

By Senator Burgess

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1                                   A bill to be entitled  
2       An act relating to motor vehicle insurance; repealing  
3       ss. 627.730, 627.731, 627.7311, 627.732, 627.733,  
4       627.734, 627.736, 627.737, 627.739, 627.7401,  
5       627.7403, and 627.7405, F.S., which comprise the  
6       Florida Motor Vehicle No-Fault Law; repealing s.  
7       627.7407, F.S., relating to application of the Florida  
8       Motor Vehicle No-Fault Law; amending s. 316.646, F.S.;  
9       revising a requirement for proof of security on a  
10      motor vehicle and the applicability of the  
11      requirement; amending s. 318.18, F.S.; conforming a  
12      provision to changes made by the act; making technical  
13      changes; amending s. 320.02, F.S.; revising the motor  
14      vehicle insurance coverages that an applicant must  
15      show to register certain vehicles with the Department  
16      of Highway Safety and Motor Vehicles; conforming a  
17      provision to changes made by the act; revising  
18      construction; amending s. 320.0609, F.S.; conforming a  
19      provision to changes made by the act; making technical  
20      changes; amending s. 320.27, F.S.; defining the term  
21      "garage liability insurance"; revising garage  
22      liability insurance requirements for motor vehicle  
23      dealer applicants; conforming a provision to changes  
24      made by the act; amending s. 320.771, F.S.; revising  
25      garage liability insurance requirements for  
26      recreational vehicle dealer license applicants;  
27      amending ss. 322.251 and 322.34, F.S.; conforming  
28      provisions to changes made by the act; making  
29      technical changes; amending s. 324.011, F.S.; revising

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

31 revising definitions of the terms "motor vehicle" and

32 "proof of financial responsibility"; revising minimum

33 coverage requirements for proof of financial

34 responsibility for specified motor vehicles; defining

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

36 conforming provisions to changes made by the act;

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

38 coverage requirements for motor vehicle owners or

39 operators; revising authorized methods for meeting

40 such requirements; deleting a provision relating to an

41 insurer's duty to defend certain claims; revising the

42 vehicles that are excluded from the definition of the

43 term "motor vehicle"; providing security requirements

44 for certain excluded vehicles; conforming provisions

45 to changes made by the act; conforming cross-

46 references; amending s. 324.0221, F.S.; revising

47 coverages that subject a policy to certain insurer

48 reporting and notice requirements; conforming

49 provisions to changes made by the act; creating s.

50 324.0222, F.S.; providing that driver license or

51 registration suspensions for failure to maintain

52 required security which were in effect before a

53 specified date remain in full force and effect;

54 providing that such suspended licenses or

55 registrations may be reinstated as provided in a

56 specified section; amending s. 324.023, F.S.;

57 conforming cross-references; making technical changes;

58 amending s. 324.031, F.S.; specifying a method of

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59 proving financial responsibility; revising the amount  
60 of a certificate of deposit required to elect a  
61 certain method of proof of financial responsibility;  
62 revising excess liability coverage requirements for a  
63 person electing to use such method; amending s.  
64 324.032, F.S.; revising financial responsibility  
65 requirements for owners or lessees of for-hire  
66 passenger transportation vehicles; amending ss.  
67 324.051, 324.071, and 324.091, F.S.; making technical  
68 changes; amending s. 324.151, F.S.; revising  
69 requirements for motor vehicle liability insurance  
70 policies relating to coverage, and exclusion from  
71 coverage, for certain drivers and vehicles; defining  
72 terms; conforming provisions to changes made by the  
73 act; making technical changes; amending s. 324.161,  
74 F.S.; revising requirements for a certificate of  
75 deposit that is required if a person elects a certain  
76 method of proving financial responsibility; amending  
77 s. 324.171, F.S.; revising the minimum net worth  
78 requirements to qualify certain persons as self-  
79 insurers; conforming provisions to changes made by the  
80 act; amending s. 324.251, F.S.; revising the short  
81 title and an effective date; amending s. 400.9905,  
82 F.S.; revising the definition of the term "clinic";  
83 amending ss. 400.991 and 400.9935, F.S.; conforming  
84 provisions to changes made by the act; amending s.  
85 409.901, F.S.; revising the definition of the term  
86 "third-party benefit"; amending s. 409.910, F.S.;  
87 revising the definition of the term "medical

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88 coverage"; amending s. 456.057, F.S.; conforming a  
89 provision to changes made by the act; amending s.  
90 456.072, F.S.; revising specified grounds for  
91 discipline for certain health professions; defining  
92 the term "upcoded"; amending s. 624.155, F.S.;  
93 revising conditions for awarding punitive damages;  
94 providing that a person is not entitled to judgments  
95 under multiple bad faith remedies; creating s.  
96 624.156, F.S.; providing that the section applies in  
97 certain bad faith failure to settle actions against  
98 any insurer for a loss arising out of the ownership,  
99 maintenance, or use of a motor vehicle under specified  
100 circumstances; providing an exception; providing that  
101 insurers have a duty of good faith; defining the term  
102 "bad faith failure to settle"; specifying best  
103 practice standards for insurers upon receiving notice  
104 of a claim or a demand for settlement; specifying  
105 certain requirements for insurer communications to an  
106 insured in handling first-party and third-party  
107 claims; specifying requirements for the insurer when a  
108 loss involves multiple claimants under certain  
109 conditions; specifying conditions precedent for  
110 claimants filing bad faith failure to settle actions  
111 except those actions filed under a specified section;  
112 specifying requirements for information that must be  
113 included in a demand for settlement; requiring a  
114 demand for settlement to release the insured from  
115 liability under certain conditions; requiring the  
116 demand for settlement be served upon the insurer at

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117 the address designated with the Department of  
118 Financial Services; prohibiting claimants from placing  
119 conditions on acceptance of a demand for settlement  
120 other than electing the right to examine the insured  
121 under oath regarding certain information; authorizing  
122 claimants to examine insureds under oath under certain  
123 conditions; authorizing the claimant to request the  
124 insured bring relevant documents to the examination  
125 under oath; prohibiting the claimant from examining  
126 the insured under oath regarding liability; requiring  
127 the claimant, insurer, and insured to cooperate in  
128 scheduling the examination under oath; specifying the  
129 timeframe within which the examination must take  
130 place; authorizing the claimant to withdraw the demand  
131 for settlement if the insured refuses to submit to an  
132 examination under oath; authorizing an insurer to  
133 accept a demand for settlement if the insured refuses  
134 to submit to an examination under oath; absolving an  
135 insurer of a duty to defend and of liability under  
136 certain circumstances; specifying the timeframe within  
137 which a claimant may withdraw a demand for settlement;  
138 specifying that an insurer's duty of good faith  
139 continues unless a claimant's withdrawal of a demand  
140 for settlement occurs under certain conditions;  
141 providing that insurers may not be held liable in a  
142 bad faith failure to settle action if they tender  
143 policy limits within a certain timeframe; specifying  
144 that insurers that accept demands for settlement are  
145 entitled to releases of their insureds; providing an

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146 exception; requiring claimants to prove in any bad  
147 faith failure to settle action by a preponderance of  
148 the evidence that the insurer violated its duty of  
149 good faith and in bad faith failed to settle;  
150 specifying factors for the trier of fact to consider  
151 in determining whether an insurer violated its duty of  
152 good faith and in bad faith failed to settle;  
153 requiring the trier of fact to be informed of an  
154 excess judgment; prohibiting disclosure of certain  
155 judgment information to the trier of fact; limiting  
156 damages in bad faith failure to settle actions;  
157 providing that judgment creditors must be subrogated  
158 to the rights of the insured under certain  
159 circumstances; prohibiting multiple bad faith  
160 remedies; providing applicability; amending s.  
161 626.9541, F.S.; conforming a provision to changes made  
162 by the act; revising the type of insurance coverage  
163 applicable to a certain prohibited act; amending s.  
164 626.989, F.S.; revising the definition of the term  
165 "fraudulent insurance act"; amending s. 627.06501,  
166 F.S.; revising coverages that may provide for a  
167 reduction in motor vehicle insurance policy premium  
168 charges under certain circumstances; amending s.  
169 627.0651, F.S.; specifying requirements for initial  
170 rate filings for motor vehicle liability policies  
171 submitted to the Office of Insurance Regulation  
172 beginning on a specified date; amending s. 627.0652,  
173 F.S.; revising coverages that must provide a premium  
174 charge reduction under certain circumstances; amending

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175 s. 627.0653, F.S.; revising coverages subject to  
176 premium discounts for specified motor vehicle  
177 equipment; amending s. 627.4132, F.S.; revising  
178 coverages that are subject to a stacking prohibition;  
179 amending s. 627.4137, F.S.; requiring that insurers  
180 disclose certain information at the request of a  
181 claimant's attorney; authorizing a claimant to file an  
182 action under certain circumstances; providing for the  
183 award of reasonable attorney fees and costs under  
184 certain circumstances; amending s. 627.7263, F.S.;  
185 revising coverages that are deemed primary, except  
186 under certain circumstances, for the lessor of a motor  
187 vehicle for lease or rent; revising a notice that is  
188 required if the lessee's coverage is to be primary;  
189 creating s. 627.7265, F.S.; specifying persons whom  
190 medical payments coverage must protect; requiring  
191 medical payments coverage to cover reasonable expenses  
192 for certain medical services provided by specified  
193 providers and facilities and to provide a death  
194 benefit; specifying the minimum medical expense and  
195 death benefit limits; specifying coverage options an  
196 insurer is required or authorized to offer; providing  
197 construction relating to limits on certain other  
198 coverages; requiring insurers, upon receiving certain  
199 notice of an accident, to hold a specified reserve for  
200 certain purposes for a certain timeframe; providing  
201 that the reserve requirement does not require insurers  
202 to establish a claim reserve for accounting purposes;  
203 specifying that an insurer providing medical payments

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204 coverage benefits may not seek a lien on a certain  
205 recovery and may not bring a certain cause of action;  
206 authorizing insurers to include policy provisions  
207 allowing for subrogation, under certain circumstances,  
208 for medical payments benefits paid; providing  
209 construction; specifying a requirement for an insured  
210 for repayment of medical payments benefits under  
211 certain circumstances; prohibiting insurers from  
212 including policy provisions allowing for subrogation  
213 for death benefits paid; amending s. 627.727, F.S.;  
214 revising the legal liability of an uninsured motorist  
215 coverage insurer; conforming provisions to changes  
216 made by the act; amending s. 627.7275, F.S.; revising  
217 required coverages for a motor vehicle insurance  
218 policy; conforming provisions to changes made by the  
219 act; creating s. 627.7278, F.S.; defining the term  
220 "minimum security requirements"; providing  
221 requirements, applicability, and construction relating  
222 to motor vehicle insurance policies as of a certain  
223 date; requiring insurers to allow certain insureds to  
224 make certain coverage changes, subject to certain  
225 conditions; requiring an insurer to provide, by a  
226 specified date, a specified notice to policyholders  
227 relating to requirements under the act; amending s.  
228 627.728, F.S.; conforming a provision to changes made  
229 by the act; making technical changes; amending s.  
230 627.7295, F.S.; revising the definitions of the terms  
231 "policy" and "binder"; revising the coverages of a  
232 motor vehicle insurance policy for which a licensed



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233 general lines agent may charge a specified fee;  
234 conforming provisions to changes made by the act;  
235 amending s. 627.7415, F.S.; revising additional  
236 liability insurance requirements for commercial motor  
237 vehicles; creating s. 627.747, F.S.; providing that  
238 private passenger motor vehicle policies may exclude  
239 certain identified individuals from specified  
240 coverages under certain circumstances; providing that  
241 such policies may not exclude coverage under certain  
242 circumstances; amending s. 627.748, F.S.; revising  
243 insurance requirements for transportation network  
244 company drivers; conforming provisions to changes made  
245 by the act; amending s. 627.749, F.S.; conforming a  
246 provision to changes made by the act; amending s.  
247 627.8405, F.S.; revising coverages in a policy sold in  
248 combination with an accidental death and dismemberment  
249 policy which a premium finance company may not  
250 finance; revising rulemaking authority of the  
251 Financial Services Commission; amending ss. 627.915,  
252 628.909, 705.184, and 713.78, F.S.; conforming  
253 provisions to changes made by the act; making  
254 technical changes; amending s. 817.234, F.S.; revising  
255 coverages that are the basis of specified prohibited  
256 false and fraudulent insurance claims; conforming  
257 provisions to changes made by the act; providing an  
258 appropriation; providing effective dates.

259

260 Be It Enacted by the Legislature of the State of Florida:

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262 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,  
263 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,  
264 and 627.7405, Florida Statutes, are repealed.

265 Section 2. Section 627.7407, Florida Statutes, is repealed.

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

268 316.646 Security required; proof of security and display  
269 thereof.-

270 (1) Any person required by s. 324.022 to maintain liability  
271 security for property damage, ~~liability security, required by s.~~  
272 ~~324.023 to maintain liability security for bodily injury,~~ or  
273 ~~death, or required by s. 627.733 to maintain personal injury~~  
274 ~~protection security on a motor vehicle~~ shall have in his or her  
275 immediate possession at all times while operating such motor  
276 vehicle proper proof of maintenance of the ~~required~~ security  
277 required under s. 324.021(7).

278 (a) Such proof must ~~shall~~ be in a uniform paper or  
279 electronic format, as prescribed by the department, a valid  
280 insurance policy, an insurance policy binder, a certificate of  
281 insurance, or such other proof as may be prescribed by the  
282 department.

283 (b)1. The act of presenting to a law enforcement officer an  
284 electronic device displaying proof of insurance in an electronic  
285 format does not constitute consent for the officer to access any  
286 information on the device other than the displayed proof of  
287 insurance.

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

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

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291 318.18, Florida Statutes, is amended to read:

292 318.18 Amount of penalties.—The penalties required for a  
293 noncriminal disposition pursuant to s. 318.14 or a criminal  
294 offense listed in s. 318.17 are as follows:

295 (2) Thirty dollars for all nonmoving traffic violations  
296 and:

297 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,  
298 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.  
299 320.07(1) shall be charged a delinquent fee pursuant to s.  
300 320.07(4).

301 1. If a person who is cited for a violation of s. 320.0605  
302 or s. 320.07 can show proof of having a valid registration at  
303 the time of arrest, the clerk of the court may dismiss the case  
304 and may assess a dismissal fee of up to \$10, from which the  
305 clerk shall remit \$2.50 to the Department of Revenue for deposit  
306 into the General Revenue Fund. A person who finds it impossible  
307 or impractical to obtain a valid registration certificate must  
308 submit an affidavit detailing the reasons for the impossibility  
309 or impracticality. The reasons may include, but are not limited  
310 to, the fact that the vehicle was sold, stolen, or destroyed;  
311 that the state in which the vehicle is registered does not issue  
312 a certificate of registration; or that the vehicle is owned by  
313 another person.

314 2. If a person who is cited for a violation of s. 322.03,  
315 s. 322.065, or s. 322.15 can show a driver license issued to him  
316 or her and valid at the time of arrest, the clerk of the court  
317 may dismiss the case and may assess a dismissal fee of up to  
318 \$10, from which the clerk shall remit \$2.50 to the Department of  
319 Revenue for deposit into the General Revenue Fund.

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320           3. If a person who is cited for a violation of s. 316.646  
321 can show proof of security as required by s. 324.021(7) ~~s.~~  
322 ~~627.733~~, issued to the person and valid at the time of arrest,  
323 the clerk of the court may dismiss the case and may assess a  
324 dismissal fee of up to \$10, from which the clerk shall remit  
325 \$2.50 to the Department of Revenue for deposit into the General  
326 Revenue Fund. A person who finds it impossible or impractical to  
327 obtain proof of security must submit an affidavit detailing the  
328 reasons for the impracticality. The reasons may include, but are  
329 not limited to, the fact that the vehicle has since been sold,  
330 stolen, or destroyed; ~~that the owner or registrant of the~~  
331 ~~vehicle is not required by s. 627.733 to maintain personal~~  
332 ~~injury protection insurance;~~ or that the vehicle is owned by  
333 another person.

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

336           320.02 Registration required; application for registration;  
337 forms.—

338           (5) (a) Proof that bodily injury liability coverage and  
339 property damage liability coverage ~~personal injury protection~~  
340 ~~benefits~~ have been purchased if required under s. 324.022, s.  
341 324.032, or s. 627.742 ~~s. 627.733, that property damage~~  
342 ~~liability coverage has been purchased as required under s.~~  
343 324.022, that bodily injury liability ~~or death~~ coverage has been  
344 purchased if required under s. 324.023, and that combined bodily  
345 liability insurance and property damage liability insurance have  
346 been purchased if required under s. 627.7415 must ~~shall~~ be  
347 provided in the manner prescribed by law by the applicant at the  
348 time of application for registration of any motor vehicle that

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349 is subject to such requirements. The issuing agent may not ~~shall~~  
 350 ~~refuse to~~ issue registration if such proof of purchase is not  
 351 provided. Insurers shall furnish uniform proof-of-purchase cards  
 352 in a paper or electronic format in a form prescribed by the  
 353 department and include the name of the insured's insurance  
 354 company, the coverage identification number, and the make, year,  
 355 and vehicle identification number of the vehicle insured. The  
 356 card must contain a statement notifying the applicant of the  
 357 penalty specified under s. 316.646(4). The card or insurance  
 358 policy, insurance policy binder, or certificate of insurance or  
 359 a photocopy of any of these; an affidavit containing the name of  
 360 the insured's insurance company, the insured's policy number,  
 361 and the make and year of the vehicle insured; or such other  
 362 proof as may be prescribed by the department constitutes ~~shall~~  
 363 ~~constitute~~ sufficient proof of purchase. If an affidavit is  
 364 provided as proof, it must be in substantially the following  
 365 form:

366  
 367 Under penalty of perjury, I ...(Name of insured)... do hereby  
 368 certify that I have ...(bodily injury liability and Personal  
 369 ~~Injury Protection~~, property damage liability, ~~and, if required,~~  
 370 ~~Bodily Injury Liability~~)... insurance currently in effect with  
 371 ...(Name of insurance company)... under ...(policy number)...  
 372 covering ...(make, year, and vehicle identification number of  
 373 vehicle).... ...(Signature of Insured)...

374  
 375 Such affidavit must include the following warning:

376  
 377 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE

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378 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
379 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
380 SUBJECT TO PROSECUTION.

381  
382 If an application is made through a licensed motor vehicle  
383 dealer as required under s. 319.23, the original or a photocopy  
384 ~~photostatic copy~~ of such card, insurance policy, insurance  
385 policy binder, or certificate of insurance or the original  
386 affidavit from the insured must ~~shall~~ be forwarded by the dealer  
387 to the tax collector of the county or the Department of Highway  
388 Safety and Motor Vehicles for processing. By executing the  
389 ~~aforsaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not  
390 ~~will be~~ liable in damages for any inadequacy, insufficiency, or  
391 falsification of any statement contained therein. ~~A card must~~  
392 ~~also indicate the existence of any bodily injury liability~~  
393 ~~insurance voluntarily purchased.~~

394 (d) The verifying of ~~proof of personal injury protection~~  
395 ~~insurance, proof of property damage liability insurance, proof~~  
396 ~~of combined bodily liability insurance and property damage~~  
397 ~~liability insurance, or proof of financial responsibility~~  
398 ~~insurance~~ and the issuance or failure to issue the motor vehicle  
399 registration under ~~the provisions of~~ this chapter may not be  
400 construed in any court as a warranty of the reliability or  
401 accuracy of the evidence of such proof, or as meaning that the  
402 provisions of any insurance policy furnished as proof of  
403 financial responsibility comply with state law. Neither the  
404 department nor any tax collector is liable in damages for any  
405 inadequacy, insufficiency, falsification, or unauthorized  
406 modification of any item of ~~the proof of personal injury~~

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407 ~~protection insurance, proof of property damage liability~~  
408 ~~insurance, proof of combined bodily liability insurance and~~  
409 ~~property damage liability insurance, or proof of financial~~  
410 responsibility before ~~insurance prior to~~, during, or subsequent  
411 to the verification of the proof. The issuance of a motor  
412 vehicle registration does not constitute prima facie evidence or  
413 a presumption of insurance coverage.

414 Section 6. Paragraph (b) of subsection (1) of section  
415 320.0609, Florida Statutes, is amended to read:

416 320.0609 Transfer and exchange of registration license  
417 plates; transfer fee.—

418 (1)

419 (b) The transfer of a license plate from a vehicle disposed  
420 of to a newly acquired vehicle does not constitute a new  
421 registration. The application for transfer must ~~shall~~ be  
422 accepted without requiring proof of ~~personal injury protection~~  
423 ~~or~~ liability insurance.

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

427 320.27 Motor vehicle dealers.—

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

432 (g) "Garage liability insurance" means, beginning January  
433 1, 2022, combined single-limit liability coverage, including  
434 property damage and bodily injury liability coverage, in the  
435 amount of at least \$60,000.

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436 (3) APPLICATION AND FEE.—The ~~application for the~~ license  
437 application must ~~shall~~ be in such form as may be prescribed by  
438 the department and is ~~shall be~~ subject to such rules ~~with~~  
439 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.  
440 Such application must ~~shall~~ be verified by oath or affirmation  
441 and must ~~shall~~ contain a full statement of the name and birth  
442 date of the person or persons applying for the license ~~therefor~~;  
443 the name of the firm or copartnership, with the names and places  
444 of residence of all members ~~thereof~~, if such applicant is a firm  
445 or copartnership; the names and places of residence of the  
446 principal officers, if the applicant is a body corporate or  
447 other artificial body; the name of the state under whose laws  
448 the corporation is organized; the present and former place or  
449 places of residence of the applicant; and the prior business in  
450 which the applicant has been engaged and its ~~the~~ location  
451 ~~thereof~~. ~~The~~ ~~Such~~ application must ~~shall~~ describe the exact  
452 location of the place of business and must ~~shall~~ state whether  
453 the place of business is owned by the applicant and when  
454 acquired, or, if leased, a true copy of the lease must ~~shall~~ be  
455 attached to the application. The applicant shall certify that  
456 the location provides an adequately equipped office and is not a  
457 residence; that the location affords sufficient unoccupied space  
458 upon and within which adequately to store all motor vehicles  
459 offered and displayed for sale; and that the location is a  
460 suitable place where the applicant can in good faith carry on  
461 such business and keep and maintain books, records, and files  
462 necessary to conduct such business, which must ~~shall~~ be  
463 available at all reasonable hours to inspection by the  
464 department or any of its inspectors or other employees. The



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465 applicant shall certify that the business of a motor vehicle  
466 dealer is the principal business that will ~~which shall~~ be  
467 conducted at that location. The application must ~~shall~~ contain a  
468 statement that the applicant is either franchised by a  
469 manufacturer of motor vehicles, in which case the name of each  
470 motor vehicle that the applicant is franchised to sell must  
471 ~~shall~~ be included, or an independent (nonfranchised) motor  
472 vehicle dealer. The application must ~~shall~~ contain other  
473 relevant information as may be required by the department. The  
474 applicant shall furnish, including evidence, in a form approved  
475 by the department, that the applicant is insured under a garage  
476 liability insurance policy or a general liability insurance  
477 policy coupled with a business automobile policy having the  
478 coverages and limits of the garage liability insurance coverage  
479 in accordance with paragraph (1) (g), which shall include, at a  
480 minimum, \$25,000 combined single-limit liability coverage  
481 including bodily injury and property damage protection and  
482 \$10,000 personal injury protection. However, a salvage motor  
483 vehicle dealer as defined in subparagraph (1) (c)5. is exempt  
484 from the requirements for garage liability insurance ~~and~~  
485 ~~personal injury protection insurance~~ on those vehicles that  
486 cannot be legally operated on roads, highways, or streets in  
487 this state. Franchise dealers must submit a garage liability  
488 insurance policy, and all other dealers must submit a garage  
489 liability insurance policy or a general liability insurance  
490 policy coupled with a business automobile policy. Such policy  
491 must ~~shall~~ be for the license period, and evidence of a new or  
492 continued policy must ~~shall~~ be delivered to the department at  
493 the beginning of each license period. Upon making an initial

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494 application, the applicant shall pay to the department a fee of  
495 \$300 in addition to any other fees required by law. Applicants  
496 may choose to extend the licensure period for 1 additional year  
497 for a total of 2 years. An initial applicant shall pay to the  
498 department a fee of \$300 for the first year and \$75 for the  
499 second year, in addition to any other fees required by law. An  
500 applicant for renewal shall pay to the department \$75 for a 1-  
501 year renewal or \$150 for a 2-year renewal, in addition to any  
502 other fees required by law. Upon making an application for a  
503 change of location, the applicant ~~person~~ shall pay a fee of \$50  
504 in addition to any other fees now required by law. The  
505 department shall, in the case of every application for initial  
506 licensure, verify whether certain facts set forth in the  
507 application are true. Each applicant, general partner in the  
508 case of a partnership, or corporate officer and director in the  
509 case of a corporate applicant shall, ~~must~~ file a set of  
510 fingerprints with the department for the purpose of determining  
511 any prior criminal record or any outstanding warrants. The  
512 department shall submit the fingerprints to the Department of  
513 Law Enforcement for state processing and forwarding to the  
514 Federal Bureau of Investigation for federal processing. The  
515 actual cost of state and federal processing must ~~shall~~ be borne  
516 by the applicant and is in addition to the fee for licensure.  
517 The department may issue a license to an applicant pending the  
518 results of the fingerprint investigation, which license is fully  
519 revocable if the department subsequently determines that any  
520 facts set forth in the application are not true or correctly  
521 represented.

522 Section 8. Paragraph (j) of subsection (3) of section

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523 320.771, Florida Statutes, is amended to read:

524 320.771 License required of recreational vehicle dealers.—

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

529 (j) A statement that the applicant is insured under a  
530 garage liability insurance policy in accordance with s.  
531 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~  
532 ~~combined single-limit liability coverage, including bodily~~  
533 ~~injury and property damage protection, and \$10,000 personal~~  
534 ~~injury protection~~, if the applicant is to be licensed as a  
535 dealer in, or intends to sell, recreational vehicles. However, a  
536 garage liability policy is not required for the licensure of a  
537 mobile home dealer who sells only park trailers.

538  
539 The department shall, if it deems necessary, cause an  
540 investigation to be made to ascertain if the facts set forth in  
541 the application are true and may ~~shall~~ not issue a license to  
542 the applicant until it is satisfied that the facts set forth in  
543 the application are true.

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

546 322.251 Notice of cancellation, suspension, revocation, or  
547 disqualification of license.—

548 (1) All orders of cancellation, suspension, revocation, or  
549 disqualification issued under ~~the provisions of this chapter,~~  
550 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~  
551 be given either by personal delivery thereof to the licensee

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552 whose license is being canceled, suspended, revoked, or  
553 disqualified or by deposit in the United States mail in an  
554 envelope, first class, postage prepaid, addressed to the  
555 licensee at his or her last known mailing address furnished to  
556 the department. Such mailing by the department constitutes  
557 notification, and any failure by the person to receive the  
558 mailed order will not affect or stay the effective date or term  
559 of the cancellation, suspension, revocation, or disqualification  
560 of the licensee's driving privilege.

561 (2) The giving of notice and an order of cancellation,  
562 suspension, revocation, or disqualification by mail is complete  
563 upon expiration of 20 days after deposit in the United States  
564 mail for all notices except those issued under chapter 324 ~~or~~  
565 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in  
566 the United States mail. Proof of the giving of notice and an  
567 order of cancellation, suspension, revocation, or  
568 disqualification in either manner must ~~shall~~ be made by entry in  
569 the records of the department that such notice was given. The  
570 entry is admissible in the courts of this state and constitutes  
571 sufficient proof that such notice was given.

572 Section 10. Paragraph (a) of subsection (8) of section  
573 322.34, Florida Statutes, is amended to read:

574 322.34 Driving while license suspended, revoked, canceled,  
575 or disqualified.—

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

579 1. Whether the person's driver license is suspended or  
580 revoked, or the person is under suspension or revocation

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581 equivalent status.

582 2. Whether the person's driver license has remained  
583 suspended or revoked, or the person has been under suspension or  
584 revocation equivalent status, since a conviction for the offense  
585 of driving with a suspended or revoked license.

586 3. Whether the suspension, revocation, or suspension or  
587 revocation equivalent status was made under s. 316.646 ~~or s.~~  
588 ~~627.733~~, relating to failure to maintain required security, or  
589 under s. 322.264, relating to habitual traffic offenders.

590 4. Whether the driver is the registered owner or co-owner  
591 of the vehicle.

592 Section 11. Section 324.011, Florida Statutes, is amended  
593 to read:

594 324.011 Legislative intent; purpose of chapter.—It is the  
595 intent of the Legislature that this chapter ensure that the  
596 privilege of owning or operating a motor vehicle in this state  
597 be exercised ~~to recognize the existing privilege to own or~~  
598 ~~operate a motor vehicle on the public streets and highways of~~  
599 ~~this state when such vehicles are used~~ with due consideration  
600 for others' safety ~~others~~ and ~~their~~ property, promoting ~~and to~~  
601 ~~promote~~ safety, and providing ~~provide~~ financial security  
602 requirements for ~~such~~ owners and or operators whose  
603 responsibility it is to recompense others for injury to person  
604 or property caused by the operation of a motor vehicle.  
605 Therefore, the purpose of this chapter is to require that every  
606 owner or operator of a motor vehicle required to be registered  
607 in this state establish, maintain, and it is required herein  
608 ~~that the operator of a motor vehicle involved in a crash or~~  
609 ~~convicted of certain traffic offenses meeting the operative~~

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610 ~~provisions of s. 324.051(2) shall respond for such damages and~~  
 611 ~~show proof of financial ability to respond for damages~~ arising  
 612 out of the ownership, maintenance, or use of a motor vehicle in  
 613 ~~future accidents~~ as a requisite to owning or operating a motor  
 614 vehicle in this state ~~his or her future exercise of such~~  
 615 ~~privileges.~~

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

619 324.021 Definitions; minimum insurance required.—The  
 620 following words and phrases when used in this chapter shall, for  
 621 the purpose of this chapter, have the meanings respectively  
 622 ascribed to them in this section, except in those instances  
 623 where the context clearly indicates a different meaning:

624 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is  
 625 designed and required to be licensed for use upon a highway,  
 626 including trailers and semitrailers designed for use with such  
 627 vehicles, except traction engines, road rollers, farm tractors,  
 628 power shovels, and well drillers, and every vehicle that is  
 629 propelled by electric power obtained from overhead wires but not  
 630 operated upon rails, but not including any personal delivery  
 631 device or mobile carrier as defined in s. 316.003, bicycle,  
 632 electric bicycle, or moped. ~~However, the term "motor vehicle"~~  
 633 ~~does not include a motor vehicle as defined in s. 627.732(3)~~  
 634 ~~when the owner of such vehicle has complied with the~~  
 635 ~~requirements of ss. 627.730–627.7405, inclusive, unless the~~  
 636 ~~provisions of s. 324.051 apply; and, in such case, the~~  
 637 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

638 (7) PROOF OF FINANCIAL RESPONSIBILITY.—Beginning January 1,

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639 2022, That proof of ability to respond in damages for liability  
 640 on account of crashes arising out of the ownership, maintenance,  
 641 or use of a motor vehicle:

642 (a) With respect to a motor vehicle other than a commercial  
 643 motor vehicle, nonpublic sector bus, or for-hire passenger  
 644 transportation vehicle, in the amount of:

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

648 ~~(b)~~ subject to such limits for one person, in the amount of  
 649 \$50,000 for ~~\$20,000 because of~~ bodily injury to, or the death  
 650 of, two or more persons in any one crash; and

651 2. (e) Ten thousand dollars for damage ~~In the amount of~~  
 652 \$10,000 because of injury to, or destruction of, property of  
 653 others in any one crash. ~~and~~

654 ~~(b) (d)~~ With respect to commercial motor vehicles ~~and~~  
 655 ~~nonpublic sector buses,~~ in the amounts specified in s. 627.7415  
 656 ~~ss. 627.7415 and 627.742, respectively.~~

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

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

661 (9) OWNER; OWNER/LESSOR.—

662 (c) *Application.*—

663 1. The limits on liability in subparagraphs (b)2. and 3. do  
 664 not apply to an owner of motor vehicles that are used for  
 665 commercial activity in the owner's ordinary course of business,  
 666 other than a rental company that rents or leases motor vehicles.  
 667 For purposes of this paragraph, the term "rental company"

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668 includes only an entity that is engaged in the business of  
669 renting or leasing motor vehicles to the general public and that  
670 rents or leases a majority of its motor vehicles to persons with  
671 no direct or indirect affiliation with the rental company. The  
672 term "rental company" also includes:

673 a. A related rental or leasing company that is a subsidiary  
674 of the same parent company as that of the renting or leasing  
675 company that rented or leased the vehicle.

676 b. The holder of a motor vehicle title or an equity  
677 interest in a motor vehicle title if the title or equity  
678 interest is held pursuant to or to facilitate an asset-backed  
679 securitization of a fleet of motor vehicles used solely in the  
680 business of renting or leasing motor vehicles to the general  
681 public and under the dominion and control of a rental company,  
682 as described in this subparagraph, in the operation of such  
683 rental company's business.

684 2. Furthermore, with respect to commercial motor vehicles  
685 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on  
686 liability in subparagraphs (b)2. and 3. do not apply if, at the  
687 time of the incident, the commercial motor vehicle is being used  
688 in the transportation of materials found to be hazardous for the  
689 purposes of the Hazardous Materials Transportation Authorization  
690 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is  
691 required pursuant to such act to carry placards warning others  
692 of the hazardous cargo, unless at the time of lease or rental  
693 either:

694 a. The lessee indicates in writing that the vehicle will  
695 not be used to transport materials found to be hazardous for the  
696 purposes of the Hazardous Materials Transportation Authorization



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697 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

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

702       3.a. A motor vehicle dealer, or a motor vehicle dealer's  
703 leasing or rental affiliate, that provides a temporary  
704 replacement vehicle at no charge or at a reasonable daily charge  
705 to a service customer whose vehicle is being held for repair,  
706 service, or adjustment by the motor vehicle dealer is immune  
707 from any cause of action and is not liable, vicariously or  
708 directly, under general law solely by reason of being the owner  
709 of the temporary replacement vehicle for harm to persons or  
710 property that arises out of the use, or operation, of the  
711 temporary replacement vehicle by any person during the period  
712 the temporary replacement vehicle has been entrusted to the  
713 motor vehicle dealer's service customer if there is no  
714 negligence or criminal wrongdoing on the part of the motor  
715 vehicle owner, or its leasing or rental affiliate.

716       b. For purposes of this section, and notwithstanding any  
717 other provision of general law, a motor vehicle dealer, or a  
718 motor vehicle dealer's leasing or rental affiliate, that gives  
719 possession, control, or use of a temporary replacement vehicle  
720 to a motor vehicle dealer's service customer may not be adjudged  
721 liable in a civil proceeding absent negligence or criminal  
722 wrongdoing on the part of the motor vehicle dealer, or the motor  
723 vehicle dealer's leasing or rental affiliate, if the motor  
724 vehicle dealer or the motor vehicle dealer's leasing or rental  
725 affiliate executes a written rental or use agreement and obtains

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726 from the person receiving the temporary replacement vehicle a  
727 copy of the person's driver license and insurance information  
728 reflecting at least the minimum motor vehicle insurance coverage  
729 required in the state. Any subsequent determination that the  
730 driver license or insurance information provided to the motor  
731 vehicle dealer, or the motor vehicle dealer's leasing or rental  
732 affiliate, was in any way false, fraudulent, misleading,  
733 nonexistent, canceled, not in effect, or invalid does not alter  
734 or diminish the protections provided by this section, unless the  
735 motor vehicle dealer, or the motor vehicle dealer's leasing or  
736 rental affiliate, had actual knowledge thereof at the time  
737 possession of the temporary replacement vehicle was provided.

738 c. For purposes of this subparagraph, the term "service  
739 customer" does not include an agent or a principal of a motor  
740 vehicle dealer or a motor vehicle dealer's leasing or rental  
741 affiliate, and does not include an employee of a motor vehicle  
742 dealer or a motor vehicle dealer's leasing or rental affiliate  
743 unless the employee was provided a temporary replacement  
744 vehicle:

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

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

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

752 (12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every for-  
753 hire vehicle as defined in s. 320.01(15) which is offered or  
754 used to provide transportation for persons, including taxicabs,

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755 limousines, and jitneys.

756 Section 13. Section 324.022, Florida Statutes, is amended  
757 to read:

758 324.022 Financial responsibility requirements ~~for property~~  
759 ~~damage.~~

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

765 1. Twenty-five thousand dollars for bodily injury to, or  
766 the death of, one person in any one crash and, subject to such  
767 limits for one person, in the amount of \$50,000 for bodily  
768 injury to, or the death of, two or more persons in any one  
769 crash; and

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

772 (b) The requirements of paragraph (a) ~~this section~~ may be  
773 met by one of the methods established in s. 324.031; by self-  
774 insuring as authorized by s. 768.28(16); or by maintaining a  
775 motor vehicle liability insurance policy that ~~an insurance~~  
776 ~~policy providing coverage for property damage liability in the~~  
777 ~~amount of at least \$10,000 because of damage to, or destruction~~  
778 ~~of, property of others in any one accident arising out of the~~  
779 ~~use of the motor vehicle. The requirements of this section may~~  
780 ~~also be met by having a policy which provides~~ combined property  
781 damage liability and bodily injury liability coverage for any  
782 one crash arising out of the ownership, maintenance, or use of a  
783 motor vehicle and that conforms to the requirements of s.

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784 324.151 in the amount of at least \$60,000 for every owner or  
785 operator subject to the financial responsibility required in  
786 paragraph (a) \$30,000 for combined property damage liability and  
787 bodily injury liability for any one crash arising out of the use  
788 of the motor vehicle. The policy, with respect to coverage for  
789 property damage liability, must meet the applicable requirements  
790 of s. 324.151, subject to the usual policy exclusions that have  
791 been approved in policy forms by the Office of Insurance  
792 Regulation. No insurer shall have any duty to defend uncovered  
793 claims irrespective of their joinder with covered claims.

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

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

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

801 2. A motor vehicle that is used in mass transit and  
802 designed to transport more than five passengers, exclusive of  
803 the operator of the motor vehicle, and that is owned by a  
804 municipality, transit authority, or political subdivision of the  
805 state.

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

808 4. A commercial motor vehicle as defined in s. 207.002 or  
809 s. 320.01, which must maintain security as required under ss.  
810 324.031 and 627.7415.

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

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813 ~~6.4. A vehicle providing for-hire passenger transportation~~  
814 ~~vehicle, which must that is subject to the provisions of s.~~  
815 ~~324.031. A taxicab shall maintain security as required under s.~~  
816 ~~324.032 s. 324.032(1).~~

817 ~~7.5. A personal delivery device as defined in s. 316.003.~~

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

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

828 (4) An ~~The~~ owner or registrant of a motor vehicle who is  
829 ~~exempt from the requirements of this section if she or he is a~~  
830 member of the United States Armed Forces and is called to or on  
831 active duty outside the United States in an emergency situation  
832 is exempt from this section while he or she. ~~The exemption~~  
833 ~~provided by this subsection applies only as long as the member~~  
834 ~~of the Armed Forces is on such active duty.~~ This exemption  
835 ~~outside the United States and applies only while the vehicle~~  
836 covered by the security is not operated by any person. Upon  
837 receipt of a written request by the insured to whom the  
838 exemption provided in this subsection applies, the insurer shall  
839 cancel the coverages and return any unearned premium or suspend  
840 the security required by this section. Notwithstanding s.  
841 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the

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842 registration or operator's license of an ~~any~~ owner or registrant  
843 of a motor vehicle during the time she or he qualifies for the  
844 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant  
845 of a motor vehicle who qualifies for the ~~an~~ exemption under this  
846 subsection shall immediately notify the department before ~~prior~~  
847 ~~to~~ and at the end of the expiration of the exemption.

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

850 324.0221 Reports by insurers to the department; suspension  
851 of driver license and vehicle registrations; reinstatement.—

852 (1) (a) Each insurer that has issued a policy providing  
853 ~~personal injury protection coverage or property damage~~ liability  
854 coverage shall report the cancellation or nonrenewal thereof to  
855 the department within 10 days after the processing date or  
856 effective date of each cancellation or nonrenewal. Upon the  
857 issuance of a policy providing ~~personal injury protection~~  
858 ~~coverage or property damage~~ liability coverage to a named  
859 insured not previously insured by the insurer during that  
860 calendar year, the insurer shall report the issuance of the new  
861 policy to the department within 10 days. The report must ~~shall~~  
862 be in the form ~~and format~~ and contain any information required  
863 by the department and must be provided in a format that is  
864 compatible with the data processing capabilities of the  
865 department. Failure by an insurer to file proper reports with  
866 the department as required by this subsection constitutes a  
867 violation of the Florida Insurance Code. These records may ~~shall~~  
868 be used by the department only for enforcement and regulatory  
869 purposes, including the generation by the department of data  
870 regarding compliance by owners of motor vehicles with the

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871 requirements for financial responsibility coverage.

872 (b) With respect to an insurance policy providing ~~personal~~  
873 ~~injury protection coverage or property damage~~ liability  
874 coverage, each insurer shall notify the named insured, or the  
875 first-named insured in the case of a commercial fleet policy, in  
876 writing that any cancellation or nonrenewal of the policy will  
877 be reported by the insurer to the department. The notice must  
878 also inform the named insured that failure to maintain bodily  
879 injury liability ~~personal injury protection~~ coverage and  
880 property damage liability coverage on a motor vehicle when  
881 required by law may result in the loss of registration and  
882 driving privileges in this state and inform the named insured of  
883 the amount of the reinstatement fees required by this section.  
884 This notice is for informational purposes only, and an insurer  
885 is not civilly liable for failing to provide this notice.

886 (2) The department shall suspend, after due notice and an  
887 opportunity to be heard, the registration and driver license of  
888 any owner or registrant of a motor vehicle for ~~with respect to~~  
889 which security is required under s. 324.022, s. 324.032, s.  
890 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

895 (b) Notification by the insurer to the department, in a  
896 form approved by the department, of cancellation or termination  
897 of the required security.

898 Section 15. Section 324.0222, Florida Statutes, is created  
899 to read:

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900       324.0222 Application of suspensions for failure to maintain  
901 security; reinstatement.—All suspensions for failure to maintain  
902 required security as required by law in effect before January 1,  
903 2022, remain in full force and effect after January 1, 2022. A  
904 driver may reinstate a suspended driver license or registration  
905 as provided under s. 324.0221.

906       Section 16. Section 324.023, Florida Statutes, is amended  
907 to read:

908       324.023 Financial responsibility for bodily injury or  
909 death.—In addition to any other financial responsibility  
910 required by law, every owner or operator of a motor vehicle that  
911 is required to be registered in this state, or that is located  
912 within this state, and who, regardless of adjudication of guilt,  
913 has been found guilty of or entered a plea of guilty or nolo  
914 contendere to a charge of driving under the influence under s.  
915 316.193 after October 1, 2007, shall, by one of the methods  
916 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,  
917 establish and maintain the ability to respond in damages for  
918 liability on account of accidents arising out of the use of a  
919 motor vehicle in the amount of \$100,000 because of bodily injury  
920 to, or death of, one person in any one crash and, subject to  
921 such limits for one person, in the amount of \$300,000 because of  
922 bodily injury to, or death of, two or more persons in any one  
923 crash and in the amount of \$50,000 because of property damage in  
924 any one crash. If the owner or operator chooses to establish and  
925 maintain such ability by furnishing a certificate of deposit  
926 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of  
927 deposit must be at least \$350,000. Such higher limits must be  
928 carried for a minimum period of 3 years. If the owner or



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929 operator has not been convicted of driving under the influence  
930 or a felony traffic offense for a period of 3 years from the  
931 date of reinstatement of driving privileges for a violation of  
932 s. 316.193, the owner or operator is ~~shall be~~ exempt from this  
933 section.

934 Section 17. Section 324.031, Florida Statutes, is amended  
935 to read:

936 324.031 Manner of proving financial responsibility.—

937 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~  
938 ~~or any other for-hire passenger transportation vehicle may prove~~  
939 ~~financial responsibility by providing satisfactory evidence of~~  
940 ~~holding a motor vehicle liability policy as defined in s.~~  
941 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~  
942 ~~carrier which is a member of the Florida Insurance Guaranty~~  
943 ~~Association. The operator or owner of a motor vehicle other than~~  
944 ~~a for-hire passenger transportation vehicle any other vehicle~~  
945 may prove his or her financial responsibility by:

946 ~~(a) (1)~~ Furnishing satisfactory evidence of holding a motor  
947 vehicle liability policy as defined in ss. 324.021(8) and  
948 324.151 which provides liability coverage for the motor vehicle  
949 being operated;

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

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

954 (2) Beginning January 1, 2022, any person, including any  
955 firm, partnership, association, corporation, or other person,  
956 other than a natural person, electing to use the method of proof  
957 specified in paragraph (1) (b) subsection (2) shall do both of

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958 the following:

959 (a) Furnish a certificate of deposit equal to the number of  
960 vehicles owned times \$60,000 ~~\$30,000~~, up to a maximum of  
961 \$240,000. ~~\$120,000;~~

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

965 1. At least \$125,000 for bodily injury to, or the death of,  
966 one person in any one crash and, subject to such limits for one  
967 person, in the amount of \$250,000 for bodily injury to, or the  
968 death of, two or more persons in any one crash, and \$50,000 for  
969 damage to, or destruction of, property of others in any one  
970 crash; or

971 2. At least \$300,000 for combined bodily injury liability  
972 and property damage liability for any one crash ~~in excess of~~  
973 ~~limits of \$10,000/20,000/10,000 or \$30,000 combined single~~  
974 ~~limits, and such excess insurance shall provide minimum limits~~  
975 ~~of \$125,000/250,000/50,000 or \$300,000 combined single limits.~~  
976 ~~These increased limits shall not affect the requirements for~~  
977 ~~proving financial responsibility under s. 324.032(1).~~

978 Section 18. Section 324.032, Florida Statutes, is amended  
979 to read:

980 324.032 ~~Manner of proving~~ Financial responsibility for  
981 for-hire passenger transportation vehicles. ~~Notwithstanding the~~  
982 provisions of s. 324.031:

983 (1) An owner or a lessee of a for-hire passenger  
984 transportation vehicle that is required to be registered in this  
985 state shall establish and continuously maintain the ability to  
986 respond in damages for liability on account of accidents arising

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987 out of the ownership, maintenance, or use of the for-hire  
988 passenger transportation vehicle, in the amount of:

989 (a) One hundred twenty-five thousand dollars for bodily  
990 injury to, or the death of, one person in any one crash and,  
991 subject to such limits for one person, in the amount of \$250,000  
992 for bodily injury to, or the death of, two or more persons in  
993 any one crash; and ~~A person who is either the owner or a lessee~~  
994 ~~required to maintain insurance under s. 627.733(1) (b) and who~~  
995 ~~operates one or more taxicabs, limousines, jitneys, or any other~~  
996 ~~for-hire passenger transportation vehicles may prove financial~~  
997 ~~responsibility by furnishing satisfactory evidence of holding a~~  
998 ~~motor vehicle liability policy, but with minimum limits of~~  
999 ~~\$125,000/250,000/50,000.~~

1000 (b) Fifty thousand dollars for damage to, or destruction  
1001 of, property of others in any one crash ~~A person who is either~~  
1002 ~~the owner or a lessee required to maintain insurance under s.~~  
1003 ~~324.021(9) (b) and who operates limousines, jitneys, or any other~~  
1004 ~~for-hire passenger vehicles, other than taxicabs, may prove~~  
1005 ~~financial responsibility by furnishing satisfactory evidence of~~  
1006 ~~holding a motor vehicle liability policy as defined in s.~~  
1007 ~~324.031.~~

1008 (2) Except as provided in subsection (3), the requirements  
1009 of this section must be met by the owner or lessee providing  
1010 satisfactory evidence of holding a motor vehicle liability  
1011 policy conforming to the requirements of s. 324.151 which is  
1012 issued by an insurance carrier that is a member of the Florida  
1013 Insurance Guaranty Association.

1014 (3) ~~(2)~~ ~~An owner or a lessee who is required to maintain~~  
1015 ~~insurance under s. 324.021(9) (b) and who operates at least 300~~

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1016 ~~taxicabs, limousines, jitneys, or any other~~ for-hire passenger  
1017 transportation vehicles may provide financial responsibility by  
1018 complying with ~~the provisions of~~ s. 324.171, which must ~~such~~  
1019 ~~compliance~~ to be demonstrated by maintaining at its principal  
1020 place of business an audited financial statement, prepared in  
1021 accordance with generally accepted accounting principles, and  
1022 providing to the department a certification issued by a  
1023 certified public accountant that the applicant's net worth is at  
1024 least equal to the requirements of s. 324.171 as determined by  
1025 the Office of Insurance Regulation of the Financial Services  
1026 Commission, including claims liabilities in an amount certified  
1027 as adequate by a Fellow of the Casualty Actuarial Society.

1028  
1029 Upon request by the department, the applicant shall ~~must~~ provide  
1030 the department at the applicant's principal place of business in  
1031 this state access to the applicant's underlying financial  
1032 information and financial statements that provide the basis of  
1033 the certified public accountant's certification. The applicant  
1034 shall reimburse the requesting department for all reasonable  
1035 costs incurred by it in reviewing the supporting information.  
1036 The maximum amount of self-insurance permissible under this  
1037 subsection is \$300,000 and must be stated on a per-occurrence  
1038 basis, and the applicant shall maintain adequate excess  
1039 insurance issued by an authorized or eligible insurer licensed  
1040 or approved by the Office of Insurance Regulation. All risks  
1041 self-insured shall remain with the owner or lessee providing it,  
1042 and the risks are not transferable to any other person, unless a  
1043 policy complying with subsections (1) and (2) ~~subsection (1)~~ is  
1044 obtained.

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1045 Section 19. Paragraph (b) of subsection (2) of section  
1046 324.051, Florida Statutes, is amended to read:

1047 324.051 Reports of crashes; suspensions of licenses and  
1048 registrations.—

1049 (2)

1050 (b) This subsection does ~~shall~~ not apply:

1051 1. To such operator or owner if such operator or owner had  
1052 in effect at the time of such crash or traffic conviction a  
1053 motor vehicle ~~an automobile~~ liability policy with respect to all  
1054 of the registered motor vehicles owned by such operator or  
1055 owner.

1056 2. To such operator, if not the owner of such motor  
1057 vehicle, if there was in effect at the time of such crash or  
1058 traffic conviction a motor vehicle ~~an automobile~~ liability  
1059 policy or bond with respect to his or her operation of motor  
1060 vehicles not owned by him or her.

1061 3. To such operator or owner if the liability of such  
1062 operator or owner for damages resulting from such crash is, in  
1063 the judgment of the department, covered by any other form of  
1064 liability insurance or bond.

1065 4. To any person who has obtained from the department a  
1066 certificate of self-insurance, in accordance with s. 324.171, or  
1067 to any person operating a motor vehicle for such self-insurer.

1068  
1069 No such policy or bond shall be effective under this subsection  
1070 unless it contains limits of not less than those specified in s.  
1071 324.021(7).

1072 Section 20. Section 324.071, Florida Statutes, is amended  
1073 to read:

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1074           324.071 Reinstatement; renewal of license; reinstatement  
 1075 fee.—An ~~Any~~ operator or owner whose license or registration has  
 1076 been suspended pursuant to s. 324.051(2), s. 324.072, s.  
 1077 324.081, or s. 324.121 may effect its reinstatement upon  
 1078 compliance with ~~the provisions of~~ s. 324.051(2) (a)3. or 4., or  
 1079 s. 324.081(2) and (3), as the case may be, and with one of the  
 1080 provisions of s. 324.031 and upon payment to the department of a  
 1081 nonrefundable reinstatement fee of \$15. Only one such fee may  
 1082 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the  
 1083 number of licenses and registrations to be then reinstated or  
 1084 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to  
 1085 a department trust fund. If ~~When~~ the reinstatement of any  
 1086 license or registration is effected by compliance with s.  
 1087 324.051(2) (a)3. or 4., the department may ~~shall~~ not renew the  
 1088 license or registration within ~~a period of~~ 3 years after ~~from~~  
 1089 such reinstatement, nor may ~~shall~~ any other license or  
 1090 registration be issued in the name of such person, unless the  
 1091 operator continues ~~is continuing~~ to comply with ~~one of the~~  
 1092 ~~provisions of~~ s. 324.031.

1093           Section 21. Subsection (1) of section 324.091, Florida  
 1094 Statutes, is amended to read:

1095           324.091 Notice to department; notice to insurer.—

1096           (1) Each owner and operator involved in a crash or  
 1097 conviction case within the purview of this chapter shall furnish  
 1098 evidence of ~~automobile liability insurance or~~ motor vehicle  
 1099 liability insurance within 14 days after the date of the mailing  
 1100 of notice of crash by the department in the form and manner as  
 1101 it may designate. Upon receipt of evidence that a ~~an~~ ~~automobile~~  
 1102 ~~liability policy or~~ motor vehicle liability policy was in effect

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1103 at the time of the crash or conviction case, the department  
 1104 shall forward to the insurer such information for verification  
 1105 in a method as determined by the department. The insurer shall  
 1106 respond to the department within 20 days after the notice as to  
 1107 whether ~~or not~~ such information is valid. If the department  
 1108 determines that a ~~an automobile liability policy or~~ motor  
 1109 vehicle liability policy was not in effect and did not provide  
 1110 coverage for both the owner and the operator, it must ~~shall~~ take  
 1111 action as it is authorized to do under this chapter.

1112 Section 22. Section 324.151, Florida Statutes, is amended  
 1113 to read:

1114 324.151 Motor vehicle liability policies; required  
 1115 provisions.-

1116 (1) A motor vehicle liability policy that serves as to be  
 1117 proof of financial responsibility under s. 324.031(1)(a) must ~~s.~~  
 1118 ~~324.031(1), shall~~ be issued to owners or operators of motor  
 1119 vehicles under the following provisions:

1120 (a) A motor vehicle ~~An owner's~~ liability insurance policy  
 1121 issued to an owner of a motor vehicle required to be registered  
 1122 in this state must ~~shall~~ designate by explicit description or by  
 1123 appropriate reference all motor vehicles for ~~with respect to~~  
 1124 which coverage is thereby granted. The policy must ~~and shall~~  
 1125 insure the person or persons ~~owner~~ named therein and, except for  
 1126 a named driver excluded pursuant to s. 627.747, must insure any  
 1127 resident relative of a named insured ~~other person as operator~~  
 1128 ~~using such motor vehicle or motor vehicles with the express or~~  
 1129 ~~implied permission of such owner against loss from the liability~~  
 1130 imposed by law for damage arising out of the ownership,  
 1131 maintenance, or use of any ~~such~~ motor vehicle ~~or motor vehicles~~

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1132 ~~within the United States or the Dominion of Canada, subject to~~  
1133 ~~limits, exclusive of interest and costs with respect to each~~  
1134 ~~such motor vehicle as is provided for under s. 324.021(7).~~  
1135 Except for a named driver excluded pursuant to s. 627.747, the  
1136 policy must also insure any person operating an insured motor  
1137 vehicle with the express or implied permission of a named  
1138 insured against loss from the liability imposed by law for  
1139 damage arising out of the use of any vehicle. However, the  
1140 insurer may include provisions in its policy excluding liability  
1141 coverage for a motor vehicle not designated as an insured  
1142 vehicle on the policy if such motor vehicle does not qualify as  
1143 a newly acquired vehicle or as a temporary substitute vehicle  
1144 and was owned by the insured or was furnished for an insured's  
1145 regular use for more than 30 consecutive days before the event  
1146 giving rise to the claim. Insurers may make available, with  
1147 respect to property damage liability coverage, a deductible  
1148 amount not to exceed \$500. In the event of a property damage  
1149 loss covered by a policy containing a property damage deductible  
1150 provision, the insurer shall pay to the third-party claimant the  
1151 amount of any property damage liability settlement or judgment,  
1152 subject to policy limits, as if no deductible existed.

1153 (b) A motor vehicle liability insurance policy issued to a  
1154 person who does not own a motor vehicle must ~~An operator's motor~~  
1155 ~~vehicle liability policy of insurance shall~~ insure the person or  
1156 persons ~~named therein against loss from the liability imposed~~  
1157 ~~upon him or her by law for damages arising out of the use by the~~  
1158 ~~person of any motor vehicle not owned by him or her, with the~~  
1159 ~~same territorial limits and subject to the same limits of~~  
1160 ~~liability as referred to above with respect to an owner's policy~~



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1161 ~~of liability insurance.~~

1162 (c) All such motor vehicle liability policies must provide  
1163 liability coverage with limits, exclusive of interest and costs,  
1164 as specified under s. 324.021(7) for accidents occurring within  
1165 the United States or Canada. The policies must ~~shall~~ state the  
1166 name and address of the named insured, the coverage afforded by  
1167 the policy, the premium charged therefor, the policy period, and  
1168 the limits of liability, and must ~~shall~~ contain an agreement or  
1169 be endorsed that insurance is provided in accordance with the  
1170 coverage defined in this chapter ~~as respects bodily injury and~~  
1171 ~~death or property damage or both~~ and is subject to ~~all~~  
1172 ~~provisions~~ of this chapter. ~~The said~~ policies must ~~shall~~ also  
1173 contain a provision that the satisfaction by an insured of a  
1174 judgment for such injury or damage may ~~shall~~ not be a condition  
1175 precedent to the right or duty of the insurance carrier to make  
1176 payment on account of such injury or damage, and must ~~shall~~ also  
1177 contain a provision that bankruptcy or insolvency of the insured  
1178 or of the insured's estate does ~~shall~~ not relieve the insurance  
1179 carrier of any of its obligations under the said policy.

1180 (2) ~~The provisions of~~ This section is ~~shall~~ not be  
1181 applicable to any motor vehicle ~~automobile~~ liability policy  
1182 unless and until it is furnished as proof of financial  
1183 responsibility for the future pursuant to s. 324.031, and then  
1184 applies only from ~~and after~~ the date the said policy is ~~so~~  
1185 furnished.

1186 (3) As used in this section, the term:

1187 (a) "Newly acquired vehicle" means a vehicle owned by a  
1188 named insured or resident relative of the named insured which  
1189 was acquired no more than 30 days before an accident.

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1190 (b) "Resident relative" means a person related to a named  
1191 insured by any degree by blood, marriage, or adoption, including  
1192 a ward or foster child, who usually makes his or her home in the  
1193 same family unit or residence as the named insured, regardless  
1194 of whether he or she temporarily lives elsewhere.

1195 (c) "Temporary substitute vehicle" means any motor vehicle  
1196 as defined in s. 320.01(1) which is not owned by the named  
1197 insured and which is temporarily used with the permission of the  
1198 owner as a substitute for the owned motor vehicle designated on  
1199 the policy when the owned vehicle is withdrawn from normal use  
1200 because of breakdown, repair, servicing, loss, or destruction.

1201 Section 23. Section 324.161, Florida Statutes, is amended  
1202 to read:

1203 324.161 Proof of financial responsibility; deposit.—If a  
1204 person elects to prove his or her financial responsibility under  
1205 the method of proof specified in s. 324.031(1)(b), he or she  
1206 annually must obtain and submit to the department proof of a  
1207 certificate of deposit in the amount required under s.  
1208 324.031(2) from a financial institution insured by the Federal  
1209 Deposit Insurance Corporation or the National Credit Union  
1210 Administration Annually, before any certificate of insurance may  
1211 be issued to a person, including any firm, partnership,  
1212 association, corporation, or other person, other than a natural  
1213 person, proof of a certificate of deposit of \$30,000 issued and  
1214 held by a financial institution must be submitted to the  
1215 department. A power of attorney will be issued to and held by  
1216 the department and may be executed upon a judgment issued  
1217 against such person making the deposit, for damages for because  
1218 ~~of~~ bodily injury to or death of any person or for damages for

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1219 ~~because of~~ injury to or destruction of property resulting from  
 1220 the use or operation of any motor vehicle occurring after such  
 1221 deposit was made. Money so deposited is ~~shall~~ not ~~be~~ subject to  
 1222 attachment or execution unless such attachment or execution  
 1223 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages ~~as~~  
 1224 ~~aforsaid.~~

1225 Section 24. Subsections (1) and (2) of section 324.171,  
 1226 Florida Statutes, are amended to read:

1227 324.171 Self-insurer.—

1228 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining  
 1229 a certificate of self-insurance from the department. ~~which may,~~  
 1230 ~~in its discretion and~~ Upon application of such a person, the  
 1231 department may issue a ~~said~~ certificate of self-insurance to an  
 1232 applicant who satisfies ~~when such person has satisfied~~ the  
 1233 requirements of this section. Effective January 1, 2022 ~~to~~  
 1234 ~~qualify as a self-insurer under this section:~~

1235 (a) A private individual with private passenger vehicles  
 1236 shall possess a net unencumbered worth of at least \$100,000  
 1237 ~~\$40,000~~.

1238 (b) A person, including any firm, partnership, association,  
 1239 corporation, or other person, other than a natural person,  
 1240 shall:

1241 1. Possess a net unencumbered worth of at least \$100,000  
 1242 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each  
 1243 additional motor vehicle; or

1244 2. Maintain sufficient net worth, in an amount determined  
 1245 by the department, to be financially responsible for potential  
 1246 losses. The department annually shall determine the minimum net  
 1247 worth sufficient to satisfy this subparagraph ~~as determined~~

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1248 annually by the department, pursuant to rules adopted  
1249 ~~promulgated~~ by the department, with the assistance of the Office  
1250 of Insurance Regulation of the Financial Services Commission, ~~to~~  
1251 ~~be financially responsible for potential losses~~. The rules must  
1252 consider any ~~shall take into consideration~~ excess insurance  
1253 carried by the applicant. The department's determination must  
1254 ~~shall~~ be based upon reasonable actuarial principles considering  
1255 the frequency, severity, and loss development of claims incurred  
1256 by casualty insurers writing coverage on the type of motor  
1257 vehicles for which a certificate of self-insurance is desired.

1258 (c) The owner of a commercial motor vehicle, as defined in  
1259 s. 207.002 or s. 320.01, may qualify as a self-insurer subject  
1260 to the standards provided ~~for~~ in subparagraph (b)2.

1261 (2) The self-insurance certificate must ~~shall~~ provide  
1262 limits of liability insurance in the amounts specified under s.  
1263 324.021(7) ~~or s. 627.7415~~ and ~~shall provide personal injury~~  
1264 ~~protection coverage under s. 627.733(3)(b)~~.

1265 Section 25. Section 324.251, Florida Statutes, is amended  
1266 to read:

1267 324.251 Short title.—This chapter may be cited as the  
1268 "Financial Responsibility Law of 2021 1955" and is ~~shall become~~  
1269 effective at 12:01 a.m., January 1, 2022 ~~October 1, 1955~~.

1270 Section 26. Subsection (4) of section 400.9905, Florida  
1271 Statutes, is amended to read:

1272 400.9905 Definitions.—

1273 (4) (a) "Clinic" means an entity where health care services  
1274 are provided to individuals and which tenders charges for  
1275 reimbursement for such services, including a mobile clinic and a  
1276 portable equipment provider. As used in this part, the term does

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1277 not include and the licensure requirements of this part do not  
1278 apply to:

1279 1.~~(a)~~ Entities licensed or registered by the state under  
1280 chapter 395; entities licensed or registered by the state and  
1281 providing only health care services within the scope of services  
1282 authorized under their respective licenses under ss. 383.30-  
1283 383.332, chapter 390, chapter 394, chapter 397, this chapter  
1284 except part X, chapter 429, chapter 463, chapter 465, chapter  
1285 466, chapter 478, chapter 484, or chapter 651; end-stage renal  
1286 disease providers authorized under 42 C.F.R. part 494; providers  
1287 certified and providing only health care services within the  
1288 scope of services authorized under their respective  
1289 certifications under 42 C.F.R. part 485, subpart B, subpart H,  
1290 or subpart J; providers certified and providing only health care  
1291 services within the scope of services authorized under their  
1292 respective certifications under 42 C.F.R. part 486, subpart C;  
1293 providers certified and providing only health care services  
1294 within the scope of services authorized under their respective  
1295 certifications under 42 C.F.R. part 491, subpart A; providers  
1296 certified by the Centers for Medicare and Medicaid Services  
1297 under the federal Clinical Laboratory Improvement Amendments and  
1298 the federal rules adopted thereunder; or any entity that  
1299 provides neonatal or pediatric hospital-based health care  
1300 services or other health care services by licensed practitioners  
1301 solely within a hospital licensed under chapter 395.

1302 2.~~(b)~~ Entities that own, directly or indirectly, entities  
1303 licensed or registered by the state pursuant to chapter 395;  
1304 entities that own, directly or indirectly, entities licensed or  
1305 registered by the state and providing only health care services

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1306 within the scope of services authorized pursuant to their  
1307 respective licenses under ss. 383.30-383.332, chapter 390,  
1308 chapter 394, chapter 397, this chapter except part X, chapter  
1309 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
1310 484, or chapter 651; end-stage renal disease providers  
1311 authorized under 42 C.F.R. part 494; providers certified and  
1312 providing only health care services within the scope of services  
1313 authorized under their respective certifications under 42 C.F.R.  
1314 part 485, subpart B, subpart H, or subpart J; providers  
1315 certified and providing only health care services within the  
1316 scope of services authorized under their respective  
1317 certifications under 42 C.F.R. part 486, subpart C; providers  
1318 certified and providing only health care services within the  
1319 scope of services authorized under their respective  
1320 certifications under 42 C.F.R. part 491, subpart A; providers  
1321 certified by the Centers for Medicare and Medicaid Services  
1322 under the federal Clinical Laboratory Improvement Amendments and  
1323 the federal rules adopted thereunder; or any entity that  
1324 provides neonatal or pediatric hospital-based health care  
1325 services by licensed practitioners solely within a hospital  
1326 licensed under chapter 395.

1327 3.(e) Entities that are owned, directly or indirectly, by  
1328 an entity licensed or registered by the state pursuant to  
1329 chapter 395; entities that are owned, directly or indirectly, by  
1330 an entity licensed or registered by the state and providing only  
1331 health care services within the scope of services authorized  
1332 pursuant to their respective licenses under ss. 383.30-383.332,  
1333 chapter 390, chapter 394, chapter 397, this chapter except part  
1334 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter

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1335 478, chapter 484, or chapter 651; end-stage renal disease  
1336 providers authorized under 42 C.F.R. part 494; providers  
1337 certified and providing only health care services within the  
1338 scope of services authorized under their respective  
1339 certifications under 42 C.F.R. part 485, subpart B, subpart H,  
1340 or subpart J; providers certified and providing only health care  
1341 services within the scope of services authorized under their  
1342 respective certifications under 42 C.F.R. part 486, subpart C;  
1343 providers certified and providing only health care services  
1344 within the scope of services authorized under their respective  
1345 certifications under 42 C.F.R. part 491, subpart A; providers  
1346 certified by the Centers for Medicare and Medicaid Services  
1347 under the federal Clinical Laboratory Improvement Amendments and  
1348 the federal rules adopted thereunder; or any entity that  
1349 provides neonatal or pediatric hospital-based health care  
1350 services by licensed practitioners solely within a hospital  
1351 under chapter 395.

1352 4.~~(d)~~ Entities that are under common ownership, directly  
1353 or indirectly, with an entity licensed or registered by the  
1354 state pursuant to chapter 395; entities that are under common  
1355 ownership, directly or indirectly, with an entity licensed or  
1356 registered by the state and providing only health care services  
1357 within the scope of services authorized pursuant to their  
1358 respective licenses under ss. 383.30-383.332, chapter 390,  
1359 chapter 394, chapter 397, this chapter except part X, chapter  
1360 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
1361 484, or chapter 651; end-stage renal disease providers  
1362 authorized under 42 C.F.R. part 494; providers certified and  
1363 providing only health care services within the scope of services

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1364 authorized under their respective certifications under 42 C.F.R.  
1365 part 485, subpart B, subpart H, or subpart J; providers  
1366 certified and providing only health care services within the  
1367 scope of services authorized under their respective  
1368 certifications under 42 C.F.R. part 486, subpart C; providers  
1369 certified and providing only health care services within the  
1370 scope of services authorized under their respective  
1371 certifications under 42 C.F.R. part 491, subpart A; providers  
1372 certified by the Centers for Medicare and Medicaid Services  
1373 under the federal Clinical Laboratory Improvement Amendments and  
1374 the federal rules adopted thereunder; or any entity that  
1375 provides neonatal or pediatric hospital-based health care  
1376 services by licensed practitioners solely within a hospital  
1377 licensed under chapter 395.

1378 5.(e) An entity that is exempt from federal taxation under  
1379 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan  
1380 under 26 U.S.C. s. 409 that has a board of trustees at least  
1381 two-thirds of which are Florida-licensed health care  
1382 practitioners and provides only physical therapy services under  
1383 physician orders, any community college or university clinic,  
1384 and any entity owned or operated by the federal or state  
1385 government, including agencies, subdivisions, or municipalities  
1386 thereof.

1387 6.(f) A sole proprietorship, group practice, partnership,  
1388 or corporation that provides health care services by physicians  
1389 covered by s. 627.419, that is directly supervised by one or  
1390 more of such physicians, and that is wholly owned by one or more  
1391 of those physicians or by a physician and the spouse, parent,  
1392 child, or sibling of that physician.



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1393        7.~~(g)~~ A sole proprietorship, group practice, partnership,  
1394 or corporation that provides health care services by licensed  
1395 health care practitioners under chapter 457, chapter 458,  
1396 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
1397 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
1398 chapter 490, chapter 491, or part I, part III, part X, part  
1399 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
1400 wholly owned by one or more licensed health care practitioners,  
1401 or the licensed health care practitioners set forth in this  
1402 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling  
1403 of a licensed health care practitioner if one of the owners who  
1404 is a licensed health care practitioner is supervising the  
1405 business activities and is legally responsible for the entity's  
1406 compliance with all federal and state laws. However, a health  
1407 care practitioner may not supervise services beyond the scope of  
1408 the practitioner's license, except that, for the purposes of  
1409 this part, a clinic owned by a licensee in s. 456.053(3)(b)  
1410 which provides only services authorized pursuant to s.  
1411 456.053(3)(b) may be supervised by a licensee specified in s.  
1412 456.053(3)(b).

1413        8.~~(h)~~ Clinical facilities affiliated with an accredited  
1414 medical school at which training is provided for medical  
1415 students, residents, or fellows.

1416        9.~~(i)~~ Entities that provide only oncology or radiation  
1417 therapy services by physicians licensed under chapter 458 or  
1418 chapter 459 or entities that provide oncology or radiation  
1419 therapy services by physicians licensed under chapter 458 or  
1420 chapter 459 which are owned by a corporation whose shares are  
1421 publicly traded on a recognized stock exchange.

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1422        10.~~(j)~~ Clinical facilities affiliated with a college of  
1423 chiropractic accredited by the Council on Chiropractic Education  
1424 at which training is provided for chiropractic students.

1425        11.~~(k)~~ Entities that provide licensed practitioners to  
1426 staff emergency departments or to deliver anesthesia services in  
1427 facilities licensed under chapter 395 and that derive at least  
1428 90 percent of their gross annual revenues from the provision of  
1429 such services. Entities claiming an exemption from licensure  
1430 under this subparagraph ~~paragraph~~ must provide documentation  
1431 demonstrating compliance.

1432        12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or  
1433 perinatology clinical facilities or anesthesia clinical  
1434 facilities that are not otherwise exempt under subparagraph 1.  
1435 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are  
1436 a publicly traded corporation or are wholly owned, directly or  
1437 indirectly, by a publicly traded corporation. As used in this  
1438 subparagraph ~~paragraph~~, a publicly traded corporation is a  
1439 corporation that issues securities traded on an exchange  
1440 registered with the United States Securities and Exchange  
1441 Commission as a national securities exchange.

1442        13.~~(m)~~ Entities that are owned by a corporation that has  
1443 \$250 million or more in total annual sales of health care  
1444 services provided by licensed health care practitioners where  
1445 one or more of the persons responsible for the operations of the  
1446 entity is a health care practitioner who is licensed in this  
1447 state and who is responsible for supervising the business  
1448 activities of the entity and is responsible for the entity's  
1449 compliance with state law for purposes of this part.

1450        14.~~(n)~~ Entities that employ 50 or more licensed health care

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1451 practitioners licensed under chapter 458 or chapter 459 where  
1452 the billing for medical services is under a single tax  
1453 identification number. The application for exemption under this  
1454 subsection must include ~~shall contain information that includes:~~  
1455 the name, residence, and business address and telephone ~~phone~~  
1456 number of the entity that owns the practice; a complete list of  
1457 the names and contact information of all the officers and  
1458 directors of the corporation; the name, residence address,  
1459 business address, and medical license number of each licensed  
1460 Florida health care practitioner employed by the entity; the  
1461 corporate tax identification number of the entity seeking an  
1462 exemption; a listing of health care services to be provided by  
1463 the entity at the health care clinics owned or operated by the  
1464 entity; and a certified statement prepared by an independent  
1465 certified public accountant which states that the entity and the  
1466 health care clinics owned or operated by the entity have not  
1467 received payment for health care services under medical payments  
1468 ~~personal injury protection insurance~~ coverage for the preceding  
1469 year. If the agency determines that an entity that ~~which~~ is  
1470 exempt under this subsection has received payments for medical  
1471 services under medical payments ~~personal injury protection~~  
1472 ~~insurance~~ coverage, the agency may deny or revoke the exemption  
1473 from licensure under this subsection.

1474 15. ~~(e)~~ Entities that are, directly or indirectly, under the  
1475 common ownership of or that are subject to common control by a  
1476 mutual insurance holding company, as defined in s. 628.703, with  
1477 an entity issued a certificate of authority under chapter 624 or  
1478 chapter 641 which has \$1 billion or more in total annual sales  
1479 in this state.

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1480        16.~~(p)~~ Entities that are owned by an entity that is a  
1481 behavioral health care service provider in at least five other  
1482 states; that, together with its affiliates, have \$90 million or  
1483 more in total annual revenues associated with the provision of  
1484 behavioral health care services; and wherein one or more of the  
1485 persons responsible for the operations of the entity is a health  
1486 care practitioner who is licensed in this state, who is  
1487 responsible for supervising the business activities of the  
1488 entity, and who is responsible for the entity's compliance with  
1489 state law for purposes of this part.

1490        17.~~(q)~~ Medicaid providers.

1491        (b) Notwithstanding paragraph (a) this subsection, an  
1492 entity is shall be deemed a clinic and must be licensed under  
1493 this part in order to receive medical payments coverage  
1494 reimbursement under s. 627.7265 unless the entity is:

1495        1. Wholly owned by a physician licensed under chapter 458  
1496 or chapter 459, or by the physician and the spouse, parent,  
1497 child, or sibling of the physician;

1498        2. Wholly owned by a dentist licensed under chapter 466, or  
1499 by the dentist and the spouse, parent, child, or sibling of the  
1500 dentist;

1501        3. Wholly owned by a chiropractic physician licensed under  
1502 chapter 460, or by the chiropractic physician and the spouse,  
1503 parent, child, or sibling of the chiropractic physician;

1504        4. A hospital or ambulatory surgical center licensed under  
1505 chapter 395;

1506        5. An entity that wholly owns or is wholly owned, directly  
1507 or indirectly, by a hospital or hospitals licensed under chapter  
1508 395;

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1509       6. A clinical facility affiliated with an accredited  
1510 medical school at which training is provided for medical  
1511 students, residents, or fellows;

1512       7. Certified under 42 C.F.R. part 485, subpart H; or

1513       8. Owned by a publicly traded corporation, either directly  
1514 or indirectly through its subsidiaries, which has \$250 million  
1515 or more in total annual sales of health care services provided  
1516 by licensed health care practitioners, if one or more of the  
1517 persons responsible for the operations of the entity are health  
1518 care practitioners who are licensed in this state and are  
1519 responsible for supervising the business activities of the  
1520 entity and the entity's compliance with state law for purposes  
1521 of this subsection the Florida Motor Vehicle No-Fault Law, ss.  
1522 627.730-627.7405, unless exempted under s. 627.736(5)(h).

1523       Section 27. Subsection (5) of section 400.991, Florida  
1524 Statutes, is amended to read:

1525       400.991 License requirements; background screenings;  
1526 prohibitions.—

1527       (5) All agency forms for licensure application or exemption  
1528 from licensure under this part must contain the following  
1529 statement:

1530

1531       INSURANCE FRAUD NOTICE.—A person commits a fraudulent  
1532 insurance act, as defined in s. 626.989, Florida  
1533 Statutes, if the person ~~who~~ knowingly submits a false,  
1534 misleading, or fraudulent application or other  
1535 document when applying for licensure as a health care  
1536 clinic, seeking an exemption from licensure as a  
1537 health care clinic, or demonstrating compliance with

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1538 part X of chapter 400, Florida Statutes, with the  
 1539 intent to use the license, exemption from licensure,  
 1540 or demonstration of compliance to provide services or  
 1541 seek reimbursement under a motor vehicle liability  
 1542 insurance policy's medical payments coverage ~~the~~  
 1543 ~~Florida Motor Vehicle No-Fault Law, commits a~~  
 1544 ~~fraudulent insurance act, as defined in s. 626.989,~~  
 1545 ~~Florida Statutes.~~ A person who presents a claim for  
 1546 benefits under medical payments coverage ~~personal~~  
 1547 ~~injury protection benefits~~ knowing that the payee  
 1548 knowingly submitted such health care clinic  
 1549 application or document, commits insurance fraud, as  
 1550 defined in s. 817.234, Florida Statutes.

1551 Section 28. Paragraph (g) of subsection (1) of section  
 1552 400.9935, Florida Statutes, is amended to read:

1553 400.9935 Clinic responsibilities.—

1554 (1) Each clinic shall appoint a medical director or clinic  
 1555 director who shall agree in writing to accept legal  
 1556 responsibility for the following activities on behalf of the  
 1557 clinic. The medical director or the clinic director shall:

1558 (g) Conduct systematic reviews of clinic billings to ensure  
 1559 that the billings are not fraudulent or unlawful. Upon discovery  
 1560 of an unlawful charge, the medical director or clinic director  
 1561 shall take immediate corrective action. If the clinic performs  
 1562 only the technical component of magnetic resonance imaging,  
 1563 static radiographs, computed tomography, or positron emission  
 1564 tomography, and provides the professional interpretation of such  
 1565 services, in a fixed facility that is accredited by a national  
 1566 accrediting organization that is approved by the Centers for

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1567 Medicare and Medicaid Services for magnetic resonance imaging  
1568 and advanced diagnostic imaging services and if, in the  
1569 preceding quarter, the percentage of scans performed by that  
1570 clinic which was billed to motor vehicle ~~all personal injury~~  
1571 ~~protection~~ insurance carriers under medical payments coverage  
1572 was less than 15 percent, the chief financial officer of the  
1573 clinic may, in a written acknowledgment provided to the agency,  
1574 assume the responsibility for the conduct of the systematic  
1575 reviews of clinic billings to ensure that the billings are not  
1576 fraudulent or unlawful.

1577 Section 29. Subsection (28) of section 409.901, Florida  
1578 Statutes, is amended to read:

1579 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
1580 409.901-409.920, except as otherwise specifically provided, the  
1581 term:

1582 (28) "Third-party benefit" means any benefit that is or may  
1583 be available at any time through contract, court award,  
1584 judgment, settlement, agreement, or any arrangement between a  
1585 third party and any person or entity, including, without  
1586 limitation, a Medicaid recipient, a provider, another third  
1587 party, an insurer, or the agency, for any Medicaid-covered  
1588 injury, illness, goods, or services, including costs of medical  
1589 services related thereto, for bodily ~~personal~~ injury or for  
1590 death of the recipient, but specifically excluding ~~policies of~~  
1591 life insurance policies on the recipient, unless available under  
1592 terms of the policy to pay medical expenses before ~~prior to~~  
1593 death. The term includes, without limitation, collateral, as  
1594 defined in this section; ~~;~~ health insurance; ~~;~~ any benefit under a  
1595 health maintenance organization, a preferred provider

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1596 arrangement, a prepaid health clinic, liability insurance,  
1597 uninsured motorist insurance, or medical payments coverage; or  
1598 ~~personal injury protection coverage,~~ medical benefits under  
1599 workers' compensation, and any obligation under law or equity to  
1600 provide medical support.

1601 Section 30. Paragraph (f) of subsection (11) of section  
1602 409.910, Florida Statutes, is amended to read:

1603 409.910 Responsibility for payments on behalf of Medicaid-  
1604 eligible persons when other parties are liable.-

1605 (11) The agency may, as a matter of right, in order to  
1606 enforce its rights under this section, institute, intervene in,  
1607 or join any legal or administrative proceeding in its own name  
1608 in one or more of the following capacities: individually, as  
1609 subrogee of the recipient, as assignee of the recipient, or as  
1610 lienholder of the collateral.

1611 (f) Notwithstanding any provision in this section to the  
1612 contrary, in the event of an action in tort against a third  
1613 party in which the recipient or his or her legal representative  
1614 is a party which results in a judgment, award, or settlement  
1615 from a third party, the amount recovered shall be distributed as  
1616 follows:

1617 1. After attorney ~~attorney's~~ fees and taxable costs as  
1618 defined by the Florida Rules of Civil Procedure, one-half of the  
1619 remaining recovery shall be paid to the agency up to the total  
1620 amount of medical assistance provided by Medicaid.

1621 2. The remaining amount of the recovery shall be paid to  
1622 the recipient.

1623 3. For purposes of calculating the agency's recovery of  
1624 medical assistance benefits paid, the fee for services of an



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1625 attorney retained by the recipient or his or her legal  
1626 representative shall be calculated at 25 percent of the  
1627 judgment, award, or settlement.

1628 4. Notwithstanding any other provision of this section to  
1629 the contrary, the agency shall be entitled to all medical  
1630 coverage benefits up to the total amount of medical assistance  
1631 provided by Medicaid. For purposes of this paragraph, the term  
1632 "medical coverage" means any benefits under health insurance, a  
1633 health maintenance organization, a preferred provider  
1634 arrangement, or a prepaid health clinic, and the portion of  
1635 benefits designated for medical payments under ~~coverage for~~  
1636 workers' compensation coverage, motor vehicle insurance  
1637 coverage, personal injury protection, and casualty coverage.

1638 Section 31. Paragraph (k) of subsection (2) of section  
1639 456.057, Florida Statutes, is amended to read:

1640 456.057 Ownership and control of patient records; report or  
1641 copies of records to be furnished; disclosure of information.-

1642 (2) As used in this section, the terms "records owner,"  
1643 "health care practitioner," and "health care practitioner's  
1644 employer" do not include any of the following persons or  
1645 entities; furthermore, the following persons or entities are not  
1646 authorized to acquire or own medical records, but are authorized  
1647 under the confidentiality and disclosure requirements of this  
1648 section to maintain those documents required by the part or  
1649 chapter under which they are licensed or regulated:

1650 (k) Persons or entities practicing under s. 627.7265 ~~s.~~  
1651 ~~627.736(7)~~.

1652 Section 32. Paragraphs (ee) and (ff) of subsection (1) of  
1653 section 456.072, Florida Statutes, are amended to read:

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1654 456.072 Grounds for discipline; penalties; enforcement.—

1655 (1) The following acts shall constitute grounds for which  
1656 the disciplinary actions specified in subsection (2) may be  
1657 taken:

1658 (ee) With respect to making a medical payments coverage  
1659 ~~personal injury protection~~ claim under s. 627.7265 as required  
1660 ~~by s. 627.736~~, intentionally submitting a claim, statement, or  
1661 bill that has been upcoded. As used in this paragraph, the term  
1662 "upcoded" means an action that submits a billing code that would  
1663 result in a greater payment amount than would be paid using a  
1664 billing code that accurately describes the services performed.  
1665 The term does not include an otherwise lawful bill by a magnetic  
1666 resonance imaging facility which globally combines both  
1667 technical and professional components, if the amount of the  
1668 global bill is not more than the components if billed  
1669 separately; however, payment of such a bill constitutes payment  
1670 in full for all components of such service "upcoded" as defined  
1671 in s. 627.732.

1672 (ff) With respect to making a medical payments coverage  
1673 ~~personal injury protection~~ claim pursuant to s. 627.7265 as  
1674 ~~required by s. 627.736~~, intentionally submitting a claim,  
1675 statement, or bill for payment of services that were not  
1676 rendered.

1677 Section 33. Subsections (5) and (8) of section 624.155,  
1678 Florida Statutes, are amended to read:

1679 624.155 Civil remedy.—

1680 (5) No punitive damages shall be awarded under this section  
1681 unless the civil action is not subject to s. 624.156 and the  
1682 acts giving rise to the violation occur with such frequency as

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1683 to indicate a general business practice and these acts are:

1684 (a) Willful, wanton, and malicious;

1685 (b) In reckless disregard for the rights of any insured; or

1686 (c) In reckless disregard for the rights of a beneficiary  
1687 under a life insurance contract.

1688  
1689 Any person who pursues a claim under this subsection shall post  
1690 in advance the costs of discovery. Such costs shall be awarded  
1691 to the authorized insurer if no punitive damages are awarded to  
1692 the plaintiff.

1693 (8) The civil remedy specified in this section does not  
1694 preempt any other remedy or cause of action provided for  
1695 pursuant to any other statute or pursuant to the common law of  
1696 this state. ~~A Any person is may obtain a judgment under either~~  
1697 ~~the common law remedy of bad faith or this statutory remedy, but~~  
1698 ~~shall not be~~ entitled to a judgment under multiple bad faith  
1699 ~~both~~ remedies, whether under statute or common law. This section  
1700 shall not be construed to create a common-law cause of action.  
1701 The damages recoverable pursuant to this section shall include  
1702 those damages which are a reasonably foreseeable result of a  
1703 specified violation of this section by the authorized insurer  
1704 and may include an award or judgment in an amount that exceeds  
1705 the policy limits.

1706 Section 34. Section 624.156, Florida Statutes, is created  
1707 to read:

1708 624.156 Bad faith failure to settle actions against motor  
1709 vehicle insurers.-

1710 (1) SCOPE.-

1711 (a) Except as provided in paragraph (b), this section

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1712 applies in all actions for bad faith failure to settle, whether  
1713 under statute or common law, against any insurer for a loss  
1714 arising out of the ownership, maintenance, or use of a motor  
1715 vehicle operated or principally garaged in this state at the  
1716 time of an accident, regardless of whether the insurer is  
1717 authorized to do business in this state or issued a policy in  
1718 this state.

1719 (b) Subsections (5)-(10) and (13) apply only to third-party  
1720 bad faith failure to settle actions not brought pursuant to s.  
1721 624.155 against any insurer for a loss arising out of the  
1722 ownership, maintenance, or use of a motor vehicle operated or  
1723 principally garaged in this state at the time of an accident,  
1724 regardless of whether the insurer is authorized to do business  
1725 in this state or issued a policy in this state.

1726 (2) DUTY OF GOOD FAITH.—In handling claims, an insurer  
1727 stands as a fiduciary for its insured and must handle claims in  
1728 good faith. The insurer shall comply with the best practice  
1729 standards of subsection (4) using the same degree of care and  
1730 diligence as a person of ordinary care and prudence would  
1731 exercise in the management of his or her own business.

1732 (3) BAD FAITH FAILURE TO SETTLE.—“Bad faith failure to  
1733 settle” means an insurer’s failure to settle a claim when, under  
1734 all the circumstances, it could and should have done so, had it  
1735 acted fairly and honestly toward its insured and with due regard  
1736 for the insured’s interests.

1737 (4) BEST PRACTICE STANDARDS.—Upon the earlier of receiving  
1738 notice of a claim or, under subsection (6), a demand for  
1739 settlement, an insurer must do all of the following:

1740 (a) Assign a duly licensed and appointed insurance adjuster

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1741 to investigate the claim and resolve any questions concerning  
1742 the existence or extent of the insured's coverage.

1743 (b) Evaluate every claim fairly, honestly, and with due  
1744 regard for the interests of its insured, consider the full  
1745 extent of the claimant's recoverable damages, and consider the  
1746 information in a reasonable and prudent manner.

1747 (c) Request from the insured or claimant additional  
1748 relevant information deemed necessary.

1749 (d) Conduct all verbal and written communications with the  
1750 utmost honesty and complete candor.

1751 (e) Make reasonable efforts to explain to nonattorneys  
1752 matters requiring expertise beyond the level normally expected  
1753 of a layperson with no training in insurance or claims-handling  
1754 issues.

1755 (f) Save all written communications and note and save all  
1756 verbal communications in a reasonable manner.

1757 (g) Provide the insured, upon request, with all  
1758 nonprivileged communications related to the insurer's handling  
1759 of the claim.

1760 (h) Provide, at the insurer's expense, reasonable  
1761 accommodations necessary to communicate effectively with an  
1762 insured covered under the Americans with Disabilities Act.

1763 (i) In handling first-party claims, communicate to an  
1764 insured:

1765 1. Information on who is adjusting the claim;

1766 2. Any issues that may impair the insured's coverage;

1767 3. Information that might resolve the issue in a prompt  
1768 manner;

1769 4. Any basis for the insurer's rejection or nonacceptance

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1770 of any settlement offer; and

1771 5. Any needed extensions to respond to a time-limited  
1772 settlement offer.

1773 (j) In handling third-party claims, communicate to an  
1774 insured:

1775 1. The identity of any other person or entity the insurer  
1776 knows may be liable;

1777 2. The insurer's activity on and evaluation of the claim;

1778 3. The likelihood and possible extent of an excess  
1779 judgment;

1780 4. Steps the insured can take to avoid exposure to an  
1781 excess judgment;

1782 5. Requests for examinations under oath and an explanation  
1783 of the consequences of an insured's failure to submit to an  
1784 examination under oath; and

1785 6. Any demands for settlement under subsection (6) or  
1786 settlement offers.

1787 (k) When a loss involves multiple claimants and the  
1788 claimants are unwilling to settle cumulatively within the policy  
1789 limits and release the insured from further liability, in  
1790 addition to fulfilling the requirements of paragraphs (a)-(j),  
1791 attempt to minimize the risk of excess judgments against the  
1792 insured and settle as many claims as possible within the policy  
1793 limits in exchange for a release of the insured from further  
1794 liability.

1795 (5) CONDITIONS PRECEDENT.—Except for actions filed under s.  
1796 624.155, it is a condition precedent to filing a third-party  
1797 action for bad faith failure to settle against an insurer that  
1798 the claimant must:

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1799 (a) Serve a demand for settlement, as provided in  
1800 subsection (6), within the insurer's limits of liability in  
1801 exchange for a release of further liability against the insured;  
1802 and

1803 (b) Obtain a final judgment in excess of the policy limits  
1804 against the insured.

1805 (6) DEMAND FOR SETTLEMENT.—A demand for settlement must do  
1806 all of the following:

1807 (a) Identify the:

1808 1. Date and location of loss;

1809 2. Name, address, and date of birth of the claimant;

1810 3. Name of each insured to whom the demand for settlement  
1811 is directed; and

1812 4. Legal and factual basis of the claim.

1813 (b) Provide a reasonably detailed description of the  
1814 claimant's:

1815 1. Known injuries caused or aggravated by the incident on  
1816 which the claim is based;

1817 2. Medical treatment causally related to the incident on  
1818 which the claim is based; and

1819 3. Type and amount of known damages incurred and, if any,  
1820 the damages the claimant reasonably anticipates incurring in the  
1821 future.

1822 (c) State the amount of the demand for settlement.

1823 (d) State whether the demand for settlement is conditioned  
1824 on the completion of an examination under oath, as authorized by  
1825 subsection (8).

1826 (e) Provide a physical address, an e-mail address, and a  
1827 facsimile number for further communications, including, but not

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1828 limited to, responses to the demand for settlement.

1829 (f) Release the insured from any further liability upon the  
1830 insurer's acceptance of a demand for settlement which is not  
1831 withdrawn pursuant to paragraph (8) (e) or paragraph (8) (g), or  
1832 accepted pursuant to paragraph (8) (f).

1833 (g) Be served upon the insurer by certified mail at the  
1834 address designated by the insurer with the Department of  
1835 Financial Services under s. 624.422(2).

1836 (7) LIMITATIONS ON CONDITIONS OF ACCEPTANCE OF A DEMAND.—A  
1837 claimant may not place any conditions on acceptance of a demand  
1838 for settlement other than electing the right to examine the  
1839 insured under oath regarding any of the following:

1840 (a) Whether the insured has the ability to satisfy a claim  
1841 for damages in excess of the insurer's limits of liability.

1842 (b) Whether any other person or entity may have actual or  
1843 potential direct or vicarious liability for the insured's  
1844 negligence.

1845 (c) Whether any other insurance exists which may cover some  
1846 or all of the damages sustained by the claimant.

1847 (8) EXAMINATION UNDER OATH.—After serving a demand for  
1848 settlement, a claimant may examine the insured under oath, on  
1849 one occasion for a period of time not to exceed 2 hours,  
1850 regarding only the issues in subsection (7).

1851 (a) The claimant may request that the insured bring to the  
1852 examination relevant documents in the insured's possession,  
1853 custody, or control, including, but not limited to, credit  
1854 reports, insurance policies, bank statements, tax returns,  
1855 deeds, titles, and other proof of assets or liabilities.

1856 (b) The claimant may not examine the insured regarding



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1857 liability.

1858 (c) The claimant, the insurer, and the insured shall  
1859 cooperate in scheduling the examination under oath. The insurer  
1860 shall notify the insured of the date, time, and location of the  
1861 examination under oath.

1862 (d) The examination under oath must occur within 30 days  
1863 after the insurer's acceptance of the settlement demand.

1864 (e) The claimant may withdraw the demand for settlement if  
1865 the insured refuses to submit to an examination under oath.

1866 (f) If the insured refuses to submit to an examination  
1867 under oath, the insurer may accept the demand for settlement  
1868 without requiring a release of the insured. An insurer that  
1869 accepts the demand for settlement pursuant to this paragraph  
1870 does not have any further duty to defend the insured and may not  
1871 be held liable for damages to the insured if the claimant  
1872 thereafter obtains an excess judgment against the insured.

1873 (g) Within 7 days after the examination under oath, the  
1874 claimant may withdraw the demand for settlement.

1875 (9) SAFE HARBOR.—In all third-party actions for bad faith  
1876 failure to settle not brought under s. 624.155, an insurer may  
1877 not be held liable if it tenders its policy limits within 30  
1878 days of receiving a demand for settlement under subsection (6).

1879 (10) RELEASE.—An insurer that accepts a demand for  
1880 settlement under subsection (6) shall be entitled to a release  
1881 of its insured, except as provided in paragraph (8)(f).

1882 (11) BURDEN OF PROOF.—In any action for bad faith failure  
1883 to settle, whether under statute or common law, the claimant  
1884 must prove by the preponderance of the evidence that the insurer  
1885 violated its duty of good faith under subsection (2) and that

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1886 the insurer in bad faith failed to settle, as defined in  
1887 subsection (3).

1888 (a) In determining whether an insurer violated its duty of  
1889 good faith under subsection (2) and in bad faith failed to  
1890 settle, as defined in subsection (3), the trier of fact shall  
1891 consider all of the following:

1892 1. Whether the insurer complied with the best practice  
1893 standards of subsection (4) using the same degree of care and  
1894 diligence as a person of ordinary care and prudence would  
1895 exercise in the management of his or her own business.

1896 2. Whether the insurer failed to settle a claim when, under  
1897 all the circumstances, it could and should have done so, had it  
1898 acted fairly and honestly toward its insured and with due regard  
1899 for the insured's interests.

1900 3. Whether the claimant or insured failed to provide  
1901 relevant information to the insurer on a timely basis.

1902 4. Whether the claimant or insured misrepresented material  
1903 facts to the insurer or made material omissions of fact to the  
1904 insurer.

1905 5. In third-party bad faith failure to settle actions not  
1906 brought under s. 624.155, whether the insured denied liability  
1907 or requested that the case be defended after the insurer fully  
1908 advised the insured as to the facts and risks.

1909 6. In third-party bad faith failure to settle actions not  
1910 brought under s. 624.155, whether the insurer timely informed  
1911 the insured of a demand to settle within the limits of coverage,  
1912 the right to retain personal counsel, and the risk of  
1913 litigation.

1914 7. The insurer's willingness to negotiate with the claimant

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1915 in anticipation of settlement.

1916 8. The amount of damages the claimant incurred or was  
1917 likely to incur in the future under the facts known or  
1918 reasonably available at the time of the insurer's response.

1919 9. If applicable, whether there were multiple third-party  
1920 claimants seeking, in the aggregate, compensation in excess of  
1921 the policy limits from the insured; and, if so, whether the  
1922 insurer breached its duty to attempt to minimize the magnitude  
1923 of possible excess judgments against the insured and to attempt  
1924 to settle as many claims as possible within the policy limits in  
1925 exchange for a release of the insured from further liability.

1926 10. Additional factors that the court determines to be  
1927 relevant.

1928 (b) The trier of fact, in determining whether an insurer in  
1929 bad faith failed to settle, must be informed that an excess  
1930 judgment occurred but may not be informed of the amount of the  
1931 excess judgment.

1932 (12) DAMAGES.—An insurer that is found to have violated its  
1933 duty of good faith under subsection (2) and in bad faith failed  
1934 to settle, as defined in subsection (3), is liable for the  
1935 amount of any excess judgment. No other damages are permitted in  
1936 a bad faith failure to settle action, whether under statute or  
1937 common law. A party may not claim punitive damages for bad faith  
1938 failure to settle, whether under statute or common law.

1939 (13) ENFORCEMENT.—If a judgment creditor has served a  
1940 demand for settlement under subsection (6), and the judgment  
1941 exceeds the insured's limits of liability, the judgment creditor  
1942 must be subrogated to the rights of the insured against the  
1943 insurer for common law bad faith.

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1944       (14) LIMITATION ON MULTIPLE REMEDIES.—A person is not  
 1945 entitled to a judgment under multiple bad faith remedies,  
 1946 whether under statute or common law.

1947       (15) APPLICATION OF S. 624.155.—The provisions of s.  
 1948 624.155 are applicable in all cases brought pursuant to that  
 1949 section, except as modified by this section.

1950           Section 35. Paragraphs (i) and (o) of subsection (1) of  
 1951 section 626.9541, Florida Statutes, are amended to read:

1952           626.9541 Unfair methods of competition and unfair or  
 1953 deceptive acts or practices defined.—

1954           (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
 1955 ACTS.—The following are defined as unfair methods of competition  
 1956 and unfair or deceptive acts or practices:

1957           (i) *Unfair claim settlement practices.*—

1958           1. Attempting to settle claims on the basis of an  
 1959 application, when serving as a binder or intended to become a  
 1960 part of the policy, or any other material document which was  
 1961 altered without notice to, or knowledge or consent of, the  
 1962 insured;

1963           2. Making a material misrepresentation ~~made~~ to an insured  
 1964 or any other person having an interest in the proceeds payable  
 1965 under such contract or policy, for the purpose and with the  
 1966 intent of effecting settlement of such claims, loss, or damage  
 1967 under such contract or policy on less favorable terms than those  
 1968 provided in, and contemplated by, such contract or policy; ~~or~~

1969           3. Committing or performing with such frequency as to  
 1970 indicate a general business practice any of the following:

1971           a. Failing to adopt and implement standards for the proper  
 1972 investigation of claims;

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- 1973           b. Misrepresenting pertinent facts or insurance policy  
1974 provisions relating to coverages at issue;
- 1975           c. Failing to acknowledge and act promptly upon  
1976 communications with respect to claims;
- 1977           d. Denying claims without conducting reasonable  
1978 investigations based upon available information;
- 1979           e. Failing to affirm or deny full or partial coverage of  
1980 claims, and, as to partial coverage, the dollar amount or extent  
1981 of coverage, or failing to provide a written statement that the  
1982 claim is being investigated, upon the written request of the  
1983 insured within 30 days after proof-of-loss statements have been  
1984 completed;
- 1985           f. Failing to promptly provide a reasonable explanation in  
1986 writing to the insured of the basis in the insurance policy, in  
1987 relation to the facts or applicable law, for denial of a claim  
1988 or for the offer of a compromise settlement;
- 1989           g. Failing to promptly notify the insured of any additional  
1990 information necessary for the processing of a claim; or
- 1991           h. Failing to clearly explain the nature of the requested  
1992 information and the reasons why such information is necessary.
- 1993           ~~i. Failing to pay personal injury protection insurance  
1994 claims within the time periods required by s. 627.736(4)(b). The  
1995 office may order the insurer to pay restitution to a  
1996 policyholder, medical provider, or other claimant, including  
1997 interest at a rate consistent with the amount set forth in s.  
1998 55.03(1), for the time period within which an insurer fails to  
1999 pay claims as required by law. Restitution is in addition to any  
2000 other penalties allowed by law, including, but not limited to,  
2001 the suspension of the insurer's certificate of authority.~~

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2002           4. Failing to pay undisputed amounts of partial or full  
2003 benefits owed under first-party property insurance policies  
2004 within 90 days after an insurer receives notice of a residential  
2005 property insurance claim, determines the amounts of partial or  
2006 full benefits, and agrees to coverage, unless payment of the  
2007 undisputed benefits is prevented by an act of God, prevented by  
2008 the impossibility of performance, or due to actions by the  
2009 insured or claimant that constitute fraud, lack of cooperation,  
2010 or intentional misrepresentation regarding the claim for which  
2011 benefits are owed.

2012           (o) *Illegal dealings in premiums; excess or reduced charges*  
2013 *for insurance.*—

2014           1. Knowingly collecting any sum as a premium or charge for  
2015 insurance, which is not then provided, or is not in due course  
2016 to be provided, subject to acceptance of the risk by the  
2017 insurer, by an insurance policy issued by an insurer as  
2018 permitted by this code.

2019           2. Knowingly collecting as a premium or charge for  
2020 insurance any sum in excess of or less than the premium or  
2021 charge applicable to such insurance, in accordance with the  
2022 applicable classifications and rates as filed with and approved  
2023 by the office, and as specified in the policy; or, in cases when  
2024 classifications, premiums, or rates are not required by this  
2025 code to be so filed and approved, premiums and charges collected  
2026 from a Florida resident in excess of or less than those  
2027 specified in the policy and as fixed by the insurer.

2028 Notwithstanding any other provision of law, this provision shall  
2029 not be deemed to prohibit the charging and collection, by  
2030 surplus lines agents licensed under part VIII of this chapter,

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2031 of the amount of applicable state and federal taxes, or fees as  
 2032 authorized by s. 626.916(4), in addition to the premium required  
 2033 by the insurer or the charging and collection, by licensed  
 2034 agents, of the exact amount of any discount or other such fee  
 2035 charged by a credit card facility in connection with the use of  
 2036 a credit card, as authorized by subparagraph (q)3., in addition  
 2037 to the premium required by the insurer. This subparagraph shall  
 2038 not be construed to prohibit collection of a premium for a  
 2039 universal life or a variable or indeterminate value insurance  
 2040 policy made in accordance with the terms of the contract.

2041 3.a. Imposing or requesting an additional premium for  
 2042 bodily injury liability coverage, property damage liability  
 2043 coverage ~~a policy of motor vehicle liability, personal injury~~  
 2044 ~~protection,~~ medical payments coverage ~~payment,~~ or collision  
 2045 coverage in a motor vehicle liability insurance policy ~~insurance~~  
 2046 ~~or any combination thereof~~ or refusing to renew the policy  
 2047 solely because the insured was involved in a motor vehicle  
 2048 accident unless the insurer's file contains information from  
 2049 which the insurer in good faith determines that the insured was  
 2050 substantially at fault in the accident.

2051 b. An insurer which imposes and collects such a surcharge  
 2052 or which refuses to renew such policy shall, in conjunction with  
 2053 the notice of premium due or notice of nonrenewal, notify the  
 2054 named insured that he or she is entitled to reimbursement of  
 2055 such amount or renewal of the policy under the conditions listed  
 2056 below and will subsequently reimburse him or her or renew the  
 2057 policy, if the named insured demonstrates that the operator  
 2058 involved in the accident was:

2059 (I) Lawfully parked;

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2060 (II) Reimbursed by, or on behalf of, a person responsible  
2061 for the accident or has a judgment against such person;

2062 (III) Struck in the rear by another vehicle headed in the  
2063 same direction and was not convicted of a moving traffic  
2064 violation in connection with the accident;

2065 (IV) Hit by a "hit-and-run" driver, if the accident was  
2066 reported to the proper authorities within 24 hours after  
2067 discovering the accident;

2068 (V) Not convicted of a moving traffic violation in  
2069 connection with the accident, but the operator of the other  
2070 automobile involved in such accident was convicted of a moving  
2071 traffic violation;

2072 (VI) Finally adjudicated not to be liable by a court of  
2073 competent jurisdiction;

2074 (VII) In receipt of a traffic citation which was dismissed  
2075 or nolle prossed; or

2076 (VIII) Not at fault as evidenced by a written statement  
2077 from the insured establishing facts demonstrating lack of fault  
2078 which are not rebutted by information in the insurer's file from  
2079 which the insurer in good faith determines that the insured was  
2080 substantially at fault.

2081 c. In addition to the other provisions of this  
2082 subparagraph, an insurer may not fail to renew a policy if the  
2083 insured has had only one accident in which he or she was at  
2084 fault within the current 3-year period. However, an insurer may  
2085 nonrenew a policy for reasons other than accidents in accordance  
2086 with s. 627.728. This subparagraph does not prohibit nonrenewal  
2087 of a policy under which the insured has had three or more  
2088 accidents, regardless of fault, during the most recent 3-year



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2089 period.

2090 4. Imposing or requesting an additional premium for, or  
2091 refusing to renew, a policy for motor vehicle insurance solely  
2092 because the insured committed a noncriminal traffic infraction  
2093 as described in s. 318.14 unless the infraction is:

2094 a. A second infraction committed within an 18-month period,  
2095 or a third or subsequent infraction committed within a 36-month  
2096 period.

2097 b. A violation of s. 316.183, when such violation is a  
2098 result of exceeding the lawful speed limit by more than 15 miles  
2099 per hour.

2100 5. Upon the request of the insured, the insurer and  
2101 licensed agent shall supply to the insured the complete proof of  
2102 fault or other criteria which justifies the additional charge or  
2103 cancellation.

2104 6. No insurer shall impose or request an additional premium  
2105 for motor vehicle insurance, cancel or refuse to issue a policy,  
2106 or refuse to renew a policy because the insured or the applicant  
2107 is a handicapped or physically disabled person, so long as such  
2108 handicap or physical disability does not substantially impair  
2109 such person's mechanically assisted driving ability.

2110 7. No insurer may cancel or otherwise terminate any  
2111 insurance contract or coverage, or require execution of a  
2112 consent to rate endorsement, during the stated policy term for  
2113 the purpose of offering to issue, or issuing, a similar or  
2114 identical contract or coverage to the same insured with the same  
2115 exposure at a higher premium rate or continuing an existing  
2116 contract or coverage with the same exposure at an increased  
2117 premium.

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2118           8. No insurer may issue a nonrenewal notice on any  
2119 insurance contract or coverage, or require execution of a  
2120 consent to rate endorsement, for the purpose of offering to  
2121 issue, or issuing, a similar or identical contract or coverage  
2122 to the same insured at a higher premium rate or continuing an  
2123 existing contract or coverage at an increased premium without  
2124 meeting any applicable notice requirements.

2125           9. No insurer shall, with respect to premiums charged for  
2126 motor vehicle insurance, unfairly discriminate solely on the  
2127 basis of age, sex, marital status, or scholastic achievement.

2128           10. Imposing or requesting an additional premium for motor  
2129 vehicle comprehensive or uninsured motorist coverage solely  
2130 because the insured was involved in a motor vehicle accident or  
2131 was convicted of a moving traffic violation.

2132           11. No insurer shall cancel or issue a nonrenewal notice on  
2133 any insurance policy or contract without complying with any  
2134 applicable cancellation or nonrenewal provision required under  
2135 the Florida Insurance Code.

2136           12. No insurer shall impose or request an additional  
2137 premium, cancel a policy, or issue a nonrenewal notice on any  
2138 insurance policy or contract because of any traffic infraction  
2139 when adjudication has been withheld and no points have been  
2140 assessed pursuant to s. 318.14(9) and (10). However, this  
2141 subparagraph does not apply to traffic infractions involving  
2142 accidents in which the insurer has incurred a loss due to the  
2143 fault of the insured.

2144           Section 36. Paragraph (a) of subsection (1) of section  
2145 626.989, Florida Statutes, is amended to read:

2146           626.989 Investigation by department or Division of

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2147 Investigative and Forensic Services; compliance; immunity;  
2148 confidential information; reports to division; division  
2149 investigator's power of arrest.—

2150 (1) For the purposes of this section:

2151 (a) A person commits a "fraudulent insurance act" if the  
2152 person:

2153 1. Knowingly and with intent to defraud presents, causes to  
2154 be presented, or prepares with knowledge or belief that it will  
2155 be presented, to or by an insurer, self-insurer, self-insurance  
2156 fund, servicing corporation, purported insurer, broker, or any  
2157 agent thereof, any written statement as part of, or in support  
2158 of, an application for the issuance of, or the rating of, any  
2159 insurance policy, or a claim for payment or other benefit  
2160 pursuant to any insurance policy, which the person knows to  
2161 contain materially false information concerning any fact  
2162 material thereto or if the person conceals, for the purpose of  
2163 misleading another, information concerning any fact material  
2164 thereto.

2165 2. Knowingly submits:

2166 a. A false, misleading, or fraudulent application or other  
2167 document when applying for licensure as a health care clinic,  
2168 seeking an exemption from licensure as a health care clinic, or  
2169 demonstrating compliance with part X of chapter 400 with an  
2170 intent to use the license, exemption from licensure, or  
2171 demonstration of compliance to provide services or seek  
2172 reimbursement under a motor vehicle liability insurance policy's  
2173 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~  
2174 ~~Law~~.

2175 b. A claim for payment or other benefit under medical

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2176 ~~payments coverage, pursuant to a personal injury protection~~  
2177 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if  
2178 the person knows that the payee knowingly submitted a false,  
2179 misleading, or fraudulent application or other document when  
2180 applying for licensure as a health care clinic, seeking an  
2181 exemption from licensure as a health care clinic, or  
2182 demonstrating compliance with part X of chapter 400.

2183 Section 37. Subsection (1) of section 627.06501, Florida  
2184 Statutes, is amended to read:

2185 627.06501 Insurance discounts for certain persons  
2186 completing driver improvement course.—

2187 (1) Any rate, rating schedule, or rating manual for the  
2188 liability, medical payments ~~personal injury protection~~, and  
2189 collision coverages of a motor vehicle insurance policy filed  
2190 with the office may provide for an appropriate reduction in  
2191 premium charges as to such coverages if ~~when~~ the principal  
2192 operator on the covered vehicle has successfully completed a  
2193 driver improvement course approved and certified by the  
2194 Department of Highway Safety and Motor Vehicles which is  
2195 effective in reducing crash or violation rates, or both, as  
2196 determined pursuant to s. 318.1451(5). Any discount, not to  
2197 exceed 10 percent, used by an insurer is presumed to be  
2198 appropriate unless credible data demonstrates otherwise.

2199 Section 38. Subsection (15) is added to section 627.0651,  
2200 Florida Statutes, to read:

2201 627.0651 Making and use of rates for motor vehicle  
2202 insurance.—

2203 (15) Initial rate filings for motor vehicle liability  
2204 policies which are submitted to the office on or after January

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2205 1, 2022, must reflect the financial responsibility requirements  
2206 in s. 324.022 then in effect and may be approved only through  
2207 the file and use process under s. 627.0651(1)(a).

2208 Section 39. Subsection (1) of section 627.0652, Florida  
2209 Statutes, is amended to read:

2210 627.0652 Insurance discounts for certain persons completing  
2211 safety course.—

2212 (1) Any rates, rating schedules, or rating manuals for the  
2213 liability, medical payments ~~personal injury protection~~, and  
2214 collision coverages of a motor vehicle insurance policy filed  
2215 with the office must ~~shall~~ provide for an appropriate reduction  
2216 in premium charges as to such coverages if ~~when~~ the principal  
2217 operator on the covered vehicle is an insured 55 years of age or  
2218 older who has successfully completed a motor vehicle accident  
2219 prevention course approved by the Department of Highway Safety  
2220 and Motor Vehicles. Any discount used by an insurer is presumed  
2221 to be appropriate unless credible data demonstrates otherwise.

2222 Section 40. Subsections (1), (3), and (6) of section  
2223 627.0653, Florida Statutes, are amended to read:

2224 627.0653 Insurance discounts for specified motor vehicle  
2225 equipment.—

2226 (1) Any rates, rating schedules, or rating manuals for the  
2227 liability, medical payments ~~personal injury protection~~, and  
2228 collision coverages of a motor vehicle insurance policy filed  
2229 with the office must ~~shall~~ provide a premium discount if the  
2230 insured vehicle is equipped with factory-installed, four-wheel  
2231 antilock brakes.

2232 (3) Any rates, rating schedules, or rating manuals for  
2233 ~~personal injury protection coverage and~~ medical payments

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2234 coverage, ~~if offered,~~ of a motor vehicle insurance policy filed  
2235 with the office must ~~shall~~ provide a premium discount if the  
2236 insured vehicle is equipped with one or more air bags that ~~which~~  
2237 are factory installed.

2238 (6) The Office of Insurance Regulation may approve a  
2239 premium discount to any rates, rating schedules, or rating  
2240 manuals for the liability, medical payments ~~personal injury~~  
2241 ~~protection,~~ and collision coverages of a motor vehicle insurance  
2242 policy filed with the office if the insured vehicle is equipped  
2243 with an automated driving system or electronic vehicle collision  
2244 avoidance technology that is factory installed or a retrofitted  
2245 system and that complies with National Highway Traffic Safety  
2246 Administration standards.

2247 Section 41. Section 627.4132, Florida Statutes, is amended  
2248 to read:

2249 627.4132 Stacking of coverages prohibited.—If an insured or  
2250 named insured is protected by any type of motor vehicle  
2251 insurance policy for bodily injury and property damage  
2252 ~~liability, personal injury protection, or other coverage,~~ the  
2253 policy must ~~shall~~ provide that the insured or named insured is  
2254 protected only to the extent of the coverage she or he has on  
2255 the vehicle involved in the accident. However, if none of the  
2256 insured's or named insured's vehicles are ~~is~~ involved in the  
2257 accident, coverage is available only to the extent of coverage  
2258 on any one of the vehicles with applicable coverage. Coverage on  
2259 any other vehicles may ~~shall~~ not be added to or stacked upon  
2260 that coverage. This section does not ~~apply~~:

2261 (1) Apply to uninsured motorist coverage that ~~which~~ is  
2262 separately governed by s. 627.727.

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2263 (2) ~~To~~ Reduce the coverage available by reason of insurance  
2264 policies insuring different named insureds.

2265 Section 42. Subsection (1) of section 627.4137, Florida  
2266 Statutes, is amended to read:

2267 627.4137 Disclosure of certain information required.—

2268 (1) Each insurer which does or may provide liability  
2269 insurance coverage to pay all or a portion of any claim which  
2270 might be made shall provide, within 30 days of the written  
2271 request of the claimant or the claimant's attorney, a statement,  
2272 under oath, of a corporate officer or the insurer's claims  
2273 manager or superintendent setting forth the following  
2274 information with regard to each known policy of insurance,  
2275 including excess or umbrella insurance:

2276 (a) The name of the insurer.

2277 (b) The name of each insured.

2278 (c) The limits of the liability coverage.

2279 (d) A statement of any policy or coverage defense which  
2280 such insurer reasonably believes is available to such insurer at  
2281 the time of filing such statement.

2282 (e) A copy of the policy.

2283

2284 In addition, the insured, or her or his insurance agent, upon  
2285 written request of the claimant or the claimant's attorney,  
2286 shall disclose the name and coverage of each known insurer to  
2287 the claimant and shall forward such request for information as  
2288 required by this subsection to all affected insurers. The  
2289 insurer shall then supply the information required in this  
2290 subsection to the claimant within 30 days of receipt of such  
2291 request. If an insurer fails to timely comply with this section,

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2292 the claimant may file an action in a court of competent  
2293 jurisdiction to enforce this section. If the court determines  
2294 that the insurer violated this section, the claimant is entitled  
2295 to an award of reasonable attorney fees and costs to be paid by  
2296 the insurer.

2297 Section 43. Section 627.7263, Florida Statutes, is amended  
2298 to read:

2299 627.7263 Rental and leasing driver's insurance to be  
2300 primary; exception.—

2301 (1) The valid and collectible liability insurance and  
2302 medical payments coverage ~~or personal injury protection~~  
2303 ~~insurance providing coverage~~ for the lessor of a motor vehicle  
2304 for rent or lease is primary unless otherwise stated in at least  
2305 10-point type on the face of the rental or lease agreement. Such  
2306 insurance is primary for the limits of liability ~~and personal~~  
2307 ~~injury protection~~ coverage as required by s. 324.021(7) and the  
2308 medical payments coverage limit specified under s. 627.7265 ~~ss.~~  
2309 ~~324.021(7) and 627.736.~~

2310 (2) If the lessee's coverage is to be primary, the rental  
2311 or lease agreement must contain the following language, in at  
2312 least 10-point type:

2313

2314 "The valid and collectible liability insurance and  
2315 medical payments coverage ~~personal injury protection~~  
2316 ~~insurance~~ of an ~~any~~ authorized rental or leasing  
2317 driver is primary for the limits of liability ~~and~~  
2318 ~~personal injury protection~~ coverage required under  
2319 section 324.021(7), Florida Statutes, and the medical  
2320 payments coverage limit specified under section



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2321 627.7265 by ~~ss. 324.021(7) and 627.736~~, Florida  
2322 Statutes."

2323 Section 44. Section 627.7265, Florida Statutes, is created  
2324 to read:

2325 627.7265 Motor vehicle insurance; medical payments  
2326 coverage.—

2327 (1) Medical payments coverage must protect the named  
2328 insured, resident relatives, persons operating the insured motor  
2329 vehicle, passengers in the insured motor vehicle, and persons  
2330 who are struck by the insured motor vehicle and suffer bodily  
2331 injury while not an occupant of a self-propelled motor vehicle  
2332 at a limit of at least \$5,000 for medical expense incurred due  
2333 to bodily injury, sickness, or disease arising out of the  
2334 ownership, maintenance, or use of a motor vehicle. Medical  
2335 payments coverage must pay for reasonable expenses for necessary  
2336 medical, diagnostic, and rehabilitative services that are  
2337 lawfully provided, supervised, ordered, or prescribed by a  
2338 physician licensed under chapter 458 or chapter 459, by a  
2339 dentist licensed under chapter 466, or by a chiropractic  
2340 physician licensed under chapter 460 or that are provided in a  
2341 hospital or in a facility that owns, or is wholly owned by, a  
2342 hospital. The coverage must provide an additional death benefit  
2343 of at least \$5,000.

2344 (a) Before issuing a motor vehicle liability insurance  
2345 policy that is furnished as proof of financial responsibility  
2346 under s. 324.031, the insurer must offer medical payments  
2347 coverage at limits of \$5,000 and \$10,000. The insurer may also  
2348 offer medical payments coverage at any limit greater than  
2349 \$5,000.

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2350       (b) The medical payments coverage must be offered with an  
2351 option with no deductible. The insurer may also offer medical  
2352 payments coverage with a deductible not to exceed \$500.

2353       (c) This section may not be construed to limit any other  
2354 coverage made available by an insurer.

2355       (2) Upon receiving notice of an accident that is  
2356 potentially covered by medical payments coverage benefits, the  
2357 insurer must reserve \$5,000 of medical payments coverage  
2358 benefits for payment to physicians licensed under chapter 458 or  
2359 chapter 459 or dentists licensed under chapter 466 who provide  
2360 emergency services and care, as defined in s. 395.002, or who  
2361 provide hospital inpatient care. The amount required to be held  
2362 in reserve may be used only to pay claims from such physicians  
2363 or dentists until 30 days after the date the insurer receives  
2364 notice of the accident. After the 30-day period, any amount of  
2365 the reserve for which the insurer has not received notice of  
2366 such claims may be used by the insurer to pay other claims. This  
2367 subsection does not require an insurer to establish a claim  
2368 reserve for insurance accounting purposes.

2369       (3) An insurer providing medical payments coverage benefits  
2370 may not:

2371       (a) Seek a lien on any recovery in tort by judgment,  
2372 settlement, or otherwise for medical payments coverage benefits,  
2373 regardless of whether suit has been filed or settlement has been  
2374 reached without suit; or

2375       (b) Bring a cause of action against a person to whom or for  
2376 whom medical payments coverage benefits were paid, except when  
2377 medical payments coverage benefits were paid by reason of fraud  
2378 committed by that person.

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2379       (4) An insurer providing medical payments coverage may  
2380 include provisions in its policy allowing for subrogation for  
2381 medical payments coverage benefits paid if the expenses giving  
2382 rise to the payments were caused by the wrongful act or omission  
2383 of another who is not also an insured under the policy paying  
2384 the medical payments coverage benefits. However, this  
2385 subrogation right is inferior to the rights of the injured  
2386 insured and is available only after all the insured's damages  
2387 are recovered and the insured is made whole. An insured who  
2388 obtains a recovery from a third party of the full amount of the  
2389 damages sustained and delivers a release or satisfaction that  
2390 impairs a medical payments insurer's subrogation right is liable  
2391 to the insurer for repayment of medical payments coverage  
2392 benefits less any expenses of acquiring the recovery, including  
2393 a prorated share of attorney fees and costs, and shall hold that  
2394 net recovery in trust to be delivered to the medical payments  
2395 insurer. The insurer may not include any provision in its policy  
2396 allowing for subrogation for any death benefit paid.

2397       Section 45. Subsections (1) and (7) of section 627.727,  
2398 Florida Statutes, are amended to read:

2399       627.727 Motor vehicle insurance; uninsured and underinsured  
2400 vehicle coverage; insolvent insurer protection.-

2401       (1) A ~~No~~ motor vehicle liability insurance policy that  
2402 ~~which~~ provides bodily injury liability coverage may not shall be  
2403 delivered or issued for delivery in this state with respect to  
2404 any specifically insured or identified motor vehicle registered  
2405 or principally garaged in this state, unless uninsured motor  
2406 vehicle coverage is provided therein or supplemental thereto for  
2407 the protection of persons insured thereunder who are legally

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2408 entitled to recover damages from owners or operators of  
2409 uninsured motor vehicles because of bodily injury, sickness, or  
2410 disease, including death, resulting therefrom. However, the  
2411 coverage required under this section is not applicable if ~~when~~,  
2412 or to the extent that, an insured named in the policy makes a  
2413 written rejection of the coverage on behalf of all insureds  
2414 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~  
2415 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms  
2416 of the lease contract, provides liability coverage on the leased  
2417 vehicle, the lessee of such vehicle has ~~shall have~~ the sole  
2418 privilege to reject uninsured motorist coverage or to select  
2419 lower limits than the bodily injury liability limits, regardless  
2420 of whether the lessor is qualified as a self-insurer pursuant to  
2421 s. 324.171. Unless an insured, or a lessee having the privilege  
2422 of rejecting uninsured motorist coverage, requests such coverage  
2423 or requests higher uninsured motorist limits in writing, the  
2424 coverage or such higher uninsured motorist limits need not be  
2425 provided in or supplemental to any other policy that ~~which~~  
2426 renews, extends, changes, supersedes, or replaces an existing  
2427 policy with the same bodily injury liability limits when an  
2428 insured or lessee had rejected the coverage. When an insured or  
2429 lessee has initially selected limits of uninsured motorist  
2430 coverage lower than her or his bodily injury liability limits,  
2431 higher limits of uninsured motorist coverage need not be  
2432 provided in or supplemental to any other policy that ~~which~~  
2433 renews, extends, changes, supersedes, or replaces an existing  
2434 policy with the same bodily injury liability limits unless an  
2435 insured requests higher uninsured motorist coverage in writing.  
2436 The rejection or selection of lower limits must ~~shall~~ be made on

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2437 a form approved by the office. The form must ~~shall~~ fully advise  
2438 the applicant of the nature of the coverage and must ~~shall~~ state  
2439 that the coverage is equal to bodily injury liability limits  
2440 unless lower limits are requested or the coverage is rejected.  
2441 The heading of the form must ~~shall~~ be in 12-point bold type and  
2442 must ~~shall~~ state: "You are electing not to purchase certain  
2443 valuable coverage that ~~which~~ protects you and your family or you  
2444 are purchasing uninsured motorist limits less than your bodily  
2445 injury liability limits when you sign this form. Please read  
2446 carefully." If this form is signed by a named insured, it will  
2447 be conclusively presumed that there was an informed, knowing  
2448 rejection of coverage or election of lower limits on behalf of  
2449 all insureds. The insurer shall notify the named insured at  
2450 least annually of her or his options as to the coverage required  
2451 by this section. Such notice must ~~shall~~ be part of, and attached  
2452 to, the notice of premium, must ~~shall~~ provide for a means to  
2453 allow the insured to request such coverage, and must ~~shall~~ be  
2454 given in a manner approved by the office. Receipt of this notice  
2455 does not constitute an affirmative waiver of the insured's right  
2456 to uninsured motorist coverage if ~~where~~ the insured has not  
2457 signed a selection or rejection form. The coverage described  
2458 under this section must ~~shall~~ be over and above, but may ~~shall~~  
2459 not duplicate, the benefits available to an insured under any  
2460 workers' compensation law, ~~personal injury protection benefits,~~  
2461 disability benefits law, or similar law; under any automobile  
2462 medical payments ~~expense~~ coverage; under any motor vehicle  
2463 liability insurance coverage; or from the owner or operator of  
2464 the uninsured motor vehicle or any other person or organization  
2465 jointly or severally liable together with such owner or operator

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2466 for the accident,~~r~~ and such coverage must ~~shall~~ cover the  
2467 difference, if any, between the sum of such benefits and the  
2468 damages sustained, up to the maximum amount of such coverage  
2469 provided under this section. The amount of coverage available  
2470 under this section may ~~shall~~ not be reduced by a setoff against  
2471 any coverage, including liability insurance. Such coverage does  
2472 ~~shall~~ not inure directly or indirectly to the benefit of any  
2473 workers' compensation or disability benefits carrier or any  
2474 person or organization qualifying as a self-insurer under any  
2475 workers' compensation or disability benefits law or similar law.

2476 (7) The legal liability of an uninsured motorist coverage  
2477 insurer includes ~~does not include~~ damages in tort for pain,  
2478 suffering, disability or physical impairment, disfigurement,  
2479 mental anguish, and inconvenience, and the loss of capacity for  
2480 the enjoyment of life experienced in the past and to be  
2481 experienced in the future unless the injury or disease is  
2482 described in one or more of paragraphs (a) - (d) of s. 627.737(2).

2483 Section 46. Subsection (1) and paragraphs (a) and (b) of  
2484 subsection (2) of section 627.7275, Florida Statutes, are  
2485 amended to read:

2486 627.7275 Motor vehicle liability.-

2487 (1) A motor vehicle insurance policy ~~providing personal~~  
2488 ~~injury protection as set forth in s. 627.736~~ may not be  
2489 delivered or issued for delivery in this state for a with  
2490 ~~respect to any~~ specifically insured or identified motor vehicle  
2491 registered or principally garaged in this state must provide  
2492 bodily injury liability coverage and unless the policy also  
2493 ~~provides coverage for~~ property damage liability coverage as  
2494 required under ~~by~~ s. 324.022.

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2495 (2) (a) Insurers writing motor vehicle insurance in this  
2496 state shall make available, subject to the insurers' usual  
2497 underwriting restrictions:

2498 1. Coverage under policies as described in subsection (1)  
2499 to an applicant for private passenger motor vehicle insurance  
2500 coverage who is seeking the coverage in order to reinstate the  
2501 applicant's driving privileges in this state if the driving  
2502 privileges were revoked or suspended pursuant to s. 316.646 or  
2503 s. 324.0221 due to the failure of the applicant to maintain  
2504 required security.

2505 2. Coverage under policies as described in subsection (1),  
2506 which includes bodily injury ~~also provides~~ liability coverage  
2507 and property damage liability coverage, ~~for bodily injury,~~  
2508 ~~death, and property damage arising out of the ownership,~~  
2509 ~~maintenance, or use of the motor vehicle~~ in an amount not less  
2510 than the minimum limits required under ~~described in~~ s.  
2511 324.021(7) or s. 324.023 and which conforms to the requirements  
2512 of s. 324.151, to an applicant for private passenger motor  
2513 vehicle insurance coverage who is seeking the coverage in order  
2514 to reinstate the applicant's driving privileges in this state  
2515 after such privileges were revoked or suspended under s. 316.193  
2516 or s. 322.26(2) for driving under the influence.

2517 (b) The policies described in paragraph (a) must ~~shall~~ be  
2518 issued for at least 6 months and, as to the minimum coverages  
2519 required under this section, may not be canceled by the insured  
2520 for any reason or by the insurer after 60 days, during which  
2521 period the insurer is completing the underwriting of the policy.  
2522 After the insurer has completed underwriting the policy, the  
2523 insurer shall notify the Department of Highway Safety and Motor

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2524 Vehicles that the policy is in full force and effect and is not  
2525 cancelable for the remainder of the policy period. A premium  
2526 must ~~shall~~ be collected and the coverage is in effect for the  
2527 60-day period during which the insurer is completing the  
2528 underwriting of the policy, whether or not the person's driver  
2529 license, motor vehicle tag, and motor vehicle registration are  
2530 in effect. Once the noncancelable provisions of the policy  
2531 become effective, the bodily injury liability and property  
2532 damage liability coverages ~~for bodily injury, property damage,~~  
2533 ~~and personal injury protection~~ may not be reduced below the  
2534 minimum limits required under s. 324.021 or s. 324.023 during  
2535 the policy period.

2536 Section 47. Effective upon this act becoming a law, section  
2537 627.7278, Florida Statutes, is created to read:

2538 627.7278 Applicability and construction; notice to  
2539 policyholders.—

2540 (1) As used in this section, the term "minimum security  
2541 requirements" means security that enables a person to respond in  
2542 damages for liability on account of crashes arising out of the  
2543 ownership, maintenance, or use of a motor vehicle, in the  
2544 amounts required by s. 324.021(7).

2545 (2) Effective January 1, 2022:

2546 (a) Motor vehicle insurance policies issued or renewed on  
2547 or after that date may not include personal injury protection.

2548 (b) All persons subject to s. 324.022, s. 324.032, s.  
2549 627.7415, or s. 627.742 must maintain at least minimum security  
2550 requirements.

2551 (c) Any new or renewal motor vehicle insurance policy  
2552 delivered or issued for delivery in this state must provide



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2553 coverage that complies with minimum security requirements.

2554 (d) An existing motor vehicle insurance policy issued  
2555 before that date which provides personal injury protection and  
2556 property damage liability coverage that meets the requirements  
2557 of s. 324.022 on December 31, 2021, but which does not meet  
2558 minimum security requirements on or after January 1, 2022, is  
2559 deemed to meet the security requirements of s. 324.022 until  
2560 such policy is renewed, nonrenewed, or canceled on or after  
2561 January 1, 2022. Sections 627.730-627.7405, 400.9905, 400.991,  
2562 456.057, 456.072, 627.7263, 627.727, 627.748, 627.9541(1)(i),  
2563 and 817.234, Florida Statutes 2020, remain in full force and  
2564 effect for motor vehicle accidents covered under a policy issued  
2565 under the Florida Motor Vehicle No-Fault Law before January 1,  
2566 2022, until the policy is renewed, nonrenewed, or canceled.

2567 (3) Each insurer shall allow each insured who has a new or  
2568 renewal policy providing personal injury protection which  
2569 becomes effective before January 1, 2022, and whose policy does  
2570 not meet minimum security requirements on or after January 1,  
2571 2022, to change coverages so as to eliminate personal injury  
2572 protection and obtain coverage providing minimum security  
2573 requirements, which shall be effective on or after January 1,  
2574 2022. The insurer is not required to provide coverage complying  
2575 with minimum security requirements in such policies if the  
2576 insured does not pay the required premium, if any, by January 1,  
2577 2022, or such later date as the insurer may allow. The insurer  
2578 also shall offer each insured medical payments coverage pursuant  
2579 to s. 627.7265. Any reduction in the premium must be refunded by  
2580 the insurer. The insurer may not impose on the insured an  
2581 additional fee or charge that applies solely to a change in

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2582 coverage; however, the insurer may charge an additional required  
2583 premium that is actuarially indicated.

2584 (4) By September 1, 2021, each motor vehicle insurer shall  
2585 provide notice of this section to each motor vehicle  
2586 policyholder who is subject to this section. The notice is  
2587 subject to approval by the office and must clearly inform the  
2588 policyholder that:

2589 (a) The Florida Motor Vehicle No-Fault Law is repealed  
2590 effective January 1, 2022, and that on or after that date, the  
2591 insured is no longer required to maintain personal injury  
2592 protection insurance coverage, that personal injury protection  
2593 coverage is no longer available for purchase in this state, and  
2594 that all new or renewal policies issued on or after that date  
2595 will not contain that coverage.

2596 (b) Effective January 1, 2022, a person subject to the  
2597 financial responsibility requirements of s. 324.022 must  
2598 maintain minimum security requirements that enable the person to  
2599 respond to damages for liability on account of accidents arising  
2600 out of the use of a motor vehicle in the following amounts:

2601 1. Twenty-five thousand dollars for bodily injury to, or  
2602 the death of, one person in any one crash and, subject to such  
2603 limits for one person, in the amount of \$50,000 for bodily  
2604 injury to, or the death of, two or more persons in any one  
2605 crash; and

2606 2. Ten thousand dollars for damage to, or destruction of,  
2607 the property of others in any one crash.

2608 (c) Bodily injury liability coverage protects the insured,  
2609 up to the coverage limits, against loss if the insured is  
2610 legally responsible for the death of or bodily injury to others

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2611 in a motor vehicle accident.

2612 (d) Effective January 1, 2022, each policyholder of motor  
2613 vehicle liability insurance purchased as proof of financial  
2614 responsibility must be offered medical payments coverage  
2615 benefits that comply with s. 627.7265. The insurer must offer  
2616 medical payments coverage at limits of \$5,000 and \$10,000  
2617 without a deductible. The insurer may also offer medical  
2618 payments coverage at other limits greater than \$5,000, and may  
2619 offer coverage with a deductible of up to \$500. Medical payments  
2620 coverage pays covered medical expenses, up to the limits of such  
2621 coverage, for injuries sustained in a motor vehicle crash by the  
2622 named insured, resident relatives, persons operating the insured  
2623 motor vehicle, passengers in the insured motor vehicle, and  
2624 persons who are struck by the insured motor vehicle and suffer  
2625 bodily injury while not an occupant of a self-propelled motor  
2626 vehicle as provided in s. 627.7265. Medical payments coverage  
2627 pays for reasonable expenses for necessary medical, diagnostic,  
2628 and rehabilitative services that are lawfully provided,  
2629 supervised, ordered, or prescribed by a physician licensed under  
2630 chapter 458 or chapter 459, by a dentist licensed under chapter  
2631 466, or by a chiropractic physician licensed under chapter 460  
2632 or that are provided in a hospital or in a facility that owns,  
2633 or is wholly owned by, a hospital. Medical payments coverage  
2634 also provides a death benefit of at least \$5,000.

2635 (e) The policyholder may obtain uninsured and underinsured  
2636 motorist coverage, which provides benefits, up to the limits of  
2637 such coverage, to a policyholder or other insured entitled to  
2638 recover damages for bodily injury, sickness, disease, or death  
2639 resulting from a motor vehicle accident with an uninsured or

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2640 underinsured owner or operator of a motor vehicle.

2641 (f) If the policyholder's new or renewal motor vehicle  
2642 insurance policy is effective before January 1, 2022, and  
2643 contains personal injury protection and property damage  
2644 liability coverage as required by state law before January 1,  
2645 2022, but does not meet minimum security requirements on or  
2646 after January 1, 2022, the policy is deemed to meet minimum  
2647 security requirements until it is renewed, nonrenewed, or  
2648 canceled on or after January 1, 2022.

2649 (g) A policyholder whose new or renewal policy becomes  
2650 effective before January 1, 2022, but does not meet minimum  
2651 security requirements on or after January 1, 2022, may change  
2652 coverages under the policy so as to eliminate personal injury  
2653 protection and to obtain coverage providing minimum security  
2654 requirements, including bodily injury liability coverage, which  
2655 are effective on or after January 1, 2022.

2656 (h) If the policyholder has any questions, he or she should  
2657 contact the person named at the telephone number provided in the  
2658 notice.

2659 Section 48. Paragraph (a) of subsection (1) of section  
2660 627.728, Florida Statutes, is amended to read:

2661 627.728 Cancellations; nonrenewals.—

2662 (1) As used in this section, the term:

2663 (a) "Policy" means the bodily injury and property damage  
2664 liability, ~~personal injury protection,~~ medical payments,  
2665 comprehensive, collision, and uninsured motorist coverage  
2666 portions of a policy of motor vehicle insurance delivered or  
2667 issued for delivery in this state:

2668 1. Insuring a natural person as named insured or one or

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2669 more related individuals who are residents ~~resident~~ of the same  
2670 household; and

2671 2. Insuring only a motor vehicle of the private passenger  
2672 type or station wagon type which is not used as a public or  
2673 livery conveyance for passengers or rented to others; or  
2674 insuring any other four-wheel motor vehicle having a load  
2675 capacity of 1,500 pounds or less which is not used in the  
2676 occupation, profession, or business of the insured other than  
2677 farming; other than any policy issued under an automobile  
2678 insurance assigned risk plan or covering garage, automobile  
2679 sales agency, repair shop, service station, or public parking  
2680 place operation hazards.

2681  
2682 The term "policy" does not include a binder as defined in s.  
2683 627.420 unless the duration of the binder period exceeds 60  
2684 days.

2685 Section 49. Subsection (1), paragraph (a) of subsection  
2686 (5), and subsections (6) and (7) of section 627.7295, Florida  
2687 Statutes, are amended to read:

2688 627.7295 Motor vehicle insurance contracts.—

2689 (1) As used in this section, the term:

2690 (a) "Policy" means a motor vehicle insurance policy that  
2691 provides bodily injury liability ~~personal injury protection~~  
2692 coverage and, ~~property damage liability coverage, or both.~~

2693 (b) "Binder" means a binder that provides motor vehicle  
2694 bodily injury liability coverage ~~personal injury protection~~ and  
2695 property damage liability coverage.

2696 (5) (a) A licensed general lines agent may charge a per-  
2697 policy fee of up to ~~not to exceed~~ \$10 to cover the

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2698 administrative costs of the agent associated with selling the  
2699 motor vehicle insurance policy if the policy covers only bodily  
2700 injury liability coverage ~~personal injury protection coverage as~~  
2701 ~~provided by s. 627.736~~ and property damage liability coverage as  
2702 provided by s. 627.7275 and if no other insurance is sold or  
2703 issued in conjunction with or collateral to the policy. The fee  
2704 is not ~~considered~~ part of the premium.

2705 (6) If a motor vehicle owner's driver license, license  
2706 plate, and registration have previously been suspended pursuant  
2707 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy  
2708 only as provided in s. 627.7275.

2709 (7) A policy of private passenger motor vehicle insurance  
2710 or a binder for such a policy may be initially issued in this  
2711 state only if, before the effective date of such binder or  
2712 policy, the insurer or agent has collected from the insured an  
2713 amount equal to at least 1 month's premium. An insurer, agent,  
2714 or premium finance company may not, directly or indirectly, take  
2715 any action that results ~~resulting~~ in the insured paying ~~having~~  
2716 ~~paid~~ from the insured's own funds an amount less than the 1  
2717 month's premium required by this subsection. This subsection  
2718 applies without regard to whether the premium is financed by a  
2719 premium finance company or is paid pursuant to a periodic  
2720 payment plan of an insurer or an insurance agent.

2721 (a) This subsection does not apply:

2722 1. If an insured or member of the insured's family is  
2723 renewing or replacing a policy or a binder for such policy  
2724 written by the same insurer or a member of the same insurer  
2725 group. ~~This subsection does not apply~~

2726 2. To an insurer that issues private passenger motor

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2727 vehicle coverage primarily to active duty or former military  
2728 personnel or their dependents. ~~This subsection does not apply~~

2729 3. If all policy payments are paid pursuant to a payroll  
2730 deduction plan, an automatic electronic funds transfer payment  
2731 plan from the policyholder, or a recurring credit card or debit  
2732 card agreement with the insurer.

2733 (b) This subsection and subsection (4) do not apply if:

2734 1. All policy payments to an insurer are paid pursuant to  
2735 an automatic electronic funds transfer payment plan from an  
2736 agent, a managing general agent, or a premium finance company  
2737 and if the policy includes, at a minimum, bodily injury  
2738 liability coverage and ~~personal injury protection pursuant to~~  
2739 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~  
2740 coverage pursuant to s. 627.7275; or ~~and bodily injury liability~~  
2741 ~~in at least the amount of \$10,000 because of bodily injury to,~~  
2742 ~~or death of, one person in any one accident and in the amount of~~  
2743 ~~\$20,000 because of bodily injury to, or death of, two or more~~  
2744 ~~persons in any one accident. This subsection and subsection (4)~~  
2745 ~~do not apply if~~

2746 2. An insured has had a policy in effect for at least 6  
2747 months, the insured's agent is terminated by the insurer that  
2748 issued the policy, and the insured obtains coverage on the  
2749 policy's renewal date with a new company through the terminated  
2750 agent.

2751 Section 50. Section 627.7415, Florida Statutes, is amended  
2752 to read:

2753 627.7415 Commercial motor vehicles; additional liability  
2754 insurance coverage.—Beginning January 1, 2022, commercial motor  
2755 vehicles, as defined in s. 207.002 or s. 320.01, operated upon

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2756 the roads and highways of this state must ~~shall~~ be insured with  
2757 the following minimum levels of combined bodily liability  
2758 insurance and property damage liability insurance in addition to  
2759 any other insurance requirements:

2760 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a  
2761 commercial motor vehicle with a gross vehicle weight of 26,000  
2762 pounds or more, but less than 35,000 pounds.

2763 (2) One hundred twenty thousand dollars per occurrence for  
2764 a commercial motor vehicle with a gross vehicle weight of 35,000  
2765 pounds or more, but less than 44,000 pounds.

2766 (3) Three hundred thousand dollars per occurrence for a  
2767 commercial motor vehicle with a gross vehicle weight of 44,000  
2768 pounds or more.

2769 (4) All commercial motor vehicles subject to regulations of  
2770 the United States Department of Transportation, 49 C.F.R. part  
2771 387, subpart A, and as may be hereinafter amended, shall be  
2772 insured in an amount equivalent to the minimum levels of  
2773 financial responsibility as set forth in such regulations.

2774  
2775 A violation of this section is a noncriminal traffic infraction,  
2776 punishable as a nonmoving violation as provided in chapter 318.

2777 Section 51. Section 627.747, Florida Statutes, is created  
2778 to read:

2779 627.747 Named driver exclusion.-

2780 (1) A private passenger motor vehicle policy may exclude an  
2781 identified individual from the following coverages while the  
2782 identified individual is operating a motor vehicle, provided  
2783 that the identified individual is specifically excluded by name  
2784 on the declarations page or by endorsement, and the policyholder



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2785 consents in writing to the exclusion:

2786 (a) Property damage liability coverage.

2787 (b) Bodily injury liability coverage.

2788 (c) Uninsured motorist coverage for any damages sustained  
2789 by the identified excluded individual, if the policyholder has  
2790 purchased such coverage.

2791 (d) Any coverage the policyholder is not required by law to  
2792 purchase.

2793 (2) A private passenger motor vehicle policy may not  
2794 exclude coverage when:

2795 (a) The identified excluded individual is injured while not  
2796 operating a motor vehicle;

2797 (b) The exclusion is unfairly discriminatory under the  
2798 Florida Insurance Code, as determined by the office; or

2799 (c) The exclusion is inconsistent with the underwriting  
2800 rules filed by the insurer pursuant to s. 627.0651(13)(a).

2801 Section 52. Paragraphs (b), (c), and (g) of subsection (7),  
2802 paragraphs (a) and (b) of subsection (8), and paragraph (b) of  
2803 subsection (16) of section 627.748, Florida Statutes, are  
2804 amended to read:

2805 627.748 Transportation network companies.—

2806 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE  
2807 REQUIREMENTS.—

2808 (b) The following automobile insurance requirements apply  
2809 while a participating TNC driver is logged on to the digital  
2810 network but is not engaged in a prearranged ride:

2811 1. Automobile insurance that provides:

2812 a. A primary automobile liability coverage of at least  
2813 \$50,000 for death and bodily injury per person, \$100,000 for

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2814 death and bodily injury per incident, and \$25,000 for property  
2815 damage; and

2816 ~~b. Personal injury protection benefits that meet the~~  
2817 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~  
2818 ~~and~~

2819 ~~e.~~ Uninsured and underinsured vehicle coverage as required  
2820 by s. 627.727.

2821 2. The coverage requirements of this paragraph may be  
2822 satisfied by any of the following:

2823 a. Automobile insurance maintained by the TNC driver or the  
2824 TNC vehicle owner;

2825 b. Automobile insurance maintained by the TNC; or

2826 c. A combination of sub-subparagraphs a. and b.

2827 (c) The following automobile insurance requirements apply  
2828 while a TNC driver is engaged in a prearranged ride:

2829 1. Automobile insurance that provides:

2830 a. A primary automobile liability coverage of at least \$1  
2831 million for death, bodily injury, and property damage; and

2832 ~~b. Personal injury protection benefits that meet the~~  
2833 ~~minimum coverage amounts required of a limousine under ss.~~  
2834 ~~627.730-627.7405; and~~

2835 ~~e.~~ Uninsured and underinsured vehicle coverage as required  
2836 by s. 627.727.

2837 2. The coverage requirements of this paragraph may be  
2838 satisfied by any of the following:

2839 a. Automobile insurance maintained by the TNC driver or the  
2840 TNC vehicle owner;

2841 b. Automobile insurance maintained by the TNC; or

2842 c. A combination of sub-subparagraphs a. and b.

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2843 (g) Insurance satisfying the requirements under this  
2844 subsection is deemed to satisfy the financial responsibility  
2845 requirement for a motor vehicle under chapter 324 ~~and the~~  
2846 ~~security required under s. 627.733~~ for any period when the TNC  
2847 driver is logged onto the digital network or engaged in a  
2848 prearranged ride.

2849 (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;  
2850 EXCLUSIONS.—

2851 (a) Before a TNC driver is allowed to accept a request for  
2852 a prearranged ride on the digital network, the TNC must disclose  
2853 in writing to the TNC driver:

2854 1. The insurance coverage, including the types of coverage  
2855 and the limits for each coverage, which the TNC provides while  
2856 the TNC driver uses a TNC vehicle in connection with the TNC's  
2857 digital network.

2858 2. That the TNC driver's own automobile insurance policy  
2859 might not provide any coverage while the TNC driver is logged on  
2860 to the digital network or is engaged in a prearranged ride,  
2861 depending on the terms of the TNC driver's own automobile  
2862 insurance policy.

2863 3. That the provision of rides for compensation which are  
2864 not prearranged rides subjects the driver to the coverage  
2865 requirements imposed under s. 324.032(1) and (2) and that  
2866 failure to meet such coverage requirements subjects the TNC  
2867 driver to penalties provided in s. 324.221, up to and including  
2868 a misdemeanor of the second degree.

2869 (b)1. An insurer that provides an automobile liability  
2870 insurance policy under this part may exclude any and all  
2871 coverage afforded under the policy issued to an owner or

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2872 operator of a TNC vehicle while driving that vehicle for any  
2873 loss or injury that occurs while a TNC driver is logged on to a  
2874 digital network or while a TNC driver provides a prearranged  
2875 ride. Exclusions imposed under this subsection are limited to  
2876 coverage while a TNC driver is logged on to a digital network or  
2877 while a TNC driver provides a prearranged ride. This right to  
2878 exclude all coverage may apply to any coverage included in an  
2879 automobile insurance policy, including, but not limited to:

- 2880 a. Liability coverage for bodily injury and property  
2881 damage;  
2882 b. Uninsured and underinsured motorist coverage;  
2883 c. Medical payments coverage;  
2884 d. Comprehensive physical damage coverage; and  
2885 e. Collision physical damage coverage; ~~and~~  
2886 ~~f. Personal injury protection.~~

2887 2. The exclusions described in subparagraph 1. apply  
2888 notwithstanding any requirement under chapter 324. These  
2889 exclusions do not affect or diminish coverage otherwise  
2890 available for permissive drivers or resident relatives under the  
2891 personal automobile insurance policy of the TNC driver or owner  
2892 of the TNC vehicle who are not occupying the TNC vehicle at the  
2893 time of loss. This section does not require that a personal  
2894 automobile insurance policy provide coverage while the TNC  
2895 driver is logged on to a digital network, while the TNC driver  
2896 is engaged in a prearranged ride, or while the TNC driver  
2897 otherwise uses a vehicle to transport riders for compensation.

2898 3. This section must not be construed to require an insurer  
2899 to use any particular policy language or reference to this  
2900 section in order to exclude any and all coverage for any loss or

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2901 injury that occurs while a TNC driver is logged on to a digital  
2902 network or while a TNC driver provides a prearranged ride.

2903 4. This section does not preclude an insurer from providing  
2904 primary or excess coverage for the TNC driver's vehicle by  
2905 contract or endorsement.

2906 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

2907 (b) An entity may elect, upon written notification to the  
2908 department, to be regulated as a luxury ground TNC. A luxury  
2909 ground TNC must:

2910 1. Comply with all of the requirements of this section  
2911 applicable to a TNC, including subsection (17), which do not  
2912 conflict with subparagraph 2. or which do not prohibit the  
2913 company from connecting riders to drivers who operate for-hire  
2914 vehicles as defined in s. 320.01(15), including limousines and  
2915 luxury sedans and excluding taxicabs.

2916 2. Maintain insurance coverage as required by subsection  
2917 (7). However, if a prospective luxury ground TNC satisfies  
2918 minimum financial responsibility through compliance with s.  
2919 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives  
2920 the department written notification of its election to be  
2921 regulated as a luxury ground TNC, the luxury ground TNC may use  
2922 self-insurance to meet the insurance requirements of subsection  
2923 (7), so long as such self-insurance complies with s. 324.032(3)  
2924 ~~s. 324.032(2)~~ and provides the limits of liability required by  
2925 subsection (7).

2926 Section 53. Paragraph (a) of subsection (2) of section  
2927 627.749, Florida Statutes, is amended to read:

2928 627.749 Autonomous vehicles; insurance requirements.—

2929 (2) INSURANCE REQUIREMENTS.—

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2930 (a) A fully autonomous vehicle with the automated driving  
2931 system engaged while logged on to an on-demand autonomous  
2932 vehicle network or engaged in a prearranged ride must be covered  
2933 by a policy of automobile insurance which provides:

2934 1. Primary liability coverage of at least \$1 million for  
2935 death, bodily injury, and property damage.

2936 2. ~~Personal injury protection benefits that meet the~~  
2937 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

2938 3. ~~Uninsured and underinsured vehicle coverage as required~~  
2939 ~~by s. 627.727.~~

2940 Section 54. Section 627.8405, Florida Statutes, is amended  
2941 to read:

2942 627.8405 Prohibited acts; financing companies.—~~A~~ No premium  
2943 finance company ~~shall~~, in a premium finance agreement or other  
2944 agreement, may not finance the cost of or otherwise provide for  
2945 the collection or remittance of dues, assessments, fees, or  
2946 other periodic payments of money for the cost of:

2947 (1) A membership in an automobile club. The term  
2948 "automobile club" means a legal entity that ~~which~~, in  
2949 consideration of dues, assessments, or periodic payments of  
2950 money, promises its members or subscribers to assist them in  
2951 matters relating to the ownership, operation, use, or  
2952 maintenance of a motor vehicle; however, the term ~~this~~  
2953 ~~definition of "automobile club"~~ does not include persons,  
2954 associations, or corporations ~~which are~~ organized and operated  
2955 solely for the purpose of conducting, sponsoring, or sanctioning  
2956 motor vehicle races, exhibitions, or contests upon racetracks,  
2957 or upon racecourses established and marked as such for the  
2958 duration of such particular events. As used in this subsection,

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2959 the term ~~words~~ "motor vehicle" has ~~used herein~~ have the same  
 2960 meaning as ~~defined~~ in chapter 320.

2961 (2) An accidental death and dismemberment policy sold in  
 2962 combination with a policy providing only bodily injury liability  
 2963 coverage ~~personal injury protection~~ and property damage  
 2964 liability coverage ~~only policy~~.

2965 (3) Any product not regulated under ~~the provisions of this~~  
 2966 insurance code.

2967  
 2968 This section also applies to premium financing by any insurance  
 2969 agent or insurance company under part XVI. The commission shall  
 2970 adopt rules to assure disclosure, at the time of sale, of  
 2971 coverages financed ~~with personal injury protection~~ and shall  
 2972 prescribe the form of such disclosure.

2973 Section 55. Subsection (1) of section 627.915, Florida  
 2974 Statutes, is amended to read:

2975 627.915 Insurer experience reporting.-

2976 (1) Each insurer transacting private passenger automobile  
 2977 insurance in this state shall report certain information  
 2978 annually to the office. The information will be due on or before  
 2979 July 1 of each year. The information must ~~shall~~ be divided into  
 2980 the following categories: bodily injury liability; property  
 2981 damage liability; uninsured motorist; ~~personal injury protection~~  
 2982 ~~benefits~~; medical payments; and comprehensive and collision. The  
 2983 information given must ~~shall~~ be on direct insurance writings in  
 2984 the state alone and ~~shall~~ represent total limits data. The  
 2985 information set forth in paragraphs (a)-(f) is applicable to  
 2986 voluntary private passenger and Joint Underwriting Association  
 2987 private passenger writings and must ~~shall~~ be reported for each

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2988 of the latest 3 calendar-accident years, with an evaluation date  
2989 of March 31 of the current year. The information set forth in  
2990 paragraphs (g)-(j) is applicable to voluntary private passenger  
2991 writings and must ~~shall~~ be reported on a calendar-accident year  
2992 basis ultimately seven times at seven different stages of  
2993 development.

2994 (a) Premiums earned for the latest 3 calendar-accident  
2995 years.

2996 (b) Loss development factors and the historic development  
2997 of those factors.

2998 (c) Policyholder dividends incurred.

2999 (d) Expenses for other acquisition and general expense.

3000 (e) Expenses for agents' commissions and taxes, licenses,  
3001 and fees.

3002 (f) Profit and contingency factors as utilized in the  
3003 insurer's automobile rate filings for the applicable years.

3004 (g) Losses paid.

3005 (h) Losses unpaid.

3006 (i) Loss adjustment expenses paid.

3007 (j) Loss adjustment expenses unpaid.

3008 Section 56. Subsections (2) and (3) of section 628.909,  
3009 Florida Statutes, are amended to read:

3010 628.909 Applicability of other laws.—

3011 (2) The following provisions of the Florida Insurance Code  
3012 apply to captive insurance companies that ~~who~~ are not industrial  
3013 insured captive insurance companies to the extent that such  
3014 provisions are not inconsistent with this part:

3015 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
3016 624.40851, 624.4095, 624.411, 624.425, and 624.426.



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3017 (b) Chapter 625, part II.

3018 (c) Chapter 626, part IX.

3019 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~  
3020 ~~provided.~~

3021 ~~(e)~~ Chapter 628.

3022 (3) The following provisions of the Florida Insurance Code  
3023 shall apply to industrial insured captive insurance companies to  
3024 the extent that such provisions are not inconsistent with this  
3025 part:

3026 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
3027 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

3028 (b) Chapter 625, part II, if the industrial insured captive  
3029 insurance company is incorporated in this state.

3030 (c) Chapter 626, part IX.

3031 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~  
3032 ~~provided.~~

3033 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and  
3034 628.6018.

3035 Section 57. Subsections (2), (6), and (7) of section  
3036 705.184, Florida Statutes, are amended to read:

3037 705.184 Derelict or abandoned motor vehicles on the  
3038 premises of public-use airports.-

3039 (2) The airport director or the director's designee shall  
3040 contact the Department of Highway Safety and Motor Vehicles to  
3041 notify that department that the airport has possession of the  
3042 abandoned or derelict motor vehicle and to determine the name  
3043 and address of the owner of the motor vehicle, the insurance  
3044 company insuring the motor vehicle, ~~notwithstanding the~~  
3045 ~~provisions of s. 627.736,~~ and any person who has filed a lien on

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3046 the motor vehicle. Within 7 business days after receipt of the  
3047 information, the director or the director's designee shall send  
3048 notice by certified mail, return receipt requested, to the owner  
3049 of the motor vehicle, the insurance company insuring the motor  
3050 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
3051 persons of record claiming a lien against the motor vehicle. The  
3052 notice must ~~shall~~ state the fact of possession of the motor  
3053 vehicle, that charges for reasonable towing, storage, and  
3054 parking fees, if any, have accrued and the amount thereof, that  
3055 a lien as provided in subsection (6) will be claimed, that the  
3056 lien is subject to enforcement pursuant to law, that the owner  
3057 or lienholder, if any, has the right to a hearing as set forth  
3058 in subsection (4), and that any motor vehicle which, at the end  
3059 of 30 calendar days after receipt of the notice, has not been  
3060 removed from the airport upon payment in full of all accrued  
3061 charges for reasonable towing, storage, and parking fees, if  
3062 any, may be disposed of as provided in s. 705.182(2)(a), (b),  
3063 (d), or (e), including, but not limited to, the motor vehicle  
3064 being sold free of all prior liens after 35 calendar days after  
3065 the time the motor vehicle is stored if any prior liens on the  
3066 motor vehicle are more than 5 years of age or after 50 calendar  
3067 days after the time the motor vehicle is stored if any prior  
3068 liens on the motor vehicle are 5 years of age or less.

3069 (6) The airport pursuant to this section or, if used, a  
3070 licensed independent wrecker company pursuant to s. 713.78 shall  
3071 have a lien on an abandoned or derelict motor vehicle for all  
3072 reasonable towing, storage, and accrued parking fees, if any,  
3073 except that no storage fee may ~~shall~~ be charged if the motor  
3074 vehicle is stored less than 6 hours. As a prerequisite to

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3075 perfecting a lien under this section, the airport director or  
3076 the director's designee must serve a notice in accordance with  
3077 subsection (2) on the owner of the motor vehicle, the insurance  
3078 company insuring the motor vehicle, ~~notwithstanding the~~  
3079 ~~provisions of s. 627.736,~~ and all persons of record claiming a  
3080 lien against the motor vehicle. If attempts to notify the owner,  
3081 the insurance company insuring the motor vehicle,  
3082 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are  
3083 not successful, the requirement of notice by mail shall be  
3084 considered met. Serving of the notice does not dispense with  
3085 recording the claim of lien.

3086 (7) (a) For the purpose of perfecting its lien under this  
3087 section, the airport shall record a claim of lien which states  
3088 ~~shall state:~~

3089 1. The name and address of the airport.

3090 2. The name of the owner of the motor vehicle, the  
3091 insurance company insuring the motor vehicle, ~~notwithstanding~~  
3092 ~~the provisions of s. 627.736,~~ and all persons of record claiming  
3093 a lien against the motor vehicle.

3094 3. The costs incurred from reasonable towing, storage, and  
3095 parking fees, if any.

3096 4. A description of the motor vehicle sufficient for  
3097 identification.

3098 (b) The claim of lien must ~~shall~~ be signed and sworn to or  
3099 affirmed by the airport director or the director's designee.

3100 (c) The claim of lien is ~~shall be~~ sufficient if it is in  
3101 substantially the following form:

3102

3103

CLAIM OF LIEN

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3104 State of .....

3105 County of .....

3106 Before me, the undersigned notary public, personally appeared

3107 ....., who was duly sworn and says that he/she is the

3108 ..... of ....., whose address is.....; and that the

3109 following described motor vehicle:

3110 ...(Description of motor vehicle)...

3111 owned by ....., whose address is ....., has accrued

3112 \$..... in fees for a reasonable tow, for storage, and for

3113 parking, if applicable; that the lienor served its notice to the

3114 owner, the insurance company insuring the motor vehicle

3115 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~

3116 and all persons of record claiming a lien against the motor

3117 vehicle on ....., ...(year)...., by.....

3118 ...(Signature)...

3119 Sworn to (or affirmed) and subscribed before me this .... day of

3120 ....., ...(year)...., by ...(name of person making statement)....

3121 ...(Signature of Notary Public).....(Print, Type, or Stamp

3122 Commissioned name of Notary Public)...

3123 Personally Known...OR Produced...as identification.

3124

3125 However, the negligent inclusion or omission of any information

3126 in this claim of lien which does not prejudice the owner does

3127 not constitute a default that operates to defeat an otherwise

3128 valid lien.

3129 (d) The claim of lien must ~~shall~~ be served on the owner of

3130 the motor vehicle, the insurance company insuring the motor

3131 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all

3132 persons of record claiming a lien against the motor vehicle. If

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3133 attempts to notify the owner, the insurance company insuring the  
3134 motor vehicle ~~notwithstanding the provisions of s. 627.736~~, or  
3135 lienholders are not successful, the requirement of notice by  
3136 mail shall be considered met. The claim of lien must ~~shall~~ be so  
3137 served before recordation.

3138 (e) The claim of lien must ~~shall~~ be recorded with the clerk  
3139 of court in the county where the airport is located. The  
3140 recording of the claim of lien shall be constructive notice to  
3141 all persons of the contents and effect of such claim. The lien  
3142 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~  
3143 ~~take~~ priority as of that time.

3144 Section 58. Subsection (4) of section 713.78, Florida  
3145 Statutes, is amended to read:

3146 713.78 Liens for recovering, towing, or storing vehicles  
3147 and vessels.—

3148 (4) (a) A person regularly engaged in the business of  
3149 recovering, towing, or storing vehicles or vessels who comes  
3150 into possession of a vehicle or vessel pursuant to subsection  
3151 (2), and who claims a lien for recovery, towing, or storage  
3152 services, shall give notice, by certified mail, to the  
3153 registered owner, the insurance company insuring the vehicle  
3154 ~~notwithstanding s. 627.736~~, and all persons claiming a lien  
3155 thereon, as disclosed by the records in the Department of  
3156 Highway Safety and Motor Vehicles or as disclosed by the records  
3157 of any corresponding agency in any other state in which the  
3158 vehicle is identified through a records check of the National  
3159 Motor Vehicle Title Information System or an equivalent  
3160 commercially available system as being titled or registered.

3161 (b) Whenever a law enforcement agency authorizes the

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3162 removal of a vehicle or vessel or whenever a towing service,  
3163 garage, repair shop, or automotive service, storage, or parking  
3164 place notifies the law enforcement agency of possession of a  
3165 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
3166 enforcement agency of the jurisdiction where the vehicle or  
3167 vessel is stored shall contact the Department of Highway Safety  
3168 and Motor Vehicles, or the appropriate agency of the state of  
3169 registration, if known, within 24 hours through the medium of  
3170 electronic communications, giving the full description of the  
3171 vehicle or vessel. Upon receipt of the full description of the  
3172 vehicle or vessel, the department shall search its files to  
3173 determine the owner's name, the insurance company insuring the  
3174 vehicle or vessel, and whether any person has filed a lien upon  
3175 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
3176 notify the applicable law enforcement agency within 72 hours.  
3177 The person in charge of the towing service, garage, repair shop,  
3178 or automotive service, storage, or parking place shall obtain  
3179 such information from the applicable law enforcement agency  
3180 within 5 days after the date of storage and shall give notice  
3181 pursuant to paragraph (a). The department may release the  
3182 insurance company information to the requestor ~~notwithstanding~~  
3183 ~~s. 627.736.~~

3184 (c) The notice of lien must be sent by certified mail to  
3185 the registered owner, the insurance company insuring the vehicle  
3186 ~~notwithstanding s. 627.736,~~ and all other persons claiming a  
3187 lien thereon within 7 business days, excluding Saturday and  
3188 Sunday, after the date of storage of the vehicle or vessel.  
3189 However, in no event shall the notice of lien be sent less than  
3190 30 days before the sale of the vehicle or vessel. The notice

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3191 must state:

3192 1. If the claim of lien is for a vehicle, the last 8 digits  
3193 of the vehicle identification number of the vehicle subject to  
3194 the lien, or, if the claim of lien is for a vessel, the hull  
3195 identification number of the vessel subject to the lien, clearly  
3196 printed in the delivery address box and on the outside of the  
3197 envelope sent to the registered owner and all other persons  
3198 claiming an interest therein or lien thereon.

3199 2. The name, physical address, and telephone number of the  
3200 lienor, and the entity name, as registered with the Division of  
3201 Corporations, of the business where the towing and storage  
3202 occurred, which must also appear on the outside of the envelope  
3203 sent to the registered owner and all other persons claiming an  
3204 interest in or lien on the vehicle or vessel.

3205 3. The fact of possession of the vehicle or vessel.

3206 4. The name of the person or entity that authorized the  
3207 lienor to take possession of the vehicle or vessel.

3208 5. That a lien as provided in subsection (2) is claimed.

3209 6. That charges have accrued and include an itemized  
3210 statement of the amount thereof.

3211 7. That the lien is subject to enforcement under law and  
3212 that the owner or lienholder, if any, has the right to a hearing  
3213 as set forth in subsection (5).

3214 8. That any vehicle or vessel that remains unclaimed, or  
3215 for which the charges for recovery, towing, or storage services  
3216 remain unpaid, may be sold free of all prior liens 35 days after  
3217 the vehicle or vessel is stored by the lienor if the vehicle or  
3218 vessel is more than 3 years of age or 50 days after the vehicle  
3219 or vessel is stored by the lienor if the vehicle or vessel is 3

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3220 years of age or less.

3221 9. The address at which the vehicle or vessel is physically  
3222 located.

3223 (d) The notice of lien may not be sent to the registered  
3224 owner, the insurance company insuring the vehicle or vessel, and  
3225 all other persons claiming a lien thereon less than 30 days  
3226 before the sale of the vehicle or vessel.

3227 (e) If attempts to locate the name and address of the owner  
3228 or lienholder prove unsuccessful, the towing-storage operator  
3229 shall, after 7 business days, excluding Saturday and Sunday,  
3230 after the initial tow or storage, notify the public agency of  
3231 jurisdiction where the vehicle or vessel is stored in writing by  
3232 certified mail or acknowledged hand delivery that the towing-  
3233 storage company has been unable to locate the name and address  
3234 of the owner or lienholder and a physical search of the vehicle  
3235 or vessel has disclosed no ownership information and a good  
3236 faith effort has been made, including records checks of the  
3237 Department of Highway Safety and Motor Vehicles database and the  
3238 National Motor Vehicle Title Information System or an equivalent  
3239 commercially available system. For purposes of this paragraph  
3240 and subsection (9), the term "good faith effort" means that the  
3241 following checks have been performed by the company to establish  
3242 the prior state of registration and for title:

3243 1. A check of the department's database for the owner and  
3244 any lienholder.

3245 2. A check of the electronic National Motor Vehicle Title  
3246 Information System or an equivalent commercially available  
3247 system to determine the state of registration when there is not  
3248 a current registration record for the vehicle or vessel on file



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3249 with the department.

3250         3. A check of the vehicle or vessel for any type of tag,  
3251 tag record, temporary tag, or regular tag.

3252         4. A check of the law enforcement report for a tag number  
3253 or other information identifying the vehicle or vessel, if the  
3254 vehicle or vessel was towed at the request of a law enforcement  
3255 officer.

3256         5. A check of the trip sheet or tow ticket of the tow truck  
3257 operator to determine whether a tag was on the vehicle or vessel  
3258 at the beginning of the tow, if a private tow.

3259         6. If there is no address of the owner on the impound  
3260 report, a check of the law enforcement report to determine  
3261 whether an out-of-state address is indicated from driver license  
3262 information.

3263         7. A check of the vehicle or vessel for an inspection  
3264 sticker or other stickers and decals that may indicate a state  
3265 of possible registration.

3266         8. A check of the interior of the vehicle or vessel for any  
3267 papers that may be in the glove box, trunk, or other areas for a  
3268 state of registration.

3269         9. A check of the vehicle for a vehicle identification  
3270 number.

3271         10. A check of the vessel for a vessel registration number.

3272         11. A check of the vessel hull for a hull identification  
3273 number which should be carved, burned, stamped, embossed, or  
3274 otherwise permanently affixed to the outboard side of the  
3275 transom or, if there is no transom, to the outmost seaboard side  
3276 at the end of the hull that bears the rudder or other steering  
3277 mechanism.

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3278 Section 59. Paragraph (a) of subsection (1), paragraph (c)  
3279 of subsection (7), paragraphs (a), (b), and (c) of subsection  
3280 (8), and subsections (9) and (10) of section 817.234, Florida  
3281 Statutes, are amended to read:

3282 817.234 False and fraudulent insurance claims.—

3283 (1) (a) A person commits insurance fraud punishable as  
3284 provided in subsection (11) if that person, with the intent to  
3285 injure, defraud, or deceive any insurer:

3286 1. Presents or causes to be presented any written or oral  
3287 statement as part of, or in support of, a claim for payment or  
3288 other benefit pursuant to an insurance policy or a health  
3289 maintenance organization subscriber or provider contract,  
3290 knowing that such statement contains ~~any~~ false, incomplete, or  
3291 misleading information concerning any fact or thing material to  
3292 such claim;

3293 2. Prepares or makes any written or oral statement that is  
3294 intended to be presented to an ~~any~~ insurer in connection with,  
3295 or in support of, any claim for payment or other benefit  
3296 pursuant to an insurance policy or a health maintenance  
3297 organization subscriber or provider contract, knowing that such  
3298 statement contains ~~any~~ false, incomplete, or misleading  
3299 information concerning any fact or thing material to such claim;

3300 3.a. Knowingly presents, causes to be presented, or  
3301 prepares or makes with knowledge or belief that it will be  
3302 presented to an ~~any~~ insurer, purported insurer, servicing  
3303 corporation, insurance broker, or insurance agent, or any  
3304 employee or agent thereof, ~~any~~ false, incomplete, or misleading  
3305 information or a written or oral statement as part of, or in  
3306 support of, an application for the issuance of, or the rating

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3307 of, any insurance policy, or a health maintenance organization  
3308 subscriber or provider contract; or

3309 b. Knowingly conceals information concerning any fact  
3310 material to such application; or

3311 4. Knowingly presents, causes to be presented, or prepares  
3312 or makes with knowledge or belief that it will be presented to  
3313 any insurer a claim for payment or other benefit under medical  
3314 payments coverage in a motor vehicle ~~a personal injury~~  
3315 ~~protection~~ insurance policy if the person knows that the payee  
3316 knowingly submitted a false, misleading, or fraudulent  
3317 application or other document when applying for licensure as a  
3318 health care clinic, seeking an exemption from licensure as a  
3319 health care clinic, or demonstrating compliance with part X of  
3320 chapter 400.

3321 (7)

3322 ~~(c) An insurer, or any person acting at the direction of or~~  
3323 ~~on behalf of an insurer, may not change an opinion in a mental~~  
3324 ~~or physical report prepared under s. 627.736(7) or direct the~~  
3325 ~~physician preparing the report to change such opinion; however,~~  
3326 ~~this provision does not preclude the insurer from calling to the~~  
3327 ~~attention of the physician errors of fact in the report based~~  
3328 ~~upon information in the claim file. Any person who violates this~~  
3329 ~~paragraph commits a felony of the third degree, punishable as~~  
3330 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

3331 (8) (a) It is unlawful for any person intending to defraud  
3332 any other person to solicit or cause to be solicited any  
3333 business from a person involved in a motor vehicle accident for  
3334 the purpose of making, adjusting, or settling motor vehicle tort  
3335 claims or claims for benefits under medical payments coverage in

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3336 a motor vehicle insurance policy ~~personal injury protection~~  
3337 ~~benefits required by s. 627.736.~~ Any person who violates the  
3338 ~~provisions of~~ this paragraph commits a felony of the second  
3339 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
3340 775.084. A person who is convicted of a violation of this  
3341 subsection shall be sentenced to a minimum term of imprisonment  
3342 of 2 years.

3343 (b) A person may not solicit or cause to be solicited any  
3344 business from a person involved in a motor vehicle accident by  
3345 any means of communication other than advertising directed to  
3346 the public for the purpose of making motor vehicle tort claims  
3347 or claims for benefits under medical payments coverage in a  
3348 motor vehicle insurance policy ~~personal injury protection~~  
3349 ~~benefits required by s. 627.736,~~ within 60 days after the  
3350 occurrence of the motor vehicle accident. Any person who  
3351 violates this paragraph commits a felony of the third degree,  
3352 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3353 (c) A lawyer, health care practitioner as defined in s.  
3354 456.001, or owner or medical director of a clinic required to be  
3355 licensed pursuant to s. 400.9905 may not, at any time after 60  
3356 days have elapsed from the occurrence of a motor vehicle  
3357 accident, solicit or cause to be solicited any business from a  
3358 person involved in a motor vehicle accident by means of in  
3359 person or telephone contact at the person's residence, for the  
3360 purpose of making motor vehicle tort claims or claims for  
3361 benefits under medical payments coverage in a motor vehicle  
3362 insurance policy ~~personal injury protection benefits required by~~  
3363 ~~s. 627.736.~~ Any person who violates this paragraph commits a  
3364 felony of the third degree, punishable as provided in s.

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3365 775.082, s. 775.083, or s. 775.084.

3366 (9) A person may not organize, plan, or knowingly  
3367 participate in an intentional motor vehicle crash or a scheme to  
3368 create documentation of a motor vehicle crash that did not occur  
3369 for the purpose of making motor vehicle tort claims or claims  
3370 for benefits under medical payments coverage in a motor vehicle  
3371 insurance policy ~~personal injury protection benefits as required~~  
3372 ~~by s. 627.736~~. Any person who violates this subsection commits a  
3373 felony of the second degree, punishable as provided in s.  
3374 775.082, s. 775.083, or s. 775.084. A person who is convicted of  
3375 a violation of this subsection shall be sentenced to a minimum  
3376 term of imprisonment of 2 years.

3377 (10) A licensed health care practitioner who is found  
3378 guilty of insurance fraud under this section for an act relating  
3379 to a motor vehicle ~~personal injury protection~~ insurance policy  
3380 loses his or her license to practice for 5 years and may not  
3381 receive reimbursement under medical payments coverage in a motor  
3382 vehicle insurance policy ~~for personal injury protection benefits~~  
3383 for 10 years.

3384 Section 60. For the 2021-2022 fiscal year, the sum of  
3385 \$83,651 in nonrecurring funds is appropriated from the Insurance  
3386 Regulatory Trust Fund to the Office of Insurance Regulation for  
3387 the purpose of implementing this act.

3388 Section 61. Except as otherwise expressly provided in this  
3389 act and except for this section, which shall take effect upon  
3390 this act becoming a law, this act shall take effect January 1,  
3391 2022.