

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Grall offered the following:

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

4 Remove everything after the enacting clause and insert:

5 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
6 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
7 and 627.7405, Florida Statutes, are repealed.

8 Section 2. Section 627.7407, Florida Statutes, is
9 repealed.

10 Section 3. Subsection (1) of section 316.646, Florida
11 Statutes, is amended to read:

12 316.646 Security required; proof of security and display
13 thereof.-

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14 (1) Any person required by s. 324.022 to maintain
15 liability security for property damage, ~~liability security,~~
16 ~~required by s. 324.023 to maintain liability security for~~ bodily
17 ~~injury,~~ or death, ~~or required by s. 627.733 to maintain personal~~
18 ~~injury protection security on a motor vehicle~~ shall have in his
19 or her immediate possession at all times while operating a ~~such~~
20 motor vehicle proper proof of maintenance of the ~~required~~
21 security required under s. 324.021(7).

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

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

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

34 Section 4. Paragraph (b) of subsection (2) of section
35 318.18, Florida Statutes, is amended to read:

36 318.18 Amount of penalties.—The penalties required for a
37 noncriminal disposition pursuant to s. 318.14 or a criminal
38 offense listed in s. 318.17 are as follows:

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39 (2) Thirty dollars for all nonmoving traffic violations
40 and:

41 (b) For all violations of ss. 320.0605, 320.07(1),
42 322.065, and 322.15(1). ~~A~~ Any person who is cited for a
43 violation of s. 320.07(1) shall be charged a delinquent fee
44 pursuant to s. 320.07(4).

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

58 2. If a person who is cited for a violation of s. 322.03,
59 s. 322.065, or s. 322.15 can show a driver license issued to him
60 or her and valid at the time of arrest, the clerk of the court
61 may dismiss the case and may assess a dismissal fee of up to
62 \$10, from which the clerk shall remit \$2.50 to the Department of
63 Revenue for deposit into the General Revenue Fund.

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64 3. If a person who is cited for a violation of s. 316.646
65 can show proof of security as required by s. 324.021(7) ~~s.~~
66 ~~627.733~~, issued to the person and valid at the time of arrest,
67 the clerk of the court may dismiss the case and may assess a
68 dismissal fee of up to \$10, from which the clerk shall remit
69 \$2.50 to the Department of Revenue for deposit into the General
70 Revenue Fund. A person who finds it impossible or impractical to
71 obtain proof of security must submit an affidavit detailing the
72 reasons for the impracticality. The reasons may include, but are
73 not limited to, the fact that the vehicle has since been sold,
74 stolen, or destroyed; ~~that the owner or registrant of the~~
75 ~~vehicle is not required by s. 627.733 to maintain personal~~
76 ~~injury protection insurance;~~ or that the vehicle is owned by
77 another person.

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

80 320.02 Registration required; application for
81 registration; forms.—

82 (5) (a) Proof that bodily injury liability coverage and
83 property damage liability coverage ~~personal injury protection~~
84 ~~benefits~~ have been purchased if required under s. 324.022, s.
85 324.032, or s. 627.742 ~~s. 627.733~~, ~~that property damage~~
86 ~~liability coverage has been purchased as required under s.~~
87 ~~324.022~~, that bodily injury liability ~~or death~~ coverage has been
88 purchased if required under s. 324.023, and that combined bodily

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89 liability insurance and property damage liability insurance have
90 been purchased if required under s. 627.7415 must ~~shall~~ be
91 provided in the manner prescribed by law by the applicant at the
92 time of application for registration of any motor vehicle that
93 is subject to such requirements. The issuing agent may not ~~shall~~
94 ~~refuse to~~ issue registration if such proof of purchase is not
95 provided. Insurers shall furnish uniform proof-of-purchase cards
96 in a paper or electronic format in a form prescribed by the
97 department and include the name of the insured's insurance
98 company, the coverage identification number, and the make, year,
99 and vehicle identification number of the vehicle insured. The
100 card must contain a statement notifying the applicant of the
101 penalty specified under s. 316.646(4). The card or insurance
102 policy, insurance policy binder, or certificate of insurance or
103 a photocopy of any of these; an affidavit containing the name of
104 the insured's insurance company, the insured's policy number,
105 and the make and year of the vehicle insured; or such other
106 proof as may be prescribed by the department constitutes ~~shall~~
107 ~~constitute~~ sufficient proof of purchase. If an affidavit is
108 provided as proof, it must be in substantially the following
109 form:

110
111 Under penalty of perjury, I ...(Name of insured)... do hereby
112 certify that I have ...(bodily injury liability and Personal
113 Injury Protection, property damage liability, ~~and, if required,~~

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114 ~~Bodily Injury Liability~~)... insurance currently in effect with
115 ... (Name of insurance company)... under ... (policy number)...
116 covering ... (make, year, and vehicle identification number of
117 vehicle).... ... (Signature of Insured)...

118

119 Such affidavit must include the following warning:

120

121 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
122 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
123 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
124 SUBJECT TO PROSECUTION.

125

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

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138 (d) The verifying of ~~proof of personal injury protection~~
139 ~~insurance, proof of property damage liability insurance, proof~~
140 ~~of combined bodily liability insurance and property damage~~
141 ~~liability insurance, or~~ proof of financial responsibility
142 insurance and the issuance or failure to issue the motor vehicle
143 registration under ~~the provisions of~~ this chapter may not be
144 construed in any court as a warranty of the reliability or
145 accuracy of the evidence of such proof or as meaning that the
146 provisions of any insurance policy furnished as proof of
147 financial responsibility comply with state law. Neither the
148 department nor any tax collector is liable in damages for any
149 inadequacy, insufficiency, falsification, or unauthorized
150 modification of any item of ~~the proof of personal injury~~
151 ~~protection insurance, proof of property damage liability~~
152 ~~insurance, proof of combined bodily liability insurance and~~
153 ~~property damage liability insurance, or~~ proof of financial
154 responsibility before ~~insurance prior to,~~ during, or subsequent
155 to the verification of the proof. The issuance of a motor
156 vehicle registration does not constitute prima facie evidence or
157 a presumption of insurance coverage.

158 Section 6. Paragraph (b) of subsection (1) of section
159 320.0609, Florida Statutes, is amended to read:

160 320.0609 Transfer and exchange of registration license
161 plates; transfer fee.-

162 (1)

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163 (b) The transfer of a license plate from a vehicle
164 disposed of to a newly acquired vehicle does not constitute a
165 new registration. The application for transfer must ~~shall~~ be
166 accepted without requiring proof of ~~personal injury protection~~
167 ~~or~~ liability insurance.

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

171 320.27 Motor vehicle dealers.—

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

176 (g) "Garage liability insurance" means, beginning January
177 1, 2022, combined single-limit liability coverage, including
178 property damage and bodily injury liability coverage, in the
179 amount of at least \$60,000.

180 (3) APPLICATION AND FEE.—The ~~application for the~~ license
181 application must ~~shall~~ be in such form as may be prescribed by
182 the department and is ~~shall be~~ subject to such rules ~~with~~
183 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.
184 Such application must ~~shall~~ be verified by oath or affirmation
185 and must ~~shall~~ contain a full statement of the name and birth
186 date of the person or persons applying for the license ~~therefor~~;
187 the name of the firm or copartnership, with the names and places

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188 of residence of all members ~~thereof~~, if such applicant is a firm
189 or copartnership; the names and places of residence of the
190 principal officers, if the applicant is a body corporate or
191 other artificial body; the name of the state under whose laws
192 the corporation is organized; the present and former place or
193 places of residence of the applicant; and the prior business in
194 which the applicant has been engaged and its ~~the~~ location
195 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
196 location of the place of business and must ~~shall~~ state whether
197 the place of business is owned by the applicant and when
198 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
199 attached to the application. The applicant shall certify that
200 the location provides an adequately equipped office and is not a
201 residence; that the location affords sufficient unoccupied space
202 upon and within which adequately to store all motor vehicles
203 offered and displayed for sale; and that the location is a
204 suitable place where the applicant can in good faith carry on
205 such business and keep and maintain books, records, and files
206 necessary to conduct such business, which must ~~shall~~ be
207 available at all reasonable hours to inspection by the
208 department or any of its inspectors or other employees. The
209 applicant shall certify that the business of a motor vehicle
210 dealer is the principal business that will ~~which shall~~ be
211 conducted at that location. The application must ~~shall~~ contain a
212 statement that the applicant is either franchised by a

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213 manufacturer of motor vehicles, in which case the name of each
214 motor vehicle that the applicant is franchised to sell must
215 ~~shall~~ be included, or an independent (nonfranchised) motor
216 vehicle dealer. The application must ~~shall~~ contain other
217 relevant information as may be required by the department. The
218 applicant shall furnish, including evidence, in a form approved
219 by the department, that the applicant is insured under a garage
220 liability insurance policy or a general liability insurance
221 policy coupled with a business automobile policy having the
222 coverages and limits of the garage liability insurance coverage
223 in accordance with paragraph (1) (g), which shall include, at a
224 minimum, \$25,000 combined single-limit liability coverage
225 including bodily injury and property damage protection and
226 \$10,000 personal injury protection. However, a salvage motor
227 vehicle dealer as defined in subparagraph (1) (c)5. is exempt
228 from the requirements for garage liability insurance ~~and~~
229 ~~personal injury protection insurance~~ on those vehicles that
230 cannot be legally operated on roads, highways, or streets in
231 this state. Franchise dealers must submit a garage liability
232 insurance policy, and all other dealers must submit a garage
233 liability insurance policy or a general liability insurance
234 policy coupled with a business automobile policy. Such policy
235 must ~~shall~~ be for the license period, and evidence of a new or
236 continued policy must ~~shall~~ be delivered to the department at
237 the beginning of each license period. Upon making an initial

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238 application, the applicant shall pay to the department a fee of
239 \$300 in addition to any other fees required by law. Applicants
240 may choose to extend the licensure period for 1 additional year
241 for a total of 2 years. An initial applicant shall pay to the
242 department a fee of \$300 for the first year and \$75 for the
243 second year, in addition to any other fees required by law. An
244 applicant for renewal shall pay to the department \$75 for a 1-
245 year renewal or \$150 for a 2-year renewal, in addition to any
246 other fees required by law. Upon making an application for a
247 change of location, the applicant ~~person~~ shall pay a fee of \$50
248 in addition to any other fees now required by law. The
249 department shall, in the case of every application for initial
250 licensure, verify whether certain facts set forth in the
251 application are true. Each applicant, general partner in the
252 case of a partnership, or corporate officer and director in the
253 case of a corporate applicant shall, ~~must~~ file a set of
254 fingerprints with the department for the purpose of determining
255 any prior criminal record or any outstanding warrants. The
256 department shall submit the fingerprints to the Department of
257 Law Enforcement for state processing and forwarding to the
258 Federal Bureau of Investigation for federal processing. The
259 actual cost of state and federal processing must ~~shall~~ be borne
260 by the applicant and is in addition to the fee for licensure.
261 The department may issue a license to an applicant pending the
262 results of the fingerprint investigation, which license is fully

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263 revocable if the department subsequently determines that any
264 facts set forth in the application are not true or correctly
265 represented.

266 Section 8. Paragraph (j) of subsection (3) of section
267 320.771, Florida Statutes, is amended to read:

268 320.771 License required of recreational vehicle dealers.-

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

273 (j) A statement that the applicant is insured under a
274 garage liability insurance policy in accordance with s.
275 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
276 ~~combined single-limit liability coverage, including bodily~~
277 ~~injury and property damage protection, and \$10,000 personal~~
278 ~~injury protection~~, if the applicant is to be licensed as a
279 dealer in, or intends to sell, recreational vehicles. However, a
280 garage liability policy is not required for the licensure of a
281 mobile home dealer who sells only park trailers.

282
283 The department shall, if it deems necessary, cause an
284 investigation to be made to ascertain if the facts set forth in
285 the application are true and may ~~shall~~ not issue a license to
286 the applicant until it is satisfied that the facts set forth in
287 the application are true.

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

290 322.251 Notice of cancellation, suspension, revocation, or
291 disqualification of license.—

292 (1) All orders of cancellation, suspension, revocation, or
293 disqualification issued under ~~the provisions of~~ this chapter,
294 chapter 318, or chapter 324 must, ~~or ss. 627.732–627.734 shall~~
295 be given either by personal delivery thereof to the licensee
296 whose license is being canceled, suspended, revoked, or
297 disqualified or by deposit in the United States mail in an
298 envelope, first class, postage prepaid, addressed to the
299 licensee at his or her last known mailing address furnished to
300 the department. Such mailing by the department constitutes
301 notification, and any failure by the person to receive the
302 mailed order will not affect or stay the effective date or term
303 of the cancellation, suspension, revocation, or disqualification
304 of the licensee's driving privilege.

305 (2) The giving of notice and an order of cancellation,
306 suspension, revocation, or disqualification by mail is complete
307 upon expiration of 20 days after deposit in the United States
308 mail for all notices except those issued under chapter 324 ~~or~~
309 ~~ss. 627.732–627.734~~, which are complete 15 days after deposit in
310 the United States mail. Proof of the giving of notice and an
311 order of cancellation, suspension, revocation, or
312 disqualification in either manner must ~~shall~~ be made by entry in

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313 the records of the department that such notice was given. The
314 entry is admissible in the courts of this state and constitutes
315 sufficient proof that such notice was given.

316 Section 10. Paragraph (a) of subsection (8) of section
317 322.34, Florida Statutes, is amended to read:

318 322.34 Driving while license suspended, revoked, canceled,
319 or disqualified.—

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

323 1. Whether the person's driver license is suspended or
324 revoked, or the person is under suspension or revocation
325 equivalent status.

326 2. Whether the person's driver license has remained
327 suspended or revoked, or the person has been under suspension or
328 revocation equivalent status, since a conviction for the offense
329 of driving with a suspended or revoked license.

330 3. Whether the suspension, revocation, or suspension or
331 revocation equivalent status was made under s. 316.646 ~~or s.~~
332 ~~627.733~~, relating to failure to maintain required security, or
333 under s. 322.264, relating to habitual traffic offenders.

334 4. Whether the driver is the registered owner or co-owner
335 of the vehicle.

336 Section 11. Section 324.011, Florida Statutes, is amended
337 to read:

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338 324.011 Legislative intent; purpose of chapter.—It is the
339 intent of the Legislature that this chapter ensure that the
340 privilege of owning or operating a motor vehicle in this state
341 is exercised ~~to recognize the existing privilege to own or~~
342 ~~operate a motor vehicle on the public streets and highways of~~
343 ~~this state when such vehicles are used~~ with due consideration
344 for others' safety ~~others~~ and ~~their~~ property, promoting ~~and to~~
345 ~~promote~~ safety, and providing ~~provide~~ financial security
346 requirements for ~~such~~ owners and ~~or~~ operators whose
347 responsibility it is to recompense others for injury to person
348 or property caused by the operation of a motor vehicle.
349 Therefore, the purpose of this chapter is to require that every
350 owner or operator of a motor vehicle required to be registered
351 in this state establish, maintain, and ~~it is required herein~~
352 ~~that the operator of a motor vehicle involved in a crash or~~
353 ~~convicted of certain traffic offenses meeting the operative~~
354 ~~provisions of s. 324.051(2) shall respond for such damages and~~
355 ~~show proof of financial ability to respond for damages~~ arising
356 out of the ownership, maintenance, or use of a motor vehicle ~~in~~
357 ~~future accidents~~ as a requisite to owning or operating a motor
358 vehicle in this state ~~his or her future exercise of such~~
359 ~~privileges.~~

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

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363 324.021 Definitions; minimum insurance required.—The
364 following words and phrases when used in this chapter shall, for
365 the purpose of this chapter, have the meanings respectively
366 ascribed to them in this section, except in those instances
367 where the context clearly indicates a different meaning:

368 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
369 designed and required to be licensed for use upon a highway,
370 including trailers and semitrailers designed for use with such
371 vehicles, except traction engines, road rollers, farm tractors,
372 power shovels, and well drillers, and every vehicle that is
373 propelled by electric power obtained from overhead wires but not
374 operated upon rails, but not including any personal delivery
375 device or mobile carrier as defined in s. 316.003, bicycle,
376 electric bicycle, or moped. ~~However, the term "motor vehicle"~~
377 ~~does not include a motor vehicle as defined in s. 627.732(3)~~
378 ~~when the owner of such vehicle has complied with the~~
379 ~~requirements of ss. 627.730-627.7405, inclusive, unless the~~
380 ~~provisions of s. 324.051 apply; and, in such case, the~~
381 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

382 (7) PROOF OF FINANCIAL RESPONSIBILITY.—Beginning January
383 1, 2022, That proof of ability to respond in damages for
384 liability on account of crashes arising out of the ownership,
385 maintenance, or use of a motor vehicle:

386 (a) With respect to a motor vehicle other than a
387 commercial motor vehicle, nonpublic sector bus, or for-hire

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388 passenger transportation vehicle, in the amounts specified in s.
389 324.022(1). ~~in the amount of \$10,000 because of bodily injury~~
390 ~~to, or death of, one person in any one crash;~~

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

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

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

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

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

403 (9) OWNER; OWNER/LESSOR.—

404 (c) Application.—

405 1. The limits on liability in subparagraphs (b)2. and 3.
406 do not apply to an owner of motor vehicles that are used for
407 commercial activity in the owner's ordinary course of business,
408 other than a rental company that rents or leases motor vehicles.
409 For purposes of this paragraph, the term "rental company"
410 includes only an entity that is engaged in the business of
411 renting or leasing motor vehicles to the general public and that
412 rents or leases a majority of its motor vehicles to persons with

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413 no direct or indirect affiliation with the rental company. The
414 term "rental company" also includes:

415 a. A related rental or leasing company that is a
416 subsidiary of the same parent company as that of the renting or
417 leasing company that rented or leased the vehicle.

418 b. The holder of a motor vehicle title or an equity
419 interest in a motor vehicle title if the title or equity
420 interest is held pursuant to or to facilitate an asset-backed
421 securitization of a fleet of motor vehicles used solely in the
422 business of renting or leasing motor vehicles to the general
423 public and under the dominion and control of a rental company,
424 as described in this subparagraph, in the operation of such
425 rental company's business.

426 2. Furthermore, with respect to commercial motor vehicles
427 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on
428 liability in subparagraphs (b)2. and 3. do not apply if, at the
429 time of the incident, the commercial motor vehicle is being used
430 in the transportation of materials found to be hazardous for the
431 purposes of the Hazardous Materials Transportation Authorization
432 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is
433 required pursuant to such act to carry placards warning others
434 of the hazardous cargo, unless at the time of lease or rental
435 either:

436 a. The lessee indicates in writing that the vehicle will
437 not be used to transport materials found to be hazardous for the

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438 purposes of the Hazardous Materials Transportation Authorization
439 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

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

444 3.a. A motor vehicle dealer, or a motor vehicle dealer's
445 leasing or rental affiliate, that provides a temporary
446 replacement vehicle at no charge or at a reasonable daily charge
447 to a service customer whose vehicle is being held for repair,
448 service, or adjustment by the motor vehicle dealer is immune
449 from any cause of action and is not liable, vicariously or
450 directly, under general law solely by reason of being the owner
451 of the temporary replacement vehicle for harm to persons or
452 property that arises out of the use, or operation, of the
453 temporary replacement vehicle by any person during the period
454 the temporary replacement vehicle has been entrusted to the
455 motor vehicle dealer's service customer if there is no
456 negligence or criminal wrongdoing on the part of the motor
457 vehicle owner, or its leasing or rental affiliate.

458 b. For purposes of this section, and notwithstanding any
459 other provision of general law, a motor vehicle dealer, or a
460 motor vehicle dealer's leasing or rental affiliate, that gives
461 possession, control, or use of a temporary replacement vehicle
462 to a motor vehicle dealer's service customer may not be adjudged

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463 liable in a civil proceeding absent negligence or criminal
464 wrongdoing on the part of the motor vehicle dealer, or the motor
465 vehicle dealer's leasing or rental affiliate, if the motor
466 vehicle dealer or the motor vehicle dealer's leasing or rental
467 affiliate executes a written rental or use agreement and obtains
468 from the person receiving the temporary replacement vehicle a
469 copy of the person's driver license and insurance information
470 reflecting at least the minimum motor vehicle insurance coverage
471 required in the state. Any subsequent determination that the
472 driver license or insurance information provided to the motor
473 vehicle dealer, or the motor vehicle dealer's leasing or rental
474 affiliate, was in any way false, fraudulent, misleading,
475 nonexistent, canceled, not in effect, or invalid does not alter
476 or diminish the protections provided by this section, unless the
477 motor vehicle dealer, or the motor vehicle dealer's leasing or
478 rental affiliate, had actual knowledge thereof at the time
479 possession of the temporary replacement vehicle was provided.

480 c. For purposes of this subparagraph, the term "service
481 customer" does not include an agent or a principal of a motor
482 vehicle dealer or a motor vehicle dealer's leasing or rental
483 affiliate, and does not include an employee of a motor vehicle
484 dealer or a motor vehicle dealer's leasing or rental affiliate
485 unless the employee was provided a temporary replacement
486 vehicle:

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

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

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

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

498 Section 13. Section 324.022, Florida Statutes, is amended
499 to read:

500 324.022 Financial responsibility requirements ~~for property~~
501 ~~damage.~~—

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

507 1. Twenty-five thousand dollars for bodily injury to, or
508 the death of, one person in any one crash and, subject to such
509 limits for one person, in the amount of \$50,000 for bodily
510 injury to, or the death of, two or more persons in any one
511 crash; and

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

514 (b) The requirements of paragraph (a) ~~this section~~ may be
515 met by one of the methods established in s. 324.031; by self-
516 insuring as authorized by s. 768.28(16); or by maintaining a
517 motor vehicle liability insurance policy that ~~an insurance~~
518 policy providing coverage for property damage liability in the
519 amount of at least \$10,000 because of damage to, or destruction
520 of, property of others in any one accident arising out of the
521 use of the motor vehicle. The requirements of this section may
522 also be met by having a policy which provides combined property
523 damage liability and bodily injury liability coverage for any
524 one crash arising out of the ownership, maintenance, or use of a
525 motor vehicle and that conforms to the requirements of s.
526 324.151 in the amount of at least \$60,000 for every owner or
527 operator subject to the financial responsibility required in
528 paragraph (a) ~~\$30,000 for combined property damage liability and~~
529 bodily injury liability for any one crash arising out of the use
530 of the motor vehicle. The policy, with respect to coverage for
531 property damage liability, must meet the applicable requirements
532 of s. 324.151, subject to the usual policy exclusions that have
533 been approved in policy forms by the Office of Insurance
534 Regulation. No insurer shall have any duty to defend uncovered
535 claims irrespective of their joinder with covered claims.

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

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

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

543 2. A motor vehicle that is used in mass transit and
544 designed to transport more than five passengers, exclusive of
545 the operator of the motor vehicle, and that is owned by a
546 municipality, transit authority, or political subdivision of the
547 state.

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

550 4. A commercial motor vehicle as defined in s. 207.002 or
551 s. 320.01(25), which must maintain security as required under
552 ss. 324.031 and 627.7415.

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

555 ~~6.4. A vehicle providing for-hire passenger transportation~~
556 ~~vehicle, which must that is subject to the provisions of s.~~
557 ~~324.031. A taxicab shall maintain security as required under s.~~
558 ~~324.032 s. 324.032(1).~~

559 ~~7.5. A personal delivery device as defined in s. 316.003.~~

560 (b) "Owner" means the person who holds legal title to a
561 motor vehicle or the debtor or lessee who has the right to

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562 possession of a motor vehicle that is the subject of a security
563 agreement or lease with an option to purchase.

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

571 (4) An ~~The~~ owner or registrant of a motor vehicle who is
572 ~~exempt from the requirements of this section if she or he is a~~
573 member of the United States Armed Forces and is called to or on
574 active duty outside the United States in an emergency situation
575 is exempt from this section while he or she. ~~The exemption~~
576 ~~provided by this subsection applies only as long as the member~~
577 ~~of the Armed Forces~~ is on such active duty. This exemption
578 ~~outside the United States and applies only while the vehicle~~
579 covered by the security is not operated by any person. Upon
580 receipt of a written request by the insured to whom the
581 exemption provided in this subsection applies, the insurer shall
582 cancel the coverages and return any unearned premium or suspend
583 the security required by this section. Notwithstanding s.
584 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
585 registration or operator's license of an ~~any~~ owner or registrant
586 of a motor vehicle during the time she or he qualifies for the

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587 ~~an~~ exemption under this subsection. ~~An~~ ~~Any~~ owner or registrant
588 of a motor vehicle who qualifies for the ~~an~~ exemption under this
589 subsection shall immediately notify the department before ~~prior~~
590 ~~to~~ and at the end of the expiration of the exemption.

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

593 324.0221 Reports by insurers to the department; suspension
594 of driver license and vehicle registrations; reinstatement.—

595 (1) (a) Each insurer that has issued a policy providing
596 ~~personal injury protection coverage or property damage~~ liability
597 coverage shall report the cancellation or nonrenewal thereof to
598 the department within 10 days after the processing date or
599 effective date of each cancellation or nonrenewal. Upon the
600 issuance of a policy providing ~~personal injury protection~~
601 ~~coverage or property damage~~ liability coverage to a named
602 insured not previously insured by the insurer during that
603 calendar year, the insurer shall report the issuance of the new
604 policy to the department within 10 days. The report must ~~shall~~
605 be in the form ~~and format~~ and contain any information required
606 by the department and must be provided in a format that is
607 compatible with the data processing capabilities of the
608 department. Failure by an insurer to file proper reports with
609 the department as required by this subsection constitutes a
610 violation of the Florida Insurance Code. These records may ~~shall~~
611 be used by the department only for enforcement and regulatory

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612 purposes, including the generation by the department of data
613 regarding compliance by owners of motor vehicles with the
614 requirements for financial responsibility coverage.

615 (b) With respect to an insurance policy providing ~~personal~~
616 ~~injury protection coverage or property damage~~ liability
617 coverage, each insurer shall notify the named insured, or the
618 first-named insured in the case of a commercial fleet policy, in
619 writing that any cancellation or nonrenewal of the policy will
620 be reported by the insurer to the department. The notice must
621 also inform the named insured that failure to maintain bodily
622 injury liability ~~personal injury protection~~ coverage and
623 property damage liability coverage on a motor vehicle when
624 required by law may result in the loss of registration and
625 driving privileges in this state and inform the named insured of
626 the amount of the reinstatement fees required by this section.
627 This notice is for informational purposes only, and an insurer
628 is not civilly liable for failing to provide this notice.

629 (2) The department shall suspend, after due notice and an
630 opportunity to be heard, the registration and driver license of
631 any owner or registrant of a motor vehicle for ~~with respect to~~
632 which security is required under s. 324.022, s. 324.023, s.
633 324.032, s. 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~
634 upon:

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

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

640 (b) Notification by the insurer to the department, in a
641 form approved by the department, of cancellation or termination
642 of the required security.

643 Section 15. Section 324.0222, Florida Statutes, is created
644 to read:

645 324.0222 Application of suspensions for failure to
646 maintain security; reinstatement.—All suspensions for failure to
647 maintain required security as required by law in effect before
648 January 1, 2022, remain in full force and effect after January
649 1, 2022. A driver may reinstate a suspended driver license or
650 registration as provided under s. 324.0221.

651 Section 16. Section 324.023, Florida Statutes, is amended
652 to read:

653 324.023 Financial responsibility for bodily injury or
654 death.—In addition to any other financial responsibility
655 required by law, every owner or operator of a motor vehicle that
656 is required to be registered in this state, or that is located
657 within this state, and who, regardless of adjudication of guilt,
658 has been found guilty of or entered a plea of guilty or nolo
659 contendere to a charge of driving under the influence under s.
660 316.193 after October 1, 2007, shall, by one of the methods
661 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,

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662 establish and maintain the ability to respond in damages for
663 liability on account of accidents arising out of the use of a
664 motor vehicle in the amount of \$100,000 because of bodily injury
665 to, or death of, one person in any one crash and, subject to
666 such limits for one person, in the amount of \$300,000 because of
667 bodily injury to, or death of, two or more persons in any one
668 crash and in the amount of \$50,000 because of property damage in
669 any one crash. If the owner or operator chooses to establish and
670 maintain such ability by furnishing a certificate of deposit
671 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
672 deposit must be at least \$350,000. Such higher limits must be
673 carried for a minimum period of 3 years. If the owner or
674 operator has not been convicted of driving under the influence
675 or a felony traffic offense for a period of 3 years from the
676 date of reinstatement of driving privileges for a violation of
677 s. 316.193, the owner or operator is ~~shall be~~ exempt from this
678 section.

679 Section 17. Section 324.031, Florida Statutes, is amended
680 to read:

681 324.031 Manner of proving financial responsibility.-

682 (1) ~~The owner or operator of a taxicab, limousine, jitney,~~
683 ~~or any other for-hire passenger transportation vehicle may prove~~
684 ~~financial responsibility by providing satisfactory evidence of~~
685 ~~holding a motor vehicle liability policy as defined in s.~~
686 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~

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687 ~~carrier which is a member of the Florida Insurance Guaranty~~
688 ~~Association.~~ The operator or owner of a motor vehicle other than
689 a for-hire passenger transportation vehicle ~~any other vehicle~~
690 may prove his or her financial responsibility by:

691 (a)(1) Furnishing satisfactory evidence of holding a motor
692 vehicle liability policy as defined in ss. 324.021(8) and
693 324.151 which provides liability coverage for the motor vehicle
694 being operated;

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

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

699 (2) Beginning January 1, 2022, any person, ~~including any~~
700 ~~firm, partnership, association, corporation, or other person,~~
701 ~~other than a natural person,~~ electing to use the method of proof
702 specified in paragraph (1)(b) ~~subsection (2)~~ shall do both of
703 the following:

704 (a) Furnish a certificate of deposit equal to the number
705 of vehicles owned times \$60,000 ~~\$30,000~~, up to a maximum of
706 \$240,000. ~~\$120,000;~~

707 (b) ~~In addition, any such person, other than a natural~~
708 ~~person, shall~~ Maintain insurance providing coverage that meets
709 the requirements of s. 324.151 and has in excess of limits of:

710 1. At least \$125,000 for bodily injury to, or the death
711 of, one person in any one crash and, subject to such limits for

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712 one person, in the amount of \$250,000 for bodily injury to, or
713 the death of, two or more persons in any one crash; and \$50,000
714 for damage to, or destruction of, property of others in any one
715 crash; or

716 2. At least \$300,000 for combined bodily injury liability
717 and property damage liability for any one crash
718 ~~\$10,000/20,000/10,000 or \$30,000 combined single limits, and~~
719 ~~such excess insurance shall provide minimum limits of~~
720 ~~\$125,000/250,000/50,000 or \$300,000 combined single limits.~~
721 ~~These increased limits shall not affect the requirements for~~
722 ~~proving financial responsibility under s. 324.032(1).~~

723 Section 18. Section 324.032, Florida Statutes, is amended
724 to read:

725 324.032 ~~Manner of proving~~ Financial responsibility for
726 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
727 ~~provisions of s. 324.031:~~

728 (1) An owner or a lessee of a for-hire passenger
729 transportation vehicle that is required to be registered in this
730 state shall establish and continuously maintain the ability to
731 respond in damages for liability on account of accidents arising
732 out of the ownership, maintenance, or use of the for-hire
733 passenger transportation vehicle, in the amount of:

734 (a) One hundred twenty-five thousand dollars for bodily
735 injury to, or the death of, one person in any one crash and,
736 subject to such limits for one person, in the amount of \$250,000

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737 for bodily injury to, or the death of, two or more persons in
738 any one crash; and ~~A person who is either the owner or a lessee~~
739 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
740 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
741 ~~for-hire passenger transportation vehicles may prove financial~~
742 ~~responsibility by furnishing satisfactory evidence of holding a~~
743 ~~motor vehicle liability policy, but with minimum limits of~~
744 ~~\$125,000/250,000/50,000.~~

745 (b) Fifty thousand dollars for damage to, or destruction
746 of, property of others in any one crash ~~A person who is either~~
747 ~~the owner or a lessee required to maintain insurance under s.~~
748 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
749 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
750 ~~financial responsibility by furnishing satisfactory evidence of~~
751 ~~holding a motor vehicle liability policy as defined in s.~~
752 ~~324.031.~~

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

759 ~~(3)(2)~~ ~~An owner or a lessee who is required to maintain~~
760 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~
761 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~

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762 transportation vehicles may provide financial responsibility by
763 complying with ~~the provisions of~~ s. 324.171, which must ~~such~~
764 ~~compliance~~ to be demonstrated by maintaining at its principal
765 place of business an audited financial statement, prepared in
766 accordance with generally accepted accounting principles, and
767 providing to the department a certification issued by a
768 certified public accountant that the applicant's net worth is at
769 least equal to the requirements of s. 324.171 as determined by
770 the Office of Insurance Regulation of the Financial Services
771 Commission, including claims liabilities in an amount certified
772 as adequate by a Fellow of the Casualty Actuarial Society.

773

774 Upon request by the department, the applicant shall ~~must~~ provide
775 the department at the applicant's principal place of business in
776 this state access to the applicant's underlying financial
777 information and financial statements that provide the basis of
778 the certified public accountant's certification. The applicant
779 shall reimburse the requesting department for all reasonable
780 costs incurred by it in reviewing the supporting information.
781 The maximum amount of self-insurance permissible under this
782 subsection is \$300,000 and must be stated on a per-occurrence
783 basis, and the applicant shall maintain adequate excess
784 insurance issued by an authorized or eligible insurer licensed
785 or approved by the Office of Insurance Regulation. All risks
786 self-insured shall remain with the owner or lessee providing it,

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787 and the risks are not transferable to any other person, unless a
788 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
789 obtained.

790 Section 19. Subsection (2) of section 324.051, Florida
791 Statutes, is amended, and subsection (4) is added to that
792 section, to read:

793 324.051 Reports of crashes; suspensions of licenses and
794 registrations.—

795 (2) (a) Thirty days after receipt of notice of any accident
796 described in paragraph (1) (a) involving a motor vehicle within
797 this state, the department shall suspend, after due notice and
798 opportunity to be heard, the license of each operator and all
799 registrations of the owner of the vehicles operated by such
800 operator whether or not involved in such crash and, in the case
801 of a nonresident owner or operator, shall suspend such
802 nonresident's operating privilege in this state, unless such
803 operator or owner shall, prior to the expiration of such 30
804 days, be found by the department to be exempt from the operation
805 of this chapter, based upon evidence satisfactory to the
806 department that:

807 1. The motor vehicle was legally parked at the time of
808 such crash.

809 2. The motor vehicle was owned by the United States
810 Government, this state, or any political subdivision of this
811 state or any municipality therein.

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

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

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

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

825 1. To such operator or owner if such operator or owner had
826 in effect at the time of such crash or traffic conviction a
827 motor vehicle ~~an automobile~~ liability policy with respect to all
828 of the registered motor vehicles owned by such operator or
829 owner.

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

835 3. To such operator or owner if the liability of such
836 operator or owner for damages resulting from such crash is, in

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837 the judgment of the department, covered by any other form of
838 liability insurance or bond.

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

842

843 No such policy or bond shall be effective under this subsection
844 unless it contains limits of not less than those specified in s.
845 324.021(7).

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

848 Section 20. Section 324.071, Florida Statutes, is amended
849 to read:

850 324.071 Reinstatement; renewal of license; reinstatement
851 fee.—~~An~~ Any operator or owner whose license or registration has
852 been suspended pursuant to s. 324.051(2), s. 324.072, s.
853 324.081, or s. 324.121 may effect its reinstatement upon
854 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
855 s. 324.081(2) and (3), as the case may be, and with one of the
856 provisions of s. 324.031 and upon payment to the department of a
857 nonrefundable reinstatement fee of \$15. Only one such fee may
858 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
859 number of licenses and registrations to be then reinstated or
860 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
861 a department trust fund. If ~~When~~ the reinstatement of any

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862 license or registration is effected by compliance with s.
863 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
864 license or registration within ~~a period of~~ 3 years after ~~from~~
865 such reinstatement, nor may ~~shall~~ any other license or
866 registration be issued in the name of such person, unless the
867 operator continues ~~is continuing~~ to comply with ~~one of the~~
868 ~~provisions of~~ s. 324.031.

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

871 324.091 Notice to department; notice to insurer.—

872 (1) Each owner and operator involved in a crash or
873 conviction case within the purview of this chapter shall furnish
874 evidence of ~~automobile liability insurance or~~ motor vehicle
875 liability insurance within 14 days after the date of the mailing
876 of notice of crash by the department in the form and manner as
877 it may designate. Upon receipt of evidence that a ~~an automobile~~
878 ~~liability policy or~~ motor vehicle liability policy was in effect
879 at the time of the crash or conviction case, the department
880 shall forward to the insurer such information for verification
881 in a method as determined by the department. The insurer shall
882 respond to the department within 20 days after the notice as to
883 whether ~~or not~~ such information is valid. If the department
884 determines that a ~~an automobile liability policy or~~ motor
885 vehicle liability policy was not in effect and did not provide

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886 coverage for both the owner and the operator, it must ~~shall~~ take
887 action as it is authorized to do under this chapter.

888 Section 22. Section 324.151, Florida Statutes, is amended
889 to read:

890 324.151 Motor vehicle liability policies; required
891 provisions.—

892 (1) A motor vehicle liability policy that serves as to be
893 proof of financial responsibility under s. 324.031(1) (a) must s-
894 324.031(1), shall be issued to owners or operators of motor
895 vehicles under the following provisions:

896 (a) A motor vehicle An owner's liability insurance policy
897 issued to an owner of a motor vehicle required to be registered
898 in this state must shall designate by explicit description or by
899 appropriate reference all motor vehicles for with respect to
900 which coverage is thereby granted. The policy must and shall
901 insure the person or persons owner named therein and, unless
902 excluded pursuant to s. 627.747, any resident relative of a
903 named insured any other person as operator using such motor
904 vehicle or motor vehicles with the express or implied permission
905 of such owner against loss from the liability imposed by law for
906 damage arising out of the ownership, maintenance, or use of any
907 such motor vehicle or motor vehicles within the United States or
908 the Dominion of Canada, subject to limits, exclusive of interest
909 and costs with respect to each such motor vehicle as is provided
910 for under s. 324.021(7). The policy must also insure any person

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911 operating an insured motor vehicle with the express or implied
912 permission of a named insured against loss from the liability
913 imposed by law for damage arising out of the use of any vehicle,
914 unless that person was excluded pursuant to s. 627.747. However,
915 the insurer may include provisions in its policy excluding
916 liability coverage for a motor vehicle not designated as an
917 insured vehicle on the policy if such motor vehicle does not
918 qualify as a newly acquired vehicle or as a temporary substitute
919 vehicle and was owned by the insured or was furnished for an
920 insured's regular use for more than 30 consecutive days before
921 the event giving rise to the claim. Insurers may make available,
922 with respect to property damage liability coverage, a deductible
923 amount not to exceed \$500. In the event of a property damage
924 loss covered by a policy containing a property damage deductible
925 provision, the insurer shall pay to the third-party claimant the
926 amount of any property damage liability settlement or judgment,
927 subject to policy limits, as if no deductible existed.

928 (b) A motor vehicle liability insurance policy issued to a
929 person who does not own a motor vehicle must ~~An operator's motor~~
930 ~~vehicle liability policy of insurance shall~~ insure the person or
931 persons named therein against loss from the liability imposed
932 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~
933 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~
934 ~~same territorial limits and subject to the same limits of~~

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935 ~~liability as referred to above with respect to an owner's policy~~
936 ~~of liability insurance.~~

937 (c) All such motor vehicle liability policies must provide
938 liability coverage with limits, exclusive of interest and costs,
939 as specified under s. 324.021(7) for accidents occurring within
940 the United States and Canada. The policies must ~~shall~~ state the
941 name and address of the named insured, the coverage afforded by
942 the policy, the premium charged therefor, the policy period, and
943 the limits of liability, and must ~~shall~~ contain an agreement or
944 be endorsed that insurance is provided in accordance with the
945 coverage defined in this chapter ~~as respects bodily injury and~~
946 ~~death or property damage or both~~ and is subject to all
947 ~~provisions of~~ this chapter. The ~~Said~~ policies must ~~shall~~ also
948 contain a provision that the satisfaction by an insured of a
949 judgment for such injury or damage may ~~shall~~ not be a condition
950 precedent to the right or duty of the insurance carrier to make
951 payment on account of such injury or damage, and must ~~shall~~ also
952 contain a provision that bankruptcy or insolvency of the insured
953 or of the insured's estate does ~~shall~~ not relieve the insurance
954 carrier of any of its obligations under the ~~said~~ policy.

955 (2) ~~The provisions of~~ This section is ~~shall~~ not ~~be~~
956 applicable to any motor vehicle ~~automobile~~ liability policy
957 unless and until it is furnished as proof of financial
958 responsibility for the future pursuant to s. 324.031, and then

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959 applies only from ~~and after~~ the date the said policy is ~~se~~
960 furnished.

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

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

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

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

976 Section 23. Section 324.161, Florida Statutes, is amended
977 to read:

978 324.161 Proof of financial responsibility; deposit.—If a
979 person elects to prove his or her financial responsibility under
980 the method of proof specified in s. 324.031(1)(b), he or she
981 annually must obtain and submit to the department proof of a
982 certificate of deposit in the amount required under s.
983 324.031(2) from a financial institution insured by the Federal

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984 Deposit Insurance Corporation or the National Credit Union
985 Administration ~~Annually, before any certificate of insurance may~~
986 ~~be issued to a person, including any firm, partnership,~~
987 ~~association, corporation, or other person, other than a natural~~
988 ~~person, proof of a certificate of deposit of \$30,000 issued and~~
989 ~~held by a financial institution must be submitted to the~~
990 department. A power of attorney will be issued to and held by
991 the department and may be executed upon a judgment issued
992 against such person making the deposit, for damages for ~~because~~
993 ~~of~~ bodily injury to or death of any person or for damages for
994 ~~because of~~ injury to or destruction of property resulting from
995 the use or operation of any motor vehicle occurring after such
996 deposit was made. Money so deposited is ~~shall~~ not be subject to
997 attachment or execution unless such attachment or execution
998 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as
999 ~~aforsaid.~~

1000 Section 24. Subsections (1) and (2) of section 324.171,
1001 Florida Statutes, are amended to read:

1002 324.171 Self-insurer.—

1003 (1) A ~~Any~~ person may qualify as a self-insurer by
1004 obtaining a certificate of self-insurance from the department.
1005 ~~which may, in its discretion and~~ Upon application of such a
1006 person, the department may issue a ~~said~~ certificate of self-
1007 insurance to an applicant who satisfies ~~when such person has~~

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1008 ~~satisfied~~ the requirements of this section. Effective January 1,
1009 2022 ~~to qualify as a self-insurer under this section:~~

1010 (a) A private individual with private passenger vehicles
1011 shall possess a net unencumbered worth of at least \$100,000
1012 ~~\$40,000~~.

1013 (b) A person, including any firm, partnership,
1014 association, corporation, or other person, other than a natural
1015 person, shall:

1016 1. Possess a net unencumbered worth of at least \$100,000
1017 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
1018 additional motor vehicle; or

1019 2. Maintain sufficient net worth, in an amount determined
1020 by the department, to be financially responsible for potential
1021 losses. The department annually shall determine the minimum net
1022 worth sufficient to satisfy this subparagraph ~~as determined~~
1023 ~~annually by the department,~~ pursuant to rules adopted
1024 ~~promulgated~~ by the department, with the assistance of the Office
1025 of Insurance Regulation of the Financial Services Commission, ~~to~~
1026 ~~be financially responsible for potential losses.~~ The rules must
1027 consider any ~~shall take into consideration~~ excess insurance
1028 carried by the applicant. The department's determination must
1029 ~~shall~~ be based upon reasonable actuarial principles considering
1030 the frequency, severity, and loss development of claims incurred
1031 by casualty insurers writing coverage on the type of motor
1032 vehicles for which a certificate of self-insurance is desired.

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1033 (c) The owner of a commercial motor vehicle, as defined in
1034 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
1035 to the standards provided ~~for~~ in subparagraph (b)2.

1036 (2) The self-insurance certificate must ~~shall~~ provide
1037 limits of liability insurance in the amounts specified under s.
1038 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
1039 ~~protection coverage under s. 627.733(3)(b).~~

1040 Section 25. Section 324.251, Florida Statutes, is amended
1041 to read:

1042 324.251 Short title.—This chapter may be cited as the
1043 "Financial Responsibility Law of 2021 1955" and is ~~shall become~~
1044 effective at 12:01 a.m., January 1, 2022 ~~October 1, 1955~~.

1045 Section 26. Subsection (4) of section 400.9905, Florida
1046 Statutes, is amended to read:

1047 400.9905 Definitions.—

1048 (4) (a) "Clinic" means an entity where health care services
1049 are provided to individuals and which tenders charges for
1050 reimbursement for such services, including a mobile clinic and a
1051 portable equipment provider. As used in this part, the term does
1052 not include and the licensure requirements of this part do not
1053 apply to:

1054 1.(a) Entities licensed or registered by the state under
1055 chapter 395; entities licensed or registered by the state and
1056 providing only health care services within the scope of services
1057 authorized under their respective licenses under ss. 383.30-

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1058 383.332, chapter 390, chapter 394, chapter 397, this chapter
1059 except part X, chapter 429, chapter 463, chapter 465, chapter
1060 466, chapter 478, chapter 484, or chapter 651; end-stage renal
1061 disease providers authorized under 42 C.F.R. part 494; providers
1062 certified and providing only health care services within the
1063 scope of services authorized under their respective
1064 certifications under 42 C.F.R. part 485, subpart B, subpart H,
1065 or subpart J; providers certified and providing only health care
1066 services within the scope of services authorized under their
1067 respective certifications under 42 C.F.R. part 486, subpart C;
1068 providers certified and providing only health care services
1069 within the scope of services authorized under their respective
1070 certifications under 42 C.F.R. part 491, subpart A; providers
1071 certified by the Centers for Medicare and Medicaid Services
1072 under the federal Clinical Laboratory Improvement Amendments and
1073 the federal rules adopted thereunder; or any entity that
1074 provides neonatal or pediatric hospital-based health care
1075 services or other health care services by licensed practitioners
1076 solely within a hospital licensed under chapter 395.

1077 2.~~(b)~~ Entities that own, directly or indirectly, entities
1078 licensed or registered by the state pursuant to chapter 395;
1079 entities that own, directly or indirectly, entities licensed or
1080 registered by the state and providing only health care services
1081 within the scope of services authorized pursuant to their
1082 respective licenses under ss. 383.30-383.332, chapter 390,

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1083 chapter 394, chapter 397, this chapter except part X, chapter
1084 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1085 484, or chapter 651; end-stage renal disease providers
1086 authorized under 42 C.F.R. part 494; providers certified and
1087 providing only health care services within the scope of services
1088 authorized under their respective certifications under 42 C.F.R.
1089 part 485, subpart B, subpart H, or subpart J; providers
1090 certified and providing only health care services within the
1091 scope of services authorized under their respective
1092 certifications under 42 C.F.R. part 486, subpart C; providers
1093 certified and providing only health care services within the
1094 scope of services authorized under their respective
1095 certifications under 42 C.F.R. part 491, subpart A; providers
1096 certified by the Centers for Medicare and Medicaid Services
1097 under the federal Clinical Laboratory Improvement Amendments and
1098 the federal rules adopted thereunder; or any entity that
1099 provides neonatal or pediatric hospital-based health care
1100 services by licensed practitioners solely within a hospital
1101 licensed under chapter 395.

1102 3.(e) Entities that are owned, directly or indirectly, by
1103 an entity licensed or registered by the state pursuant to
1104 chapter 395; entities that are owned, directly or indirectly, by
1105 an entity licensed or registered by the state and providing only
1106 health care services within the scope of services authorized
1107 pursuant to their respective licenses under ss. 383.30-383.332,

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1108 chapter 390, chapter 394, chapter 397, this chapter except part
1109 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
1110 478, chapter 484, or chapter 651; end-stage renal disease
1111 providers authorized under 42 C.F.R. part 494; providers
1112 certified and providing only health care services within the
1113 scope of services authorized under their respective
1114 certifications under 42 C.F.R. part 485, subpart B, subpart H,
1115 or subpart J; providers certified and providing only health care
1116 services within the scope of services authorized under their
1117 respective certifications under 42 C.F.R. part 486, subpart C;
1118 providers certified and providing only health care services
1119 within the scope of services authorized under their respective
1120 certifications under 42 C.F.R. part 491, subpart A; providers
1121 certified by the Centers for Medicare and Medicaid Services
1122 under the federal Clinical Laboratory Improvement Amendments and
1123 the federal rules adopted thereunder; or any entity that
1124 provides neonatal or pediatric hospital-based health care
1125 services by licensed practitioners solely within a hospital
1126 under chapter 395.

1127 4.(d) Entities that are under common ownership, directly
1128 or indirectly, with an entity licensed or registered by the
1129 state pursuant to chapter 395; entities that are under common
1130 ownership, directly or indirectly, with an entity licensed or
1131 registered by the state and providing only health care services
1132 within the scope of services authorized pursuant to their

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1133 respective licenses under ss. 383.30-383.332, chapter 390,
1134 chapter 394, chapter 397, this chapter except part X, chapter
1135 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1136 484, or chapter 651; end-stage renal disease providers
1137 authorized under 42 C.F.R. part 494; providers certified and
1138 providing only health care services within the scope of services
1139 authorized under their respective certifications under 42 C.F.R.
1140 part 485, subpart B, subpart H, or subpart J; providers
1141 certified and providing only health care services within the
1142 scope of services authorized under their respective
1143 certifications under 42 C.F.R. part 486, subpart C; providers
1144 certified and providing only health care services within the
1145 scope of services authorized under their respective
1146 certifications under 42 C.F.R. part 491, subpart A; providers
1147 certified by the Centers for Medicare and Medicaid Services
1148 under the federal Clinical Laboratory Improvement Amendments and
1149 the federal rules adopted thereunder; or any entity that
1150 provides neonatal or pediatric hospital-based health care
1151 services by licensed practitioners solely within a hospital
1152 licensed under chapter 395.

1153 5.(e) An entity that is exempt from federal taxation under
1154 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1155 under 26 U.S.C. s. 409 that has a board of trustees at least
1156 two-thirds of which are Florida-licensed health care
1157 practitioners and provides only physical therapy services under

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1158 physician orders, any community college or university clinic,
1159 and any entity owned or operated by the federal or state
1160 government, including agencies, subdivisions, or municipalities
1161 thereof.

1162 6.~~(f)~~ A sole proprietorship, group practice, partnership,
1163 or corporation that provides health care services by physicians
1164 covered by s. 627.419, that is directly supervised by one or
1165 more of such physicians, and that is wholly owned by one or more
1166 of those physicians or by a physician and the spouse, parent,
1167 child, or sibling of that physician.

1168 7.~~(g)~~ A sole proprietorship, group practice, partnership,
1169 or corporation that provides health care services by licensed
1170 health care practitioners under chapter 457, chapter 458,
1171 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1172 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1173 chapter 490, chapter 491, or part I, part III, part X, part
1174 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1175 wholly owned by one or more licensed health care practitioners,
1176 or the licensed health care practitioners set forth in this
1177 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling
1178 of a licensed health care practitioner if one of the owners who
1179 is a licensed health care practitioner is supervising the
1180 business activities and is legally responsible for the entity's
1181 compliance with all federal and state laws. However, a health
1182 care practitioner may not supervise services beyond the scope of

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1183 the practitioner's license, except that, for the purposes of
1184 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1185 which provides only services authorized pursuant to s.
1186 456.053(3)(b) may be supervised by a licensee specified in s.
1187 456.053(3)(b).

1188 ~~8.(h)~~ Clinical facilities affiliated with an accredited
1189 medical school at which training is provided for medical
1190 students, residents, or fellows.

1191 ~~9.(i)~~ Entities that provide only oncology or radiation
1192 therapy services by physicians licensed under chapter 458 or
1193 chapter 459 or entities that provide oncology or radiation
1194 therapy services by physicians licensed under chapter 458 or
1195 chapter 459 which are owned by a corporation whose shares are
1196 publicly traded on a recognized stock exchange.

1197 ~~10.(j)~~ Clinical facilities affiliated with a college of
1198 chiropractic accredited by the Council on Chiropractic Education
1199 at which training is provided for chiropractic students.

1200 ~~11.(k)~~ Entities that provide licensed practitioners to
1201 staff emergency departments or to deliver anesthesia services in
1202 facilities licensed under chapter 395 and that derive at least
1203 90 percent of their gross annual revenues from the provision of
1204 such services. Entities claiming an exemption from licensure
1205 under this subparagraph ~~paragraph~~ must provide documentation
1206 demonstrating compliance.

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1207 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
1208 perinatology clinical facilities or anesthesia clinical
1209 facilities that are not otherwise exempt under subparagraph 1.
1210 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are
1211 a publicly traded corporation or are wholly owned, directly or
1212 indirectly, by a publicly traded corporation. As used in this
1213 subparagraph ~~paragraph~~, a publicly traded corporation is a
1214 corporation that issues securities traded on an exchange
1215 registered with the United States Securities and Exchange
1216 Commission as a national securities exchange.

1217 13.~~(m)~~ Entities that are owned by a corporation that has
1218 \$250 million or more in total annual sales of health care
1219 services provided by licensed health care practitioners where
1220 one or more of the persons responsible for the operations of the
1221 entity is a health care practitioner who is licensed in this
1222 state and who is responsible for supervising the business
1223 activities of the entity and is responsible for the entity's
1224 compliance with state law for purposes of this part.

1225 14.~~(n)~~ Entities that employ 50 or more licensed health
1226 care practitioners licensed under chapter 458 or chapter 459
1227 where the billing for medical services is under a single tax
1228 identification number. The application for exemption under this
1229 subsection must include ~~shall contain information that includes:~~
1230 the name, residence, and business address and telephone ~~phone~~
1231 number of the entity that owns the practice; a complete list of

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1232 the names and contact information of all the officers and
1233 directors of the corporation; the name, residence address,
1234 business address, and medical license number of each licensed
1235 Florida health care practitioner employed by the entity; the
1236 corporate tax identification number of the entity seeking an
1237 exemption; a listing of health care services to be provided by
1238 the entity at the health care clinics owned or operated by the
1239 entity; and a certified statement prepared by an independent
1240 certified public accountant which states that the entity and the
1241 health care clinics owned or operated by the entity have not
1242 received payment for health care services under medical payments
1243 ~~personal injury protection insurance~~ coverage for the preceding
1244 year. If the agency determines that an entity that ~~which~~ is
1245 exempt under this subsection has received payments for medical
1246 services under medical payments ~~personal injury protection~~
1247 ~~insurance~~ coverage, the agency may deny or revoke the exemption
1248 from licensure under this subsection.

1249 15. ~~(e)~~ Entities that are, directly or indirectly, under
1250 the common ownership of or that are subject to common control by
1251 a mutual insurance holding company, as defined in s. 628.703,
1252 with an entity issued a certificate of authority under chapter
1253 624 or chapter 641 which has \$1 billion or more in total annual
1254 sales in this state.

1255 16. ~~(f)~~ Entities that are owned by an entity that is a
1256 behavioral health care service provider in at least five other

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1257 states; that, together with its affiliates, have \$90 million or
1258 more in total annual revenues associated with the provision of
1259 behavioral health care services; and wherein one or more of the
1260 persons responsible for the operations of the entity is a health
1261 care practitioner who is licensed in this state, who is
1262 responsible for supervising the business activities of the
1263 entity, and who is responsible for the entity's compliance with
1264 state law for purposes of this part.

1265 17. ~~(a)~~ Medicaid providers.

1266 (b) Notwithstanding paragraph (a) this subsection, an
1267 entity is shall be deemed a clinic and must be licensed under
1268 this part in order to receive medical payments coverage
1269 reimbursement under s. 627.7265 unless the entity is:

1270 1. Wholly owned by a physician licensed under chapter 458
1271 or chapter 459 or by the physician and the spouse, parent,
1272 child, or sibling of the physician;

1273 2. Wholly owned by a dentist licensed under chapter 466 or
1274 by the dentist and the spouse, parent, child, or sibling of the
1275 dentist;

1276 3. Wholly owned by a chiropractic physician licensed under
1277 chapter 460 or by the chiropractic physician and the spouse,
1278 parent, child, or sibling of the chiropractic physician;

1279 4. A hospital or ambulatory surgical center licensed under
1280 chapter 395;

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1281 5. An entity that wholly owns or is wholly owned, directly
1282 or indirectly, by a hospital or hospitals licensed under chapter
1283 395;

1284 6. A clinical facility affiliated with an accredited
1285 medical school at which training is provided for medical
1286 students, residents, or fellows;

1287 7. Certified under 42 C.F.R. part 485, subpart H; or

1288 8. Owned by a publicly traded corporation, either directly
1289 or indirectly through its subsidiaries, which has \$250 million
1290 or more in total annual sales of health care services provided
1291 by licensed health care practitioners, if one or more of the
1292 persons responsible for the operations of the entity are health
1293 care practitioners who are licensed in this state and are
1294 responsible for supervising the business activities of the
1295 entity and the entity's compliance with state law for purposes
1296 of this subsection ~~the Florida Motor Vehicle No-Fault Law, ss.~~
1297 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1298 Section 27. Subsection (5) of section 400.991, Florida
1299 Statutes, is amended to read:

1300 400.991 License requirements; background screenings;
1301 prohibitions.-

1302 (5) All agency forms for licensure application or
1303 exemption from licensure under this part must contain the
1304 following statement:
1305

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1306 INSURANCE FRAUD NOTICE.—A person commits a fraudulent
1307 insurance act, as defined in s. 626.989, Florida
1308 Statutes, if the person who knowingly submits a false,
1309 misleading, or fraudulent application or other
1310 document when applying for licensure as a health care
1311 clinic, seeking an exemption from licensure as a
1312 health care clinic, or demonstrating compliance with
1313 part X of chapter 400, Florida Statutes, with the
1314 intent to use the license, exemption from licensure,
1315 or demonstration of compliance to provide services or
1316 seek reimbursement under a motor vehicle liability
1317 insurance policy's medical payments coverage ~~the~~
1318 ~~Florida Motor Vehicle No-Fault Law, commits a~~
1319 ~~fraudulent insurance act, as defined in s. 626.989,~~
1320 ~~Florida Statutes.~~ A person who presents a claim for
1321 benefits under medical payments coverage ~~personal~~
1322 ~~injury protection benefits~~ knowing that the payee
1323 knowingly submitted such health care clinic
1324 application or document, commits insurance fraud, as
1325 defined in s. 817.234, Florida Statutes.

1326 Section 28. Paragraph (g) of subsection (1) of section
1327 400.9935, Florida Statutes, is amended to read:

1328 400.9935 Clinic responsibilities.—

1329 (1) Each clinic shall appoint a medical director or clinic
1330 director who shall agree in writing to accept legal

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1331 responsibility for the following activities on behalf of the
1332 clinic. The medical director or the clinic director shall:
1333 (g) Conduct systematic reviews of clinic billings to
1334 ensure that the billings are not fraudulent or unlawful. Upon
1335 discovery of an unlawful charge, the medical director or clinic
1336 director shall take immediate corrective action. If the clinic
1337 performs only the technical component of magnetic resonance
1338 imaging, static radiographs, computed tomography, or positron
1339 emission tomography, and provides the professional
1340 interpretation of such services, in a fixed facility that is
1341 accredited by a national accrediting organization that is
1342 approved by the Centers for Medicare and Medicaid Services for
1343 magnetic resonance imaging and advanced diagnostic imaging
1344 services and if, in the preceding quarter, the percentage of
1345 scans performed by that clinic which was billed to motor vehicle
1346 ~~all personal injury protection~~ insurance carriers under medical
1347 payments coverage was less than 15 percent, the chief financial
1348 officer of the clinic may, in a written acknowledgment provided
1349 to the agency, assume the responsibility for the conduct of the
1350 systematic reviews of clinic billings to ensure that the
1351 billings are not fraudulent or unlawful.

1352 Section 29. Subsection (28) of section 409.901, Florida
1353 Statutes, is amended to read:

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1354 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1355 409.901-409.920, except as otherwise specifically provided, the
1356 term:

1357 (28) "Third-party benefit" means any benefit that is or
1358 may be available at any time through contract, court award,
1359 judgment, settlement, agreement, or any arrangement between a
1360 third party and any person or entity, including, without
1361 limitation, a Medicaid recipient, a provider, another third
1362 party, an insurer, or the agency, for any Medicaid-covered
1363 injury, illness, goods, or services, including costs of medical
1364 services related thereto, for bodily personal injury or for
1365 death of the recipient, but specifically excluding ~~policies of~~
1366 life insurance policies on the recipient, unless available under
1367 terms of the policy to pay medical expenses before ~~prior to~~
1368 death. The term includes, without limitation, collateral, as
1369 defined in this section; ~~health insurance;~~ any benefit under a
1370 health maintenance organization, a preferred provider
1371 arrangement, a prepaid health clinic, liability insurance,
1372 uninsured motorist insurance, or medical payments coverage; or
1373 ~~personal injury protection coverage,~~ medical benefits under
1374 workers' compensation, and any obligation under law or equity to
1375 provide medical support.

1376 Section 30. Paragraph (f) of subsection (11) of section
1377 409.910, Florida Statutes, is amended to read:

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1378 409.910 Responsibility for payments on behalf of Medicaid-
1379 eligible persons when other parties are liable.—

1380 (11) The agency may, as a matter of right, in order to
1381 enforce its rights under this section, institute, intervene in,
1382 or join any legal or administrative proceeding in its own name
1383 in one or more of the following capacities: individually, as
1384 subrogee of the recipient, as assignee of the recipient, or as
1385 lienholder of the collateral.

1386 (f) Notwithstanding any provision in this section to the
1387 contrary, in the event of an action in tort against a third
1388 party in which the recipient or his or her legal representative
1389 is a party which results in a judgment, award, or settlement
1390 from a third party, the amount recovered shall be distributed as
1391 follows:

1392 1. After attorney ~~attorney's~~ fees and taxable costs as
1393 defined by the Florida Rules of Civil Procedure, one-half of the
1394 remaining recovery shall be paid to the agency up to the total
1395 amount of medical assistance provided by Medicaid.

1396 2. The remaining amount of the recovery shall be paid to
1397 the recipient.

1398 3. For purposes of calculating the agency's recovery of
1399 medical assistance benefits paid, the fee for services of an
1400 attorney retained by the recipient or his or her legal
1401 representative shall be calculated at 25 percent of the
1402 judgment, award, or settlement.

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1403 4. Notwithstanding any other provision of this section to
1404 the contrary, the agency shall be entitled to all medical
1405 coverage benefits up to the total amount of medical assistance
1406 provided by Medicaid. For purposes of this paragraph, the term
1407 "medical coverage" means any benefits under health insurance, a
1408 health maintenance organization, a preferred provider
1409 arrangement, or a prepaid health clinic, and the portion of
1410 benefits designated for medical payments under ~~coverage for~~
1411 workers' compensation coverage, motor vehicle insurance
1412 coverage, personal injury protection, and casualty coverage.

1413 Section 31. Paragraph (k) of subsection (2) of section
1414 456.057, Florida Statutes, is amended to read:

1415 456.057 Ownership and control of patient records; report
1416 or copies of records to be furnished; disclosure of
1417 information.—

1418 (2) As used in this section, the terms "records owner,"
1419 "health care practitioner," and "health care practitioner's
1420 employer" do not include any of the following persons or
1421 entities; furthermore, the following persons or entities are not
1422 authorized to acquire or own medical records, but are authorized
1423 under the confidentiality and disclosure requirements of this
1424 section to maintain those documents required by the part or
1425 chapter under which they are licensed or regulated:

1426 ~~(k) Persons or entities practicing under s. 627.736(7).~~

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1427 Section 32. Paragraphs (ee) and (ff) of subsection (1) of
1428 section 456.072, Florida Statutes, are amended to read:

1429 456.072 Grounds for discipline; penalties; enforcement.—

1430 (1) The following acts shall constitute grounds for which
1431 the disciplinary actions specified in subsection (2) may be
1432 taken:

1433 (ee) With respect to making a medical payments coverage
1434 personal injury protection claim under s. 627.7265 as required
1435 by s. 627.736, intentionally submitting a claim, statement, or
1436 bill that has been upcoded. As used in this paragraph, the term
1437 "upcoded" means an action that submits a billing code that would
1438 result in a greater payment amount than would be paid using a
1439 billing code that accurately describes the services performed.
1440 The term does not include an otherwise lawful bill by a magnetic
1441 resonance imaging facility which globally combines both
1442 technical and professional components, if the amount of the
1443 global bill is not more than the components if billed
1444 separately; however, payment of such a bill constitutes payment
1445 in full for all components of such service "upcoded" as defined
1446 in s. 627.732.

1447 (ff) With respect to making a medical payments coverage
1448 personal injury protection claim pursuant to s. 627.7265 as
1449 required by s. 627.736, intentionally submitting a claim,
1450 statement, or bill for payment of services that were not
1451 rendered.

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1452 Section 33. Paragraph (b) of subsection (1) and subsection
1453 (8) of section 624.155, Florida Statutes, are amended to read:

1454 624.155 Civil remedy.—

1455 (1) Any person may bring a civil action against an insurer
1456 when such person is damaged:

1457 (b) By the commission of any of the following acts by the
1458 insurer:

1459 1. Except for a civil action for bad faith failure to
1460 settle a third-party claim subject to s. 624.156, not attempting
1461 in good faith to settle claims when, under all the
1462 circumstances, it could and should have done so, had it acted
1463 fairly and honestly toward its insured and with due regard for
1464 her or his interests;

1465 2. Making claims payments to insureds or beneficiaries not
1466 accompanied by a statement setting forth the coverage under
1467 which payments are being made; ~~or~~

1468 3. Except as to liability coverages, failing to promptly
1469 settle claims, when the obligation to settle a claim has become
1470 reasonably clear, under one portion of the insurance policy
1471 coverage in order to influence settlements under other portions
1472 of the insurance policy coverage; or

1473 4. When handling a first-party claim under a motor vehicle
1474 insurance policy, not attempting in good faith to settle such
1475 claim pursuant to subparagraph 1. when such failure is caused by
1476 a failure to communicate to an insured:

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1477 a. The name, telephone number, e-mail address, and mailing
1478 address of the person who is adjusting the claim;

1479 b. Any issues that may impair the insured's coverage;

1480 c. Information that might resolve the coverage issue in a
1481 prompt manner;

1482 d. Any basis for the insurer's rejection or nonacceptance
1483 of any settlement demand or offer; or

1484 e. Any needed extensions to respond to a time-limited
1485 settlement offer.

1486
1487 Notwithstanding the provisions of the above to the contrary, a
1488 person pursuing a remedy under this section need not prove that
1489 such act was committed or performed with such frequency as to
1490 indicate a general business practice.

1491 (8) The civil remedy specified in this section does not
1492 preempt any other remedy or cause of action provided for
1493 pursuant to any other statute or pursuant to the common law of
1494 this state. ~~A Any person is may obtain a judgment under either~~
1495 ~~the common-law remedy of bad faith or this statutory remedy, but~~
1496 ~~shall not be~~ entitled to a judgment under multiple bad faith
1497 ~~both~~ remedies. This section shall not be construed to create a
1498 common-law cause of action. The damages recoverable pursuant to
1499 this section shall include those damages which are a reasonably
1500 foreseeable result of a specified violation of this section by

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1501 the authorized insurer and may include an award or judgment in
1502 an amount that exceeds the policy limits.

1503 Section 34. Section 624.156, Florida Statutes, is created
1504 to read:

1505 624.156 Actions against motor vehicle insurers for bad
1506 faith failure to settle third-party claims.-

1507 (1) SCOPE.-This section applies in all actions against any
1508 insurer for bad faith failure to settle a third-party claim for
1509 a loss arising out of the ownership, maintenance, or use of a
1510 motor vehicle operated or principally garaged in this state at
1511 the time of an incident or a loss, regardless of whether the
1512 insurer is authorized to do business in this state or issued a
1513 policy in this state. This section governs in any conflict with
1514 common law or any other statute.

1515 (2) DUTY OF GOOD FAITH.-In handling claims, an insurer has
1516 a duty to its insured to handle claims in good faith by
1517 complying with the best practices standards of subsection (4).
1518 An insurer's negligence does not constitute bad faith. However,
1519 negligence is relevant to whether an insurer acted in bad faith.

1520 (3) BAD FAITH FAILURE TO SETTLE.-The term "bad faith
1521 failure to settle" means an insurer's failure to meet its duty
1522 of good faith, as described in subsection (2), which is a
1523 proximate cause of the insurer not settling a third-party claim
1524 when, under all the circumstances, the insurer could and should

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1525 have done so, had it acted fairly and honestly toward its
1526 insured and with due regard for the insured's interests.

1527 (4) BEST PRACTICES STANDARDS.—An insurer must meet the
1528 best practices standards of this subsection. The insurer's duty
1529 begins upon receiving actual notice of an incident or a loss
1530 that could give rise to a covered liability claim and continues
1531 until the claim is resolved. Notice may be communicated to the
1532 insurer or an agent of the insurer by any means. However, if
1533 actual notice is communicated by means other than through any
1534 manner permitted by the policy or other documents provided to
1535 the insured by the insurer, through the insurer's website, or
1536 through the e-mail address designated by the insurer under s.
1537 624.422, the notice will not be effective under this subsection
1538 if that variation causes actual prejudice to the insurer's
1539 ability to settle the claim. The burden is on the party bringing
1540 the bad faith claim to prove that the insurer had actual notice
1541 of the incident or loss giving rise to the claim that resulted
1542 in an excess judgment and when such notice was received. After
1543 receipt of actual notice, an insurer:

1544 (a) Must assign a duly licensed and appointed insurance
1545 adjuster to investigate the extent of the insured's probable
1546 exposure and diligently attempt to resolve any questions
1547 concerning the existence or extent of the insured's coverage.

1548 (b) Based on available information, must ethically
1549 evaluate every claim fairly, honestly, and with due regard for

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1550 the interests of the insured; consider the extent of the
1551 claimant's recoverable damages; and consider the information in
1552 a reasonable and prudent manner.

1553 (c) Must request from the insured or claimant additional
1554 relevant information the insurer reasonably deems necessary to
1555 evaluate whether to settle a claim.

1556 (d) Must conduct all oral and written communications with
1557 the insured with the utmost honesty and complete candor.

1558 (e) Must make reasonable efforts to explain to persons not
1559 represented by counsel matters requiring expertise beyond the
1560 level normally expected of a layperson with no training in
1561 insurance or claims-handling issues.

1562 (f) Must retain all written communications and note and
1563 retain a summary of all verbal communications in a reasonable
1564 manner for a period of not less than 5 years after the later of:

1565 1. The entry of a judgment against the insured in excess
1566 of policy limits becomes final; or

1567 2. The conclusion of the extracontractual claim, if any,
1568 including any related appeals.

1569 (g) Must provide the insured, upon request, with all
1570 communications related to the insurer's handling of the claim
1571 which are not privileged as to the insured.

1572 (h) Must provide, at the insurer's expense, reasonable
1573 accommodations necessary to communicate effectively with an
1574 insured covered under the Americans with Disabilities Act.

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1575 (i) In handling third-party claims, must communicate to an
1576 insured all of the following:

1577 1. The identity of any other person or entity the insurer
1578 has reason to believe may be liable.

1579 2. The insurer's evaluation of the claim.

1580 3. The likelihood and possible extent of an excess
1581 judgment.

1582 4. Steps the insured can take to avoid exposure to an
1583 excess judgment, including the right to secure personal counsel
1584 at the insured's expense.

1585 5. The insured's duty to cooperate with the insurer,
1586 including any specific requests required because of a settlement
1587 opportunity or by the insurer for the insured's cooperation
1588 under subsection (5), the purpose of the required cooperation,
1589 and the consequences of refusing to cooperate.

1590 6. Any settlement demands or offers.

1591 (j) If, after the expiration of the safe harbor periods in
1592 subsection (8), the facts available to the insurer indicate that
1593 the insured's liability is likely to exceed the policy limits,
1594 must initiate settlement negotiations by tendering its policy
1595 limits to the claimant in exchange for a general release of the
1596 insured.

1597 (k)1. Must give fair consideration to a settlement offer
1598 that is not unreasonable under the facts available to the
1599 insurer and settle, if possible, when a reasonably prudent

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1600 person, faced with the prospect of paying the total probable
1601 exposure of the insured, would do so. The insurer shall provide
1602 reasonable assistance to the insured to comply with the
1603 insured's obligations to cooperate and shall act reasonably to
1604 attempt to satisfy any conditions of a claimant's settlement
1605 offer. If it is not possible to settle a liability claim within
1606 the available policy limits, the insurer shall act reasonably to
1607 attempt to minimize the excess exposure to the insured.

1608 2. When multiple claims arise out of a single occurrence,
1609 the combined value of all claims exceeds the total of all
1610 applicable policy limits, and the claimants are unwilling to
1611 globally settle within the policy limits, thereafter, must
1612 attempt to minimize the magnitude of possible excess judgments
1613 against the insured. The insurer is entitled to great discretion
1614 to decide how much to offer each respective claimant in its
1615 attempt to protect the insured. The insurer may, in its effort
1616 to minimize the excess liability of the insured, use its
1617 discretion to offer the full available policy limits to one or
1618 more claimants to the exclusion of other claimants and may leave
1619 the insured exposed to some liability after all the policy
1620 limits are paid. An insurer does not act in bad faith simply
1621 because it is unable to settle all claims in a multiple claimant
1622 case. It is a defense to a bad faith action if the insurer
1623 establishes that it used its discretion for the benefit of its

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1624 insureds and complied with the other best practices standards of
1625 this subsection.

1626 (l) When a loss creates the potential for a third-party
1627 claim against more than one insured, must attempt to settle the
1628 claim on behalf of all insureds against whom a claim may be
1629 presented. If it is not possible to settle on behalf of all
1630 insureds, the insurer may, in consultation with the insureds,
1631 enter into reasonable settlements of claims against certain
1632 insureds to the exclusion of other insureds.

1633 (m) Must respond to any request for insurance information
1634 in compliance with s. 626.9372 or s. 627.4137, as applicable.

1635 (n) Where it appears the insured's probable exposure is
1636 greater than policy limits, must take reasonable measures to
1637 preserve evidence, for a reasonable period of time, which is
1638 needed for the defense of the liability claim.

1639 (o) Must comply with s. 627.426, if applicable.

1640 (p) May not commit or perform with such frequency as to
1641 indicate a general business practice, any of the following:

1642 1. Failing to adopt and implement standards for the proper
1643 investigation of claims.

1644 2. Misrepresenting pertinent facts or insurance policy
1645 provisions relating to coverages at issue.

1646 3. Failing to acknowledge and act promptly upon
1647 communications with respect to claims.

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1648 4. Denying claims without conducting reasonable
1649 investigations based upon available information.

1650 (5) INSURED'S DUTY TO COOPERATE.—

1651 (a) Insureds have a duty to cooperate with their insurer
1652 in the defense of the claim and in making settlements.

1653 Accordingly, the insured must take any reasonable action
1654 requested by the injured claimant or provided in the policy
1655 which is necessary to assist the insurer in settling a covered
1656 claim, including:

1657 1. Executing affidavits regarding the facts within the
1658 insured's knowledge regarding the covered loss; and

1659 2. Providing documents, including those requested pursuant
1660 to paragraph (b).

1661 (b) When it is reasonably necessary to settle a covered
1662 claim valued in excess of all applicable policy limits, upon the
1663 request of the injured claimant, an insured must disclose on a
1664 form adopted by the department or provided by the claimant a
1665 summary of the following:

1666 1. The insured's assets at the time of the loss,
1667 including:

1668 a. Cash, stocks, bonds, and nonretirement-based mutual
1669 funds;

1670 b. Nonhomestead real property;

1671 c. All registered vehicles;

1672 d. All bank accounts;

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- 1673 e. An estimated net accounting of all other assets; and
1674 f. Any additional information included by the department.
1675 2. The insured's liabilities, including:
1676 a. Mortgage debt;
1677 b. Credit card debt;
1678 c. Child support and alimony payments;
1679 d. Other liabilities; and
1680 e. Any additional information included by the department.
1681 3. For a corporate entity, information on its balance
1682 sheet, including the corporate entity's:
1683 a. Cash, property, equipment, and inventory;
1684 b. Liabilities, including obligations, rent, money owed to
1685 vendors, payroll, and taxes;
1686 c. Other information relevant to understanding the
1687 entity's capital and net worth; and
1688 d. Any additional information included by the department.
1689 4. A list of all insurance policies that may provide
1690 coverage for the claim, stating the name of the insurer and
1691 policy number of each policy.
1692 5. For natural persons, a statement of whether the insured
1693 was acting in the course and scope of employment at the time of
1694 the incident or loss giving rise to the claim and, if so,
1695 providing the name and contact information for the insured's
1696 employer.

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1697 (c) No later than 14 days following actual notice of an
1698 incident or a loss that could give rise to a covered liability
1699 claim, the insurer must notify the insured of the insured's
1700 duties under this subsection. The burden is on the insurer to
1701 prove that it provided notice to the insured of the insured's
1702 duty to cooperate; otherwise, a presumption arises that the
1703 insured met its duty to cooperate under this subsection.

1704 (d) An insurer may terminate the defense as to any insured
1705 who unreasonably fails to meet its duties under this subsection
1706 when:

1707 1. The insurer exercised diligence and met its duties
1708 under subparagraph (4) (i) 5.;

1709 2. The insurer provided reasonable assistance to the
1710 insured to comply with the obligations of this subsection;

1711 3. The insurer gave the insured written notice of any
1712 failure to cooperate and a reasonable opportunity for the
1713 insured to cure the lack of cooperation, consistent with any
1714 deadlines imposed by settlement negotiations;

1715 4. The insured's failure to cooperate causes the insurer
1716 to be unable to settle the claim; and

1717 5. The insurer unconditionally tenders its available
1718 coverage policy limits directly to the claimant or the
1719 claimant's attorney.

1720 (e) When an insured's defense is terminated in compliance
1721 with this subsection, the insurer is not liable for any damages

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1722 caused by a failure to settle or defend the liability claim
1723 against that insured.

1724 (6) CLAIMANT COMMUNICATIONS.—The trier of fact may not
1725 attribute the insurer's failure to settle a covered third-party
1726 claim to a claimant's lack of communication with the insurer
1727 when the claimant truthfully complies with all applicable
1728 standards of this subsection by:

1729 (a) Contemporaneously with or before making a claim with
1730 the insurer, communicating in writing to the insurer:

1731 1. The date and location of loss;

1732 2. The name, address, and date of birth of the claimant;

1733 and

1734 3. A physical address, an e-mail address, and a facsimile
1735 number for further communications, including, but not limited
1736 to, responses to any settlement demand.

1737 (b) Presenting the following in writing:

1738 1. The legal and factual basis of the claim; and

1739 2. A reasonably detailed description of the claimant's:

1740 a. Known injuries caused or aggravated by the incident or
1741 loss on which the claim is based;

1742 b. Medical treatment causally related to the incident or
1743 loss on which the claim is based;

1744 c. Relevant pre-accident medical conditions, if known; and

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1745 d. Type and amount of known damages incurred and, if any,
1746 the damages the claimant reasonably anticipates incurring in the
1747 future.

1748 (c) Providing any settlement demand in writing and stating
1749 within such demand:

1750 1. The name of each insured to whom the demand for
1751 settlement is directed;

1752 2. The amount of the demand for settlement; and

1753 3. Any conditions the claimant is placing on acceptance of
1754 the demand for settlement.

1755
1756 This subsection does not reduce an insurer's duty of good faith,
1757 which is owed solely to its insured. The claimant owes no duty
1758 to the insured or the insurer, and the duties of the claimant's
1759 attorney are owed solely to the claimant. The claimant and the
1760 claimant's attorney do not have a duty to comply with this
1761 subsection.

1762 (7) CONDITIONS PRECEDENT.—It is a condition precedent to
1763 filing an action against an insurer for bad faith failure to
1764 settle a third-party claim that:

1765 (a) A third-party claimant obtained a final judgment in
1766 excess of the policy limits against the insured or the insured's
1767 estate, bankruptcy trustee, or successor in interest, unless the
1768 insurer expressly waived the requirement of a final excess

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1769 judgment or wrongfully breached its duty to defend the insured;
1770 and

1771 (b) The insurer or an agent of the insurer received actual
1772 notice effective under subsection (4).

1773 (8) SAFE HARBORS.—

1774 (a) After an insurer receives actual notice of an incident
1775 or a loss that could give rise to a covered liability claim, the
1776 insurer is entitled to a reasonable opportunity to investigate
1777 and evaluate the claim. The amount of time required for the
1778 insurer's investigation and evaluation will vary depending on
1779 the circumstances of the claim. The safe harbors provided in
1780 this subsection are available to an insurer that complies with
1781 the best practices standards of subsection (4).

1782 (b) When one claim arises out of a single occurrence, and
1783 an insurer initiates settlement negotiations by tendering the
1784 applicable policy limits in exchange for a general release of
1785 the insured within 45 days after receiving actual notice of the
1786 loss, the failure to tender the policy limits sooner does not
1787 constitute bad faith.

1788 (c) When multiple claims arise out of a single occurrence,
1789 the combined value of all claims exceeds the total of all
1790 applicable policy limits, and an insurer initiates settlement
1791 negotiations by globally tendering the applicable policy limits
1792 in exchange for a general release of the insured within 45 days

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1793 after receiving actual notice of the loss, the failure to tender
1794 policy limits sooner does not constitute bad faith.

1795 (d) An insurer is not under any circumstances liable for
1796 the failure to accept a settlement offer within 45 days after
1797 receiving actual notice of the loss if:

1798 1. The settlement offer provides the insurer fewer than 15
1799 days for acceptance; or

1800 2. The settlement offer provides the insurer fewer than 30
1801 days for acceptance where the offer contains conditions for
1802 acceptance other than the insurer's disclosure of its policy
1803 limits.

1804 (e) This subsection does not require that an insurer
1805 automatically tender policy limits within 45 days in every case.

1806 (9) BURDEN OF PROOF.—In any action for bad faith failure
1807 to settle:

1808 (a) The party bringing the bad faith claim must prove
1809 every element of the claim by the greater weight of the
1810 evidence, taking into account the totality of the circumstances.

1811 (b) An insurer that relies upon paragraph (5)(d) as a
1812 defense to a claim for bad faith failure to settle must prove
1813 the elements of that paragraph by the greater weight of the
1814 evidence.

1815 (c) An insurer that relies upon a safe harbor provision of
1816 subsection (8) must prove the elements of the safe harbor by the
1817 greater weight of the evidence.

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1818 (10) DAMAGES.—If the trier of fact finds that the party
1819 bringing the bad faith claim has met its burden of proof, the
1820 insurer is liable for the amount of any excess judgment,
1821 together with court costs and, if the party bringing the bad
1822 faith claim is the insured or an assignee of the insured, the
1823 reasonable attorney fees incurred by the party bringing the bad
1824 faith claim. Punitive damages may not be awarded.

1825 (11) AGENTS.—This section is not intended to expand or
1826 diminish any cause of action currently available against
1827 insurance agents who sell motor vehicle liability insurance
1828 policies in this state.

1829 Section 35. Paragraphs (i) and (o) of subsection (1) of
1830 section 626.9541, Florida Statutes, are amended to read:

1831 626.9541 Unfair methods of competition and unfair or
1832 deceptive acts or practices defined.—

1833 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1834 ACTS.—The following are defined as unfair methods of competition
1835 and unfair or deceptive acts or practices:

1836 (i) Unfair claim settlement practices.—

1837 1. Attempting to settle claims on the basis of an
1838 application, when serving as a binder or intended to become a
1839 part of the policy, or any other material document which was
1840 altered without notice to, or knowledge or consent of, the
1841 insured;

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1842 2. Making a material misrepresentation ~~made~~ to an insured
1843 or any other person having an interest in the proceeds payable
1844 under such contract or policy, for the purpose and with the
1845 intent of effecting settlement of such claims, loss, or damage
1846 under such contract or policy on less favorable terms than those
1847 provided in, and contemplated by, such contract or policy; ~~or~~

1848 3. Committing or performing with such frequency as to
1849 indicate a general business practice any of the following:

1850 a. Failing to adopt and implement standards for the proper
1851 investigation of claims;

1852 b. Misrepresenting pertinent facts or insurance policy
1853 provisions relating to coverages at issue;

1854 c. Failing to acknowledge and act promptly upon
1855 communications with respect to claims;

1856 d. Denying claims without conducting reasonable
1857 investigations based upon available information;

1858 e. Failing to affirm or deny full or partial coverage of
1859 claims, and, as to partial coverage, the dollar amount or extent
1860 of coverage, or failing to provide a written statement that the
1861 claim is being investigated, upon the written request of the
1862 insured within 30 days after proof-of-loss statements have been
1863 completed;

1864 f. Failing to promptly provide a reasonable explanation in
1865 writing to the insured of the basis in the insurance policy, in

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1866 relation to the facts or applicable law, for denial of a claim
1867 or for the offer of a compromise settlement;

1868 g. Failing to promptly notify the insured of any
1869 additional information necessary for the processing of a claim;
1870 or

1871 h. Failing to clearly explain the nature of the requested
1872 information and the reasons why such information is necessary.

1873 ~~i. Failing to pay personal injury protection insurance~~
1874 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1875 ~~office may order the insurer to pay restitution to a~~
1876 ~~policyholder, medical provider, or other claimant, including~~
1877 ~~interest at a rate consistent with the amount set forth in s.~~
1878 ~~55.03(1), for the time period within which an insurer fails to~~
1879 ~~pay claims as required by law. Restitution is in addition to any~~
1880 ~~other penalties allowed by law, including, but not limited to,~~
1881 ~~the suspension of the insurer's certificate of authority.~~

1882 4. Failing to pay undisputed amounts of partial or full
1883 benefits owed under first-party property insurance policies
1884 within 90 days after an insurer receives notice of a residential
1885 property insurance claim, determines the amounts of partial or
1886 full benefits, and agrees to coverage, unless payment of the
1887 undisputed benefits is prevented by an act of God, prevented by
1888 the impossibility of performance, or due to actions by the
1889 insured or claimant that constitute fraud, lack of cooperation,

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1890 or intentional misrepresentation regarding the claim for which
1891 benefits are owed.

1892 (o) Illegal dealings in premiums; excess or reduced
1893 charges for insurance.—

1894 1. Knowingly collecting any sum as a premium or charge for
1895 insurance, which is not then provided, or is not in due course
1896 to be provided, subject to acceptance of the risk by the
1897 insurer, by an insurance policy issued by an insurer as
1898 permitted by this code.

1899 2. Knowingly collecting as a premium or charge for
1900 insurance any sum in excess of or less than the premium or
1901 charge applicable to such insurance, in accordance with the
1902 applicable classifications and rates as filed with and approved
1903 by the office, and as specified in the policy; or, in cases when
1904 classifications, premiums, or rates are not required by this
1905 code to be so filed and approved, premiums and charges collected
1906 from a Florida resident in excess of or less than those
1907 specified in the policy and as fixed by the insurer.

1908 Notwithstanding any other provision of law, this provision shall
1909 not be deemed to prohibit the charging and collection, by
1910 surplus lines agents licensed under part VIII of this chapter,
1911 of the amount of applicable state and federal taxes, or fees as
1912 authorized by s. 626.916(4), in addition to the premium required
1913 by the insurer or the charging and collection, by licensed
1914 agents, of the exact amount of any discount or other such fee

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1915 | charged by a credit card facility in connection with the use of
1916 | a credit card, as authorized by subparagraph (q)3., in addition
1917 | to the premium required by the insurer. This subparagraph shall
1918 | not be construed to prohibit collection of a premium for a
1919 | universal life or a variable or indeterminate value insurance
1920 | policy made in accordance with the terms of the contract.

1921 | 3.a. Imposing or requesting an additional premium for
1922 | bodily injury liability coverage, property damage liability
1923 | coverage ~~a policy of motor vehicle liability, personal injury~~
1924 | ~~protection,~~ medical payments coverage ~~payment,~~ or collision
1925 | coverage in a motor vehicle liability insurance policy ~~insurance~~
1926 | ~~or any combination thereof~~ or refusing to renew the policy
1927 | solely because the insured was involved in a motor vehicle
1928 | accident unless the insurer's file contains information from
1929 | which the insurer in good faith determines that the insured was
1930 | substantially at fault in the accident.

1931 | b. An insurer which imposes and collects such a surcharge
1932 | or which refuses to renew such policy shall, in conjunction with
1933 | the notice of premium due or notice of nonrenewal, notify the
1934 | named insured that he or she is entitled to reimbursement of
1935 | such amount or renewal of the policy under the conditions listed
1936 | below and will subsequently reimburse him or her or renew the
1937 | policy, if the named insured demonstrates that the operator
1938 | involved in the accident was:

1939 | (I) Lawfully parked;

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1940 (II) Reimbursed by, or on behalf of, a person responsible
1941 for the accident or has a judgment against such person;

1942 (III) Struck in the rear by another vehicle headed in the
1943 same direction and was not convicted of a moving traffic
1944 violation in connection with the accident;

1945 (IV) Hit by a "hit-and-run" driver, if the accident was
1946 reported to the proper authorities within 24 hours after
1947 discovering the accident;

1948 (V) Not convicted of a moving traffic violation in
1949 connection with the accident, but the operator of the other
1950 automobile involved in such accident was convicted of a moving
1951 traffic violation;

1952 (VI) Finally adjudicated not to be liable by a court of
1953 competent jurisdiction;

1954 (VII) In receipt of a traffic citation which was dismissed
1955 or nolle prossed; or

1956 (VIII) Not at fault as evidenced by a written statement
1957 from the insured establishing facts demonstrating lack of fault
1958 which are not rebutted by information in the insurer's file from
1959 which the insurer in good faith determines that the insured was
1960 substantially at fault.

1961 c. In addition to the other provisions of this
1962 subparagraph, an insurer may not fail to renew a policy if the
1963 insured has had only one accident in which he or she was at
1964 fault within the current 3-year period. However, an insurer may

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1965 nonrenew a policy for reasons other than accidents in accordance
1966 with s. 627.728. This subparagraph does not prohibit nonrenewal
1967 of a policy under which the insured has had three or more
1968 accidents, regardless of fault, during the most recent 3-year
1969 period.

1970 4. Imposing or requesting an additional premium for, or
1971 refusing to renew, a policy for motor vehicle insurance solely
1972 because the insured committed a noncriminal traffic infraction
1973 as described in s. 318.14 unless the infraction is:

1974 a. A second infraction committed within an 18-month
1975 period, or a third or subsequent infraction committed within a
1976 36-month period.

1977 b. A violation of s. 316.183, when such violation is a
1978 result of exceeding the lawful speed limit by more than 15 miles
1979 per hour.

1980 5. Upon the request of the insured, the insurer and
1981 licensed agent shall supply to the insured the complete proof of
1982 fault or other criteria which justifies the additional charge or
1983 cancellation.

1984 6. No insurer shall impose or request an additional
1985 premium for motor vehicle insurance, cancel or refuse to issue a
1986 policy, or refuse to renew a policy because the insured or the
1987 applicant is a handicapped or physically disabled person, so
1988 long as such handicap or physical disability does not

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1989 substantially impair such person's mechanically assisted driving
1990 ability.

1991 7. No insurer may cancel or otherwise terminate any
1992 insurance contract or coverage, or require execution of a
1993 consent to rate endorsement, during the stated policy term for
1994 the purpose of offering to issue, or issuing, a similar or
1995 identical contract or coverage to the same insured with the same
1996 exposure at a higher premium rate or continuing an existing
1997 contract or coverage with the same exposure at an increased
1998 premium.

1999 8. No insurer may issue a nonrenewal notice on any
2000 insurance contract or coverage, or require execution of a
2001 consent to rate endorsement, for the purpose of offering to
2002 issue, or issuing, a similar or identical contract or coverage
2003 to the same insured at a higher premium rate or continuing an
2004 existing contract or coverage at an increased premium without
2005 meeting any applicable notice requirements.

2006 9. No insurer shall, with respect to premiums charged for
2007 motor vehicle insurance, unfairly discriminate solely on the
2008 basis of age, sex, marital status, or scholastic achievement.

2009 10. Imposing or requesting an additional premium for motor
2010 vehicle comprehensive or uninsured motorist coverage solely
2011 because the insured was involved in a motor vehicle accident or
2012 was convicted of a moving traffic violation.

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2013 11. No insurer shall cancel or issue a nonrenewal notice
2014 on any insurance policy or contract without complying with any
2015 applicable cancellation or nonrenewal provision required under
2016 the Florida Insurance Code.

2017 12. No insurer shall impose or request an additional
2018 premium, cancel a policy, or issue a nonrenewal notice on any
2019 insurance policy or contract because of any traffic infraction
2020 when adjudication has been withheld and no points have been
2021 assessed pursuant to s. 318.14(9) and (10). However, this
2022 subparagraph does not apply to traffic infractions involving
2023 accidents in which the insurer has incurred a loss due to the
2024 fault of the insured.

2025 Section 36. Paragraph (a) of subsection (1) of section
2026 626.989, Florida Statutes, is amended to read:

2027 626.989 Investigation by department or Division of
2028 Investigative and Forensic Services; compliance; immunity;
2029 confidential information; reports to division; division
2030 investigator's power of arrest.-

2031 (1) For the purposes of this section:

2032 (a) A person commits a "fraudulent insurance act" if the
2033 person:

2034 1. Knowingly and with intent to defraud presents, causes
2035 to be presented, or prepares with knowledge or belief that it
2036 will be presented, to or by an insurer, self-insurer, self-
2037 insurance fund, servicing corporation, purported insurer,

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2038 broker, or any agent thereof, any written statement as part of,
2039 or in support of, an application for the issuance of, or the
2040 rating of, any insurance policy, or a claim for payment or other
2041 benefit pursuant to any insurance policy, which the person knows
2042 to contain materially false information concerning any fact
2043 material thereto or if the person conceals, for the purpose of
2044 misleading another, information concerning any fact material
2045 thereto.

2046 2. Knowingly submits:

2047 a. A false, misleading, or fraudulent application or other
2048 document when applying for licensure as a health care clinic,
2049 seeking an exemption from licensure as a health care clinic, or
2050 demonstrating compliance with part X of chapter 400 with an
2051 intent to use the license, exemption from licensure, or
2052 demonstration of compliance to provide services or seek
2053 reimbursement under a motor vehicle liability insurance policy's
2054 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
2055 ~~Law~~.

2056 b. A claim for payment or other benefit under medical
2057 payments coverage, ~~pursuant to a personal injury protection~~
2058 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
2059 the person knows that the payee knowingly submitted a false,
2060 misleading, or fraudulent application or other document when
2061 applying for licensure as a health care clinic, seeking an

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2062 exemption from licensure as a health care clinic, or
2063 demonstrating compliance with part X of chapter 400.

2064 Section 37. Subsection (1) of section 627.06501, Florida
2065 Statutes, is amended to read:

2066 627.06501 Insurance discounts for certain persons
2067 completing driver improvement course.—

2068 (1) Any rate, rating schedule, or rating manual for the
2069 liability, medical payments ~~personal injury protection~~, and
2070 collision coverages of a motor vehicle insurance policy filed
2071 with the office may provide for an appropriate reduction in
2072 premium charges as to such coverages if ~~when~~ the principal
2073 operator on the covered vehicle has successfully completed a
2074 driver improvement course approved and certified by the
2075 Department of Highway Safety and Motor Vehicles which is
2076 effective in reducing crash or violation rates, or both, as
2077 determined pursuant to s. 318.1451(5). Any discount, not to
2078 exceed 10 percent, used by an insurer is presumed to be
2079 appropriate unless credible data demonstrates otherwise.

2080 Section 38. Subsection (15) is added to section 627.0651,
2081 Florida Statutes, to read:

2082 627.0651 Making and use of rates for motor vehicle
2083 insurance.—

2084 (15) Rate filings for motor vehicle liability policies
2085 that implement the financial responsibility requirements of s.
2086 324.022 in effect January 1, 2022, except for commercial motor

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2087 vehicle insurance policies exempt under paragraph (14) (a), must
2088 reflect such financial responsibility requirements and may be
2089 approved only through the file and use process under paragraph
2090 (1) (a).

2091 Section 39. Subsection (1) of section 627.0652, Florida
2092 Statutes, is amended to read:

2093 627.0652 Insurance discounts for certain persons
2094 completing safety course.—

2095 (1) Any rates, rating schedules, or rating manuals for the
2096 liability, medical payments ~~personal injury protection~~, and
2097 collision coverages of a motor vehicle insurance policy filed
2098 with the office must ~~shall~~ provide for an appropriate reduction
2099 in premium charges as to such coverages if ~~when~~ the principal
2100 operator on the covered vehicle is an insured 55 years of age or
2101 older who has successfully completed a motor vehicle accident
2102 prevention course approved by the Department of Highway Safety
2103 and Motor Vehicles. Any discount used by an insurer is presumed
2104 to be appropriate unless credible data demonstrates otherwise.

2105 Section 40. Subsections (1), (3), and (6) of section
2106 627.0653, Florida Statutes, are amended to read:

2107 627.0653 Insurance discounts for specified motor vehicle
2108 equipment.—

2109 (1) Any rates, rating schedules, or rating manuals for the
2110 liability, medical payments ~~personal injury protection~~, and
2111 collision coverages of a motor vehicle insurance policy filed

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2112 with the office must ~~shall~~ provide a premium discount if the
2113 insured vehicle is equipped with factory-installed, four-wheel
2114 antilock brakes.

2115 (3) Any rates, rating schedules, or rating manuals for
2116 ~~personal injury protection coverage and medical payments~~
2117 ~~coverage, if offered,~~ of a motor vehicle insurance policy filed
2118 with the office must ~~shall~~ provide a premium discount if the
2119 insured vehicle is equipped with one or more air bags that ~~which~~
2120 are factory installed.

2121 (6) The Office of Insurance Regulation may approve a
2122 premium discount to any rates, rating schedules, or rating
2123 manuals for the liability, medical payments ~~personal injury~~
2124 ~~protection,~~ and collision coverages of a motor vehicle insurance
2125 policy filed with the office if the insured vehicle is equipped
2126 with an automated driving system or electronic vehicle collision
2127 avoidance technology that is factory installed or a retrofitted
2128 system and that complies with National Highway Traffic Safety
2129 Administration standards.

2130 Section 41. Section 627.4132, Florida Statutes, is amended
2131 to read:

2132 627.4132 Stacking of coverages prohibited.—If an insured
2133 or named insured is protected by any type of motor vehicle
2134 insurance policy for bodily injury and property damage
2135 ~~liability, personal injury protection, or other coverage,~~ the
2136 policy must ~~shall~~ provide that the insured or named insured is

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2137 protected only to the extent of the coverage she or he has on
2138 the vehicle involved in the accident. However, if none of the
2139 insured's or named insured's vehicles are ~~is~~ involved in the
2140 accident, coverage is available only to the extent of coverage
2141 on any one of the vehicles with applicable coverage. Coverage on
2142 any other vehicles may ~~shall~~ not be added to or stacked upon
2143 that coverage. This section does not ~~apply~~:

2144 (1) Apply to uninsured motorist coverage that ~~which~~ is
2145 separately governed by s. 627.727.

2146 (2) ~~To~~ Reduce the coverage available by reason of
2147 insurance policies insuring different named insureds.

2148 Section 42. Subsection (1) of section 627.4137, Florida
2149 Statutes, is amended to read:

2150 627.4137 Disclosure of certain information required.—

2151 (1) Each insurer which does or may provide liability
2152 insurance coverage to pay all or a portion of any claim which
2153 might be made shall provide, within 30 days of the written
2154 request of the claimant or the claimant's attorney, a statement,
2155 under oath, of a corporate officer or the insurer's claims
2156 manager or superintendent setting forth the following
2157 information with regard to each known policy of insurance,
2158 including excess or umbrella insurance:

2159 (a) The name of the insurer.

2160 (b) The name of each insured.

2161 (c) The limits of the liability coverage.

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2162 (d) A statement of any policy or coverage defense which
2163 such insurer reasonably believes is available to such insurer at
2164 the time of filing such statement.

2165 (e) A copy of the policy.

2166
2167 In addition, the insured, or her or his insurance agent, upon
2168 written request of the claimant or the claimant's attorney,
2169 shall disclose the name and coverage of each known insurer to
2170 the claimant and shall forward such request for information as
2171 required by this subsection to all affected insurers. The
2172 insurer shall then supply the information required in this
2173 subsection to the claimant within 30 days of receipt of such
2174 request. If an insurer fails to timely comply with this section,
2175 the claimant may file an action in a court of competent
2176 jurisdiction to enforce this section. If the court determines
2177 that the insurer violated this section, the claimant is entitled
2178 to an award of reasonable attorney fees and costs to be paid by
2179 the insurer.

2180 Section 43. Section 627.7263, Florida Statutes, is amended
2181 to read:

2182 627.7263 Rental and leasing driver's insurance to be
2183 primary; exception.—

2184 (1) The valid and collectible liability insurance and
2185 medical payments coverage ~~or personal injury protection~~
2186 ~~insurance providing coverage~~ for the lessor of a motor vehicle

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2187 for rent or lease is primary unless otherwise stated in at least
2188 10-point type on the face of the rental or lease agreement. Such
2189 insurance is primary for the limits of liability ~~and personal~~
2190 ~~injury protection~~ coverage as required by s. 324.021(7) and the
2191 medical payments coverage limit specified under s. 627.7265 ~~ss.~~
2192 ~~324.021(7) and 627.736.~~

2193 (2) If the lessee's coverage is to be primary, the rental
2194 or lease agreement must contain the following language, in at
2195 least 10-point type:

2196
2197 "The valid and collectible liability insurance and
2198 medical payments coverage ~~personal injury protection~~
2199 ~~insurance~~ of an ~~any~~ authorized rental or leasing
2200 driver is primary for the limits of liability ~~and~~
2201 ~~personal injury protection~~ coverage required under
2202 section 324.021(7), Florida Statutes, and the medical
2203 payments coverage limit specified under section
2204 627.7265 ~~by ss. 324.021(7) and 627.736, Florida~~
2205 Statutes."

2206 Section 44. Section 627.7265, Florida Statutes, is created
2207 to read:

2208 627.7265 Motor vehicle insurance; medical payments
2209 coverage.—

2210 (1) Medical payments coverage must protect the named
2211 insured, resident relatives, persons operating the insured motor

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2212 vehicle, passengers in the insured motor vehicle, and persons
2213 who are struck by the insured motor vehicle and suffer bodily
2214 injury while not an occupant of a self-propelled motor vehicle
2215 at a limit of at least \$5,000 for medical expenses incurred due
2216 to bodily injury, sickness, or disease arising out of the
2217 ownership, maintenance, or use of a motor vehicle. The coverage
2218 must provide an additional death benefit of at least \$5,000.

2219 (a) Before issuing a motor vehicle liability insurance
2220 policy that is furnished as proof of financial responsibility
2221 under s. 324.031, the insurer must offer medical payments
2222 coverage at limits of \$5,000 and \$10,000. The insurer may also
2223 offer medical payments coverage at any limit greater than
2224 \$5,000.

2225 (b) The insurer must offer medical payments coverage with
2226 no deductible. The insurer may also offer medical payments
2227 coverage with a deductible not to exceed \$500.

2228 (c) Each motor vehicle liability insurance policy
2229 furnished as proof of financial responsibility under s. 324.031
2230 is deemed to have:

2231 1. Medical payments coverage to a limit of \$10,000, unless
2232 the insurer obtains a named insured's written refusal of medical
2233 payments coverage or written selection of medical payments
2234 coverage at a limit other than \$10,000. The rejection or
2235 selection of coverage at a limit other than \$10,000 must be made
2236 on a form approved by the office.

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2237 2. No medical payments coverage deductible, unless the
2238 insurer obtains a named insured's written selection of a
2239 deductible up to \$500. The selection of a deductible must be
2240 made on a form approved by the office.

2241 (d)1. The forms referenced in subparagraphs (c)1. and 2.
2242 must fully advise the applicant of the nature of the coverage
2243 being rejected or the policy limit or deductible being selected.
2244 If the form is signed by a named insured, it is conclusively
2245 presumed that there was an informed, knowing rejection of the
2246 coverage or election of the policy limit or deductible.

2247 2. Unless a named insured requests in writing the coverage
2248 specified in this section, it need not be provided in or
2249 supplemental to any other policy that renews, insures, extends,
2250 changes, supersedes, or replaces an existing policy if a named
2251 insured has rejected the coverage specified in this section or
2252 has selected an alternative coverage limit or deductible. At
2253 least annually, the insurer shall provide to the named insured a
2254 notice of the availability of such coverage in a form approved
2255 by the office. The notice must be part of, and attached to, the
2256 notice of premium and must provide for a means to allow a named
2257 insured to request medical payments coverage at the limits and
2258 deductibles required to be offered under this section. The
2259 notice must be given in a manner approved by the office. Receipt
2260 of this notice does not constitute an affirmative waiver of the

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2261 insured's right to medical payments coverage if a named insured
2262 has not signed a selection or rejection form.

2263 (e) This section may not be construed to limit any other
2264 coverage made available by an insurer.

2265 (2) Upon receiving notice of an accident that is
2266 potentially covered by medical payments coverage benefits, the
2267 insurer must reserve \$5,000 of medical payments coverage
2268 benefits for payment to physicians licensed under chapter 458 or
2269 chapter 459 or dentists licensed under chapter 466 who provide
2270 emergency services and care, as defined in s. 395.002, or who
2271 provide hospital inpatient care. The amount required to be held
2272 in reserve may be used only to pay claims from such physicians
2273 or dentists until 30 days after the date the insurer receives
2274 notice of the accident. After the 30-day period, any amount of
2275 the reserve for which the insurer has not received notice of
2276 such claims may be used by the insurer to pay other claims. This
2277 subsection does not require an insurer to establish a claim
2278 reserve for insurance accounting purposes.

2279 (3) An insurer providing medical payments coverage
2280 benefits may not:

2281 (a) Seek a lien on any recovery in tort by judgment,
2282 settlement, or otherwise for medical payments coverage benefits,
2283 regardless of whether suit has been filed or settlement has been
2284 reached without suit; or

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2285 (b) Bring a cause of action against a person to whom or
2286 for whom medical payments coverage benefits were paid, except
2287 when medical payments coverage benefits were paid by reason of
2288 fraud committed by that person.

2289 (4) An insurer providing medical payments coverage may
2290 include provisions in its policy allowing for subrogation for
2291 medical payments coverage benefits paid if the expenses giving
2292 rise to the payments were caused by the wrongful act or omission
2293 of another who is not also an insured under the policy paying
2294 the medical payments coverage benefits. However, this
2295 subrogation right is inferior to the rights of the injured
2296 insured and is available only after all the insured's damages
2297 are recovered and the insured is made whole. An insured who
2298 obtains a recovery from a third party of the full amount of the
2299 damages sustained and delivers a release or satisfaction that
2300 impairs a medical payments insurer's subrogation right is liable
2301 to the insurer for repayment of medical payments coverage
2302 benefits less any expenses of acquiring the recovery, including
2303 a prorated share of attorney fees and costs, and shall hold that
2304 net recovery in trust to be delivered to the medical payments
2305 insurer. The insurer may not include any provision in its policy
2306 allowing for subrogation for any death benefit paid.

2307 Section 45. Subsections (1) and (7) of section 627.727,
2308 Florida Statutes, are amended to read:

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2309 627.727 Motor vehicle insurance; uninsured and
2310 underinsured vehicle coverage; insolvent insurer protection.—
2311 (1) A ~~No~~ motor vehicle liability insurance policy that
2312 ~~which~~ provides bodily injury liability coverage may not shall be
2313 delivered or issued for delivery in this state with respect to
2314 any specifically insured or identified motor vehicle registered
2315 or principally garaged in this state, unless uninsured motor
2316 vehicle coverage is provided therein or supplemental thereto for
2317 the protection of persons insured thereunder who are legally
2318 entitled to recover damages from owners or operators of
2319 uninsured motor vehicles because of bodily injury, sickness, or
2320 disease, including death, resulting therefrom. However, the
2321 coverage required under this section is not applicable if when,
2322 or to the extent that, an insured named in the policy makes a
2323 written rejection of the coverage on behalf of all insureds
2324 under the policy. If When a motor vehicle is leased for ~~a period~~
2325 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
2326 of the lease contract, provides liability coverage on the leased
2327 vehicle, the lessee of such vehicle has shall have the sole
2328 privilege to reject uninsured motorist coverage or to select
2329 lower limits than the bodily injury liability limits, regardless
2330 of whether the lessor is qualified as a self-insurer pursuant to
2331 s. 324.171. Unless an insured, or a lessee having the privilege
2332 of rejecting uninsured motorist coverage, requests such coverage
2333 or requests higher uninsured motorist limits in writing, the

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2334 coverage or such higher uninsured motorist limits need not be
2335 provided in or supplemental to any other policy that ~~which~~
2336 renews, extends, changes, supersedes, or replaces an existing
2337 policy with the same bodily injury liability limits when an
2338 insured or lessee had rejected the coverage. When an insured or
2339 lessee has initially selected limits of uninsured motorist
2340 coverage lower than her or his bodily injury liability limits,
2341 higher limits of uninsured motorist coverage need not be
2342 provided in or supplemental to any other policy that ~~which~~
2343 renews, extends, changes, supersedes, or replaces an existing
2344 policy with the same bodily injury liability limits unless an
2345 insured requests higher uninsured motorist coverage in writing.
2346 The rejection or selection of lower limits must ~~shall~~ be made on
2347 a form approved by the office. The form must ~~shall~~ fully advise
2348 the applicant of the nature of the coverage and must ~~shall~~ state
2349 that the coverage is equal to bodily injury liability limits
2350 unless lower limits are requested or the coverage is rejected.
2351 The heading of the form must ~~shall~~ be in 12-point bold type and
2352 must ~~shall~~ state: "You are electing not to purchase certain
2353 valuable coverage that ~~which~~ protects you and your family or you
2354 are purchasing uninsured motorist limits less than your bodily
2355 injury liability limits when you sign this form. Please read
2356 carefully." If this form is signed by a named insured, it will
2357 be conclusively presumed that there was an informed, knowing
2358 rejection of coverage or election of lower limits on behalf of

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2359 all insureds. The insurer shall notify the named insured at
2360 least annually of her or his options as to the coverage required
2361 by this section. Such notice must ~~shall~~ be part of, and attached
2362 to, the notice of premium, must ~~shall~~ provide for a means to
2363 allow the insured to request such coverage, and must ~~shall~~ be
2364 given in a manner approved by the office. Receipt of this notice
2365 does not constitute an affirmative waiver of the insured's right
2366 to uninsured motorist coverage if ~~where~~ the insured has not
2367 signed a selection or rejection form. The coverage described
2368 under this section must ~~shall~~ be over and above, but may ~~shall~~
2369 not duplicate, the benefits available to an insured under any
2370 workers' compensation law, ~~personal injury protection benefits,~~
2371 disability benefits law, or similar law; under any automobile
2372 medical payments ~~expense~~ coverage; under any motor vehicle
2373 liability insurance coverage; or from the owner or operator of
2374 the uninsured motor vehicle or any other person or organization
2375 jointly or severally liable together with such owner or operator
2376 for the accident, ~~+~~ and such coverage must ~~shall~~ cover the
2377 difference, if any, between the sum of such benefits and the
2378 damages sustained, up to the maximum amount of such coverage
2379 provided under this section. The amount of coverage available
2380 under this section may ~~shall~~ not be reduced by a setoff against
2381 any coverage, including liability insurance. Such coverage does
2382 ~~shall~~ not inure directly or indirectly to the benefit of any
2383 workers' compensation or disability benefits carrier or any

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2384 person or organization qualifying as a self-insurer under any
2385 workers' compensation or disability benefits law or similar law.

2386 (7) The legal liability of an uninsured motorist coverage
2387 insurer includes ~~does not include~~ damages in tort for pain,
2388 suffering, disability or physical impairment, disfigurement,
2389 mental anguish, and inconvenience, and the loss of capacity for
2390 the enjoyment of life experienced in the past and to be
2391 experienced in the future unless the injury or disease is
2392 described in one or more of paragraphs (a)-(d) of s. 627.737(2).

2393 Section 46. Section 627.7275, Florida Statutes, is amended
2394 to read:

2395 627.7275 Motor vehicle liability.—

2396 (1) A motor vehicle insurance policy ~~providing personal~~
2397 ~~injury protection as set forth in s. 627.736~~ may not be
2398 delivered or issued for delivery in this state for a with
2399 ~~respect to any~~ specifically insured or identified motor vehicle
2400 registered or principally garaged in this state must provide
2401 bodily injury liability coverage and unless the policy also
2402 ~~provides coverage for~~ property damage liability coverage as
2403 required under ~~by~~ s. 324.022 and s. 324.151.

2404 (2) (a) Insurers writing motor vehicle insurance in this
2405 state shall make available, subject to the insurers' usual
2406 underwriting restrictions:

2407 1. Coverage under policies as described in subsection (1)
2408 to an applicant for private passenger motor vehicle insurance

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2409 coverage who is seeking the coverage in order to reinstate the
2410 applicant's driving privileges in this state if the driving
2411 privileges were revoked or suspended pursuant to s. 316.646 or
2412 s. 324.0221 due to the failure of the applicant to maintain
2413 required security.

2414 2. Coverage under policies as described in subsection (1),
2415 which includes bodily injury ~~also provides~~ liability coverage
2416 and property damage liability coverage, ~~for bodily injury,~~
2417 ~~death, and property damage arising out of the ownership,~~
2418 ~~maintenance, or use of the motor vehicle~~ in an amount not less
2419 than the minimum limits required under ~~described in~~ s.
2420 324.021(7) or s. 324.023 and which conforms to the requirements
2421 of s. 324.151, to an applicant for private passenger motor
2422 vehicle insurance coverage who is seeking the coverage in order
2423 to reinstate the applicant's driving privileges in this state
2424 after such privileges were revoked or suspended under s. 316.193
2425 or s. 322.26(2) for driving under the influence.

2426 (b) The policies described in paragraph (a) must ~~shall~~ be
2427 issued for at least 6 months and, as to the minimum coverages
2428 required under this section, may not be canceled by the insured
2429 for any reason or by the insurer after 60 days, during which
2430 period the insurer is completing the underwriting of the policy.
2431 After the insurer has completed underwriting the policy, the
2432 insurer shall notify the Department of Highway Safety and Motor
2433 Vehicles that the policy is in full force and effect and is not

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2434 cancelable for the remainder of the policy period. A premium
2435 must ~~shall~~ be collected and the coverage is in effect for the
2436 60-day period during which the insurer is completing the
2437 underwriting of the policy, whether or not the person's driver
2438 license, motor vehicle tag, and motor vehicle registration are
2439 in effect. Once the noncancelable provisions of the policy
2440 become effective, the bodily injury liability and property
2441 damage liability coverages ~~for bodily injury, property damage,~~
2442 ~~and personal injury protection~~ may not be reduced below the
2443 minimum limits required under s. 324.021 or s. 324.023 during
2444 the policy period.

2445 (c) This subsection controls to the extent of any conflict
2446 with any other section.

2447 (d) An insurer issuing a policy subject to this section
2448 may cancel the policy if, during the policy term, the named
2449 insured, or any other operator who resides in the same household
2450 or customarily operates an automobile insured under the policy,
2451 has his or her driver license suspended or revoked.

2452 (e) This subsection does not require an insurer to offer a
2453 policy of insurance to an applicant if such offer would be
2454 inconsistent with the insurer's underwriting guidelines and
2455 procedures.

2456 Section 47. Effective upon this act becoming a law,
2457 section 627.7278, Florida Statutes, is created to read:

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2458 627.7278 Applicability and construction; notice to
2459 policyholders.—

2460 (1) As used in this section, the term "minimum security
2461 requirements" means security that enables a person to respond in
2462 damages for liability on account of crashes arising out of the
2463 ownership, maintenance, or use of a motor vehicle, in the
2464 amounts required by s. 324.022(1), as amended by this act.

2465 (2) Effective January 1, 2022:

2466 (a) Motor vehicle insurance policies issued or renewed on
2467 or after that date may not include personal injury protection.

2468 (b) All persons subject to s. 324.022, s. 324.032, s.
2469 627.7415, or s. 627.742 must maintain at least minimum security
2470 requirements.

2471 (c) Any new or renewal motor vehicle insurance policy
2472 delivered or issued for delivery in this state must provide
2473 coverage that complies with minimum security requirements.

2474 (d) An existing motor vehicle insurance policy issued
2475 before that date which provides personal injury protection and
2476 property damage liability coverage that meets the requirements
2477 of s. 324.022 on December 31, 2021, but which does not meet
2478 minimum security requirements on or after January 1, 2022, is
2479 deemed to meet minimum security requirements until such policy
2480 is renewed, nonrenewed, or canceled on or after January 1, 2022.

2481 Sections 400.9905, 400.991, 456.057, 456.072, 626.9541(1)(i),
2482 627.7263, 627.727, 627.730-627.7405, 627.748, and 817.234,

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2483 Florida Statutes 2020, remain in full force and effect for motor
2484 vehicle accidents covered under a policy issued under the
2485 Florida Motor Vehicle No-Fault Law before January 1, 2022, until
2486 the policy is renewed, nonrenewed, or canceled on or after
2487 January 1, 2022.

2488 (3) Each insurer shall allow each insured who has a new or
2489 renewal policy providing personal injury protection which
2490 becomes effective before January 1, 2022, and whose policy does
2491 not meet minimum security requirements on or after January 1,
2492 2022, to change coverages so as to eliminate personal injury
2493 protection and obtain coverage providing minimum security
2494 requirements, which shall be effective on or after January 1,
2495 2022. The insurer is not required to provide coverage complying
2496 with minimum security requirements in such policies if the
2497 insured does not pay the required premium, if any, by January 1,
2498 2022, or such later date as the insurer may allow. The insurer
2499 also shall offer each insured medical payments coverage pursuant
2500 to s. 627.7265. Any reduction in the premium must be refunded by
2501 the insurer. The insurer may not impose on the insured an
2502 additional fee or charge that applies solely to a change in
2503 coverage; however, the insurer may charge an additional required
2504 premium that is actuarially indicated.

2505 (4) By September 1, 2021, each motor vehicle insurer shall
2506 provide notice of this section to each motor vehicle
2507 policyholder who is subject to this section. The notice is

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2508 subject to approval by the office and must clearly inform the
2509 policyholder that:

2510 (a) The Florida Motor Vehicle No-Fault Law is repealed
2511 effective January 1, 2022, and that on or after that date, the
2512 insured is no longer required to maintain personal injury
2513 protection insurance coverage, that personal injury protection
2514 coverage is no longer available for purchase in this state, and
2515 that all new or renewal policies issued on or after that date
2516 will not contain that coverage.

2517 (b) Effective January 1, 2022, a person subject to the
2518 financial responsibility requirements of s. 324.022 must
2519 maintain minimum security requirements that enable the person to
2520 respond to damages for liability on account of accidents arising
2521 out of the use of a motor vehicle in the following amounts:

2522 1. Twenty-five thousand dollars for bodily injury to, or
2523 the death of, one person in any one crash and, subject to such
2524 limits for one person, in the amount of \$50,000 for bodily
2525 injury to, or the death of, two or more persons in any one
2526 crash; and

2527 2. Ten thousand dollars for damage to, or destruction of,
2528 the property of others in any one crash.

2529 (c) Bodily injury liability coverage protects the insured,
2530 up to the coverage limits, against loss if the insured is
2531 legally responsible for the death of or bodily injury to others
2532 in a motor vehicle accident.

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2533 (d) Effective January 1, 2022, each policyholder of motor
2534 vehicle liability insurance purchased as proof of financial
2535 responsibility must be offered medical payments coverage
2536 benefits that comply with s. 627.7265. The insurer must offer
2537 medical payments coverage at limits of \$5,000 and \$10,000
2538 without a deductible. The insurer may also offer medical
2539 payments coverage at other limits greater than \$5,000 and may
2540 offer coverage with a deductible of up to \$500. Medical payments
2541 coverage pays covered medical expenses incurred due to bodily
2542 injury, sickness, or disease arising out of the ownership,
2543 maintenance, or use of the motor vehicle, up to the limits of
2544 such coverage, for injuries sustained in a motor vehicle crash
2545 by the named insured, resident relatives, any persons operating
2546 the insured motor vehicle, passengers in the insured motor
2547 vehicle, and persons who are struck by the insured motor vehicle
2548 and suffer bodily injury while not an occupant of a self-
2549 propelled motor vehicle as provided in s. 627.7265. Medical
2550 payments coverage also provides a death benefit of at least
2551 \$5,000.

2552 (e) The policyholder may obtain uninsured and underinsured
2553 motorist coverage that provides benefits, up to the limits of
2554 such coverage, to a policyholder or other insured entitled to
2555 recover damages for bodily injury, sickness, disease, or death
2556 resulting from a motor vehicle accident with an uninsured or
2557 underinsured owner or operator of a motor vehicle.

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2558 (f) If the policyholder's new or renewal motor vehicle
2559 insurance policy is effective before January 1, 2022, and
2560 contains personal injury protection and property damage
2561 liability coverage as required by state law before January 1,
2562 2022, but does not meet minimum security requirements on or
2563 after January 1, 2022, the policy is deemed to meet minimum
2564 security requirements until it is renewed, nonrenewed, or
2565 canceled on or after January 1, 2022.

2566 (g) A policyholder whose new or renewal policy becomes
2567 effective before January 1, 2022, but does not meet minimum
2568 security requirements on or after January 1, 2022, may change
2569 coverages under the policy so as to eliminate personal injury
2570 protection and to obtain coverage providing minimum security
2571 requirements, including bodily injury liability coverage, which
2572 are effective on or after January 1, 2022.

2573 (h) If the policyholder has any questions, he or she
2574 should contact the person named at the telephone number provided
2575 in the notice.

2576 Section 48. Paragraph (a) of subsection (1) of section
2577 627.728, Florida Statutes, is amended to read:

2578 627.728 Cancellations; nonrenewals.—

2579 (1) As used in this section, the term:

2580 (a) "Policy" means the bodily injury and property damage
2581 liability, ~~personal injury protection~~, medical payments,
2582 comprehensive, collision, and uninsured motorist coverage

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2583 portions of a policy of motor vehicle insurance delivered or
2584 issued for delivery in this state:

2585 1. Insuring a natural person as named insured or one or
2586 more related individuals who are residents ~~resident~~ of the same
2587 household; and

2588 2. Insuring only a motor vehicle of the private passenger
2589 type or station wagon type which is not used as a public or
2590 livery conveyance for passengers or rented to others; or
2591 insuring any other four-wheel motor vehicle having a load
2592 capacity of 1,500 pounds or less which is not used in the
2593 occupation, profession, or business of the insured other than
2594 farming; other than any policy issued under an automobile
2595 insurance assigned risk plan or covering garage, automobile
2596 sales agency, repair shop, service station, or public parking
2597 place operation hazards.

2598
2599 The term "policy" does not include a binder as defined in s.
2600 627.420 unless the duration of the binder period exceeds 60
2601 days.

2602 Section 49. Subsection (1), paragraph (a) of subsection
2603 (5), and subsections (6) and (7) of section 627.7295, Florida
2604 Statutes, are amended to read:

2605 627.7295 Motor vehicle insurance contracts.—

2606 (1) As used in this section, the term:

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2607 (a) "Policy" means a motor vehicle insurance policy that
2608 provides bodily injury liability ~~personal injury protection~~
2609 coverage and ~~property damage liability coverage, or both.~~

2610 (b) "Binder" means a binder that provides motor vehicle
2611 bodily injury liability coverage ~~personal injury protection~~ and
2612 property damage liability coverage.

2613 (5) (a) A licensed general lines agent may charge a per-
2614 policy fee of up to ~~not to exceed~~ \$10 to cover the
2615 administrative costs of the agent associated with selling the
2616 motor vehicle insurance policy if the policy covers only bodily
2617 injury liability coverage ~~personal injury protection coverage as~~
2618 ~~provided by s. 627.736~~ and property damage liability coverage as
2619 provided by s. 627.7275 and if no other insurance is sold or
2620 issued in conjunction with or collateral to the policy. The fee
2621 is not ~~considered~~ part of the premium.

2622 (6) If a motor vehicle owner's driver license, license
2623 plate, and registration have previously been suspended pursuant
2624 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2625 only as provided in s. 627.7275.

2626 (7) A policy of private passenger motor vehicle insurance
2627 or a binder for such a policy may be initially issued in this
2628 state only if, before the effective date of such binder or
2629 policy, the insurer or agent has collected from the insured an
2630 amount equal to at least 1 month's premium. An insurer, agent,
2631 or premium finance company may not, directly or indirectly, take

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2632 any action that results ~~resulting~~ in the insured paying ~~having~~
2633 ~~paid~~ from the insured's own funds an amount less than the 1
2634 month's premium required by this subsection. This subsection
2635 applies without regard to whether the premium is financed by a
2636 premium finance company or is paid pursuant to a periodic
2637 payment plan of an insurer or an insurance agent.

2638 (a) This subsection does not apply:

2639 1. If an insured or member of the insured's family is
2640 renewing or replacing a policy or a binder for such policy
2641 written by the same insurer or a member of the same insurer
2642 group. ~~This subsection does not apply~~

2643 2. To an insurer that issues private passenger motor
2644 vehicle coverage primarily to active duty or former military
2645 personnel or their dependents. ~~This subsection does not apply~~

2646 3. If all policy payments are paid pursuant to a payroll
2647 deduction plan, an automatic electronic funds transfer payment
2648 plan from the policyholder, or a recurring credit card or debit
2649 card agreement with the insurer.

2650 (b) This subsection and subsection (4) do not apply if:

2651 1. All policy payments to an insurer are paid pursuant to
2652 an automatic electronic funds transfer payment plan from an
2653 agent, a managing general agent, or a premium finance company
2654 and if the policy includes, at a minimum, bodily injury
2655 liability coverage and ~~personal injury protection pursuant to~~
2656 ~~ss. 627.730-627.7405;~~ motor vehicle property damage liability

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2657 ~~coverage pursuant to s. 627.7275; or and bodily injury liability~~
2658 ~~in at least the amount of \$10,000 because of bodily injury to,~~
2659 ~~or death of, one person in any one accident and in the amount of~~
2660 ~~\$20,000 because of bodily injury to, or death of, two or more~~
2661 ~~persons in any one accident. This subsection and subsection (4)~~
2662 ~~do not apply if~~

2663 2. An insured has had a policy in effect for at least 6
2664 months, the insured's agent is terminated by the insurer that
2665 issued the policy, and the insured obtains coverage on the
2666 policy's renewal date with a new company through the terminated
2667 agent.

2668 Section 50. Section 627.7415, Florida Statutes, is amended
2669 to read:

2670 627.7415 Commercial motor vehicles; additional liability
2671 insurance coverage.—Beginning January 1, 2022, commercial motor
2672 vehicles, as defined in s. 207.002 or s. 320.01, operated upon
2673 the roads and highways of this state must ~~shall~~ be insured with
2674 the following minimum levels of combined bodily liability
2675 insurance and property damage liability insurance in addition to
2676 any other insurance requirements:

2677 (1) Sixty Fifty ~~Fifty~~ thousand dollars per occurrence for a
2678 commercial motor vehicle with a gross vehicle weight of 26,000
2679 pounds or more, but less than 35,000 pounds.

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2680 (2) One hundred twenty thousand dollars per occurrence for
2681 a commercial motor vehicle with a gross vehicle weight of 35,000
2682 pounds or more, but less than 44,000 pounds.

2683 (3) Three hundred thousand dollars per occurrence for a
2684 commercial motor vehicle with a gross vehicle weight of 44,000
2685 pounds or more.

2686 (4) All commercial motor vehicles subject to regulations
2687 of the United States Department of Transportation, 49 C.F.R.
2688 part 387, subpart A, and as may be hereinafter amended, shall be
2689 insured in an amount equivalent to the minimum levels of
2690 financial responsibility as set forth in such regulations.

2691
2692 A violation of this section is a noncriminal traffic infraction,
2693 punishable as a nonmoving violation as provided in chapter 318.

2694 Section 51. Section 627.747, Florida Statutes, is created
2695 to read:

2696 627.747 Named driver exclusion.-

2697 (1) A private passenger motor vehicle policy may exclude
2698 the following coverages for all claims or suits resulting from
2699 the operation of a motor vehicle by an identified individual who
2700 is not a named insured, provided that the identified individual
2701 is specifically excluded by name on the declarations page or by
2702 endorsement and the policyholder consents in writing to the
2703 exclusion:

2704 (a) Property damage liability coverage.

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- 2705 (b) Bodily injury liability coverage.
- 2706 (c) Uninsured motorist coverage for any damages sustained
2707 by the identified excluded individual, if the policyholder has
2708 purchased such coverage.
- 2709 (d) Medical payments coverage for any injuries sustained
2710 by the identified excluded individual, if the policyholder has
2711 purchased such coverage.
- 2712 (e) Any coverage the policyholder is not required by law
2713 to purchase.
- 2714 (2) A private passenger motor vehicle policy may not
2715 exclude coverage when:
- 2716 (a) The identified excluded individual is injured while
2717 not operating a motor vehicle;
- 2718 (b) The exclusion is unfairly discriminatory under the
2719 Florida Insurance Code, as determined by the office; or
- 2720 (c) The exclusion is inconsistent with the underwriting
2721 rules filed by the insurer pursuant to s. 627.0651(13)(a).
- 2722 (3) A driver excluded pursuant to this section must
2723 establish, maintain, and show proof of financial ability to
2724 respond for damages arising out of ownership, maintenance, or
2725 use of a motor vehicle as required by chapter 324.
- 2726 (4) An identified excluded individual's failure to comply
2727 with subsection (3) does not invalidate a properly executed
2728 exclusion issued in compliance with subsections (1) and (2).

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2729 Section 52. Paragraphs (b), (c), and (g) of subsection
2730 (7), paragraphs (a) and (b) of subsection (8), and paragraph (b)
2731 of subsection (16) of section 627.748, Florida Statutes, are
2732 amended to read:

2733 627.748 Transportation network companies.—

2734 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
2735 INSURANCE REQUIREMENTS.—

2736 (b) The following automobile insurance requirements apply
2737 while a participating TNC driver is logged on to the digital
2738 network but is not engaged in a prearranged ride:

2739 1. Automobile insurance that provides:

2740 a. A primary automobile liability coverage of at least
2741 \$50,000 for death and bodily injury per person, \$100,000 for
2742 death and bodily injury per incident, and \$25,000 for property
2743 damage; and

2744 ~~b. Personal injury protection benefits that meet the~~
2745 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
2746 ~~and~~

2747 ~~b.e.~~ Uninsured and underinsured vehicle coverage as
2748 required by s. 627.727.

2749 2. The coverage requirements of this paragraph may be
2750 satisfied by any of the following:

2751 a. Automobile insurance maintained by the TNC driver or
2752 the TNC vehicle owner;

2753 b. Automobile insurance maintained by the TNC; or

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- 2754 c. A combination of sub-subparagraphs a. and b.
- 2755 (c) The following automobile insurance requirements apply
- 2756 while a TNC driver is engaged in a prearranged ride:
- 2757 1. Automobile insurance that provides:
- 2758 a. A primary automobile liability coverage of at least \$1
- 2759 million for death, bodily injury, and property damage; and
- 2760 ~~b. Personal injury protection benefits that meet the~~
- 2761 ~~minimum coverage amounts required of a limousine under ss.~~
- 2762 ~~627.730-627.7405; and~~
- 2763 b. ~~e.~~ Uninsured and underinsured vehicle coverage as
- 2764 required by s. 627.727.
- 2765 2. The coverage requirements of this paragraph may be
- 2766 satisfied by any of the following:
- 2767 a. Automobile insurance maintained by the TNC driver or
- 2768 the TNC vehicle owner;
- 2769 b. Automobile insurance maintained by the TNC; or
- 2770 c. A combination of sub-subparagraphs a. and b.
- 2771 (g) Insurance satisfying the requirements under this
- 2772 subsection is deemed to satisfy the financial responsibility
- 2773 requirement for a motor vehicle under chapter 324 ~~and the~~
- 2774 ~~security required under s. 627.733~~ for any period when the TNC
- 2775 driver is logged onto the digital network or engaged in a
- 2776 prearranged ride.
- 2777 (8) TRANSPORTATION NETWORK COMPANY AND INSURER;
- 2778 DISCLOSURE; EXCLUSIONS.—

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2779 (a) Before a TNC driver is allowed to accept a request for
2780 a prearranged ride on the digital network, the TNC must disclose
2781 in writing to the TNC driver:

2782 1. The insurance coverage, including the types of coverage
2783 and the limits for each coverage, which the TNC provides while
2784 the TNC driver uses a TNC vehicle in connection with the TNC's
2785 digital network.

2786 2. That the TNC driver's own automobile insurance policy
2787 might not provide any coverage while the TNC driver is logged on
2788 to the digital network or is engaged in a prearranged ride,
2789 depending on the terms of the TNC driver's own automobile
2790 insurance policy.

2791 3. That the provision of rides for compensation which are
2792 not prearranged rides subjects the driver to the coverage
2793 requirements imposed under s. 324.032(1) and (2) and that
2794 failure to meet such coverage requirements subjects the TNC
2795 driver to penalties provided in s. 324.221, up to and including
2796 a misdemeanor of the second degree.

2797 (b)1. An insurer that provides an automobile liability
2798 insurance policy under this part may exclude any and all
2799 coverage afforded under the policy issued to an owner or
2800 operator of a TNC vehicle while driving that vehicle for any
2801 loss or injury that occurs while a TNC driver is logged on to a
2802 digital network or while a TNC driver provides a prearranged
2803 ride. Exclusions imposed under this subsection are limited to

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2804 coverage while a TNC driver is logged on to a digital network or
2805 while a TNC driver provides a prearranged ride. This right to
2806 exclude all coverage may apply to any coverage included in an
2807 automobile insurance policy, including, but not limited to:

2808 a. Liability coverage for bodily injury and property
2809 damage;

2810 b. Uninsured and underinsured motorist coverage;

2811 c. Medical payments coverage;

2812 d. Comprehensive physical damage coverage; and

2813 e. Collision physical damage coverage; ~~and~~

2814 ~~f. Personal injury protection.~~

2815 2. The exclusions described in subparagraph 1. apply
2816 notwithstanding any requirement under chapter 324. These
2817 exclusions do not affect or diminish coverage otherwise
2818 available for permissive drivers or resident relatives under the
2819 personal automobile insurance policy of the TNC driver or owner
2820 of the TNC vehicle who are not occupying the TNC vehicle at the
2821 time of loss. This section does not require that a personal
2822 automobile insurance policy provide coverage while the TNC
2823 driver is logged on to a digital network, while the TNC driver
2824 is engaged in a prearranged ride, or while the TNC driver
2825 otherwise uses a vehicle to transport riders for compensation.

2826 3. This section must not be construed to require an
2827 insurer to use any particular policy language or reference to
2828 this section in order to exclude any and all coverage for any

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2829 | loss or injury that occurs while a TNC driver is logged on to a
2830 | digital network or while a TNC driver provides a prearranged
2831 | ride.

2832 | 4. This section does not preclude an insurer from
2833 | providing primary or excess coverage for the TNC driver's
2834 | vehicle by contract or endorsement.

2835 | (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

2836 | (b) An entity may elect, upon written notification to the
2837 | department, to be regulated as a luxury ground TNC. A luxury
2838 | ground TNC must:

2839 | 1. Comply with all of the requirements of this section
2840 | applicable to a TNC, including subsection (17), which do not
2841 | conflict with subparagraph 2. or which do not prohibit the
2842 | company from connecting riders to drivers who operate for-hire
2843 | vehicles as defined in s. 320.01(15), including limousines and
2844 | luxury sedans and excluding taxicabs.

2845 | 2. Maintain insurance coverage as required by subsection
2846 | (7). However, if a prospective luxury ground TNC satisfies
2847 | minimum financial responsibility through compliance with s.
2848 | 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives
2849 | the department written notification of its election to be
2850 | regulated as a luxury ground TNC, the luxury ground TNC may use
2851 | self-insurance to meet the insurance requirements of subsection
2852 | (7), so long as such self-insurance complies with s. 324.032(3)

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2853 ~~s. 324.032(2)~~ and provides the limits of liability required by
2854 subsection (7).

2855 Section 53. Paragraph (a) of subsection (2) of section
2856 627.749, Florida Statutes, is amended to read:

2857 627.749 Autonomous vehicles; insurance requirements.—

2858 (2) INSURANCE REQUIREMENTS.—

2859 (a) A fully autonomous vehicle with the automated driving
2860 system engaged while logged on to an on-demand autonomous
2861 vehicle network or engaged in a prearranged ride must be covered
2862 by a policy of automobile insurance which provides:

2863 1. Primary liability coverage of at least \$1 million for
2864 death, bodily injury, and property damage.

2865 ~~2. Personal injury protection benefits that meet the
2866 minimum coverage amounts required under ss. 627.730-627.7405.~~

2867 ~~2.3.~~ Uninsured and underinsured vehicle coverage as
2868 required by s. 627.727.

2869 Section 54. Section 627.8405, Florida Statutes, is amended
2870 to read:

2871 627.8405 Prohibited acts; financing companies.—~~A No~~
2872 premium finance company ~~shall~~, in a premium finance agreement or
2873 other agreement, may not finance the cost of or otherwise
2874 provide for the collection or remittance of dues, assessments,
2875 fees, or other periodic payments of money for the cost of:

2876 (1) A membership in an automobile club. The term
2877 "automobile club" means a legal entity that ~~which~~, in

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2878 consideration of dues, assessments, or periodic payments of
2879 money, promises its members or subscribers to assist them in
2880 matters relating to the ownership, operation, use, or
2881 maintenance of a motor vehicle; however, the term ~~this~~
2882 ~~definition of "automobile club"~~ does not include persons,
2883 associations, or corporations ~~which are~~ organized and operated
2884 solely for the purpose of conducting, sponsoring, or sanctioning
2885 motor vehicle races, exhibitions, or contests upon racetracks,
2886 or upon racecourses established and marked as such for the
2887 duration of such particular events. As used in this subsection,
2888 the term ~~words~~ "motor vehicle" has ~~used herein have~~ the same
2889 meaning as ~~defined~~ in chapter 320.

2890 (2) An accidental death and dismemberment policy sold in
2891 combination with a policy providing only bodily injury liability
2892 coverage ~~personal injury protection~~ and property damage
2893 liability coverage ~~only policy~~.

2894 (3) Any product not regulated under ~~the provisions of this~~
2895 insurance code.

2896
2897 This section also applies to premium financing by any insurance
2898 agent or insurance company under part XVI. The commission shall
2899 adopt rules to assure disclosure, at the time of sale, of
2900 coverages financed ~~with personal injury protection~~ and shall
2901 prescribe the form of such disclosure.

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2902 Section 55. Subsection (1) of section 627.915, Florida
2903 Statutes, is amended to read:

2904 627.915 Insurer experience reporting.-

2905 (1) Each insurer transacting private passenger automobile
2906 insurance in this state shall report certain information
2907 annually to the office. The information will be due on or before
2908 July 1 of each year. The information must ~~shall~~ be divided into
2909 the following categories: bodily injury liability; property
2910 damage liability; uninsured motorist; ~~personal injury protection~~
2911 ~~benefits~~; medical payments; and comprehensive and collision. The
2912 information given must ~~shall~~ be on direct insurance writings in
2913 the state alone and ~~shall~~ represent total limits data. The
2914 information set forth in paragraphs (a)-(f) is applicable to
2915 voluntary private passenger and Joint Underwriting Association
2916 private passenger writings and must ~~shall~~ be reported for each
2917 of the latest 3 calendar-accident years, with an evaluation date
2918 of March 31 of the current year. The information set forth in
2919 paragraphs (g)-(j) is applicable to voluntary private passenger
2920 writings and must ~~shall~~ be reported on a calendar-accident year
2921 basis ultimately seven times at seven different stages of
2922 development.

2923 (a) Premiums earned for the latest 3 calendar-accident
2924 years.

2925 (b) Loss development factors and the historic development
2926 of those factors.

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- 2927 (c) Policyholder dividends incurred.
- 2928 (d) Expenses for other acquisition and general expense.
- 2929 (e) Expenses for agents' commissions and taxes, licenses,
2930 and fees.
- 2931 (f) Profit and contingency factors as utilized in the
2932 insurer's automobile rate filings for the applicable years.
- 2933 (g) Losses paid.
- 2934 (h) Losses unpaid.
- 2935 (i) Loss adjustment expenses paid.
- 2936 (j) Loss adjustment expenses unpaid.
- 2937 Section 56. Subsections (2) and (3) of section 628.909,
2938 Florida Statutes, are amended to read:
- 2939 628.909 Applicability of other laws.—
- 2940 (2) The following provisions of the Florida Insurance Code
2941 apply to captive insurance companies that ~~who~~ are not industrial
2942 insured captive insurance companies to the extent that such
2943 provisions are not inconsistent with this part:
- 2944 (a) Chapter 624, except for ss. 624.407, 624.408,
2945 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.
- 2946 (b) Chapter 625, part II.
- 2947 (c) Chapter 626, part IX.
- 2948 ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~
2949 ~~provided.~~
- 2950 (d) ~~(e)~~ Chapter 628.

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2951 (3) The following provisions of the Florida Insurance Code
2952 ~~shall~~ apply to industrial insured captive insurance companies to
2953 the extent that such provisions are not inconsistent with this
2954 part:

2955 (a) Chapter 624, except for ss. 624.407, 624.408,
2956 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and
2957 624.609(1).

2958 (b) Chapter 625, part II, if the industrial insured
2959 captive insurance company is incorporated in this state.

2960 (c) Chapter 626, part IX.

2961 ~~(d) Sections 627.730-627.7405 when no fault coverage is~~
2962 ~~provided.~~

2963 (d)~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
2964 628.6018.

2965 Section 57. Subsections (2), (6), and (7) of section
2966 705.184, Florida Statutes, are amended to read:

2967 705.184 Derelict or abandoned motor vehicles on the
2968 premises of public-use airports.-

2969 (2) The airport director or the director's designee shall
2970 contact the Department of Highway Safety and Motor Vehicles to
2971 notify that department that the airport has possession of the
2972 abandoned or derelict motor vehicle and to determine the name
2973 and address of the owner of the motor vehicle, the insurance
2974 company insuring the motor vehicle, ~~notwithstanding the~~
2975 ~~provisions of s. 627.736,~~ and any person who has filed a lien on

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2976 the motor vehicle. Within 7 business days after receipt of the
2977 information, the director or the director's designee shall send
2978 notice by certified mail, return receipt requested, to the owner
2979 of the motor vehicle, the insurance company insuring the motor
2980 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
2981 persons of record claiming a lien against the motor vehicle. The
2982 notice must ~~shall~~ state the fact of possession of the motor
2983 vehicle, that charges for reasonable towing, storage, and
2984 parking fees, if any, have accrued and the amount thereof, that
2985 a lien as provided in subsection (6) will be claimed, that the
2986 lien is subject to enforcement pursuant to law, that the owner
2987 or lienholder, if any, has the right to a hearing as set forth
2988 in subsection (4), and that any motor vehicle which, at the end
2989 of 30 calendar days after receipt of the notice, has not been
2990 removed from the airport upon payment in full of all accrued
2991 charges for reasonable towing, storage, and parking fees, if
2992 any, may be disposed of as provided in s. 705.182(2) (a), (b),
2993 (d), or (e), including, but not limited to, the motor vehicle
2994 being sold free of all prior liens after 35 calendar days after
2995 the time the motor vehicle is stored if any prior liens on the
2996 motor vehicle are more than 5 years of age or after 50 calendar
2997 days after the time the motor vehicle is stored if any prior
2998 liens on the motor vehicle are 5 years of age or less.

2999 (6) The airport pursuant to this section or, if used, a
3000 licensed independent wrecker company pursuant to s. 713.78 shall

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3001 have a lien on an abandoned or derelict motor vehicle for all
3002 reasonable towing, storage, and accrued parking fees, if any,
3003 except that no storage fee may ~~shall~~ be charged if the motor
3004 vehicle is stored less than 6 hours. As a prerequisite to
3005 perfecting a lien under this section, the airport director or
3006 the director's designee must serve a notice in accordance with
3007 subsection (2) on the owner of the motor vehicle, the insurance
3008 company insuring the motor vehicle, ~~notwithstanding the~~
3009 ~~provisions of s. 627.736,~~ and all persons of record claiming a
3010 lien against the motor vehicle. If attempts to notify the owner,
3011 the insurance company insuring the motor vehicle,
3012 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
3013 not successful, the requirement of notice by mail shall be
3014 considered met. Serving of the notice does not dispense with
3015 recording the claim of lien.

3016 (7) (a) For the purpose of perfecting its lien under this
3017 section, the airport shall record a claim of lien which states
3018 ~~shall state:~~

3019 1. The name and address of the airport.

3020 2. The name of the owner of the motor vehicle, the
3021 insurance company insuring the motor vehicle, ~~notwithstanding~~
3022 ~~the provisions of s. 627.736,~~ and all persons of record claiming
3023 a lien against the motor vehicle.

3024 3. The costs incurred from reasonable towing, storage, and
3025 parking fees, if any.

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3026 4. A description of the motor vehicle sufficient for
3027 identification.

3028 (b) The claim of lien must ~~shall~~ be signed and sworn to or
3029 affirmed by the airport director or the director's designee.

3030 (c) The claim of lien is ~~shall be~~ sufficient if it is in
3031 substantially the following form:

3032
3033 CLAIM OF LIEN

3034 State of

3035 County of

3036 Before me, the undersigned notary public, personally appeared
3037, who was duly sworn and says that he/she is the
3038 of, whose address is.....; and that the
3039 following described motor vehicle:

3040 ...(Description of motor vehicle)...

3041 owned by, whose address is, has accrued
3042 \$..... in fees for a reasonable tow, for storage, and for
3043 parking, if applicable; that the lienor served its notice to the
3044 owner, the insurance company insuring the motor vehicle
3045 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
3046 and all persons of record claiming a lien against the motor
3047 vehicle on, ...(year)...., by.....

3048 ...(Signature)...

3049 Sworn to (or affirmed) and subscribed before me this day of
3050, ...(year)...., by ...(name of person making statement)....

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3051 ... (Signature of Notary Public)..... (Print, Type, or Stamp
3052 Commissioned name of Notary Public) ...
3053 Personally Known....OR Produced....as identification.

3054

3055 However, the negligent inclusion or omission of any information
3056 in this claim of lien which does not prejudice the owner does
3057 not constitute a default that operates to defeat an otherwise
3058 valid lien.

3059 (d) The claim of lien must ~~shall~~ be served on the owner of
3060 the motor vehicle, the insurance company insuring the motor
3061 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
3062 persons of record claiming a lien against the motor vehicle. If
3063 attempts to notify the owner, the insurance company insuring the
3064 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
3065 lienholders are not successful, the requirement of notice by
3066 mail shall be considered met. The claim of lien must ~~shall~~ be so
3067 served before recordation.

3068 (e) The claim of lien must ~~shall~~ be recorded with the
3069 clerk of court in the county where the airport is located. The
3070 recording of the claim of lien shall be constructive notice to
3071 all persons of the contents and effect of such claim. The lien
3072 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
3073 ~~take~~ priority as of that time.

3074 Section 58. Subsection (4) of section 713.78, Florida
3075 Statutes, is amended to read:

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3076 713.78 Liens for recovering, towing, or storing vehicles
3077 and vessels.—

3078 (4) (a) A person regularly engaged in the business of
3079 recovering, towing, or storing vehicles or vessels who comes
3080 into possession of a vehicle or vessel pursuant to subsection
3081 (2), and who claims a lien for recovery, towing, or storage
3082 services, shall give notice, by certified mail, to the
3083 registered owner, the insurance company insuring the vehicle
3084 ~~notwithstanding s. 627.736~~, and all persons claiming a lien
3085 thereon, as disclosed by the records in the Department of
3086 Highway Safety and Motor Vehicles or as disclosed by the records
3087 of any corresponding agency in any other state in which the
3088 vehicle is identified through a records check of the National
3089 Motor Vehicle Title Information System or an equivalent
3090 commercially available system as being titled or registered.

3091 (b) Whenever a law enforcement agency authorizes the
3092 removal of a vehicle or vessel or whenever a towing service,
3093 garage, repair shop, or automotive service, storage, or parking
3094 place notifies the law enforcement agency of possession of a
3095 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
3096 enforcement agency of the jurisdiction where the vehicle or
3097 vessel is stored shall contact the Department of Highway Safety
3098 and Motor Vehicles, or the appropriate agency of the state of
3099 registration, if known, within 24 hours through the medium of
3100 electronic communications, giving the full description of the

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3101 vehicle or vessel. Upon receipt of the full description of the
3102 vehicle or vessel, the department shall search its files to
3103 determine the owner's name, the insurance company insuring the
3104 vehicle or vessel, and whether any person has filed a lien upon
3105 the vehicle or vessel as provided in s. 319.27(2) and (3) and
3106 notify the applicable law enforcement agency within 72 hours.
3107 The person in charge of the towing service, garage, repair shop,
3108 or automotive service, storage, or parking place shall obtain
3109 such information from the applicable law enforcement agency
3110 within 5 days after the date of storage and shall give notice
3111 pursuant to paragraph (a). The department may release the
3112 insurance company information to the requestor ~~notwithstanding~~
3113 ~~s. 627.736.~~

3114 (c) The notice of lien must be sent by certified mail to
3115 the registered owner, the insurance company insuring the vehicle
3116 ~~notwithstanding s. 627.736,~~ and all other persons claiming a
3117 lien thereon within 7 business days, excluding Saturday and
3118 Sunday, after the date of storage of the vehicle or vessel.
3119 However, in no event shall the notice of lien be sent less than
3120 30 days before the sale of the vehicle or vessel. The notice
3121 must state:

3122 1. If the claim of lien is for a vehicle, the last 8
3123 digits of the vehicle identification number of the vehicle
3124 subject to the lien, or, if the claim of lien is for a vessel,
3125 the hull identification number of the vessel subject to the

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3126 | lien, clearly printed in the delivery address box and on the
3127 | outside of the envelope sent to the registered owner and all
3128 | other persons claiming an interest therein or lien thereon.

3129 | 2. The name, physical address, and telephone number of the
3130 | lienor, and the entity name, as registered with the Division of
3131 | Corporations, of the business where the towing and storage
3132 | occurred, which must also appear on the outside of the envelope
3133 | sent to the registered owner and all other persons claiming an
3134 | interest in or lien on the vehicle or vessel.

3135 | 3. The fact of possession of the vehicle or vessel.

3136 | 4. The name of the person or entity that authorized the
3137 | lienor to take possession of the vehicle or vessel.

3138 | 5. That a lien as provided in subsection (2) is claimed.

3139 | 6. That charges have accrued and include an itemized
3140 | statement of the amount thereof.

3141 | 7. That the lien is subject to enforcement under law and
3142 | that the owner or lienholder, if any, has the right to a hearing
3143 | as set forth in subsection (5).

3144 | 8. That any vehicle or vessel that remains unclaimed, or
3145 | for which the charges for recovery, towing, or storage services
3146 | remain unpaid, may be sold free of all prior liens 35 days after
3147 | the vehicle or vessel is stored by the lienor if the vehicle or
3148 | vessel is more than 3 years of age or 50 days after the vehicle
3149 | or vessel is stored by the lienor if the vehicle or vessel is 3
3150 | years of age or less.

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3151 9. The address at which the vehicle or vessel is
3152 physically located.

3153 (d) The notice of lien may not be sent to the registered
3154 owner, the insurance company insuring the vehicle or vessel, and
3155 all other persons claiming a lien thereon less than 30 days
3156 before the sale of the vehicle or vessel.

3157 (e) If attempts to locate the name and address of the
3158 owner or lienholder prove unsuccessful, the towing-storage
3159 operator shall, after 7 business days, excluding Saturday and
3160 Sunday, after the initial tow or storage, notify the public
3161 agency of jurisdiction where the vehicle or vessel is stored in
3162 writing by certified mail or acknowledged hand delivery that the
3163 towing-storage company has been unable to locate the name and
3164 address of the owner or lienholder and a physical search of the
3165 vehicle or vessel has disclosed no ownership information and a
3166 good faith effort has been made, including records checks of the
3167 Department of Highway Safety and Motor Vehicles database and the
3168 National Motor Vehicle Title Information System or an equivalent
3169 commercially available system. For purposes of this paragraph
3170 and subsection (9), the term "good faith effort" means that the
3171 following checks have been performed by the company to establish
3172 the prior state of registration and for title:

3173 1. A check of the department's database for the owner and
3174 any lienholder.

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3175 2. A check of the electronic National Motor Vehicle Title
3176 Information System or an equivalent commercially available
3177 system to determine the state of registration when there is not
3178 a current registration record for the vehicle or vessel on file
3179 with the department.

3180 3. A check of the vehicle or vessel for any type of tag,
3181 tag record, temporary tag, or regular tag.

3182 4. A check of the law enforcement report for a tag number
3183 or other information identifying the vehicle or vessel, if the
3184 vehicle or vessel was towed at the request of a law enforcement
3185 officer.

3186 5. A check of the trip sheet or tow ticket of the tow
3187 truck operator to determine whether a tag was on the vehicle or
3188 vessel at the beginning of the tow, if a private tow.

3189 6. If there is no address of the owner on the impound
3190 report, a check of the law enforcement report to determine
3191 whether an out-of-state address is indicated from driver license
3192 information.

3193 7. A check of the vehicle or vessel for an inspection
3194 sticker or other stickers and decals that may indicate a state
3195 of possible registration.

3196 8. A check of the interior of the vehicle or vessel for
3197 any papers that may be in the glove box, trunk, or other areas
3198 for a state of registration.

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3199 9. A check of the vehicle for a vehicle identification
3200 number.

3201 10. A check of the vessel for a vessel registration
3202 number.

3203 11. A check of the vessel hull for a hull identification
3204 number which should be carved, burned, stamped, embossed, or
3205 otherwise permanently affixed to the outboard side of the
3206 transom or, if there is no transom, to the outmost seaboard side
3207 at the end of the hull that bears the rudder or other steering
3208 mechanism.

3209 Section 59. Section 768.852, Florida Statutes, is created
3210 to read:

3211 768.852 Setoff on damages as a result of a motor vehicle
3212 crash while uninsured.-

3213 (1) Except as provided in subsection (2), for any award of
3214 noneconomic damages, a defendant is entitled to a setoff equal
3215 to \$10,000 if a person suffers injury while operating a motor
3216 vehicle as defined in s. 324.022(2) which lacked the coverage
3217 required by s. 324.022(1) and the person was not in compliance
3218 with s. 324.022(1) for more than 30 days immediately preceding
3219 the crash.

3220 (2) The setoff on noneconomic damages in subsection (1)
3221 does not apply if the person who is liable for the injury:

3222 (a) Was driving while under the influence of an alcoholic
3223 beverage, an inhalant, or a controlled substance;

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3224 (b) Acted intentionally, recklessly, or with gross
3225 negligence;

3226 (c) Fled from the scene of the crash; or

3227 (d) Was acting in furtherance of an offense or in
3228 immediate flight from an offense that constituted a felony at
3229 the time of the crash.

3230 (3) This section does not apply to any wrongful death
3231 claim.

3232 Section 60. Paragraph (a) of subsection (1), paragraph (c)
3233 of subsection (7), paragraphs (a), (b), and (c) of subsection
3234 (8), and subsections (9) and (10) of section 817.234, Florida
3235 Statutes, are amended to read:

3236 817.234 False and fraudulent insurance claims.—

3237 (1)(a) A person commits insurance fraud punishable as
3238 provided in subsection (11) if that person, with the intent to
3239 injure, defraud, or deceive any insurer:

3240 1. Presents or causes to be presented any written or oral
3241 statement as part of, or in support of, a claim for payment or
3242 other benefit pursuant to an insurance policy or a health
3243 maintenance organization subscriber or provider contract,
3244 knowing that such statement contains ~~any~~ false, incomplete, or
3245 misleading information concerning any fact or thing material to
3246 such claim;

3247 2. Prepares or makes any written or oral statement that is
3248 intended to be presented to an ~~any~~ insurer in connection with,

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3249 or in support of, any claim for payment or other benefit
3250 pursuant to an insurance policy or a health maintenance
3251 organization subscriber or provider contract, knowing that such
3252 statement contains ~~any~~ false, incomplete, or misleading
3253 information concerning any fact or thing material to such claim;

3254 3.a. Knowingly presents, causes to be presented, or
3255 prepares or makes with knowledge or belief that it will be
3256 presented to an ~~any~~ insurer, purported insurer, servicing
3257 corporation, insurance broker, or insurance agent, or any
3258 employee or agent thereof, ~~any~~ false, incomplete, or misleading
3259 information or a written or oral statement as part of, or in
3260 support of, an application for the issuance of, or the rating
3261 of, any insurance policy, or a health maintenance organization
3262 subscriber or provider contract; or

3263 b. Knowingly conceals information concerning any fact
3264 material to such application; or

3265 4. Knowingly presents, causes to be presented, or prepares
3266 or makes with knowledge or belief that it will be presented to
3267 any insurer a claim for payment or other benefit under medical
3268 payments coverage in a motor vehicle ~~a personal injury~~
3269 ~~protection~~ insurance policy if the person knows that the payee
3270 knowingly submitted a false, misleading, or fraudulent
3271 application or other document when applying for licensure as a
3272 health care clinic, seeking an exemption from licensure as a

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3273 health care clinic, or demonstrating compliance with part X of
3274 chapter 400.

3275 (7)

3276 ~~(c) An insurer, or any person acting at the direction of~~
3277 ~~or on behalf of an insurer, may not change an opinion in a~~
3278 ~~mental or physical report prepared under s. 627.736(7) or direct~~
3279 ~~the physician preparing the report to change such opinion;~~
3280 ~~however, this provision does not preclude the insurer from~~
3281 ~~calling to the attention of the physician errors of fact in the~~
3282 ~~report based upon information in the claim file. Any person who~~
3283 ~~violates this paragraph commits a felony of the third degree,~~
3284 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

3285 (8) (a) It is unlawful for any person intending to defraud
3286 any other person to solicit or cause to be solicited any
3287 business from a person involved in a motor vehicle accident for
3288 the purpose of making, adjusting, or settling motor vehicle tort
3289 claims or claims for benefits under medical payments coverage in
3290 a motor vehicle insurance policy ~~personal injury protection~~
3291 ~~benefits required by s. 627.736. Any person who violates the~~
3292 ~~provisions of this paragraph commits a felony of the second~~
3293 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
3294 ~~775.084. A person who is convicted of a violation of this~~
3295 ~~subsection shall be sentenced to a minimum term of imprisonment~~
3296 ~~of 2 years.~~

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3297 (b) A person may not solicit or cause to be solicited any
3298 business from a person involved in a motor vehicle accident by
3299 any means of communication other than advertising directed to
3300 the public for the purpose of making motor vehicle tort claims
3301 or claims for benefits under medical payments coverage in a
3302 motor vehicle insurance policy ~~personal injury protection~~
3303 ~~benefits required by s. 627.736~~, within 60 days after the
3304 occurrence of the motor vehicle accident. Any person who
3305 violates this paragraph commits a felony of the third degree,
3306 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3307 (c) A lawyer, health care practitioner as defined in s.
3308 456.001, or owner or medical director of a clinic required to be
3309 licensed pursuant to s. 400.9905 may not, at any time after 60
3310 days have elapsed from the occurrence of a motor vehicle
3311 accident, solicit or cause to be solicited any business from a
3312 person involved in a motor vehicle accident by means of in
3313 person or telephone contact at the person's residence, for the
3314 purpose of making motor vehicle tort claims or claims for
3315 benefits under medical payments coverage in a motor vehicle
3316 insurance policy ~~personal injury protection benefits required by~~
3317 ~~s. 627.736~~. Any person who violates this paragraph commits a
3318 felony of the third degree, punishable as provided in s.
3319 775.082, s. 775.083, or s. 775.084.

3320 (9) A person may not organize, plan, or knowingly
3321 participate in an intentional motor vehicle crash or a scheme to

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3322 create documentation of a motor vehicle crash that did not occur
3323 for the purpose of making motor vehicle tort claims or claims
3324 for benefits under medical payments coverage in a motor vehicle
3325 insurance policy ~~personal injury protection benefits as required~~
3326 ~~by s. 627.736~~. Any person who violates this subsection commits a
3327 felony of the second degree, punishable as provided in s.
3328 775.082, s. 775.083, or s. 775.084. A person who is convicted of
3329 a violation of this subsection shall be sentenced to a minimum
3330 term of imprisonment of 2 years.

3331 (10) A licensed health care practitioner who is found
3332 guilty of insurance fraud under this section for an act relating
3333 to a motor vehicle ~~personal injury protection~~ insurance policy
3334 loses his or her license to practice for 5 years and may not
3335 receive reimbursement under medical payments coverage in a motor
3336 vehicle insurance policy ~~for personal injury protection benefits~~
3337 for 10 years.

3338 Section 61. For the 2021-2022 fiscal year, the sum of
3339 \$83,651 in nonrecurring funds is appropriated from the Insurance
3340 Regulatory Trust Fund to the Office of Insurance Regulation for
3341 the purpose of implementing this act.

3342 Section 62. Except as otherwise expressly provided in this
3343 act and except for this section, which shall take effect upon
3344 this act becoming a law, this act shall take effect January 1,
3345 2022.

3346

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to motor vehicle insurance; repealing
ss. 627.730, 627.731, 627.7311, 627.732, 627.733,
627.734, 627.736, 627.737, 627.739, 627.7401,
627.7403, and 627.7405, F.S., which comprise the
Florida Motor Vehicle No-Fault Law; repealing s.
627.7407, F.S., relating to application of the Florida
Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;
revising a requirement for proof of security on a
motor vehicle and the applicability of the
requirement; amending s. 318.18, F.S.; conforming a
provision to changes made by the act; making technical
changes; amending s. 320.02, F.S.; revising the motor
vehicle insurance coverages that an applicant must
show to register certain vehicles with the Department
of Highway Safety and Motor Vehicles; conforming a
provision to changes made by the act; revising
construction; amending s. 320.0609, F.S.; conforming a
provision to changes made by the act; making a
technical change; amending s. 320.27, F.S.; defining
the term "garage liability insurance"; revising garage
liability insurance requirements for motor vehicle

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3372 dealer applicants; conforming a provision to changes
3373 made by the act; amending s. 320.771, F.S.; revising
3374 garage liability insurance requirements for
3375 recreational vehicle dealer license applicants;
3376 amending ss. 322.251 and 322.34, F.S.; conforming
3377 provisions to changes made by the act; making
3378 technical changes; amending s. 324.011, F.S.; revising
3379 legislative intent; amending s. 324.021, F.S.;

3380 revising definitions of the terms "motor vehicle" and
3381 "proof of financial responsibility"; revising minimum
3382 coverage requirements for proof of financial
3383 responsibility for specified motor vehicles; defining
3384 the term "for-hire passenger transportation vehicle";
3385 conforming provisions to changes made by the act;
3386 amending s. 324.022, F.S.; revising minimum liability
3387 coverage requirements for motor vehicle owners or
3388 operators; revising authorized methods for meeting
3389 such requirements; deleting a provision relating to an
3390 insurer's duty to defend certain claims; revising the
3391 vehicles that are excluded from the definition of the
3392 term "motor vehicle"; providing security requirements
3393 for certain excluded vehicles; conforming provisions
3394 to changes made by the act; conforming cross-
3395 references; amending s. 324.0221, F.S.; revising
3396 coverages that subject a policy to certain insurer

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3397 reporting and notice requirements; conforming
3398 provisions to changes made by the act; creating s.
3399 324.0222, F.S.; providing that driver license or
3400 registration suspensions for failure to maintain
3401 required security which were in effect before a
3402 specified date remain in full force and effect;
3403 providing that such suspended licenses or
3404 registrations may be reinstated as provided in a
3405 specified section; amending s. 324.023, F.S.;

3406 conforming cross-references; making a technical
3407 change; amending s. 324.031, F.S.; specifying a method
3408 of proving financial responsibility by owners or
3409 operators of motor vehicles other than for-hire
3410 passenger transportation vehicles; revising the amount
3411 of a certificate of deposit required to elect a
3412 certain method of proof of financial responsibility;
3413 revising excess liability coverage requirements for a
3414 person electing to use such method; amending s.
3415 324.032, F.S.; revising financial responsibility
3416 requirements for owners or lessees of for-hire
3417 passenger transportation vehicles; amending s.
3418 324.051, F.S.; specifying that motor vehicles include
3419 motorcycles for purposes of the section; making
3420 technical changes; amending ss. 324.071 and 324.091,
3421 F.S.; making technical changes; amending s. 324.151,

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3422 F.S.; revising requirements for motor vehicle
3423 liability insurance policies relating to coverage, and
3424 exclusion from coverage, for certain drivers and
3425 vehicles; defining terms; conforming provisions to
3426 changes made by the act; making technical changes;
3427 amending s. 324.161, F.S.; revising requirements for a
3428 certificate of deposit that is required if a person
3429 elects a certain method of proving financial
3430 responsibility; amending s. 324.171, F.S.; revising
3431 the minimum net worth requirements to qualify certain
3432 persons as self-insurers; conforming provisions to
3433 changes made by the act; amending s. 324.251, F.S.;
3434 revising the short title and an effective date;
3435 amending s. 400.9905, F.S.; revising the definition of
3436 the term "clinic"; amending ss. 400.991 and 400.9935,
3437 F.S.; conforming provisions to changes made by the
3438 act; amending s. 409.901, F.S.; revising the
3439 definition of the term "third-party benefit"; amending
3440 s. 409.910, F.S.; revising the definition of the term
3441 "medical coverage"; amending s. 456.057, F.S.;
3442 conforming a provision to changes made by the act;
3443 amending s. 456.072, F.S.; revising specified grounds
3444 for discipline for certain health professions;
3445 defining the term "upcoded"; amending s. 624.155,
3446 F.S.; providing an exception to the circumstances

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3447 under which a person who is damaged may bring a civil
3448 action against an insurer; adding a cause of action
3449 against insurers in certain circumstances; providing
3450 that a person is not entitled to judgments under
3451 multiple bad faith remedies; creating s. 624.156,
3452 F.S.; providing that the section applies to bad faith
3453 failure to settle third-party claim actions against
3454 any insurer for a loss arising out of the ownership,
3455 maintenance, or use of a motor vehicle under specified
3456 circumstances; providing construction; providing that
3457 insurers have a duty of good faith; providing
3458 construction; defining the term "bad faith failure to
3459 settle"; providing circumstances under which a notice
3460 is not effective; providing that the burden is on the
3461 party bringing the bad faith claim; specifying best
3462 practices standards for insurers upon receiving actual
3463 notice of certain incidents or losses; specifying
3464 certain requirements for insurer communications to an
3465 insured; requiring an insurer to initiate settlement
3466 negotiations under certain circumstances; specifying
3467 requirements for the insurer when multiple claims
3468 arise out of a single occurrence under certain
3469 conditions; providing construction; requiring an
3470 insurer to attempt to settle a claim on behalf of
3471 certain insureds under certain circumstances;

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3472 providing for a defense to bad faith actions;
3473 providing that insureds have a duty to cooperate;
3474 requiring an insured to take certain reasonable
3475 actions necessary to settle covered claims; providing
3476 requirements for disclosures by insureds; requiring
3477 insurers to provide certain notice to insureds within
3478 a specified timeframe; providing that insurers may
3479 terminate certain defenses under certain
3480 circumstances; providing construction; providing that
3481 a trier of fact may not attribute an insurer's failure
3482 to settle certain claims to specified causes under
3483 certain circumstances; providing construction;
3484 specifying conditions precedent for claimants filing
3485 bad faith failure to settle third-party claim actions;
3486 providing that an insurer is entitled to a reasonable
3487 opportunity to investigate and evaluate claims under
3488 certain circumstances; providing construction;
3489 providing that insurers may not be held liable for the
3490 failure to accept a settlement offer within a certain
3491 timeframe if certain conditions are met; providing
3492 that an insurer is not required to automatically
3493 tender policy limits within a certain timeframe in
3494 every case; requiring the party bringing a bad faith
3495 failure to settle action to prove every element by the
3496 greater weight of the evidence; specifying burdens of

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3497 proof for insurers relying on specified defenses;
3498 limiting damages under certain circumstances;
3499 providing construction; amending s. 626.9541, F.S.;
3500 conforming a provision to changes made by the act;
3501 revising the type of insurance coverage applicable to
3502 a certain prohibited act; amending s. 626.989, F.S.;
3503 revising the definition of the term "fraudulent
3504 insurance act"; amending s. 627.06501, F.S.; revising
3505 coverages that may provide for a reduction in motor
3506 vehicle insurance policy premium charges under certain
3507 circumstances; amending s. 627.0651, F.S.; specifying
3508 requirements for rate filings for motor vehicle
3509 liability policies submitted to the Office of
3510 Insurance Regulation implementing requirements in
3511 effect on a specified date; requiring such filings to
3512 be approved through a certain process; amending s.
3513 627.0652, F.S.; revising coverages that must provide a
3514 premium charge reduction under certain circumstances;
3515 amending s. 627.0653, F.S.; revising coverages that
3516 are subject to premium discounts for specified motor
3517 vehicle equipment; amending s. 627.4132, F.S.;
3518 revising coverages that are subject to a stacking
3519 prohibition; amending s. 627.4137, F.S.; requiring
3520 that insurers disclose certain information at the
3521 request of a claimant's attorney; authorizing a

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3522 claimant to file an action under certain
3523 circumstances; providing for the award of reasonable
3524 attorney fees and costs under certain circumstances;
3525 amending s. 627.7263, F.S.; revising coverages that
3526 are deemed primary, except under certain
3527 circumstances, for the lessor of a motor vehicle for
3528 lease or rent; revising a notice that is required if
3529 the lessee's coverage is to be primary; creating s.
3530 627.7265, F.S.; specifying persons whom medical
3531 payments coverage must protect; specifying the minimum
3532 medical expense and death benefit limits; specifying
3533 coverage options that an insurer is required and
3534 authorized to offer; providing that each motor vehicle
3535 insurance policy furnished as proof of financial
3536 responsibility is deemed to have certain coverages;
3537 requiring that certain rejections or selections be
3538 made on forms approved by the office; providing
3539 requirements for such forms; providing that certain
3540 coverage is not required to be provided in certain
3541 policies under certain circumstances; requiring
3542 insurers to provide certain notices to policyholders;
3543 providing construction relating to limits on certain
3544 other coverages; requiring insurers, upon receiving
3545 certain notice of an accident, to hold a specified
3546 reserve for certain purposes for a certain timeframe;

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3547 providing that the reserve requirement does not
3548 require insurers to establish a claim reserve for
3549 accounting purposes; specifying that an insurer
3550 providing medical payments coverage benefits may not
3551 seek a lien on a certain recovery and may not bring a
3552 certain cause of action; authorizing insurers to
3553 include policy provisions allowing for subrogation,
3554 under certain circumstances, for medical payments
3555 benefits paid; providing construction; specifying a
3556 requirement for an insured for repayment of medical
3557 payments benefits under certain circumstances;
3558 prohibiting insurers from including policy provisions
3559 allowing for subrogation for death benefits paid;
3560 amending s. 627.727, F.S.; revising the legal
3561 liability of an uninsured motorist coverage insurer;
3562 conforming provisions to changes made by the act;
3563 amending s. 627.7275, F.S.; revising required
3564 coverages for a motor vehicle insurance policy;
3565 conforming provisions to changes made by the act;
3566 creating s. 627.7278, F.S.; defining the term "minimum
3567 security requirements"; providing requirements,
3568 applicability, and construction relating to motor
3569 vehicle insurance policies as of a certain date;
3570 requiring insurers to allow certain insureds to make
3571 certain coverage changes, subject to certain

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3572 conditions; requiring an insurer to provide, by a
3573 specified date, a specified notice to policyholders
3574 relating to requirements under the act; amending s.
3575 627.728, F.S.; conforming a provision to changes made
3576 by the act; making a technical change; amending s.
3577 627.7295, F.S.; revising the definitions of the terms
3578 "policy" and "binder"; revising the coverages of a
3579 motor vehicle insurance policy for which a licensed
3580 general lines agent may charge a specified fee;
3581 conforming provisions to changes made by the act;
3582 amending s. 627.7415, F.S.; revising additional
3583 liability insurance requirements for commercial motor
3584 vehicles; creating s. 627.747, F.S.; providing that
3585 private passenger motor vehicle policies may exclude
3586 specified coverages for all claims or suits resulting
3587 from the operation of a motor vehicle by an identified
3588 individual under certain circumstances; providing that
3589 such policies may not exclude coverage under certain
3590 circumstances; providing that an excluded driver must
3591 establish, maintain, and show proof of financial
3592 ability to respond for damages arising out the
3593 ownership, maintenance, or use of a motor vehicle as
3594 required by law; providing that a valid named driver
3595 exclusion will not be invalidated if the excluded
3596 driver fails to show such proof; amending s. 627.748,

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3597 F.S.; revising insurance requirements for
3598 transportation network company drivers; conforming
3599 provisions to changes made by the act; amending s.
3600 627.749, F.S.; conforming a provision to changes made
3601 by the act; amending s. 627.8405, F.S.; revising
3602 coverages in a policy sold in combination with an
3603 accidental death and dismemberment policy which a
3604 premium finance company may not finance; revising
3605 rulemaking authority of the Financial Services
3606 Commission; amending ss. 627.915, 628.909, 705.184,
3607 and 713.78, F.S.; conforming provisions to changes
3608 made by the act; making technical changes; creating s.
3609 768.852, F.S.; providing for a setoff on certain
3610 damages that may be recovered by a person operating
3611 certain motor vehicles who is not in compliance with
3612 financial responsibility laws; providing exceptions;
3613 amending s. 817.234, F.S.; revising coverages that are
3614 the basis of specified prohibited false and fraudulent
3615 insurance claims; conforming provisions to changes
3616 made by the act; providing an appropriation; providing
3617 effective dates.

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