-insurance permissible under this
821 subsection is \$300,000 and must be stated on a per-occurrence
822 basis, and the applicant shall maintain adequate excess
823 insurance issued by an authorized or eligible insurer licensed



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824 or approved by the Office of Insurance Regulation. All risks
825 self-insured shall remain with the owner or lessee providing it,
826 and the risks are not transferable to any other person, unless a
827 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
828 obtained.

829 Section 19. Subsection (2) of section 324.051, Florida
830 Statutes, is amended, and subsection (4) is added to that
831 section, to read:

832 324.051 Reports of crashes; suspensions of licenses and
833 registrations.—

834 (2) (a) Thirty days after receipt of notice of any accident
835 described in paragraph (1) (a) involving a motor vehicle within
836 this state, the department shall suspend, after due notice and
837 opportunity to be heard, the license of each operator and all
838 registrations of the owner of the vehicles operated by such
839 operator whether or not involved in such crash and, in the case
840 of a nonresident owner or operator, shall suspend such
841 nonresident's operating privilege in this state, unless such
842 operator or owner shall, prior to the expiration of such 30
843 days, be found by the department to be exempt from the operation
844 of this chapter, based upon evidence satisfactory to the
845 department that:

846 1. The motor vehicle was legally parked at the time of such
847 crash.

848 2. The motor vehicle was owned by the United States
849 Government, this state, or any political subdivision of this
850 state or any municipality therein.

851 3. Such operator or owner has secured a duly acknowledged
852 written agreement providing for release from liability by all



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853 parties injured as the result of said crash and has complied
854 with one of the provisions of s. 324.031.

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

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

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

864 1. To such operator or owner if such operator or owner had
865 in effect at the time of such crash or traffic conviction a
866 motor vehicle ~~an automobile~~ liability policy with respect to all
867 of the registered motor vehicles owned by such operator or
868 owner.

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

874 3. To such operator or owner if the liability of such
875 operator or owner for damages resulting from such crash is, in
876 the judgment of the department, covered by any other form of
877 liability insurance or bond.

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

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882 No such policy or bond shall be effective under this subsection
883 unless it contains limits of not less than those specified in s.
884 324.021(7).

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

887 Section 20. Section 324.071, Florida Statutes, is amended
888 to read:

889 324.071 Reinstatement; renewal of license; reinstatement
890 fee.—~~An~~ Any operator or owner whose license or registration has
891 been suspended pursuant to s. 324.051(2), s. 324.072, s.
892 324.081, or s. 324.121 may effect its reinstatement upon
893 compliance with ~~the provisions of~~ s. 324.051(2) (a)3. or 4., or
894 s. 324.081(2) and (3), as the case may be, and with one of the
895 provisions of s. 324.031 and upon payment to the department of a
896 nonrefundable reinstatement fee of \$15. Only one such fee may
897 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
898 number of licenses and registrations to be then reinstated or
899 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
900 a department trust fund. ~~If~~ When the reinstatement of any
901 license or registration is effected by compliance with s.
902 324.051(2) (a)3. or 4., the department may ~~shall~~ not renew the
903 license or registration within ~~a period of~~ 3 years after ~~from~~
904 such reinstatement, nor may ~~shall~~ any other license or
905 registration be issued in the name of such person, unless the
906 operator continues ~~is continuing~~ to comply with ~~one of the~~
907 ~~provisions of~~ s. 324.031.

908 Section 21. Subsection (1) of section 324.091, Florida
909 Statutes, is amended to read:

910 324.091 Notice to department; notice to insurer.—



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911 (1) Each owner and operator involved in a crash or
912 conviction case within the purview of this chapter shall furnish
913 evidence of ~~automobile liability insurance or~~ motor vehicle
914 liability insurance within 14 days after the date of the mailing
915 of notice of crash by the department in the form and manner as
916 it may designate. Upon receipt of evidence that a ~~an automobile~~
917 ~~liability policy or~~ motor vehicle liability policy was in effect
918 at the time of the crash or conviction case, the department
919 shall forward to the insurer such information for verification
920 in a method as determined by the department. The insurer shall
921 respond to the department within 20 days after the notice as to
922 whether ~~or not~~ such information is valid. If the department
923 determines that a ~~an automobile liability policy or~~ motor
924 vehicle liability policy was not in effect and did not provide
925 coverage for both the owner and the operator, it must ~~shall~~ take
926 action as it is authorized to do under this chapter.

927 Section 22. Section 324.151, Florida Statutes, is amended
928 to read:

929 324.151 Motor vehicle liability policies; required
930 provisions.—

931 (1) A motor vehicle liability policy that serves as to be
932 proof of financial responsibility under s. 324.031(1)(a) must ~~or~~
933 ~~324.031(1), shall~~ be issued to owners or operators of motor
934 vehicles under the following provisions:

935 (a) A motor vehicle ~~An owner's~~ liability insurance policy
936 issued to an owner of a motor vehicle required to be registered
937 in this state must ~~shall~~ designate by explicit description or by
938 appropriate reference all motor vehicles for ~~with respect to~~
939 which coverage is thereby granted. The policy must ~~and shall~~



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940 insure the person or persons ~~owner~~ named therein and, except for
941 a named driver excluded pursuant to s. 627.747, must insure any
942 resident relative of a named insured ~~other person as operator~~
943 ~~using such motor vehicle or motor vehicles with the express or~~
944 ~~implied permission of such owner against loss~~ from the liability
945 imposed by law for damage arising out of the ownership,
946 maintenance, or use of any such motor vehicle ~~or motor vehicles~~
947 ~~within the United States or the Dominion of Canada,~~ subject to
948 ~~limits, exclusive of interest and costs with respect to each~~
949 ~~such motor vehicle as is provided for under s. 324.021(7).~~

950 Except for a named driver excluded pursuant to s. 627.747, the
951 policy must also insure any person operating an insured motor
952 vehicle with the express or implied permission of a named
953 insured against loss from the liability imposed by law for
954 damage arising out of the use of any vehicle. However, the
955 insurer may include provisions in its policy excluding liability
956 coverage for a motor vehicle not designated as an insured
957 vehicle on the policy if such motor vehicle does not qualify as
958 a newly acquired vehicle or as a temporary substitute vehicle
959 and was owned by the insured or was furnished for an insured's
960 regular use for more than 30 consecutive days before the event
961 giving rise to the claim. Insurers may make available, with
962 respect to property damage liability coverage, a deductible
963 amount not to exceed \$500. In the event of a property damage
964 loss covered by a policy containing a property damage deductible
965 provision, the insurer shall pay to the third-party claimant the
966 amount of any property damage liability settlement or judgment,
967 subject to policy limits, as if no deductible existed.

968 (b) A motor vehicle liability insurance policy issued to a



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969 person who does not own a motor vehicle must ~~An operator's motor~~
970 ~~vehicle liability policy of insurance shall~~ insure the person or
971 persons named therein against loss from the liability imposed
972 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~
973 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~
974 ~~same territorial limits and subject to the same limits of~~
975 ~~liability as referred to above with respect to an owner's policy~~
976 ~~of liability insurance.~~

977 (c) All such motor vehicle liability policies must provide
978 liability coverage with limits, exclusive of interest and costs,
979 as specified under s. 324.021(7) for accidents occurring within
980 the United States or Canada. The policies must ~~shall~~ state the
981 name and address of the named insured, the coverage afforded by
982 the policy, the premium charged therefor, the policy period, and
983 the limits of liability, and must ~~shall~~ contain an agreement or
984 be endorsed that insurance is provided in accordance with the
985 coverage defined in this chapter ~~as respects bodily injury and~~
986 ~~death or property damage or both~~ and is subject to ~~all~~
987 ~~provisions~~ of this chapter. The said policies must ~~shall~~ also
988 contain a provision that the satisfaction by an insured of a
989 judgment for such injury or damage may ~~shall~~ not be a condition
990 precedent to the right or duty of the insurance carrier to make
991 payment on account of such injury or damage, and must ~~shall~~ also
992 contain a provision that bankruptcy or insolvency of the insured
993 or of the insured's estate does ~~shall~~ not relieve the insurance
994 carrier of any of its obligations under the said policy.

995 (2) ~~The provisions of~~ This section is ~~shall~~ not be
996 applicable to any motor vehicle ~~automobile~~ liability policy
997 unless and until it is furnished as proof of financial



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998 responsibility for the future pursuant to s. 324.031, and then
999 applies only from and after the date the said policy is so
1000 furnished.

1001 (3) As used in this section, the term:

1002 (a) "Newly acquired vehicle" means a vehicle owned by a
1003 named insured or resident relative of the named insured which
1004 was acquired no more than 30 days before an accident.

1005 (b) "Resident relative" means a person related to a named
1006 insured by any degree by blood, marriage, or adoption, including
1007 a ward or foster child, who usually makes his or her home in the
1008 same family unit or residence as the named insured, regardless
1009 of whether he or she temporarily lives elsewhere.

1010 (c) "Temporary substitute vehicle" means any motor vehicle
1011 as defined in s. 320.01(1) which is not owned by the named
1012 insured and which is temporarily used with the permission of the
1013 owner as a substitute for the owned motor vehicle designated on
1014 the policy when the owned vehicle is withdrawn from normal use
1015 because of breakdown, repair, servicing, loss, or destruction.

1016 Section 23. Section 324.161, Florida Statutes, is amended
1017 to read:

1018 324.161 Proof of financial responsibility; deposit.—If a
1019 person elects to prove his or her financial responsibility under
1020 the method of proof specified in s. 324.031(1) (b), he or she
1021 annually must obtain and submit to the department proof of a
1022 certificate of deposit in the amount required under s.
1023 324.031(2) from a financial institution insured by the Federal
1024 Deposit Insurance Corporation or the National Credit Union
1025 Administration Annually, before any certificate of insurance may
1026 be issued to a person, including any firm, partnership,



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1027 ~~association, corporation, or other person, other than a natural~~
1028 ~~person, proof of a certificate of deposit of \$30,000 issued and~~
1029 ~~held by a financial institution must be submitted to the~~
1030 department. A power of attorney will be issued to and held by
1031 the department and may be executed upon a judgment issued
1032 against such person making the deposit, for damages for ~~because~~
1033 ~~of~~ bodily injury to or death of any person or for damages for
1034 ~~because of~~ injury to or destruction of property resulting from
1035 the use or operation of any motor vehicle occurring after such
1036 deposit was made. Money so deposited is ~~shall not be~~ subject to
1037 attachment or execution unless such attachment or execution
1038 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as
1039 ~~aforsaid~~.

1040 Section 24. Subsections (1) and (2) of section 324.171,
1041 Florida Statutes, are amended to read:

1042 324.171 Self-insurer.—

1043 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
1044 a certificate of self-insurance from the department. ~~which may,~~
1045 ~~in its discretion and~~ Upon application of such a person, the
1046 department may issue a ~~said~~ certificate of self-insurance to an
1047 applicant who satisfies ~~when such person has satisfied~~ the
1048 requirements of this section. Effective January 1, 2022 ~~to~~
1049 ~~qualify as a self-insurer under this section:~~

1050 (a) A private individual with private passenger vehicles
1051 shall possess a net unencumbered worth of at least \$100,000
1052 ~~\$40,000~~.

1053 (b) A person, including any firm, partnership, association,
1054 corporation, or other person, other than a natural person,
1055 shall:



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1056 1. Possess a net unencumbered worth of at least \$100,000
1057 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
1058 additional motor vehicle; or

1059 2. Maintain sufficient net worth, in an amount determined
1060 by the department, to be financially responsible for potential
1061 losses. The department annually shall determine the minimum net
1062 worth sufficient to satisfy this subparagraph as determined
1063 annually by the department, pursuant to rules adopted
1064 ~~promulgated~~ by the department, with the assistance of the Office
1065 of Insurance Regulation of the Financial Services Commission, ~~to~~
1066 ~~be financially responsible for potential losses.~~ The rules must
1067 consider any ~~shall take into consideration~~ excess insurance
1068 carried by the applicant. The department's determination must
1069 ~~shall~~ be based upon reasonable actuarial principles considering
1070 the frequency, severity, and loss development of claims incurred
1071 by casualty insurers writing coverage on the type of motor
1072 vehicles for which a certificate of self-insurance is desired.

1073 (c) The owner of a commercial motor vehicle, as defined in
1074 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
1075 to the standards provided ~~for~~ in subparagraph (b)2.

1076 (2) The self-insurance certificate must ~~shall~~ provide
1077 limits of liability insurance in the amounts specified under s.
1078 324.021(7) ~~or s. 627.7415~~ and ~~shall provide personal injury~~
1079 ~~protection coverage under s. 627.733(3)(b).~~

1080 Section 25. Section 324.251, Florida Statutes, is amended
1081 to read:

1082 324.251 Short title.—This chapter may be cited as the
1083 "Financial Responsibility Law of 2021 1955" and is ~~shall become~~
1084 effective at 12:01 a.m., January 1, 2022 ~~October 1, 1955.~~



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1085 Section 26. Section 324.252, Florida Statutes, is created
1086 to read:

1087 324.252 Motor vehicle insurance online verification
1088 system.—The department shall establish an online verification
1089 system for motor vehicle insurance. The goal of the system is to
1090 identify uninsured motorists and to aid the department in the
1091 enforcement of the financial responsibility law.

1092 (1) The online verification system must meet all of the
1093 following requirements:

1094 (a) Be accessible through the Internet by authorized
1095 personnel of the department, the courts, law enforcement
1096 personnel, any other entities authorized by the department, and
1097 insurers authorized by the Office of Insurance Regulation to
1098 offer motor vehicle insurance.

1099 (b) Send requests to insurers for verification of evidence
1100 of insurance for motor vehicles registered in this state via
1101 online services established by the insurers in compliance with
1102 the specifications and standards of the Insurance Industry
1103 Committee on Motor Vehicle Administration (IICMVA), with
1104 enhancements, additions, and modifications as required by the
1105 department. However, the enhancements, additions, and
1106 modifications may not conflict with, nullify, or add
1107 requirements that are inconsistent with the specifications or
1108 standards of the IICMVA.

1109 (c) Be operational by January 1, 2025. The Motor Vehicle
1110 Insurance Online Verification Task Force established in s.
1111 324.255 must conduct a pilot program for at least 9 months to
1112 test the system before statewide use. The system may not be used
1113 in any enforcement action until successful completion of the



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1114 pilot program.

1115 (d) Be available 24 hours per day, except for allowed
1116 downtime for system maintenance and other work, as needed, to
1117 verify the insurance status of any vehicle registered in this
1118 state through the insurer's National Association of Insurance
1119 Commissioners (NAIC) company code, in combination with other
1120 identifiers, such as vehicle identification number, policy
1121 number, or other characteristics or markers as specified by the
1122 Motor Vehicle Insurance Online Verification Task Force.

1123 (e) Include appropriate provisions, consistent with
1124 industry standards as specified by the Motor Vehicle Insurance
1125 Online Verification Task Force, to secure the system's data
1126 against unauthorized access.

1127 (f) Include a disaster recovery plan to ensure service
1128 continuity in the event of a disaster.

1129 (g) Include information that enables the department to make
1130 inquiries of evidence of insurance by using multiple data
1131 elements for greater matching accuracy, specifically the
1132 insurer's NAIC company code in combination with other
1133 identifiers, such as vehicle identification number, policy
1134 number, or other characteristics or markers as specified by the
1135 Motor Vehicle Insurance Online Verification Task Force.

1136 (h) Include a self-reporting mechanism for insurers with
1137 fewer than 2,000 vehicles insured within this state or for
1138 individual entities that are self-insured.

1139 (2) The department has the following powers and duties:

1140 (a) Upon advance notice, the department shall allow online
1141 services established by an insurer to have reasonable downtime
1142 for system maintenance and other work, as needed. An insurer is



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1143 not subject to administrative penalties or disciplinary actions
1144 when its online services are not available under such
1145 circumstances or when an outage is unplanned by the insurer and
1146 is reasonably outside its control.

1147 (b) Upon recommendation of the Motor Vehicle Insurance
1148 Online Verification Task Force, the department may contract with
1149 a private vendor that has personnel with extensive operational
1150 and management experience in the development, deployment, and
1151 operation of insurance online verification systems.

1152 (c) The department and its private vendor, if any, shall
1153 each maintain a contact person for the insurers during the
1154 establishment, implementation, and operation of the system.

1155 (d) The department shall maintain a historical record of
1156 the system data for 6 months after the date of any verification
1157 request and response.

1158 (3) An insurance company authorized to issue insurance
1159 policies for motor vehicles registered in this state:

1160 (a) Shall comply with the verification requirements of
1161 motor vehicle insurance for every motor vehicle insured by that
1162 company in this state as required by department rule;

1163 (b) Shall maintain policyholder records in order to confirm
1164 insurance coverage for 6 months after the date of any
1165 verification request and response;

1166 (c) Shall cooperate with the department in establishing,
1167 implementing, and maintaining the system; and

1168 (d) Is immune from civil liability for good faith efforts
1169 to comply with this section. An online verification request or
1170 response may not be used as the basis of a civil action against
1171 an insurer.



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1172 (4) A law enforcement officer, during a traffic stop or
1173 crash investigation, shall query information from the online
1174 verification system to establish compliance with this chapter
1175 and to verify the current validity of the policy described on
1176 any insurance identification card produced by the operator of a
1177 motor vehicle during the traffic stop or crash investigation.

1178 (5) This section does not apply to vehicles insured under
1179 commercial motor vehicle coverage. As used in this subsection,
1180 the term "commercial motor vehicle coverage" means any coverage
1181 provided to an insured under a commercial coverage form and
1182 rated from a commercial manual approved by the Office of
1183 Insurance Regulation. However, insurers of such vehicles may
1184 participate in the online verification system on a voluntary
1185 basis.

1186 (6) The department may adopt rules to administer this
1187 section.

1188 Section 27. Section 324.255, Florida Statutes, is created
1189 to read:

1190 324.255 Motor Vehicle Insurance Online Verification Task
1191 Force.—The Motor Vehicle Insurance Online Verification Task
1192 Force, a task force as defined in s. 20.03(8), is established
1193 adjunct to the department.

1194 (1) The task force shall do all of the following:

1195 (a) Facilitate the implementation of the motor vehicle
1196 insurance online verification system established in s. 324.252,
1197 including recommending data and cybersecurity processes and
1198 protocols.

1199 (b) Assist in the development of a detailed guide for
1200 insurers by providing data fields and other information



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1201 necessary for compliance with the online verification system.
1202 (c) Coordinate a pilot program and conduct the program for
1203 at least 9 months to test the online verification system and to
1204 identify necessary changes to be implemented before statewide
1205 use.
1206 (d) Issue recommendations based on periodic reviews of the
1207 online verification system.
1208 (2) The task force shall consist of nine voting members and
1209 one nonvoting member.
1210 (a) The nine voting members must be appointed by January
1211 31, 2022, in the following manner:
1212 1. Three representatives of the department, representing
1213 the Florida Highway Patrol, the Division of Motorist Services,
1214 and the Information Systems Administration, appointed by the
1215 executive director of the department.
1216 2. One representative of the Office of Insurance
1217 Regulation, appointed by the Commissioner of Insurance.
1218 3. Three representatives of the motor vehicle insurance
1219 industry, appointed by the Chief Financial Officer as follows:
1220 a. One member must represent the motor vehicle insurer with
1221 the largest national market share as of June 30, 2021.
1222 b. One member must represent the motor vehicle insurer with
1223 the largest Florida market share as of June 30, 2021.
1224 c. One member must be selected from a list of
1225 representatives recommended by the Insurance Industry Committee
1226 on Motor Vehicle Administration.
1227 4. One representative of the Department of Financial
1228 Services, appointed by the Chief Financial Officer.
1229 5. One representative of the Florida Digital Service,



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1230 appointed by the Secretary of the Department of Management
1231 Services.

1232 (b) The executive director of the department, who shall be
1233 a nonvoting member, shall serve as chair of the task force.

1234 (3) By March 30, 2022, the task force shall meet to
1235 establish procedures for the conduct of its business, and the
1236 voting members shall elect a vice chair at that meeting. The
1237 task force shall meet at the call of the chair, who shall
1238 prepare the agenda for each meeting with the consent of the task
1239 force. A majority of the voting members of the task force
1240 constitutes a quorum, and a quorum is necessary for the purpose
1241 of voting on any action or recommendation of the task force. All
1242 meetings must be held in Tallahassee.

1243 (4) The department shall provide the task force members
1244 with administrative and technical support. Task force members
1245 shall serve without compensation and are not entitled to
1246 reimbursement for per diem or travel expenses.

1247 (5) The task force shall issue a report to the department,
1248 the President of the Senate, and the Speaker of the House of
1249 Representatives not later than 6 months after the pilot program
1250 concludes. The report must evaluate the online verification
1251 system's effectiveness in identifying uninsured motorists. The
1252 task force may also make recommendations for system enhancements
1253 in the report or at any time before the task force's completion
1254 of its work.

1255 (6) By January 1, 2025, the task force shall complete its
1256 work and submit its final report evaluating the online
1257 verification system's effectiveness and making recommendations
1258 for system enhancements to the department, the President of the



1259 Senate, and the Speaker of the House of Representatives. Upon
1260 submission of the report, the task force expires.

1261
1262 ===== T I T L E A M E N D M E N T =====

1263 And the title is amended as follows:

1264 Delete lines 11 - 87

1265 and insert:

1266 requirement; requiring law enforcement officers to
1267 access certain information during traffic stops or
1268 crash investigations for certain purposes upon
1269 implementation of a specified system; amending s.
1270 318.18, F.S.; conforming a provision to changes made
1271 by the act; making technical changes; amending s.
1272 320.02, F.S.; revising the motor vehicle insurance
1273 coverages that an applicant must show to register
1274 certain vehicles with the Department of Highway Safety
1275 and Motor Vehicles; conforming a provision to changes
1276 made by the act; revising construction; authorizing
1277 insurance online verification for motor vehicle
1278 registration; amending s. 320.0609, F.S.; conforming a
1279 provision to changes made by the act; making technical
1280 changes; amending s. 320.27, F.S.; defining the term
1281 "garage liability insurance"; revising garage
1282 liability insurance requirements for motor vehicle
1283 dealer applicants; conforming a provision to changes
1284 made by the act; amending s. 320.771, F.S.; revising
1285 garage liability insurance requirements for
1286 recreational vehicle dealer license applicants;
1287 amending ss. 322.251 and 322.34, F.S.; conforming



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1288 provisions to changes made by the act; making
1289 technical changes; amending s. 324.011, F.S.; revising
1290 legislative intent; amending s. 324.021, F.S.;
1291 revising definitions of the terms "motor vehicle" and
1292 "proof of financial responsibility"; revising minimum
1293 coverage requirements for proof of financial
1294 responsibility for specified motor vehicles; defining
1295 the term "for-hire passenger transportation vehicle";
1296 conforming provisions to changes made by the act;
1297 amending s. 324.022, F.S.; revising minimum liability
1298 coverage requirements for motor vehicle owners or
1299 operators; revising authorized methods for meeting
1300 such requirements; deleting a provision relating to an
1301 insurer's duty to defend certain claims; providing
1302 alternative minimum liability insurance coverage
1303 requirements for certain motor vehicle owners or
1304 operators; revising the vehicles that are excluded
1305 from the definition of the term "motor vehicle";
1306 providing security requirements for certain excluded
1307 vehicles; specifying circumstances when motorcycles
1308 are subject to financial responsibility requirements;
1309 conforming provisions to changes made by the act;
1310 conforming cross-references; amending s. 324.0221,
1311 F.S.; revising coverages that subject a policy to
1312 certain insurer reporting and notice requirements;
1313 requiring insurers to transmit certain information to
1314 the department; authorizing the department to verify
1315 certain information; authorizing the department to
1316 implement a method of insurance verification;



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1317 conforming provisions to changes made by the act;
1318 creating s. 324.0222, F.S.; providing that driver
1319 license or registration suspensions for failure to
1320 maintain required security which were in effect before
1321 a specified date remain in full force and effect;
1322 providing that such suspended licenses or
1323 registrations may be reinstated as provided in a
1324 specified section; amending s. 324.023, F.S.;

1325 conforming cross-references; making technical changes;
1326 amending s. 324.031, F.S.; specifying a method of
1327 proving financial responsibility; revising the amount
1328 of a certificate of deposit required to elect a
1329 certain method of proof of financial responsibility;
1330 revising excess liability coverage requirements for a
1331 person electing to use such method; amending s.
1332 324.032, F.S.; revising financial responsibility
1333 requirements for owners or lessees of for-hire
1334 passenger transportation vehicles; amending s.
1335 324.051, F.S.; specifying that motor vehicles include
1336 motorcycles for purposes of the section; making
1337 technical changes; amending ss. 324.071 and 324.091,
1338 F.S.; making technical changes; amending s. 324.151,
1339 F.S.; revising requirements for motor vehicle
1340 liability insurance policies relating to coverage, and
1341 exclusion from coverage, for certain drivers and
1342 vehicles; defining terms; conforming provisions to
1343 changes made by the act; making technical changes;
1344 amending s. 324.161, F.S.; revising requirements for a
1345 certificate of deposit that is required if a person



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1346 elects a certain method of proving financial
1347 responsibility; amending s. 324.171, F.S.; revising
1348 the minimum net worth requirements to qualify certain
1349 persons as self-insurers; conforming provisions to
1350 changes made by the act; amending s. 324.251, F.S.;
1351 revising the short title and an effective date;
1352 creating s. 324.252, F.S.; requiring the department to
1353 establish an online verification system for motor
1354 vehicle insurance; specifying system requirements;
1355 providing powers and duties of the department;
1356 specifying requirements for insurers and law
1357 enforcement officers; providing insurers immunity from
1358 liability; prohibiting the use of an online
1359 verification request or response as the basis of a
1360 civil action; providing applicability; providing
1361 rulemaking authority; creating s. 324.255, F.S.;
1362 creating the Motor Vehicle Insurance Online
1363 Verification Task Force; providing duties of the task
1364 force; providing membership; specifying meeting
1365 requirements; requiring the department to provide
1366 support; specifying report requirements; providing the
1367 date by which the task force must complete its work
1368 and submit its final report; providing for expiration
1369 of the task force;