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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 excluded from the definition of the term

43 "motor vehicle"; providing security requirements for

44 certain excluded vehicles; specifying circumstances

45 when motorcycles are subject to financial

46 responsibility requirements; conforming provisions to

47 changes made by the act; conforming cross-references;

48 amending s. 324.0221, F.S.; revising coverages that

49 subject a policy to certain insurer reporting and

50 notice requirements; conforming provisions to changes

51 made by the act; creating s. 324.0222, F.S.; providing

52 that driver license or registration suspensions for

53 failure to maintain required security which were in

54 effect before a specified date remain in full force

55 and effect; providing that such suspended licenses or

56 registrations may be reinstated as provided in a

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

58 conforming cross-references; making technical changes;

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59 amending s. 324.031, F.S.; specifying a method of
60 proving financial responsibility; revising the amount
61 of a certificate of deposit required to elect a
62 certain method of proof of financial responsibility;
63 revising excess liability coverage requirements for a
64 person electing to use such method; amending s.
65 324.032, F.S.; revising financial responsibility
66 requirements for owners or lessees of for-hire
67 passenger transportation vehicles; amending s.
68 324.051, F.S.; specifying that motor vehicles include
69 motorcycles for purposes of the section; making
70 technical changes; amending ss. 324.071 and 324.091,
71 F.S.; making technical changes; amending s. 324.151,
72 F.S.; revising requirements for motor vehicle
73 liability insurance policies relating to coverage, and
74 exclusion from coverage, for certain drivers and
75 vehicles; defining terms; conforming provisions to
76 changes made by the act; making technical changes;
77 amending s. 324.161, F.S.; revising requirements for a
78 certificate of deposit that is required if a person
79 elects a certain method of proving financial
80 responsibility; amending s. 324.171, F.S.; revising
81 the minimum net worth requirements to qualify certain
82 persons as self-insurers; conforming provisions to
83 changes made by the act; amending s. 324.251, F.S.;
84 revising the short title and an effective date;
85 amending s. 400.9905, F.S.; revising the definition of
86 the term "clinic"; amending ss. 400.991 and 400.9935,
87 F.S.; conforming provisions to changes made by the

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88 act; amending s. 409.901, F.S.; revising the
89 definition of the term "third-party benefit"; amending
90 s. 409.910, F.S.; revising the definition of the term
91 "medical coverage"; amending s. 456.057, F.S.;
92 conforming a provision to changes made by the act;
93 amending s. 456.072, F.S.; revising specified grounds
94 for discipline for certain health professions;
95 defining the term "upcoded"; amending s. 624.155,
96 F.S.; providing an exception to the circumstances
97 under which a person who is damaged may bring a civil
98 action against an insurer; adding a cause of action
99 against insurers in certain circumstances; providing
100 that a person is not entitled to judgments under
101 multiple bad faith remedies; creating s. 624.156,
102 F.S.; providing that the section applies to bad faith
103 failure to settle third-party claim actions against
104 any insurer for a loss arising out of the ownership,
105 maintenance, or use of a motor vehicle under specified
106 circumstances; providing construction; providing that
107 insurers have a duty of good faith; providing
108 construction; defining the term "bad faith failure to
109 settle"; specifying best practices standards for
110 insurers upon receiving actual notice of certain
111 incidents or losses; providing construction;
112 specifying certain requirements for insurer
113 communications to an insured; requiring an insurer to
114 initiate settlement negotiations under certain
115 circumstances; specifying requirements for the insurer
116 when multiple claims arise out of a single occurrence

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117 under certain conditions; providing construction;
118 requiring an insurer to attempt to settle a claim on
119 behalf of certain insureds under certain
120 circumstances; providing for a defense to bad faith
121 actions; providing that insureds have a duty to
122 cooperate; requiring an insured to take certain
123 reasonable actions necessary to settle covered claims;
124 providing requirements for disclosures by insureds;
125 requiring insurers to provide certain notice to
126 insureds within a specified timeframe; providing that
127 insurers may terminate certain defenses under certain
128 circumstances; providing construction; providing that
129 a trier of fact may not attribute an insurer's failure
130 to settle certain claims to specified causes under
131 certain circumstances; providing construction;
132 specifying conditions precedent for claimants filing
133 bad faith failure to settle third-party claim actions;
134 providing that an insurer is entitled to a reasonable
135 opportunity to investigate and evaluate claims under
136 certain circumstances; providing construction;
137 providing that insurers may not be held liable for the
138 failure to accept a settlement offer within a certain
139 timeframe if certain conditions are met; providing
140 that an insurer is not required to automatically
141 tender policy limits within a certain timeframe in
142 every case; requiring the party bringing a bad faith
143 failure to settle action to prove every element by the
144 greater weight of the evidence; specifying burdens of
145 proof for insurers relying on specified defenses;

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146 limiting damages under certain circumstances; amending
147 s. 626.9541, F.S.; conforming a provision to changes
148 made by the act; revising the type of insurance
149 coverage applicable to a certain prohibited act;
150 amending s. 626.989, F.S.; revising the definition of
151 the term "fraudulent insurance act"; amending s.
152 627.06501, F.S.; revising coverages that may provide
153 for a reduction in motor vehicle insurance policy
154 premium charges under certain circumstances; amending
155 s. 627.0651, F.S.; specifying requirements for rate
156 filings for motor vehicle liability policies submitted
157 to the Office of Insurance Regulation implementing
158 requirements in effect on a specified date; requiring
159 such filings to be approved through a certain process;
160 amending s. 627.0652, F.S.; revising coverages that
161 must provide a premium charge reduction under certain
162 circumstances; amending s. 627.0653, F.S.; revising
163 coverages subject to premium discounts for specified
164 motor vehicle equipment; amending s. 627.4132, F.S.;
165 revising coverages that are subject to a stacking
166 prohibition; amending s. 627.4137, F.S.; requiring
167 that insurers disclose certain information at the
168 request of a claimant's attorney; authorizing a
169 claimant to file an action under certain
170 circumstances; providing for the award of reasonable
171 attorney fees and costs under certain circumstances;
172 amending s. 627.7263, F.S.; revising coverages that
173 are deemed primary, except under certain
174 circumstances, for the lessor of a motor vehicle for

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175 lease or rent; revising a notice that is required if
176 the lessee's coverage is to be primary; creating s.
177 627.7265, F.S.; specifying persons whom medical
178 payments coverage must protect; specifying the minimum
179 medical expense and death benefit limits; specifying
180 coverage options an insurer is required and authorized
181 to offer; providing that each motor vehicle insurance
182 policy furnished as proof of financial responsibility
183 is deemed to have certain coverages; requiring that
184 certain rejections or selections be made on forms
185 approved by the office; providing requirements for
186 such forms; providing that certain coverage is not
187 required to be provided in certain policies under
188 certain circumstances; requiring insurers to provide
189 certain notices to policyholders; providing
190 construction relating to limits on certain other
191 coverages; requiring insurers, upon receiving certain
192 notice of an accident, to hold a specified reserve for
193 certain purposes for a certain timeframe; providing
194 that the reserve requirement does not require insurers
195 to establish a claim reserve for accounting purposes;
196 specifying that an insurer providing medical payments
197 coverage benefits may not seek a lien on a certain
198 recovery and may not bring a certain cause of action;
199 authorizing insurers to include policy provisions
200 allowing for subrogation, under certain circumstances,
201 for medical payments benefits paid; providing
202 construction; specifying a requirement for an insured
203 for repayment of medical payments benefits under

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204 certain circumstances; prohibiting insurers from
205 including policy provisions allowing for subrogation
206 for death benefits paid; amending s. 627.727, F.S.;
207 revising the legal liability of an uninsured motorist
208 coverage insurer; conforming provisions to changes
209 made by the act; amending s. 627.7275, F.S.; revising
210 required coverages for a motor vehicle insurance
211 policy; conforming provisions to changes made by the
212 act; creating s. 627.7278, F.S.; defining the term
213 "minimum security requirements"; providing
214 requirements, applicability, and construction relating
215 to motor vehicle insurance policies as of a certain
216 date; requiring insurers to allow certain insureds to
217 make certain coverage changes, subject to certain
218 conditions; requiring an insurer to provide, by a
219 specified date, a specified notice to policyholders
220 relating to requirements under the act; amending s.
221 627.728, F.S.; conforming a provision to changes made
222 by the act; making technical changes; amending s.
223 627.7295, F.S.; revising the definitions of the terms
224 "policy" and "binder"; revising the coverages of a
225 motor vehicle insurance policy for which a licensed
226 general lines agent may charge a specified fee;
227 conforming provisions to changes made by the act;
228 amending s. 627.7415, F.S.; revising additional
229 liability insurance requirements for commercial motor
230 vehicles; creating s. 627.747, F.S.; providing that
231 private passenger motor vehicle policies may exclude
232 certain identified individuals from specified

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233 coverages under certain circumstances; providing that
234 such policies may not exclude coverage under certain
235 circumstances; amending s. 627.748, F.S.; revising
236 insurance requirements for transportation network
237 company drivers; conforming provisions to changes made
238 by the act; amending s. 627.749, F.S.; conforming a
239 provision to changes made by the act; amending s.
240 627.8405, F.S.; revising coverages in a policy sold in
241 combination with an accidental death and dismemberment
242 policy which a premium finance company may not
243 finance; revising rulemaking authority of the
244 Financial Services Commission; amending ss. 627.915,
245 628.909, 705.184, and 713.78, F.S.; conforming
246 provisions to changes made by the act; making
247 technical changes; creating s. 768.852, F.S.;
248 providing for a setoff on certain damages that may be
249 recovered by a person operating certain motor vehicles
250 who is not in compliance with financial responsibility
251 laws; providing exceptions; amending s. 817.234, F.S.;
252 revising coverages that are the basis of specified
253 prohibited false and fraudulent insurance claims;
254 conforming provisions to changes made by the act;
255 providing an appropriation; providing effective dates.

256
257 Be It Enacted by the Legislature of the State of Florida:

258
259 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
260 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
261 and 627.7405, Florida Statutes, are repealed.

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

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

265 316.646 Security required; proof of security and display
266 thereof.—

267 (1) Any person required by s. 324.022 to maintain liability
268 security for property damage, ~~liability security, required by s.~~
269 ~~324.023 to maintain liability security for bodily injury, or~~
270 ~~death, or required by s. 627.733 to maintain personal injury~~
271 ~~protection security on a motor vehicle~~ shall have in his or her
272 immediate possession at all times while operating such motor
273 vehicle proper proof of maintenance of the ~~required~~ security
274 required under s. 324.021(7).

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

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

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

287 Section 4. Paragraph (b) of subsection (2) of section
288 318.18, Florida Statutes, is amended to read:

289 318.18 Amount of penalties.—The penalties required for a
290 noncriminal disposition pursuant to s. 318.14 or a criminal

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291 offense listed in s. 318.17 are as follows:

292 (2) Thirty dollars for all nonmoving traffic violations
293 and:

294 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,
295 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.
296 320.07(1) shall be charged a delinquent fee pursuant to s.
297 320.07(4).

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

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

317 3. If a person who is cited for a violation of s. 316.646
318 can show proof of security as required by s. 324.021(7) ~~s.~~
319 ~~627.733~~, issued to the person and valid at the time of arrest,

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

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

333 320.02 Registration required; application for registration;
334 forms.—

335 (5) (a) Proof that bodily injury liability coverage and
336 property damage liability coverage ~~personal injury protection~~
337 ~~benefits~~ have been purchased if required under s. 324.022, s.
338 324.032, or s. 627.742 ~~s. 627.733, that property damage~~
339 ~~liability coverage has been purchased as required under s.~~
340 ~~324.022, that bodily injury liability ~~or death~~ coverage has been~~
341 purchased if required under s. 324.023, and that combined bodily
342 liability insurance and property damage liability insurance have
343 been purchased if required under s. 627.7415 must ~~shall~~ be
344 provided in the manner prescribed by law by the applicant at the
345 time of application for registration of any motor vehicle that
346 is subject to such requirements. The issuing agent may not ~~shall~~
347 ~~refuse to~~ issue registration if such proof of purchase is not
348 provided. Insurers shall furnish uniform proof-of-purchase cards

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349 in a paper or electronic format in a form prescribed by the
350 department and include the name of the insured's insurance
351 company, the coverage identification number, and the make, year,
352 and vehicle identification number of the vehicle insured. The
353 card must contain a statement notifying the applicant of the
354 penalty specified under s. 316.646(4). The card or insurance
355 policy, insurance policy binder, or certificate of insurance or
356 a photocopy of any of these; an affidavit containing the name of
357 the insured's insurance company, the insured's policy number,
358 and the make and year of the vehicle insured; or such other
359 proof as may be prescribed by the department constitutes ~~shall~~
360 ~~constitute~~ sufficient proof of purchase. If an affidavit is
361 provided as proof, it must be in substantially the following
362 form:

363
364 Under penalty of perjury, I ... (Name of insured)... do hereby
365 certify that I have ... (bodily injury liability and Personal
366 ~~Injury Protection~~, property damage liability, ~~and, if required,~~
367 ~~Bodily Injury Liability~~)... insurance currently in effect with
368 ... (Name of insurance company)... under ... (policy number)...
369 covering ... (make, year, and vehicle identification number of
370 vehicle).... ... (Signature of Insured)...

371
372 Such affidavit must include the following warning:

373
374 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
375 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
376 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
377 SUBJECT TO PROSECUTION.

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378
379 If an application is made through a licensed motor vehicle
380 dealer as required under s. 319.23, the original or a photocopy
381 ~~photostatic copy~~ of such card, insurance policy, insurance
382 policy binder, or certificate of insurance or the original
383 affidavit from the insured must ~~shall~~ be forwarded by the dealer
384 to the tax collector of the county or the Department of Highway
385 Safety and Motor Vehicles for processing. By executing the
386 ~~aforsaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not
387 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
388 falsification of any statement contained therein. ~~A card must~~
389 ~~also indicate the existence of any bodily injury liability~~
390 ~~insurance voluntarily purchased.~~

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

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407 responsibility before ~~insurance prior to~~, during, or subsequent
408 to the verification of the proof. The issuance of a motor
409 vehicle registration does not constitute prima facie evidence or
410 a presumption of insurance coverage.

411 Section 6. Paragraph (b) of subsection (1) of section
412 320.0609, Florida Statutes, is amended to read:

413 320.0609 Transfer and exchange of registration license
414 plates; transfer fee.—

415 (1)

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

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

424 320.27 Motor vehicle dealers.—

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

429 (g) "Garage liability insurance" means, beginning January
430 1, 2022, combined single-limit liability coverage, including
431 property damage and bodily injury liability coverage, in the
432 amount of at least \$60,000.

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

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

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465 statement that the applicant is either franchised by a
466 manufacturer of motor vehicles, in which case the name of each
467 motor vehicle that the applicant is franchised to sell must
468 ~~shall~~ be included, or an independent (nonfranchised) motor
469 vehicle dealer. The application must ~~shall~~ contain other
470 relevant information as may be required by the department. The
471 applicant shall furnish, including evidence, in a form approved
472 by the department, that the applicant is insured under a garage
473 liability insurance policy or a general liability insurance
474 policy coupled with a business automobile policy having the
475 coverages and limits of the garage liability insurance coverage
476 in accordance with paragraph (1) (g), which shall include, at a
477 minimum, \$25,000 combined single-limit liability coverage
478 including bodily injury and property damage protection and
479 \$10,000 personal injury protection. However, a salvage motor
480 vehicle dealer as defined in subparagraph (1)(c)5. is exempt
481 from the requirements for garage liability insurance ~~and~~
482 ~~personal injury protection insurance~~ on those vehicles that
483 cannot be legally operated on roads, highways, or streets in
484 this state. Franchise dealers must submit a garage liability
485 insurance policy, and all other dealers must submit a garage
486 liability insurance policy or a general liability insurance
487 policy coupled with a business automobile policy. Such policy
488 must ~~shall~~ be for the license period, and evidence of a new or
489 continued policy must ~~shall~~ be delivered to the department at
490 the beginning of each license period. Upon making an initial
491 application, the applicant shall pay to the department a fee of
492 \$300 in addition to any other fees required by law. Applicants
493 may choose to extend the licensure period for 1 additional year

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

519 Section 8. Paragraph (j) of subsection (3) of section
520 320.771, Florida Statutes, is amended to read:

521 320.771 License required of recreational vehicle dealers.—

522 (3) APPLICATION.—The application for such license shall be

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523 in the form prescribed by the department and subject to such
524 rules as may be prescribed by it. The application shall be
525 verified by oath or affirmation and shall contain:

526 (j) A statement that the applicant is insured under a
527 garage liability insurance policy in accordance with s.
528 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
529 ~~combined single-limit liability coverage, including bodily~~
530 ~~injury and property damage protection, and \$10,000 personal~~
531 ~~injury protection~~, if the applicant is to be licensed as a
532 dealer in, or intends to sell, recreational vehicles. However, a
533 garage liability policy is not required for the licensure of a
534 mobile home dealer who sells only park trailers.

535
536 The department shall, if it deems necessary, cause an
537 investigation to be made to ascertain if the facts set forth in
538 the application are true and may ~~shall~~ not issue a license to
539 the applicant until it is satisfied that the facts set forth in
540 the application are true.

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

543 322.251 Notice of cancellation, suspension, revocation, or
544 disqualification of license.—

545 (1) All orders of cancellation, suspension, revocation, or
546 disqualification issued under ~~the provisions of~~ this chapter,
547 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~
548 be given either by personal delivery thereof to the licensee
549 whose license is being canceled, suspended, revoked, or
550 disqualified or by deposit in the United States mail in an
551 envelope, first class, postage prepaid, addressed to the

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552 licensee at his or her last known mailing address furnished to
553 the department. Such mailing by the department constitutes
554 notification, and any failure by the person to receive the
555 mailed order will not affect or stay the effective date or term
556 of the cancellation, suspension, revocation, or disqualification
557 of the licensee's driving privilege.

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

569 Section 10. Paragraph (a) of subsection (8) of section
570 322.34, Florida Statutes, is amended to read:

571 322.34 Driving while license suspended, revoked, canceled,
572 or disqualified.—

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

576 1. Whether the person's driver license is suspended or
577 revoked, or the person is under suspension or revocation
578 equivalent status.

579 2. Whether the person's driver license has remained
580 suspended or revoked, or the person has been under suspension or

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581 revocation equivalent status, since a conviction for the offense
582 of driving with a suspended or revoked license.

583 3. Whether the suspension, revocation, or suspension or
584 revocation equivalent status was made under s. 316.646 ~~or s.~~
585 ~~627.733~~, relating to failure to maintain required security, or
586 under s. 322.264, relating to habitual traffic offenders.

587 4. Whether the driver is the registered owner or co-owner
588 of the vehicle.

589 Section 11. Section 324.011, Florida Statutes, is amended
590 to read:

591 324.011 Legislative intent; purpose of chapter.—It is the
592 intent of the Legislature that this chapter ensure that the
593 privilege of owning or operating a motor vehicle in this state
594 be exercised ~~to recognize the existing privilege to own or~~
595 ~~operate a motor vehicle on the public streets and highways of~~
596 ~~this state when such vehicles are used~~ with due consideration
597 for others' safety ~~others~~ and ~~their~~ property, promoting ~~and to~~
598 ~~promote~~ safety, and providing ~~provide~~ financial security
599 requirements for ~~such~~ owners and ~~or~~ operators whose
600 responsibility it is to recompense others for injury to person
601 or property caused by the operation of a motor vehicle.
602 Therefore, the purpose of this chapter is to require that every
603 owner or operator of a motor vehicle required to be registered
604 in this state establish, maintain, and it is required herein
605 ~~that the operator of a motor vehicle involved in a crash or~~
606 ~~convicted of certain traffic offenses meeting the operative~~
607 ~~provisions of s. 324.051(2) shall respond for such damages and~~
608 show proof of financial ability to respond for damages arising
609 out of the ownership, maintenance, or use of a motor vehicle ~~in~~

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610 ~~future accidents~~ as a requisite to owning or operating a motor
611 vehicle in this state ~~his or her future exercise of such~~
612 ~~privileges.~~

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

616 324.021 Definitions; minimum insurance required.—The
617 following words and phrases when used in this chapter shall, for
618 the purpose of this chapter, have the meanings respectively
619 ascribed to them in this section, except in those instances
620 where the context clearly indicates a different meaning:

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

635 (7) PROOF OF FINANCIAL RESPONSIBILITY.—Beginning January 1,
636 2022, ~~That~~ proof of ability to respond in damages for liability
637 on account of crashes arising out of the ownership, maintenance,
638 or use of a motor vehicle:

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639 (a) With respect to a motor vehicle other than a commercial
640 motor vehicle, nonpublic sector bus, or for-hire passenger
641 transportation vehicle, in the amounts specified in s.
642 324.022(1). ~~amount of \$10,000 because of bodily injury to, or~~
643 ~~death of, one person in any one crash;~~

644 ~~(b) Subject to such limits for one person, in the amount of~~
645 ~~\$20,000 because of bodily injury to, or death of, two or more~~
646 ~~persons in any one crash;~~

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

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

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

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

656 (9) OWNER; OWNER/LESSOR.—

657 (c) *Application.*—

658 1. The limits on liability in subparagraphs (b)2. and 3. do
659 not apply to an owner of motor vehicles that are used for
660 commercial activity in the owner's ordinary course of business,
661 other than a rental company that rents or leases motor vehicles.
662 For purposes of this paragraph, the term "rental company"
663 includes only an entity that is engaged in the business of
664 renting or leasing motor vehicles to the general public and that
665 rents or leases a majority of its motor vehicles to persons with
666 no direct or indirect affiliation with the rental company. The
667 term "rental company" also includes:

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668 a. A related rental or leasing company that is a subsidiary
669 of the same parent company as that of the renting or leasing
670 company that rented or leased the vehicle.

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

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

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

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

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

711 b. For purposes of this section, and notwithstanding any
712 other provision of general law, a motor vehicle dealer, or a
713 motor vehicle dealer's leasing or rental affiliate, that gives
714 possession, control, or use of a temporary replacement vehicle
715 to a motor vehicle dealer's service customer may not be adjudged
716 liable in a civil proceeding absent negligence or criminal
717 wrongdoing on the part of the motor vehicle dealer, or the motor
718 vehicle dealer's leasing or rental affiliate, if the motor
719 vehicle dealer or the motor vehicle dealer's leasing or rental
720 affiliate executes a written rental or use agreement and obtains
721 from the person receiving the temporary replacement vehicle a
722 copy of the person's driver license and insurance information
723 reflecting at least the minimum motor vehicle insurance coverage
724 required in the state. Any subsequent determination that the
725 driver license or insurance information provided to the motor

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726 vehicle dealer, or the motor vehicle dealer's leasing or rental
727 affiliate, was in any way false, fraudulent, misleading,
728 nonexistent, canceled, not in effect, or invalid does not alter
729 or diminish the protections provided by this section, unless the
730 motor vehicle dealer, or the motor vehicle dealer's leasing or
731 rental affiliate, had actual knowledge thereof at the time
732 possession of the temporary replacement vehicle was provided.

733 c. For purposes of this subparagraph, the term "service
734 customer" does not include an agent or a principal of a motor
735 vehicle dealer or a motor vehicle dealer's leasing or rental
736 affiliate, and does not include an employee of a motor vehicle
737 dealer or a motor vehicle dealer's leasing or rental affiliate
738 unless the employee was provided a temporary replacement
739 vehicle:

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

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

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

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

751 Section 13. Section 324.022, Florida Statutes, is amended
752 to read:

753 324.022 Financial responsibility requirements ~~for property~~
754 ~~damage.~~—

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

760 1. Twenty-five thousand dollars for bodily injury to, or
761 the death of, one person in any one crash and, subject to such
762 limits for one person, in the amount of \$50,000 for bodily
763 injury to, or the death of, two or more persons in any one
764 crash; and

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

767 (b) The requirements of paragraph (a) this section may be
768 ~~met by one of the methods established in s. 324.031; by self-~~
769 ~~insuring as authorized by s. 768.28(16); or by maintaining a~~
770 ~~motor vehicle liability insurance policy that an insurance~~
771 ~~policy providing coverage for property damage liability in the~~
772 ~~amount of at least \$10,000 because of damage to, or destruction~~
773 ~~of, property of others in any one accident arising out of the~~
774 ~~use of the motor vehicle. The requirements of this section may~~
775 ~~also be met by having a policy which provides~~ combined property
776 damage liability and bodily injury liability coverage for any
777 one crash arising out of the ownership, maintenance, or use of a
778 motor vehicle and that conforms to the requirements of s.
779 324.151 in the amount of at least \$60,000 for every owner or
780 operator subject to the financial responsibility required in
781 paragraph (a) \$30,000 for combined property damage liability and
782 ~~bodily injury liability for any one crash arising out of the use~~
783 ~~of the motor vehicle. The policy, with respect to coverage for~~

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784 ~~property damage liability, must meet the applicable requirements~~
785 ~~of s. 324.151, subject to the usual policy exclusions that have~~
786 ~~been approved in policy forms by the Office of Insurance~~
787 ~~Regulation. No insurer shall have any duty to defend uncovered~~
788 ~~claims irrespective of their joinder with covered claims.~~

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

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

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

796 2. A motor vehicle that is used in mass transit and
797 designed to transport more than five passengers, exclusive of
798 the operator of the motor vehicle, and that is owned by a
799 municipality, transit authority, or political subdivision of the
800 state.

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

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

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

808 ~~6.4. A vehicle providing for-hire passenger transportation~~
809 ~~vehicle, which must that is subject to the provisions of s.~~
810 ~~324.031. A taxicab shall maintain security as required under s.~~
811 ~~324.032 s. 324.032(1).~~

812 ~~7.5. A personal delivery device as defined in s. 316.003.~~

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813 8. A motorcycle as defined in s. 320.01(26), unless s.
814 324.051 applies; in such case, paragraph (1)(a) and the
815 applicable proof of insurance provisions of s. 320.02 apply.

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

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

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

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842 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
843 of a motor vehicle who qualifies for the ~~an~~ exemption under this
844 subsection shall immediately notify the department before ~~prior~~
845 ~~to~~ and at the end of the expiration of the exemption.

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

848 324.0221 Reports by insurers to the department; suspension
849 of driver license and vehicle registrations; reinstatement.—

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

870 (b) With respect to an insurance policy providing ~~personal~~

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

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

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

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

896 Section 15. Section 324.0222, Florida Statutes, is created
897 to read:

898 324.0222 Application of suspensions for failure to maintain
899 security; reinstatement.—All suspensions for failure to maintain

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900 required security as required by law in effect before January 1,
901 2022, remain in full force and effect after January 1, 2022. A
902 driver may reinstate a suspended driver license or registration
903 as provided under s. 324.0221.

904 Section 16. Section 324.023, Florida Statutes, is amended
905 to read:

906 324.023 Financial responsibility for bodily injury or
907 death.—In addition to any other financial responsibility
908 required by law, every owner or operator of a motor vehicle that
909 is required to be registered in this state, or that is located
910 within this state, and who, regardless of adjudication of guilt,
911 has been found guilty of or entered a plea of guilty or nolo
912 contendere to a charge of driving under the influence under s.
913 316.193 after October 1, 2007, shall, by one of the methods
914 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
915 establish and maintain the ability to respond in damages for
916 liability on account of accidents arising out of the use of a
917 motor vehicle in the amount of \$100,000 because of bodily injury
918 to, or death of, one person in any one crash and, subject to
919 such limits for one person, in the amount of \$300,000 because of
920 bodily injury to, or death of, two or more persons in any one
921 crash and in the amount of \$50,000 because of property damage in
922 any one crash. If the owner or operator chooses to establish and
923 maintain such ability by furnishing a certificate of deposit
924 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
925 deposit must be at least \$350,000. Such higher limits must be
926 carried for a minimum period of 3 years. If the owner or
927 operator has not been convicted of driving under the influence
928 or a felony traffic offense for a period of 3 years from the

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929 date of reinstatement of driving privileges for a violation of
930 s. 316.193, the owner or operator is ~~shall be~~ exempt from this
931 section.

932 Section 17. Section 324.031, Florida Statutes, is amended
933 to read:

934 324.031 Manner of proving financial responsibility.—

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

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

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

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

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

957 (a) Furnish a certificate of deposit equal to the number of

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958 vehicles owned times \$60,000 ~~\$30,000~~, up to a maximum of
959 \$240,000. ~~\$120,000;~~

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

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

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

976 Section 18. Section 324.032, Florida Statutes, is amended
977 to read:

978 324.032 ~~Manner of proving~~ Financial responsibility for
979 for-hire passenger transportation vehicles. Notwithstanding the
980 provisions of s. 324.031:

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

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

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

1006 (2) Except as provided in subsection (3), the requirements
1007 of this section must be met by the owner or lessee providing
1008 satisfactory evidence of holding a motor vehicle liability
1009 policy conforming to the requirements of s. 324.151 which is
1010 issued by an insurance carrier that is a member of the Florida
1011 Insurance Guaranty Association.

1012 (3) ~~(2)~~ ~~An owner or a lessee who is required to maintain~~
1013 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~
1014 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
1015 ~~transportation vehicles may provide financial responsibility by~~

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

1026
1027 Upon request by the department, the applicant shall ~~must~~ provide
1028 the department at the applicant's principal place of business in
1029 this state access to the applicant's underlying financial
1030 information and financial statements that provide the basis of
1031 the certified public accountant's certification. The applicant
1032 shall reimburse the requesting department for all reasonable
1033 costs incurred by it in reviewing the supporting information.
1034 The maximum amount of self-insurance permissible under this
1035 subsection is \$300,000 and must be stated on a per-occurrence
1036 basis, and the applicant shall maintain adequate excess
1037 insurance issued by an authorized or eligible insurer licensed
1038 or approved by the Office of Insurance Regulation. All risks
1039 self-insured shall remain with the owner or lessee providing it,
1040 and the risks are not transferable to any other person, unless a
1041 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
1042 obtained.

1043 Section 19. Subsection (2) of section 324.051, Florida
1044 Statutes, is amended, and subsection (4) is added to that

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1045 section, to read:

1046 324.051 Reports of crashes; suspensions of licenses and
1047 registrations.—

1048 (2) (a) Thirty days after receipt of notice of any accident
1049 described in paragraph (1) (a) involving a motor vehicle within
1050 this state, the department shall suspend, after due notice and
1051 opportunity to be heard, the license of each operator and all
1052 registrations of the owner of the vehicles operated by such
1053 operator whether or not involved in such crash and, in the case
1054 of a nonresident owner or operator, shall suspend such
1055 nonresident's operating privilege in this state, unless such
1056 operator or owner shall, prior to the expiration of such 30
1057 days, be found by the department to be exempt from the operation
1058 of this chapter, based upon evidence satisfactory to the
1059 department that:

1060 1. The motor vehicle was legally parked at the time of such
1061 crash.

1062 2. The motor vehicle was owned by the United States
1063 Government, this state, or any political subdivision of this
1064 state or any municipality therein.

1065 3. Such operator or owner has secured a duly acknowledged
1066 written agreement providing for release from liability by all
1067 parties injured as the result of said crash and has complied
1068 with one of the provisions of s. 324.031.

1069 4. Such operator or owner has deposited with the department
1070 security to conform with s. 324.061 when applicable and has
1071 complied with one of the provisions of s. 324.031.

1072 5. One year has elapsed since such owner or operator was
1073 suspended pursuant to subsection (3), the owner or operator has

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1074 complied with one of the provisions of s. 324.031, and no bill
1075 of complaint of which the department has notice has been filed
1076 in a court of competent jurisdiction.

1077 (b) This subsection does ~~shall~~ not apply:

1078 1. To such operator or owner if such operator or owner had
1079 in effect at the time of such crash or traffic conviction a
1080 motor vehicle ~~an automobile~~ liability policy with respect to all
1081 of the registered motor vehicles owned by such operator or
1082 owner.

1083 2. To such operator, if not the owner of such motor
1084 vehicle, if there was in effect at the time of such crash or
1085 traffic conviction a motor vehicle ~~an automobile~~ liability
1086 policy or bond with respect to his or her operation of motor
1087 vehicles not owned by him or her.

1088 3. To such operator or owner if the liability of such
1089 operator or owner for damages resulting from such crash is, in
1090 the judgment of the department, covered by any other form of
1091 liability insurance or bond.

1092 4. To any person who has obtained from the department a
1093 certificate of self-insurance, in accordance with s. 324.171, or
1094 to any person operating a motor vehicle for such self-insurer.

1095
1096 No such policy or bond shall be effective under this subsection
1097 unless it contains limits of not less than those specified in s.
1098 324.021(7).

1099 (4) As used in this section, the term "motor vehicle"
1100 includes a motorcycle as defined in s. 320.01(26).

1101 Section 20. Section 324.071, Florida Statutes, is amended
1102 to read:

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1103 324.071 Reinstatement; renewal of license; reinstatement
1104 fee.—An Any operator or owner whose license or registration has
1105 been suspended pursuant to s. 324.051(2), s. 324.072, s.
1106 324.081, or s. 324.121 may effect its reinstatement upon
1107 compliance with ~~the provisions of~~ s. 324.051(2) (a)3. or 4., or
1108 s. 324.081(2) and (3), as the case may be, and with one of the
1109 provisions of s. 324.031 and upon payment to the department of a
1110 nonrefundable reinstatement fee of \$15. Only one such fee may
1111 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
1112 number of licenses and registrations to be then reinstated or
1113 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
1114 a department trust fund. If ~~When~~ the reinstatement of any
1115 license or registration is effected by compliance with s.
1116 324.051(2) (a)3. or 4., the department may ~~shall~~ not renew the
1117 license or registration within ~~a period of~~ 3 years after ~~from~~
1118 such reinstatement, nor may ~~shall~~ any other license or
1119 registration be issued in the name of such person, unless the
1120 operator continues ~~is continuing~~ to comply with ~~one of the~~
1121 ~~provisions of~~ s. 324.031.

1122 Section 21. Subsection (1) of section 324.091, Florida
1123 Statutes, is amended to read:

1124 324.091 Notice to department; notice to insurer.—

1125 (1) Each owner and operator involved in a crash or
1126 conviction case within the purview of this chapter shall furnish
1127 evidence of ~~automobile liability insurance or~~ motor vehicle
1128 liability insurance within 14 days after the date of the mailing
1129 of notice of crash by the department in the form and manner as
1130 it may designate. Upon receipt of evidence that a ~~an~~ ~~automobile~~
1131 ~~liability policy or~~ motor vehicle liability policy was in effect

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1132 at the time of the crash or conviction case, the department
1133 shall forward to the insurer such information for verification
1134 in a method as determined by the department. The insurer shall
1135 respond to the department within 20 days after the notice as to
1136 whether ~~or not~~ such information is valid. If the department
1137 determines that a ~~an automobile liability policy or~~ motor
1138 vehicle liability policy was not in effect and did not provide
1139 coverage for both the owner and the operator, it must ~~shall~~ take
1140 action as it is authorized to do under this chapter.

1141 Section 22. Section 324.151, Florida Statutes, is amended
1142 to read:

1143 324.151 Motor vehicle liability policies; required
1144 provisions.—

1145 (1) A motor vehicle liability policy that serves as to be
1146 proof of financial responsibility under s. 324.031(1)(a) must ~~s.~~
1147 ~~324.031(1), shall~~ be issued to owners or operators of motor
1148 vehicles under the following provisions:

1149 (a) A motor vehicle ~~An owner's~~ liability insurance policy
1150 issued to an owner of a motor vehicle required to be registered
1151 in this state must ~~shall~~ designate by explicit description or by
1152 appropriate reference all motor vehicles for ~~with respect to~~
1153 which coverage is thereby granted. The policy must ~~and shall~~
1154 insure the person or persons ~~owner~~ named therein and, except for
1155 a named driver excluded pursuant to s. 627.747, must insure any
1156 resident relative of a named insured ~~other person as operator~~
1157 ~~using such motor vehicle or motor vehicles with the express or~~
1158 ~~implied permission of such owner against loss from the liability~~
1159 imposed by law for damage arising out of the ownership,
1160 maintenance, or use of any ~~such~~ motor vehicle ~~or motor vehicles~~

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1161 ~~within the United States or the Dominion of Canada, subject to~~
1162 ~~limits, exclusive of interest and costs with respect to each~~
1163 ~~such motor vehicle as is provided for under s. 324.021(7).~~
1164 Except for a named driver excluded pursuant to s. 627.747, the
1165 policy must also insure any person operating an insured motor
1166 vehicle with the express or implied permission of a named
1167 insured against loss from the liability imposed by law for
1168 damage arising out of the use of any vehicle. However, the
1169 insurer may include provisions in its policy excluding liability
1170 coverage for a motor vehicle not designated as an insured
1171 vehicle on the policy if such motor vehicle does not qualify as
1172 a newly acquired vehicle or as a temporary substitute vehicle
1173 and was owned by the insured or was furnished for an insured's
1174 regular use for more than 30 consecutive days before the event
1175 giving rise to the claim. Insurers may make available, with
1176 respect to property damage liability coverage, a deductible
1177 amount not to exceed \$500. In the event of a property damage
1178 loss covered by a policy containing a property damage deductible
1179 provision, the insurer shall pay to the third-party claimant the
1180 amount of any property damage liability settlement or judgment,
1181 subject to policy limits, as if no deductible existed.

1182 (b) A motor vehicle liability insurance policy issued to a
1183 person who does not own a motor vehicle must ~~An operator's motor~~
1184 ~~vehicle liability policy of insurance shall~~ insure the person or
1185 persons named therein against loss from the liability imposed
1186 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~
1187 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~
1188 ~~same territorial limits and subject to the same limits of~~
1189 ~~liability as referred to above with respect to an owner's policy~~

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1190 ~~of liability insurance.~~

1191 (c) All such motor vehicle liability policies must provide
1192 liability coverage with limits, exclusive of interest and costs,
1193 as specified under s. 324.021(7) for accidents occurring within
1194 the United States or Canada. The policies must ~~shall~~ state the
1195 name and address of the named insured, the coverage afforded by
1196 the policy, the premium charged therefor, the policy period, and
1197 the limits of liability, and must ~~shall~~ contain an agreement or
1198 be endorsed that insurance is provided in accordance with the
1199 coverage defined in this chapter ~~as respects bodily injury and~~
1200 ~~death or property damage or both~~ and is subject to ~~all~~
1201 ~~provisions~~ of this chapter. The said policies must ~~shall~~ also
1202 contain a provision that the satisfaction by an insured of a
1203 judgment for such injury or damage may ~~shall~~ not be a condition
1204 precedent to the right or duty of the insurance carrier to make
1205 payment on account of such injury or damage, and must ~~shall~~ also
1206 contain a provision that bankruptcy or insolvency of the insured
1207 or of the insured's estate does ~~shall~~ not relieve the insurance
1208 carrier of any of its obligations under the said policy.

1209 (2) ~~The provisions of~~ This section is ~~shall~~ not be
1210 applicable to any motor vehicle ~~automobile~~ liability policy
1211 unless and until it is furnished as proof of financial
1212 responsibility for the future pursuant to s. 324.031, and then
1213 applies only from ~~and after~~ the date the said policy is ~~so~~
1214 furnished.

1215 (3) As used in this section, the term:

1216 (a) "Newly acquired vehicle" means a vehicle owned by a
1217 named insured or resident relative of the named insured which
1218 was acquired no more than 30 days before an accident.

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1219 (b) "Resident relative" means a person related to a named
1220 insured by any degree by blood, marriage, or adoption, including
1221 a ward or foster child, who usually makes his or her home in the
1222 same family unit or residence as the named insured, regardless
1223 of whether he or she temporarily lives elsewhere.

1224 (c) "Temporary substitute vehicle" means any motor vehicle
1225 as defined in s. 320.01(1) which is not owned by the named
1226 insured and which is temporarily used with the permission of the
1227 owner as a substitute for the owned motor vehicle designated on
1228 the policy when the owned vehicle is withdrawn from normal use
1229 because of breakdown, repair, servicing, loss, or destruction.

1230 Section 23. Section 324.161, Florida Statutes, is amended
1231 to read:

1232 324.161 Proof of financial responsibility; deposit.—If a
1233 person elects to prove his or her financial responsibility under
1234 the method of proof specified in s. 324.031(1)(b), he or she
1235 annually must obtain and submit to the department proof of a
1236 certificate of deposit in the amount required under s.
1237 324.031(2) from a financial institution insured by the Federal
1238 Deposit Insurance Corporation or the National Credit Union
1239 Administration Annually, before any certificate of insurance may
1240 be issued to a person, including any firm, partnership,
1241 association, corporation, or other person, other than a natural
1242 person, proof of a certificate of deposit of \$30,000 issued and
1243 held by a financial institution must be submitted to the
1244 department. A power of attorney will be issued to and held by
1245 the department and may be executed upon a judgment issued
1246 against such person making the deposit, for damages for because
1247 of bodily injury to or death of any person or for damages for

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1248 ~~because of~~ injury to or destruction of property resulting from
1249 the use or operation of any motor vehicle occurring after such
1250 deposit was made. Money so deposited is ~~shall~~ not ~~be~~ subject to
1251 attachment or execution unless such attachment or execution
1252 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages ~~as~~
1253 ~~aforsaid.~~

1254 Section 24. Subsections (1) and (2) of section 324.171,
1255 Florida Statutes, are amended to read:

1256 324.171 Self-insurer.—

1257 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining
1258 a certificate of self-insurance from the department. ~~which may,~~
1259 ~~in its discretion and~~ Upon application of such a person, the
1260 department may issue a ~~said~~ certificate of self-insurance to an
1261 applicant who satisfies ~~when such person has satisfied~~ the
1262 requirements of this section. Effective January 1, 2022 ~~to~~
1263 ~~qualify as a self-insurer under this section:~~

1264 (a) A private individual with private passenger vehicles
1265 shall possess a net unencumbered worth of at least \$100,000
1266 ~~\$40,000~~.

1267 (b) A person, including any firm, partnership, association,
1268 corporation, or other person, other than a natural person,
1269 shall:

1270 1. Possess a net unencumbered worth of at least \$100,000
1271 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
1272 additional motor vehicle; or

1273 2. Maintain sufficient net worth, in an amount determined
1274 by the department, to be financially responsible for potential
1275 losses. The department annually shall determine the minimum net
1276 worth sufficient to satisfy this subparagraph ~~as determined~~

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1277 annually by the department, pursuant to rules adopted
1278 ~~promulgated~~ by the department, with the assistance of the Office
1279 of Insurance Regulation of the Financial Services Commission, ~~to~~
1280 ~~be financially responsible for potential losses~~. The rules must
1281 consider any ~~shall take into consideration~~ excess insurance
1282 carried by the applicant. The department's determination must
1283 ~~shall~~ be based upon reasonable actuarial principles considering
1284 the frequency, severity, and loss development of claims incurred
1285 by casualty insurers writing coverage on the type of motor
1286 vehicles for which a certificate of self-insurance is desired.

1287 (c) The owner of a commercial motor vehicle, as defined in
1288 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
1289 to the standards provided ~~for~~ in subparagraph (b)2.

1290 (2) The self-insurance certificate must ~~shall~~ provide
1291 limits of liability insurance in the amounts specified under s.
1292 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
1293 ~~protection coverage under s. 627.733(3)(b)~~.

1294 Section 25. Section 324.251, Florida Statutes, is amended
1295 to read:

1296 324.251 Short title.—This chapter may be cited as the
1297 "Financial Responsibility Law of 2021 1955" and is ~~shall become~~
1298 effective at 12:01 a.m., January 1, 2022 ~~October 1, 1955~~.

1299 Section 26. Subsection (4) of section 400.9905, Florida
1300 Statutes, is amended to read:

1301 400.9905 Definitions.—

1302 (4) (a) "Clinic" means an entity where health care services
1303 are provided to individuals and which tenders charges for
1304 reimbursement for such services, including a mobile clinic and a
1305 portable equipment provider. As used in this part, the term does

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1306 not include and the licensure requirements of this part do not
1307 apply to:

1308 1.~~(a)~~ Entities licensed or registered by the state under
1309 chapter 395; entities licensed or registered by the state and
1310 providing only health care services within the scope of services
1311 authorized under their respective licenses under ss. 383.30-
1312 383.332, chapter 390, chapter 394, chapter 397, this chapter
1313 except part X, chapter 429, chapter 463, chapter 465, chapter
1314 466, chapter 478, chapter 484, or chapter 651; end-stage renal
1315 disease providers authorized under 42 C.F.R. part 494; providers
1316 certified and providing only health care services within the
1317 scope of services authorized under their respective
1318 certifications under 42 C.F.R. part 485, subpart B, subpart H,
1319 or subpart J; providers certified and providing only health care
1320 services within the scope of services authorized under their
1321 respective certifications under 42 C.F.R. part 486, subpart C;
1322 providers certified and providing only health care services
1323 within the scope of services authorized under their respective
1324 certifications under 42 C.F.R. part 491, subpart A; providers
1325 certified by the Centers for Medicare and Medicaid Services
1326 under the federal Clinical Laboratory Improvement Amendments and
1327 the federal rules adopted thereunder; or any entity that
1328 provides neonatal or pediatric hospital-based health care
1329 services or other health care services by licensed practitioners
1330 solely within a hospital licensed under chapter 395.

1331 2.~~(b)~~ Entities that own, directly or indirectly, entities
1332 licensed or registered by the state pursuant to chapter 395;
1333 entities that own, directly or indirectly, entities licensed or
1334 registered by the state and providing only health care services

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1335 within the scope of services authorized pursuant to their
1336 respective licenses under ss. 383.30-383.332, chapter 390,
1337 chapter 394, chapter 397, this chapter except part X, chapter
1338 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1339 484, or chapter 651; end-stage renal disease providers
1340 authorized under 42 C.F.R. part 494; providers certified and
1341 providing only health care services within the scope of services
1342 authorized under their respective certifications under 42 C.F.R.
1343 part 485, subpart B, subpart H, or subpart J; providers
1344 certified and providing only health care services within the
1345 scope of services authorized under their respective
1346 certifications under 42 C.F.R. part 486, subpart C; providers
1347 certified and providing only health care services within the
1348 scope of services authorized under their respective
1349 certifications under 42 C.F.R. part 491, subpart A; providers
1350 certified by the Centers for Medicare and Medicaid Services
1351 under the federal Clinical Laboratory Improvement Amendments and
1352 the federal rules adopted thereunder; or any entity that
1353 provides neonatal or pediatric hospital-based health care
1354 services by licensed practitioners solely within a hospital
1355 licensed under chapter 395.

1356 3.(e) Entities that are owned, directly or indirectly, by
1357 an entity licensed or registered by the state pursuant to
1358 chapter 395; entities that are owned, directly or indirectly, by
1359 an entity licensed or registered by the state and providing only
1360 health care services within the scope of services authorized
1361 pursuant to their respective licenses under ss. 383.30-383.332,
1362 chapter 390, chapter 394, chapter 397, this chapter except part
1363 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter

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1364 478, chapter 484, or chapter 651; end-stage renal disease
1365 providers authorized under 42 C.F.R. part 494; 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 485, subpart B, subpart H,
1369 or subpart J; providers certified and providing only health care
1370 services within the scope of services authorized under their
1371 respective certifications under 42 C.F.R. part 486, subpart C;
1372 providers certified and providing only health care services
1373 within the scope of services authorized under their respective
1374 certifications under 42 C.F.R. part 491, subpart A; providers
1375 certified by the Centers for Medicare and Medicaid Services
1376 under the federal Clinical Laboratory Improvement Amendments and
1377 the federal rules adopted thereunder; or any entity that
1378 provides neonatal or pediatric hospital-based health care
1379 services by licensed practitioners solely within a hospital
1380 under chapter 395.

1381 4.~~(d)~~ Entities that are under common ownership, directly
1382 or indirectly, with an entity licensed or registered by the
1383 state pursuant to chapter 395; entities that are under common
1384 ownership, directly or indirectly, with an entity licensed or
1385 registered by the state and providing only health care services
1386 within the scope of services authorized pursuant to their
1387 respective licenses under ss. 383.30-383.332, chapter 390,
1388 chapter 394, chapter 397, this chapter except part X, chapter
1389 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
1390 484, or chapter 651; end-stage renal disease providers
1391 authorized under 42 C.F.R. part 494; providers certified and
1392 providing only health care services within the scope of services

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1393 authorized under their respective certifications under 42 C.F.R.
1394 part 485, subpart B, subpart H, or subpart J; providers
1395 certified and providing only health care services within the
1396 scope of services authorized under their respective
1397 certifications under 42 C.F.R. part 486, subpart C; providers
1398 certified and providing only health care services within the
1399 scope of services authorized under their respective
1400 certifications under 42 C.F.R. part 491, subpart A; providers
1401 certified by the Centers for Medicare and Medicaid Services
1402 under the federal Clinical Laboratory Improvement Amendments and
1403 the federal rules adopted thereunder; or any entity that
1404 provides neonatal or pediatric hospital-based health care
1405 services by licensed practitioners solely within a hospital
1406 licensed under chapter 395.

1407 5.(e) An entity that is exempt from federal taxation under
1408 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
1409 under 26 U.S.C. s. 409 that has a board of trustees at least
1410 two-thirds of which are Florida-licensed health care
1411 practitioners and provides only physical therapy services under
1412 physician orders, any community college or university clinic,
1413 and any entity owned or operated by the federal or state
1414 government, including agencies, subdivisions, or municipalities
1415 thereof.

1416 6.(f) A sole proprietorship, group practice, partnership,
1417 or corporation that provides health care services by physicians
1418 covered by s. 627.419, that is directly supervised by one or
1419 more of such physicians, and that is wholly owned by one or more
1420 of those physicians or by a physician and the spouse, parent,
1421 child, or sibling of that physician.

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1422 7.~~(g)~~ A sole proprietorship, group practice, partnership,
1423 or corporation that provides health care services by licensed
1424 health care practitioners under chapter 457, chapter 458,
1425 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1426 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1427 chapter 490, chapter 491, or part I, part III, part X, part
1428 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1429 wholly owned by one or more licensed health care practitioners,
1430 or the licensed health care practitioners set forth in this
1431 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling
1432 of a licensed health care practitioner if one of the owners who
1433 is a licensed health care practitioner is supervising the
1434 business activities and is legally responsible for the entity's
1435 compliance with all federal and state laws. However, a health
1436 care practitioner may not supervise services beyond the scope of
1437 the practitioner's license, except that, for the purposes of
1438 this part, a clinic owned by a licensee in s. 456.053(3) (b)
1439 which provides only services authorized pursuant to s.
1440 456.053(3) (b) may be supervised by a licensee specified in s.
1441 456.053(3) (b).

1442 8.~~(h)~~ Clinical facilities affiliated with an accredited
1443 medical school at which training is provided for medical
1444 students, residents, or fellows.

1445 9.~~(i)~~ Entities that provide only oncology or radiation
1446 therapy services by physicians licensed under chapter 458 or
1447 chapter 459 or entities that provide oncology or radiation
1448 therapy services by physicians licensed under chapter 458 or
1449 chapter 459 which are owned by a corporation whose shares are
1450 publicly traded on a recognized stock exchange.

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1451 10.~~(j)~~ Clinical facilities affiliated with a college of
1452 chiropractic accredited by the Council on Chiropractic Education
1453 at which training is provided for chiropractic students.

1454 11.~~(k)~~ Entities that provide licensed practitioners to
1455 staff emergency departments or to deliver anesthesia services in
1456 facilities licensed under chapter 395 and that derive at least
1457 90 percent of their gross annual revenues from the provision of
1458 such services. Entities claiming an exemption from licensure
1459 under this subparagraph ~~paragraph~~ must provide documentation
1460 demonstrating compliance.

1461 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
1462 perinatology clinical facilities or anesthesia clinical
1463 facilities that are not otherwise exempt under subparagraph 1.
1464 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are
1465 a publicly traded corporation or are wholly owned, directly or
1466 indirectly, by a publicly traded corporation. As used in this
1467 subparagraph ~~paragraph~~, a publicly traded corporation is a
1468 corporation that issues securities traded on an exchange
1469 registered with the United States Securities and Exchange
1470 Commission as a national securities exchange.

1471 13.~~(m)~~ Entities that are owned by a corporation that has
1472 \$250 million or more in total annual sales of health care
1473 services provided by licensed health care practitioners where
1474 one or more of the persons responsible for the operations of the
1475 entity is a health care practitioner who is licensed in this
1476 state and who is responsible for supervising the business
1477 activities of the entity and is responsible for the entity's
1478 compliance with state law for purposes of this part.

1479 14.~~(n)~~ Entities that employ 50 or more licensed health care

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1480 practitioners licensed under chapter 458 or chapter 459 where
1481 the billing for medical services is under a single tax
1482 identification number. The application for exemption under this
1483 subsection must include ~~shall contain information that includes:~~
1484 the name, residence, and business address and telephone ~~phone~~
1485 number of the entity that owns the practice; a complete list of
1486 the names and contact information of all the officers and
1487 directors of the corporation; the name, residence address,
1488 business address, and medical license number of each licensed
1489 Florida health care practitioner employed by the entity; the
1490 corporate tax identification number of the entity seeking an
1491 exemption; a listing of health care services to be provided by
1492 the entity at the health care clinics owned or operated by the
1493 entity; and a certified statement prepared by an independent
1494 certified public accountant which states that the entity and the
1495 health care clinics owned or operated by the entity have not
1496 received payment for health care services under medical payments
1497 ~~personal injury protection insurance~~ coverage for the preceding
1498 year. If the agency determines that an entity that ~~which~~ is
1499 exempt under this subsection has received payments for medical
1500 services under medical payments ~~personal injury protection~~
1501 ~~insurance~~ coverage, the agency may deny or revoke the exemption
1502 from licensure under this subsection.

1503 15. ~~(e)~~ Entities that are, directly or indirectly, under the
1504 common ownership of or that are subject to common control by a
1505 mutual insurance holding company, as defined in s. 628.703, with
1506 an entity issued a certificate of authority under chapter 624 or
1507 chapter 641 which has \$1 billion or more in total annual sales
1508 in this state.

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1509 16.~~(p)~~ Entities that are owned by an entity that is a
1510 behavioral health care service provider in at least five other
1511 states; that, together with its affiliates, have \$90 million or
1512 more in total annual revenues associated with the provision of
1513 behavioral health care services; and wherein one or more of the
1514 persons responsible for the operations of the entity is a health
1515 care practitioner who is licensed in this state, who is
1516 responsible for supervising the business activities of the
1517 entity, and who is responsible for the entity's compliance with
1518 state law for purposes of this part.

1519 17.~~(q)~~ Medicaid providers.

1520 (b) Notwithstanding paragraph (a) this subsection, an
1521 entity is ~~shall be~~ deemed a clinic and must be licensed under
1522 this part in order to receive medical payments coverage
1523 reimbursement under s. 627.7265 unless the entity is:

1524 1. Wholly owned by a physician licensed under chapter 458
1525 or chapter 459 or by the physician and the spouse, parent,
1526 child, or sibling of the physician;

1527 2. Wholly owned by a dentist licensed under chapter 466 or
1528 by the dentist and the spouse, parent, child, or sibling of the
1529 dentist;

1530 3. Wholly owned by a chiropractic physician licensed under
1531 chapter 460 or by the chiropractic physician and the spouse,
1532 parent, child, or sibling of the chiropractic physician;

1533 4. A hospital or ambulatory surgical center licensed under
1534 chapter 395;

1535 5. An entity that wholly owns or is wholly owned, directly
1536 or indirectly, by a hospital or hospitals licensed under chapter
1537 395;

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1538 6. A clinical facility affiliated with an accredited
1539 medical school at which training is provided for medical
1540 students, residents, or fellows;

1541 7. Certified under 42 C.F.R. part 485, subpart H; or

1542 8. Owned by a publicly traded corporation, either directly
1543 or indirectly through its subsidiaries, which has \$250 million
1544 or more in total annual sales of health care services provided
1545 by licensed health care practitioners, if one or more of the
1546 persons responsible for the operations of the entity are health
1547 care practitioners who are licensed in this state and are
1548 responsible for supervising the business activities of the
1549 entity and the entity's compliance with state law for purposes
1550 of this subsection ~~the Florida Motor Vehicle No-Fault Law, ss.~~
1551 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1552 Section 27. Subsection (5) of section 400.991, Florida
1553 Statutes, is amended to read:

1554 400.991 License requirements; background screenings;
1555 prohibitions.—

1556 (5) All agency forms for licensure application or exemption
1557 from licensure under this part must contain the following
1558 statement:

1559
1560 INSURANCE FRAUD NOTICE.—A person commits a fraudulent insurance
1561 act, as defined in s. 626.989, Florida Statutes, if the person
1562 ~~who~~ knowingly submits a false, misleading, or fraudulent
1563 application or other document when applying for licensure as a
1564 health care clinic, seeking an exemption from licensure as a
1565 health care clinic, or demonstrating compliance with part X of
1566 chapter 400, Florida Statutes, with the intent to use the

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1567 license, exemption from licensure, or demonstration of
1568 compliance to provide services or seek reimbursement under a
1569 motor vehicle liability insurance policy's medical payments
1570 coverage ~~the Florida Motor Vehicle No-Fault Law, commits a~~
1571 ~~fraudulent insurance act, as defined in s. 626.989, Florida~~
1572 ~~Statutes.~~ A person who presents a claim for benefits under
1573 medical payments coverage ~~personal injury protection benefits~~
1574 knowing that the payee knowingly submitted such health care
1575 clinic application or document, commits insurance fraud, as
1576 defined in s. 817.234, Florida Statutes.

1577 Section 28. Paragraph (g) of subsection (1) of section
1578 400.9935, Florida Statutes, is amended to read:

1579 400.9935 Clinic responsibilities.—

1580 (1) Each clinic shall appoint a medical director or clinic
1581 director who shall agree in writing to accept legal
1582 responsibility for the following activities on behalf of the
1583 clinic. The medical director or the clinic director shall:

1584 (g) Conduct systematic reviews of clinic billings to ensure
1585 that the billings are not fraudulent or unlawful. Upon discovery
1586 of an unlawful charge, the medical director or clinic director
1587 shall take immediate corrective action. If the clinic performs
1588 only the technical component of magnetic resonance imaging,
1589 static radiographs, computed tomography, or positron emission
1590 tomography, and provides the professional interpretation of such
1591 services, in a fixed facility that is accredited by a national
1592 accrediting organization that is approved by the Centers for
1593 Medicare and Medicaid Services for magnetic resonance imaging
1594 and advanced diagnostic imaging services and if, in the
1595 preceding quarter, the percentage of scans performed by that

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1596 clinic which was billed to motor vehicle ~~all personal injury~~
1597 ~~protection~~ insurance carriers under medical payments coverage
1598 was less than 15 percent, the chief financial officer of the
1599 clinic may, in a written acknowledgment provided to the agency,
1600 assume the responsibility for the conduct of the systematic
1601 reviews of clinic billings to ensure that the billings are not
1602 fraudulent or unlawful.

1603 Section 29. Subsection (28) of section 409.901, Florida
1604 Statutes, is amended to read:

1605 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1606 409.901-409.920, except as otherwise specifically provided, the
1607 term:

1608 (28) "Third-party benefit" means any benefit that is or may
1609 be available at any time through contract, court award,
1610 judgment, settlement, agreement, or any arrangement between a
1611 third party and any person or entity, including, without
1612 limitation, a Medicaid recipient, a provider, another third
1613 party, an insurer, or the agency, for any Medicaid-covered
1614 injury, illness, goods, or services, including costs of medical
1615 services related thereto, for bodily ~~personal~~ injury or for
1616 death of the recipient, but specifically excluding ~~policies of~~
1617 life insurance policies on the recipient, unless available under
1618 terms of the policy to pay medical expenses before ~~prior to~~
1619 death. The term includes, without limitation, collateral, as
1620 defined in this section; ~~;~~ health insurance; ~~;~~ any benefit under a
1621 health maintenance organization, a preferred provider
1622 arrangement, a prepaid health clinic, liability insurance,
1623 uninsured motorist insurance, or medical payments coverage; or
1624 ~~personal injury protection coverage,~~ medical benefits under

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1625 workers' compensation, and any obligation under law or equity to
1626 provide medical support.

1627 Section 30. Paragraph (f) of subsection (11) of section
1628 409.910, Florida Statutes, is amended to read:

1629 409.910 Responsibility for payments on behalf of Medicaid-
1630 eligible persons when other parties are liable.—

1631 (11) The agency may, as a matter of right, in order to
1632 enforce its rights under this section, institute, intervene in,
1633 or join any legal or administrative proceeding in its own name
1634 in one or more of the following capacities: individually, as
1635 subrogee of the recipient, as assignee of the recipient, or as
1636 lienholder of the collateral.

1637 (f) Notwithstanding any provision in this section to the
1638 contrary, in the event of an action in tort against a third
1639 party in which the recipient or his or her legal representative
1640 is a party which results in a judgment, award, or settlement
1641 from a third party, the amount recovered shall be distributed as
1642 follows:

1643 1. After attorney ~~attorney's~~ fees and taxable costs as
1644 defined by the Florida Rules of Civil Procedure, one-half of the
1645 remaining recovery shall be paid to the agency up to the total
1646 amount of medical assistance provided by Medicaid.

1647 2. The remaining amount of the recovery shall be paid to
1648 the recipient.

1649 3. For purposes of calculating the agency's recovery of
1650 medical assistance benefits paid, the fee for services of an
1651 attorney retained by the recipient or his or her legal
1652 representative shall be calculated at 25 percent of the
1653 judgment, award, or settlement.

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1654 4. Notwithstanding any other provision of this section to
1655 the contrary, the agency shall be entitled to all medical
1656 coverage benefits up to the total amount of medical assistance
1657 provided by Medicaid. For purposes of this paragraph, the term
1658 "medical coverage" means any benefits under health insurance, a
1659 health maintenance organization, a preferred provider
1660 arrangement, or a prepaid health clinic, and the portion of
1661 benefits designated for medical payments under ~~coverage for~~
1662 workers' compensation coverage, motor vehicle insurance
1663 coverage, personal injury protection, and casualty coverage.

1664 Section 31. Paragraph (k) of subsection (2) of section
1665 456.057, Florida Statutes, is amended to read:

1666 456.057 Ownership and control of patient records; report or
1667 copies of records to be furnished; disclosure of information.—

1668 (2) As used in this section, the terms "records owner,"
1669 "health care practitioner," and "health care practitioner's
1670 employer" do not include any of the following persons or
1671 entities; furthermore, the following persons or entities are not
1672 authorized to acquire or own medical records, but are authorized
1673 under the confidentiality and disclosure requirements of this
1674 section to maintain those documents required by the part or
1675 chapter under which they are licensed or regulated:

1676 (k) Persons or entities practicing under s. 627.7265 ~~s.~~
1677 ~~627.736(7)~~.

1678 Section 32. Paragraphs (ee) and (ff) of subsection (1) of
1679 section 456.072, Florida Statutes, are amended to read:

1680 456.072 Grounds for discipline; penalties; enforcement.—

1681 (1) The following acts shall constitute grounds for which
1682 the disciplinary actions specified in subsection (2) may be

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1683 taken:

1684 (ee) With respect to making a medical payments coverage
1685 personal injury protection claim under s. 627.7265 as required
1686 by s. 627.736, intentionally submitting a claim, statement, or
1687 bill that has been upcoded. As used in this paragraph, the term
1688 "upcoded" means an action that submits a billing code that would
1689 result in a greater payment amount than would be paid using a
1690 billing code that accurately describes the services performed.
1691 The term does not include an otherwise lawful bill by a magnetic
1692 resonance imaging facility which globally combines both
1693 technical and professional components, if the amount of the
1694 global bill is not more than the components if billed
1695 separately; however, payment of such a bill constitutes payment
1696 in full for all components of such service "upcoded" as defined
1697 in s. 627.732.

1698 (ff) With respect to making a medical payments coverage
1699 personal injury protection claim pursuant to s. 627.7265 as
1700 required by s. 627.736, intentionally submitting a claim,
1701 statement, or bill for payment of services that were not
1702 rendered.

1703 Section 33. Paragraph (b) of subsection (1) and subsection
1704 (8) of section 624.155, Florida Statutes, are amended to read:

1705 624.155 Civil remedy.—

1706 (1) Any person may bring a civil action against an insurer
1707 when such person is damaged:

1708 (b) By the commission of any of the following acts by the
1709 insurer:

1710 1. Except for a civil action for bad faith failure to
1711 settle a third-party claim subject to s. 624.156, not attempting

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1712 in good faith to settle claims when, under all the
1713 circumstances, it could and should have done so, had it acted
1714 fairly and honestly toward its insured and with due regard for
1715 her or his interests;

1716 2. Making claims payments to insureds or beneficiaries not
1717 accompanied by a statement setting forth the coverage under
1718 which payments are being made; ~~or~~

1719 3. Except as to liability coverages, failing to promptly
1720 settle claims, when the obligation to settle a claim has become
1721 reasonably clear, under one portion of the insurance policy
1722 coverage in order to influence settlements under other portions
1723 of the insurance policy coverage; or

1724 4. When handling a first-party claim under a motor vehicle
1725 insurance policy, not attempting in good faith to settle such
1726 claim pursuant to subparagraph 1. when such failure is caused by
1727 a failure to communicate to an insured:

1728 a. The name, telephone number, e-mail address, and mailing
1729 address of the person who is adjusting the claim;

1730 b. Any issues that may impair the insured's coverage;

1731 c. Information that might resolve the coverage issue in a
1732 prompt manner;

1733 d. Any basis for the insurer's rejection or nonacceptance
1734 of any settlement demand or offer; or

1735 e. Any needed extensions to respond to a time-limited
1736 settlement offer.

1737
1738 Notwithstanding the provisions of the above to the contrary, a
1739 person pursuing a remedy under this section need not prove that
1740 such act was committed or performed with such frequency as to

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1741 indicate a general business practice.

1742 (8) The civil remedy specified in this section does not
1743 preempt any other remedy or cause of action provided for
1744 pursuant to any other statute or pursuant to the common law of
1745 this state. ~~A Any person is may obtain a judgment under either~~
1746 ~~the common law remedy of bad faith or this statutory remedy, but~~
1747 ~~shall not be~~ entitled to a judgment under multiple bad faith
1748 ~~both~~ remedies. This section shall not be construed to create a
1749 common-law cause of action. The damages recoverable pursuant to
1750 this section shall include those damages which are a reasonably
1751 foreseeable result of a specified violation of this section by
1752 the authorized insurer and may include an award or judgment in
1753 an amount that exceeds the policy limits.

1754 Section 34. Section 624.156, Florida Statutes, is created
1755 to read:

1756 624.156 Actions against motor vehicle insurers for bad
1757 faith failure to settle third-party claims.-

1758 (1) SCOPE.-This section applies in all actions against any
1759 insurer for bad faith failure to settle a third-party claim for
1760 a loss arising out of the ownership, maintenance, or use of a
1761 motor vehicle operated or principally garaged in this state at
1762 the time of an incident or a loss, regardless of whether the
1763 insurer is authorized to do business in this state or issued a
1764 policy in this state. This section governs in any conflict with
1765 common law or any other statute.

1766 (2) DUTY OF GOOD FAITH.-In handling claims, an insurer has
1767 a duty to its insured to handle claims in good faith by
1768 complying with the best practices standards of subsection (4).
1769 An insurer's negligence does not constitute bad faith. However,

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1770 negligence is relevant to whether an insurer acted in bad faith.

1771 (3) BAD FAITH FAILURE TO SETTLE.—“Bad faith failure to
1772 settle” means an insurer’s failure to meet its duty of good
1773 faith, as described in subsection (2), which is a proximate
1774 cause of the insurer not settling a third-party claim when,
1775 under all the circumstances, the insurer could and should have
1776 done so, had it acted fairly and honestly toward its insured and
1777 with due regard for the insured’s interests.

1778 (4) BEST PRACTICES STANDARDS.—An insurer must meet the best
1779 practices standards of this subsection. The insurer’s duty
1780 begins upon receiving actual notice of an incident or a loss
1781 that could give rise to a covered liability claim and continues
1782 until the claim is resolved. Notice may be communicated to the
1783 insurer or an agent of the insurer by any means. However, if
1784 actual notice is communicated by means other than through any
1785 manner permitted by the policy or other documents provided to
1786 the insured by the insurer, through the insurer’s website, or
1787 through the e-mail address designated by the insurer under s.
1788 624.422, the notice will not be effective under this subsection
1789 if that variation causes actual prejudice to the insurer’s
1790 ability to settle the claim. The burden is on the party bringing
1791 the bad faith claim to prove that the insurer had actual notice
1792 of the incident or loss giving rise to the claim that resulted
1793 in an excess judgment and when such notice was received. After
1794 receipt of actual notice an insurer:

1795 (a) Must assign a duly licensed and appointed insurance
1796 adjuster to investigate the extent of the insured’s probable
1797 exposure and diligently attempt to resolve any questions
1798 concerning the existence or extent of the insured’s coverage.

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1799 (b) Based on available information, must ethically evaluate
1800 every claim fairly, honestly, and with due regard for the
1801 interests of the insured; consider the extent of the claimant's
1802 recoverable damages; and consider the information in a
1803 reasonable and prudent manner.

1804 (c) Must request from the insured or claimant additional
1805 relevant information the insurer reasonably deems necessary to
1806 evaluate whether to settle a claim.

1807 (d) Must conduct all verbal and written communications with
1808 the insured with the utmost honesty and complete candor.

1809 (e) Must make reasonable efforts to explain to persons not
1810 represented by counsel matters requiring expertise beyond the
1811 level normally expected of a layperson with no training in
1812 insurance or claims-handling issues.

1813 (f) Must retain all written communications and note and
1814 retain a summary of all verbal communications in a reasonable
1815 manner for a period of not less than 5 years after the later of:

1816 1. The entry of a judgment against the insured in excess of
1817 policy limits becomes final; or

1818 2. The conclusion of the extracontractual claim, if any,
1819 including any related appeals.

1820 (g) Must provide the insured, upon request, with all
1821 nonprivileged communications related to the insurer's handling
1822 of the claim which are not privileged as to the insured.

1823 (h) Must provide, at the insurer's expense, reasonable
1824 accommodations necessary to communicate effectively with an
1825 insured covered under the Americans with Disabilities Act.

1826 (i) In handling third-party claims, must communicate to an
1827 insured all of the following:

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1828 1. The identity of any other person or entity the insurer
1829 has reason to believe may be liable.

1830 2. The insurer's evaluation of the claim.

1831 3. The likelihood and possible extent of an excess
1832 judgment.

1833 4. Steps the insured can take to avoid exposure to an
1834 excess judgment, including the right to secure personal counsel
1835 at the insured's expense.

1836 5. The insured's duty to cooperate with the insurer,
1837 including any specific requests required because of a settlement
1838 opportunity or by the insurer for the insured's cooperation
1839 under subsection (5), the purpose of the required cooperation,
1840 and the consequences of refusing to cooperate.

1841 6. Any settlement demands or offers.

1842 (j) If, after the expiration of the safe harbor periods in
1843 subsection (8), the facts available to the insurer indicate that
1844 the insured's liability is likely to exceed the policy limits,
1845 must initiate settlement negotiations by tendering its policy
1846 limits to the claimant in exchange for a general release of the
1847 insured.

1848 (k)1. Must give fair consideration to a settlement offer
1849 that is not unreasonable under the facts available to the
1850 insurer and settle, if possible, when a reasonably prudent
1851 person, faced with the prospect of paying the total probable
1852 exposure of the insured, would do so. The insurer shall provide
1853 reasonable assistance to the insured to comply with the
1854 insured's obligations to cooperate and shall act reasonably to
1855 attempt to satisfy any conditions of a claimant's settlement
1856 offer. If it is not possible to settle a liability claim within

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1857 the available policy limits, the insurer shall act reasonably to
1858 attempt to minimize the excess exposure to the insured.

1859 2. When multiple claims arise out of a single occurrence,
1860 the combined value of all claims exceeds the total of all
1861 applicable policy limits, and the claimants are unwilling to
1862 globally settle within the policy limits, thereafter, must
1863 attempt to minimize the magnitude of possible excess judgments
1864 against the insured. The insurer is entitled to great discretion
1865 to decide how much to offer each respective claimant in its
1866 attempt to protect the insured. The insurer may, in its effort
1867 to minimize the excess liability of the insured, use its
1868 discretion to offer the full available policy limits to one or
1869 more claimants to the exclusion of other claimants and may leave
1870 the insured exposed to some liability after all the policy
1871 limits are paid. An insurer does not act in bad faith simply
1872 because it is unable to settle all claims in a multiple claimant
1873 case. It is a defense to a bad faith action if the insurer
1874 establishes that it used its discretion for the benefit of its
1875 insureds and complied with the other best practices standards of
1876 this subsection.

1877 (l) When a loss creates the potential for a third-party
1878 claim against more than one insured, must attempt to settle the
1879 claim on behalf of all insureds against whom a claim may be
1880 presented. If it is not possible to settle on behalf of all
1881 insureds, the insurer may, in consultation with the insureds,
1882 enter into reasonable settlements of claims against certain
1883 insureds to the exclusion of other insureds.

1884 (m) Must respond to any request for insurance information
1885 in compliance with s. 627.4137 or s. 626.9372, as applicable.

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1886 (n) Where it appears the insured's probable exposure is
1887 greater than policy limits, must take reasonable measures to
1888 preserve evidence, for a reasonable period of time, which is
1889 needed for the defense of the liability claim.

1890 (o) Must comply with s. 627.426, if applicable.

1891 (p) May not commit or perform with such frequency as to
1892 indicate a general business practice, any of the following:

1893 1. Failing to adopt and implement standards for the proper
1894 investigation of claims.

1895 2. Misrepresenting pertinent facts or insurance policy
1896 provisions relating to coverages at issue.

1897 3. Failing to acknowledge and act promptly upon
1898 communications with respect to claims.

1899 4. Denying claims without conducting reasonable
1900 investigations based upon available information.

1901 (5) INSURED'S DUTY TO COOPERATE.—

1902 (a) Insureds have a duty to cooperate with their insurer in
1903 the defense of the claim and in making settlements. Accordingly,
1904 the insured must take any reasonable action requested by the
1905 injured claimant or provided in the policy which is necessary to
1906 assist the insurer in settling a covered claim, including:

1907 1. Executing affidavits regarding the facts within the
1908 insured's knowledge regarding the covered loss; and

1909 2. Providing documents, including those requested pursuant
1910 to paragraph (b).

1911 (b) When it is reasonably necessary to settle a covered
1912 claim valued in excess of all applicable policy limits, upon the
1913 request of the injured claimant, an insured must disclose on a
1914 form adopted by the department or provided by the claimant a

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1915 summary of the following:

1916 1. The insured's assets at the time of the loss, including:

1917 a. Cash, stocks, bonds, and nonretirement-based mutual

1918 funds;

1919 b. Nonhomestead real property;

1920 c. All registered vehicles;

1921 d. All bank accounts;

1922 e. An estimated net accounting of all other assets; and

1923 f. Any additional information included by the department.

1924 2. The insured's liabilities, including:

1925 a. Mortgage debt;

1926 b. Credit card debt;

1927 c. Child support and alimony payments;

1928 d. Other liabilities; and

1929 e. Any additional information included by the department.

1930 3. For a corporate entity, information on its balance

1931 sheet, including the corporate entity's:

1932 a. Cash, property, equipment, and inventory;

1933 b. Liabilities, including obligations, rent, money owed to

1934 vendors, payroll, and taxes;

1935 c. Other information relevant to understanding the entity's

1936 capital and net worth; and

1937 d. Any additional information included by the department.

1938 4. A list of all insurance policies that may provide

1939 coverage for the claim, stating the name of the insurer and

1940 policy number of each policy.

1941 5. For natural persons, a statement of whether the insured

1942 was acting in the course and scope of employment at the time of

1943 the incident or loss giving rise to the claim and, if so,

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1944 providing the name and contact information for the insured's
1945 employer.

1946 (c) No later than 14 days following actual notice of an
1947 incident or a loss that could give rise to a covered liability
1948 claim, the insurer must notify the insured of the insured's
1949 duties under this subsection. The burden is on the insurer to
1950 prove it provided notice to the insured of the insured's duty to
1951 cooperate; otherwise, a presumption arises that the insured met
1952 its duty to cooperate under this subsection.

1953 (d) An insurer may terminate the defense as to any insured
1954 who unreasonably fails to meet its duties under this subsection
1955 when:

1956 1. The insurer exercised diligence and met its duties under
1957 subparagraph (4)(i)5.;

1958 2. The insurer provided reasonable assistance to the
1959 insured to comply with the obligations of this subsection;

1960 3. The insurer gave the insured written notice of any
1961 failure to cooperate and a reasonable opportunity for the
1962 insured to cure the lack of cooperation, consistent with any
1963 deadlines imposed by settlement negotiations;

1964 4. The insured's failure to cooperate causes the insurer to
1965 be unable to settle the claim; and

1966 5. The insurer unconditionally tenders its available
1967 coverage policy limits directly to the claimant or the
1968 claimant's attorney.

1969 (e) When an insured's defense is terminated in compliance
1970 with this subsection, the insurer is not liable for any damages
1971 caused by a failure to settle or defend the liability claim
1972 against that insured.

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1973 (6) CLAIMANT COMMUNICATIONS.—The trier of fact may not
1974 attribute the insurer's failure to settle a covered third-party
1975 claim to a claimant's lack of communication with the insurer
1976 when the claimant truthfully complies with all applicable
1977 standards of this subsection by:

1978 (a) Contemporaneously with or before making a claim with
1979 the insurer, communicating in writing to the insurer:

1980 1. The date and location of loss;

1981 2. The name, address, and date of birth of the claimant;

1982 and

1983 3. A physical address, an e-mail address, and a facsimile
1984 number for further communications, including, but not limited
1985 to, responses to any settlement demand.

1986 (b) Presenting the following in writing:

1987 1. The legal and factual basis of the claim; and

1988 2. A reasonably detailed description of the claimant's:

1989 a. Known injuries caused or aggravated by the incident or
1990 loss on which the claim is based;

1991 b. Medical treatment causally related to the incident or
1992 loss on which the claim is based;

1993 c. Relevant pre-accident medical conditions, if known; and

1994 d. Type and amount of known damages incurred and, if any,
1995 the damages the claimant reasonably anticipates incurring in the
1996 future.

1997 (c) Providing any settlement demand in writing and stating
1998 within such demand:

1999 1. The name of each insured to whom the demand for
2000 settlement is directed;

2001 2. The amount of the demand for settlement; and

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2002 3. Any conditions the claimant is placing on acceptance of
2003 the demand for settlement.

2004
2005 This subsection does not reduce an insurer's duty of good faith,
2006 which is owed solely to its insured. The claimant owes no duty
2007 to the insured or the insurer, and the duties of the claimant's
2008 attorney are owed solely to their client. The claimant and the
2009 claimant's attorneys do not have a duty to comply with this
2010 subsection.

2011 (7) CONDITIONS PRECEDENT.—It is a condition precedent to
2012 filing an action against an insurer for bad faith failure to
2013 settle a third-party claim that:

2014 (a) A third-party claimant obtained a final judgment in
2015 excess of the policy limits against the insured or the insured's
2016 estate, bankruptcy trustee, or successor in interest, unless the
2017 insurer expressly waived the requirement of a final excess
2018 judgment or wrongfully breached its duty to defend the insured;
2019 and

2020 (b) The insurer or an agent of the insurer received actual
2021 notice effective under subsection (4).

2022 (8) SAFE HARBORS.—

2023 (a) After an insurer receives actual notice of an incident
2024 or a loss that could give rise to a covered liability claim, the
2025 insurer is entitled to a reasonable opportunity to investigate
2026 and evaluate the claim. The amount of time required for the
2027 insurer's investigation and evaluation will vary depending on
2028 the circumstances of the claim. The safe harbors provided in
2029 this subsection are available to an insurer that complies with
2030 the best practices standards of subsection (4).

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2031 (b) When one claim arises out of a single occurrence, and
2032 an insurer initiates settlement negotiations by tendering the
2033 applicable policy limits in exchange for a general release of
2034 the insured within 45 days after receiving actual notice of the
2035 loss, the failure to tender the policy limits sooner does not
2036 constitute bad faith.

2037 (c) When multiple claims arise out of a single occurrence,
2038 the combined value of all claims exceeds the total of all
2039 applicable policy limits, and an insurer initiates settlement
2040 negotiations by globally tendering the applicable policy limits
2041 in exchange for a general release of the insured within 45 days
2042 after receiving actual notice of the loss, the failure to tender
2043 policy limits sooner does not constitute bad faith.

2044 (d) An insurer is not under any circumstances liable for
2045 the failure to accept a settlement offer within 45 days after
2046 receiving actual notice of the loss if:

2047 1. The settlement offer provides the insurer fewer than 15
2048 days for acceptance; or

2049 2. The settlement offer provides the insurer fewer than 30
2050 days for acceptance where the offer contains conditions for
2051 acceptance other than the insurer's disclosure of its policy
2052 limits.

2053 (e) This subsection does not require that an insurer
2054 automatically tender policy limits within 45 days in every case.

2055 (9) BURDEN OF PROOF.—In any action for bad faith failure to
2056 settle as defined in subsection (3):

2057 (a) The party bringing the bad faith claim must prove every
2058 element of the claim by the greater weight of the evidence,
2059 taking into account the totality of the circumstances.

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2060 (b) An insurer that relies upon paragraph (5) (d) as a
2061 defense to a claim for bad faith failure to settle must prove
2062 the elements of that paragraph by the greater weight of the
2063 evidence.

2064 (c) An insurer that relies upon a safe harbor provision of
2065 subsection (8) must prove the elements of the safe harbor by the
2066 greater weight of the evidence.

2067 (10) DAMAGES.—If the trier of fact finds that the party
2068 bringing the bad faith claim has met its burden of proof, the
2069 insurer is liable for the amount of any excess judgment,
2070 together with court costs and, if the party bringing the bad
2071 faith claim is the insured or an assignee of the insured, the
2072 reasonable attorney fees incurred by the party bringing the bad
2073 faith claim. Punitive damages may not be awarded.

2074 Section 35. Paragraphs (i) and (o) of subsection (1) of
2075 section 626.9541, Florida Statutes, are amended to read:

2076 626.9541 Unfair methods of competition and unfair or
2077 deceptive acts or practices defined.—

2078 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
2079 ACTS.—The following are defined as unfair methods of competition
2080 and unfair or deceptive acts or practices:

2081 (i) *Unfair claim settlement practices.*—

2082 1. Attempting to settle claims on the basis of an
2083 application, when serving as a binder or intended to become a
2084 part of the policy, or any other material document which was
2085 altered without notice to, or knowledge or consent of, the
2086 insured;

2087 2. Making a material misrepresentation ~~made~~ to an insured
2088 or any other person having an interest in the proceeds payable

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2089 under such contract or policy, for the purpose and with the
2090 intent of effecting settlement of such claims, loss, or damage
2091 under such contract or policy on less favorable terms than those
2092 provided in, and contemplated by, such contract or policy; ~~or~~

2093 3. Committing or performing with such frequency as to
2094 indicate a general business practice any of the following:

2095 a. Failing to adopt and implement standards for the proper
2096 investigation of claims;

2097 b. Misrepresenting pertinent facts or insurance policy
2098 provisions relating to coverages at issue;

2099 c. Failing to acknowledge and act promptly upon
2100 communications with respect to claims;

2101 d. Denying claims without conducting reasonable
2102 investigations based upon available information;

2103 e. Failing to affirm or deny full or partial coverage of
2104 claims, and, as to partial coverage, the dollar amount or extent
2105 of coverage, or failing to provide a written statement that the
2106 claim is being investigated, upon the written request of the
2107 insured within 30 days after proof-of-loss statements have been
2108 completed;

2109 f. Failing to promptly provide a reasonable explanation in
2110 writing to the insured of the basis in the insurance policy, in
2111 relation to the facts or applicable law, for denial of a claim
2112 or for the offer of a compromise settlement;

2113 g. Failing to promptly notify the insured of any additional
2114 information necessary for the processing of a claim; or

2115 h. Failing to clearly explain the nature of the requested
2116 information and the reasons why such information is necessary.

2117 ~~i. Failing to pay personal injury protection insurance~~

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2118 ~~claims within the time periods required by s. 627.736(4) (b). The~~
2119 ~~office may order the insurer to pay restitution to a~~
2120 ~~policyholder, medical provider, or other claimant, including~~
2121 ~~interest at a rate consistent with the amount set forth in s.~~
2122 ~~55.03(1), for the time period within which an insurer fails to~~
2123 ~~pay claims as required by law. Restitution is in addition to any~~
2124 ~~other penalties allowed by law, including, but not limited to,~~
2125 ~~the suspension of the insurer's certificate of authority.~~

2126 4. Failing to pay undisputed amounts of partial or full
2127 benefits owed under first-party property insurance policies
2128 within 90 days after an insurer receives notice of a residential
2129 property insurance claim, determines the amounts of partial or
2130 full benefits, and agrees to coverage, unless payment of the
2131 undisputed benefits is prevented by an act of God, prevented by
2132 the impossibility of performance, or due to actions by the
2133 insured or claimant that constitute fraud, lack of cooperation,
2134 or intentional misrepresentation regarding the claim for which
2135 benefits are owed.

2136 (o) *Illegal dealings in premiums; excess or reduced charges*
2137 *for insurance.*—

2138 1. Knowingly collecting any sum as a premium or charge for
2139 insurance, which is not then provided, or is not in due course
2140 to be provided, subject to acceptance of the risk by the
2141 insurer, by an insurance policy issued by an insurer as
2142 permitted by this code.

2143 2. Knowingly collecting as a premium or charge for
2144 insurance any sum in excess of or less than the premium or
2145 charge applicable to such insurance, in accordance with the
2146 applicable classifications and rates as filed with and approved

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2147 by the office, and as specified in the policy; or, in cases when
2148 classifications, premiums, or rates are not required by this
2149 code to be so filed and approved, premiums and charges collected
2150 from a Florida resident in excess of or less than those
2151 specified in the policy and as fixed by the insurer.

2152 Notwithstanding any other provision of law, this provision shall
2153 not be deemed to prohibit the charging and collection, by
2154 surplus lines agents licensed under part VIII of this chapter,
2155 of the amount of applicable state and federal taxes, or fees as
2156 authorized by s. 626.916(4), in addition to the premium required
2157 by the insurer or the charging and collection, by licensed
2158 agents, of the exact amount of any discount or other such fee
2159 charged by a credit card facility in connection with the use of
2160 a credit card, as authorized by subparagraph (q)3., in addition
2161 to the premium required by the insurer. This subparagraph shall
2162 not be construed to prohibit collection of a premium for a
2163 universal life or a variable or indeterminate value insurance
2164 policy made in accordance with the terms of the contract.

2165 3.a. Imposing or requesting an additional premium for
2166 bodily injury liability coverage, property damage liability
2167 coverage ~~a policy of motor vehicle liability, personal injury~~
2168 ~~protection, medical payments coverage payment, or collision~~
2169 coverage in a motor vehicle liability insurance policy insurance
2170 ~~or any combination thereof~~ or refusing to renew the policy
2171 solely because the insured was involved in a motor vehicle
2172 accident unless the insurer's file contains information from
2173 which the insurer in good faith determines that the insured was
2174 substantially at fault in the accident.

2175 b. An insurer which imposes and collects such a surcharge

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2176 or which refuses to renew such policy shall, in conjunction with
2177 the notice of premium due or notice of nonrenewal, notify the
2178 named insured that he or she is entitled to reimbursement of
2179 such amount or renewal of the policy under the conditions listed
2180 below and will subsequently reimburse him or her or renew the
2181 policy, if the named insured demonstrates that the operator
2182 involved in the accident was:

2183 (I) Lawfully parked;

2184 (II) Reimbursed by, or on behalf of, a person responsible
2185 for the accident or has a judgment against such person;

2186 (III) Struck in the rear by another vehicle headed in the
2187 same direction and was not convicted of a moving traffic
2188 violation in connection with the accident;

2189 (IV) Hit by a "hit-and-run" driver, if the accident was
2190 reported to the proper authorities within 24 hours after
2191 discovering the accident;

2192 (V) Not convicted of a moving traffic violation in
2193 connection with the accident, but the operator of the other
2194 automobile involved in such accident was convicted of a moving
2195 traffic violation;

2196 (VI) Finally adjudicated not to be liable by a court of
2197 competent jurisdiction;

2198 (VII) In receipt of a traffic citation which was dismissed
2199 or nolle prossed; or

2200 (VIII) Not at fault as evidenced by a written statement
2201 from the insured establishing facts demonstrating lack of fault
2202 which are not rebutted by information in the insurer's file from
2203 which the insurer in good faith determines that the insured was
2204 substantially at fault.

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2205 c. In addition to the other provisions of this
2206 subparagraph, an insurer may not fail to renew a policy if the
2207 insured has had only one accident in which he or she was at
2208 fault within the current 3-year period. However, an insurer may
2209 nonrenew a policy for reasons other than accidents in accordance
2210 with s. 627.728. This subparagraph does not prohibit nonrenewal
2211 of a policy under which the insured has had three or more
2212 accidents, regardless of fault, during the most recent 3-year
2213 period.

2214 4. Imposing or requesting an additional premium for, or
2215 refusing to renew, a policy for motor vehicle insurance solely
2216 because the insured committed a noncriminal traffic infraction
2217 as described in s. 318.14 unless the infraction is:

2218 a. A second infraction committed within an 18-month period,
2219 or a third or subsequent infraction committed within a 36-month
2220 period.

2221 b. A violation of s. 316.183, when such violation is a
2222 result of exceeding the lawful speed limit by more than 15 miles
2223 per hour.

2224 5. Upon the request of the insured, the insurer and
2225 licensed agent shall supply to the insured the complete proof of
2226 fault or other criteria which justifies the additional charge or
2227 cancellation.

2228 6. No insurer shall impose or request an additional premium
2229 for motor vehicle insurance, cancel or refuse to issue a policy,
2230 or refuse to renew a policy because the insured or the applicant
2231 is a handicapped or physically disabled person, so long as such
2232 handicap or physical disability does not substantially impair
2233 such person's mechanically assisted driving ability.

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2234 7. No insurer may cancel or otherwise terminate any
2235 insurance contract or coverage, or require execution of a
2236 consent to rate endorsement, during the stated policy term for
2237 the purpose of offering to issue, or issuing, a similar or
2238 identical contract or coverage to the same insured with the same
2239 exposure at a higher premium rate or continuing an existing
2240 contract or coverage with the same exposure at an increased
2241 premium.

2242 8. No insurer may issue a nonrenewal notice on any
2243 insurance contract or coverage, or require execution of a
2244 consent to rate endorsement, for the purpose of offering to
2245 issue, or issuing, a similar or identical contract or coverage
2246 to the same insured at a higher premium rate or continuing an
2247 existing contract or coverage at an increased premium without
2248 meeting any applicable notice requirements.

2249 9. No insurer shall, with respect to premiums charged for
2250 motor vehicle insurance, unfairly discriminate solely on the
2251 basis of age, sex, marital status, or scholastic achievement.

2252 10. Imposing or requesting an additional premium for motor
2253 vehicle comprehensive or uninsured motorist coverage solely
2254 because the insured was involved in a motor vehicle accident or
2255 was convicted of a moving traffic violation.

2256 11. No insurer shall cancel or issue a nonrenewal notice on
2257 any insurance policy or contract without complying with any
2258 applicable cancellation or nonrenewal provision required under
2259 the Florida Insurance Code.

2260 12. No insurer shall impose or request an additional
2261 premium, cancel a policy, or issue a nonrenewal notice on any
2262 insurance policy or contract because of any traffic infraction

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2263 when adjudication has been withheld and no points have been
2264 assessed pursuant to s. 318.14(9) and (10). However, this
2265 subparagraph does not apply to traffic infractions involving
2266 accidents in which the insurer has incurred a loss due to the
2267 fault of the insured.

2268 Section 36. Paragraph (a) of subsection (1) of section
2269 626.989, Florida Statutes, is amended to read:

2270 626.989 Investigation by department or Division of
2271 Investigative and Forensic Services; compliance; immunity;
2272 confidential information; reports to division; division
2273 investigator's power of arrest.—

2274 (1) For the purposes of this section:

2275 (a) A person commits a "fraudulent insurance act" if the
2276 person:

2277 1. Knowingly and with intent to defraud presents, causes to
2278 be presented, or prepares with knowledge or belief that it will
2279 be presented, to or by an insurer, self-insurer, self-insurance
2280 fund, servicing corporation, purported insurer, broker, or any
2281 agent thereof, any written statement as part of, or in support
2282 of, an application for the issuance of, or the rating of, any
2283 insurance policy, or a claim for payment or other benefit
2284 pursuant to any insurance policy, which the person knows to
2285 contain materially false information concerning any fact
2286 material thereto or if the person conceals, for the purpose of
2287 misleading another, information concerning any fact material
2288 thereto.

2289 2. Knowingly submits:

2290 a. A false, misleading, or fraudulent application or other
2291 document when applying for licensure as a health care clinic,

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2292 seeking an exemption from licensure as a health care clinic, or
2293 demonstrating compliance with part X of chapter 400 with an
2294 intent to use the license, exemption from licensure, or
2295 demonstration of compliance to provide services or seek
2296 reimbursement under a motor vehicle liability insurance policy's
2297 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
2298 ~~Law.~~

2299 b. A claim for payment or other benefit under medical
2300 payments coverage, ~~pursuant to a personal injury protection~~
2301 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
2302 the person knows that the payee knowingly submitted a false,
2303 misleading, or fraudulent application or other document when
2304 applying for licensure as a health care clinic, seeking an
2305 exemption from licensure as a health care clinic, or
2306 demonstrating compliance with part X of chapter 400.

2307 Section 37. Subsection (1) of section 627.06501, Florida
2308 Statutes, is amended to read:

2309 627.06501 Insurance discounts for certain persons
2310 completing driver improvement course.—

2311 (1) Any rate, rating schedule, or rating manual for the
2312 liability, medical payments ~~personal injury protection,~~ and
2313 collision coverages of a motor vehicle insurance policy filed
2314 with the office may provide for an appropriate reduction in
2315 premium charges as to such coverages if ~~when~~ the principal
2316 operator on the covered vehicle has successfully completed a
2317 driver improvement course approved and certified by the
2318 Department of Highway Safety and Motor Vehicles which is
2319 effective in reducing crash or violation rates, or both, as
2320 determined pursuant to s. 318.1451(5). Any discount, not to

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2321 exceed 10 percent, used by an insurer is presumed to be
2322 appropriate unless credible data demonstrates otherwise.

2323 Section 38. Subsection (15) is added to section 627.0651,
2324 Florida Statutes, to read:

2325 627.0651 Making and use of rates for motor vehicle
2326 insurance.—

2327 (15) Rate filings for motor vehicle liability policies that
2328 implement the financial responsibility requirements of s.
2329 324.022 in effect January 1, 2022, except for commercial motor
2330 vehicle insurance policies exempt under paragraph (14) (a), must
2331 reflect such financial responsibility requirements and may be
2332 approved only through the file and use process under paragraph
2333 (1) (a).

2334 Section 39. Subsection (1) of section 627.0652, Florida
2335 Statutes, is amended to read:

2336 627.0652 Insurance discounts for certain persons completing
2337 safety course.—

2338 (1) Any rates, rating schedules, or rating manuals for the
2339 liability, medical payments ~~personal injury protection~~, and
2340 collision coverages of a motor vehicle insurance policy filed
2341 with the office must ~~shall~~ provide for an appropriate reduction
2342 in premium charges as to such coverages if ~~when~~ the principal
2343 operator on the covered vehicle is an insured 55 years of age or
2344 older who has successfully completed a motor vehicle accident
2345 prevention course approved by the Department of Highway Safety
2346 and Motor Vehicles. Any discount used by an insurer is presumed
2347 to be appropriate unless credible data demonstrates otherwise.

2348 Section 40. Subsections (1), (3), and (6) of section
2349 627.0653, Florida Statutes, are amended to read:

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2350 627.0653 Insurance discounts for specified motor vehicle
2351 equipment.—

2352 (1) Any rates, rating schedules, or rating manuals for the
2353 liability, medical payments ~~personal injury protection~~, and
2354 collision coverages of a motor vehicle insurance policy filed
2355 with the office must ~~shall~~ provide a premium discount if the
2356 insured vehicle is equipped with factory-installed, four-wheel
2357 antilock brakes.

2358 (3) Any rates, rating schedules, or rating manuals for
2359 ~~personal injury protection coverage and~~ medical payments
2360 coverage, ~~if offered~~, of a motor vehicle insurance policy filed
2361 with the office must ~~shall~~ provide a premium discount if the
2362 insured vehicle is equipped with one or more air bags that ~~which~~
2363 are factory installed.

2364 (6) The Office of Insurance Regulation may approve a
2365 premium discount to any rates, rating schedules, or rating
2366 manuals for the liability, medical payments ~~personal injury~~
2367 ~~protection~~, and collision coverages of a motor vehicle insurance
2368 policy filed with the office if the insured vehicle is equipped
2369 with an automated driving system or electronic vehicle collision
2370 avoidance technology that is factory installed or a retrofitted
2371 system and that complies with National Highway Traffic Safety
2372 Administration standards.

2373 Section 41. Section 627.4132, Florida Statutes, is amended
2374 to read:

2375 627.4132 Stacking of coverages prohibited.—If an insured or
2376 named insured is protected by any type of motor vehicle
2377 insurance policy for bodily injury and property damage
2378 liability, ~~personal injury protection, or other coverage~~, the

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2379 policy must ~~shall~~ provide that the insured or named insured is
2380 protected only to the extent of the coverage she or he has on
2381 the vehicle involved in the accident. However, if none of the
2382 insured's or named insured's vehicles are ~~is~~ involved in the
2383 accident, coverage is available only to the extent of coverage
2384 on any one of the vehicles with applicable coverage. Coverage on
2385 any other vehicles may ~~shall~~ not be added to or stacked upon
2386 that coverage. This section does not ~~apply~~:

2387 (1) Apply to uninsured motorist coverage that ~~which~~ is
2388 separately governed by s. 627.727.

2389 (2) ~~To~~ Reduce the coverage available by reason of insurance
2390 policies insuring different named insureds.

2391 Section 42. Subsection (1) of section 627.4137, Florida
2392 Statutes, is amended to read:

2393 627.4137 Disclosure of certain information required.—

2394 (1) Each insurer which does or may provide liability
2395 insurance coverage to pay all or a portion of any claim which
2396 might be made shall provide, within 30 days of the written
2397 request of the claimant or the claimant's attorney, a statement,
2398 under oath, of a corporate officer or the insurer's claims
2399 manager or superintendent setting forth the following
2400 information with regard to each known policy of insurance,
2401 including excess or umbrella insurance:

2402 (a) The name of the insurer.

2403 (b) The name of each insured.

2404 (c) The limits of the liability coverage.

2405 (d) A statement of any policy or coverage defense which
2406 such insurer reasonably believes is available to such insurer at
2407 the time of filing such statement.

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2408 (e) A copy of the policy.

2409

2410 In addition, the insured, or her or his insurance agent, upon
2411 written request of the claimant or the claimant's attorney,
2412 shall disclose the name and coverage of each known insurer to
2413 the claimant and shall forward such request for information as
2414 required by this subsection to all affected insurers. The
2415 insurer shall then supply the information required in this
2416 subsection to the claimant within 30 days of receipt of such
2417 request. If an insurer fails to timely comply with this section,
2418 the claimant may file an action in a court of competent
2419 jurisdiction to enforce this section. If the court determines
2420 that the insurer violated this section, the claimant is entitled
2421 to an award of reasonable attorney fees and costs to be paid by
2422 the insurer.

2423 Section 43. Section 627.7263, Florida Statutes, is amended
2424 to read:

2425 627.7263 Rental and leasing driver's insurance to be
2426 primary; exception.—

2427 (1) The valid and collectible liability insurance and
2428 medical payments coverage ~~or personal injury protection~~
2429 ~~insurance providing coverage~~ for the lessor of a motor vehicle
2430 for rent or lease is primary unless otherwise stated in at least
2431 10-point type on the face of the rental or lease agreement. Such
2432 insurance is primary for the limits of liability ~~and personal~~
2433 ~~injury protection~~ coverage as required by s. 324.021(7) and the
2434 medical payments coverage limit specified under s. 627.7265 ~~ss.~~
2435 ~~324.021(7) and 627.736.~~

2436 (2) If the lessee's coverage is to be primary, the rental

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2437 or lease agreement must contain the following language, in at
2438 least 10-point type:

2439

2440 "The valid and collectible liability insurance and medical
2441 payments coverage ~~personal injury protection insurance~~ of an any
2442 authorized rental or leasing driver is primary for the limits of
2443 liability and ~~personal injury protection~~ coverage required under
2444 section 324.021(7), Florida Statutes, and the medical payments
2445 coverage limit specified under section 627.7265 ~~by ss.~~
2446 ~~324.021(7) and 627.736, Florida Statutes."~~

2447 Section 44. Section 627.7265, Florida Statutes, is created
2448 to read:

2449 627.7265 Motor vehicle insurance; medical payments
2450 coverage.—

2451 (1) Medical payments coverage must protect the named
2452 insured, resident relatives, persons operating the insured motor
2453 vehicle, passengers in the insured motor vehicle, and persons
2454 who are struck by the insured motor vehicle and suffer bodily
2455 injury while not an occupant of a self-propelled motor vehicle
2456 at a limit of at least \$5,000 for medical expenses incurred due
2457 to bodily injury, sickness, or disease arising out of the
2458 ownership, maintenance, or use of a motor vehicle. The coverage
2459 must provide an additional death benefit of at least \$5,000.

2460 (a) Every motor vehicle liability insurance policy
2461 furnished as proof of financial responsibility under s. 324.031
2462 must include medical payments coverage at a limit of \$5,000. The
2463 insurer must also offer medical payments coverage at a limit of
2464 \$10,000 and may also offer medical payments coverage at any
2465 limit greater than \$5,000.

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2466 (b) The insurer must offer medical payments coverage with
2467 no deductible. The insurer may also offer medical payments
2468 coverage with a deductible not to exceed \$500.

2469 (c) Each motor vehicle liability insurance policy furnished
2470 as proof of financial responsibility under s. 324.031 is deemed
2471 to have:

2472 1. Medical payments coverage to a limit of \$10,000, unless
2473 the insurer obtains a named insured's written refusal of medical
2474 payments coverage or written selection of medical payments
2475 coverage at a limit other than \$10,000, but not less than
2476 \$5,000. The rejection or selection of coverage at a limit other
2477 than \$10,000 must be made on a form approved by the office.

2478 2. No medical payments coverage deductible, unless the
2479 insurer obtains a named insured's written selection of a
2480 deductible up to \$500. The selection of a deductible must be
2481 made on a form approved by the office.

2482 (d)1. The forms referenced in subparagraphs (c)1. and 2.
2483 must fully advise the applicant of the nature of the coverage
2484 being rejected or the policy limit or deductible being selected.
2485 If the form is signed by a named insured, it is conclusively
2486 presumed that there was an informed, knowing rejection of the
2487 coverage or election of the policy limit or deductible.

2488 2. Unless a named insured requests in writing the coverage
2489 specified in this section, it need not be provided in or
2490 supplemental to any other policy that renews, insures, extends,
2491 changes, supersedes, or replaces an existing policy if a named
2492 insured has rejected the coverage specified in this section or
2493 has selected an alternative coverage limit or deductible. At
2494 least annually, the insurer shall provide to the named insured a

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2495 notice of the availability of such coverage in a form approved
2496 by the office. The notice must be part of, and attached to, the
2497 notice of premium and must provide for a means to allow a named
2498 insured to request medical payments coverage at the limits and
2499 deductibles required to be offered under this section. The
2500 notice must be given in a manner approved by the office. Receipt
2501 of this notice does not constitute an affirmative waiver of the
2502 insured's right to medical payments coverage if a named insured
2503 has not signed a selection or rejection form.

2504 (e) This section may not be construed to limit any other
2505 coverage made available by an insurer.

2506 (2) Upon receiving notice of an accident that is
2507 potentially covered by medical payments coverage benefits, the
2508 insurer must reserve \$5,000 of medical payments coverage
2509 benefits for payment to physicians licensed under chapter 458 or
2510 chapter 459 or dentists licensed under chapter 466 who provide
2511 emergency services and care, as defined in s. 395.002, or who
2512 provide hospital inpatient care. The amount required to be held
2513 in reserve may be used only to pay claims from such physicians
2514 or dentists until 30 days after the date the insurer receives
2515 notice of the accident. After the 30-day period, any amount of
2516 the reserve for which the insurer has not received notice of
2517 such claims may be used by the insurer to pay other claims. This
2518 subsection does not require an insurer to establish a claim
2519 reserve for insurance accounting purposes.

2520 (3) An insurer providing medical payments coverage benefits
2521 may not:

2522 (a) Seek a lien on any recovery in tort by judgment,
2523 settlement, or otherwise for medical payments coverage benefits,

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2524 regardless of whether suit has been filed or settlement has been
2525 reached without suit; or

2526 (b) Bring a cause of action against a person to whom or for
2527 whom medical payments coverage benefits were paid, except when
2528 medical payments coverage benefits were paid by reason of fraud
2529 committed by that person.

2530 (4) An insurer providing medical payments coverage may
2531 include provisions in its policy allowing for subrogation for
2532 medical payments coverage benefits paid if the expenses giving
2533 rise to the payments were caused by the wrongful act or omission
2534 of another who is not also an insured under the policy paying
2535 the medical payments coverage benefits. However, this
2536 subrogation right is inferior to the rights of the injured
2537 insured and is available only after all the insured's damages
2538 are recovered and the insured is made whole. An insured who
2539 obtains a recovery from a third party of the full amount of the
2540 damages sustained and delivers a release or satisfaction that
2541 impairs a medical payments insurer's subrogation right is liable
2542 to the insurer for repayment of medical payments coverage
2543 benefits less any expenses of acquiring the recovery, including
2544 a prorated share of attorney fees and costs, and shall hold that
2545 net recovery in trust to be delivered to the medical payments
2546 insurer. The insurer may not include any provision in its policy
2547 allowing for subrogation for any death benefit paid.

2548 Section 45. Subsections (1) and (7) of section 627.727,
2549 Florida Statutes, are amended to read:

2550 627.727 Motor vehicle insurance; uninsured and underinsured
2551 vehicle coverage; insolvent insurer protection.-

2552 (1) A ~~No~~ motor vehicle liability insurance policy that

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2553 ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be
2554 delivered or issued for delivery in this state with respect to
2555 any specifically insured or identified motor vehicle registered
2556 or principally garaged in this state, unless uninsured motor
2557 vehicle coverage is provided therein or supplemental thereto for
2558 the protection of persons insured thereunder who are legally
2559 entitled to recover damages from owners or operators of
2560 uninsured motor vehicles because of bodily injury, sickness, or
2561 disease, including death, resulting therefrom. However, the
2562 coverage required under this section is not applicable if ~~when~~,
2563 or to the extent that, an insured named in the policy makes a
2564 written rejection of the coverage on behalf of all insureds
2565 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~
2566 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
2567 of the lease contract, provides liability coverage on the leased
2568 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
2569 privilege to reject uninsured motorist coverage or to select
2570 lower limits than the bodily injury liability limits, regardless
2571 of whether the lessor is qualified as a self-insurer pursuant to
2572 s. 324.171. Unless an insured, or a lessee having the privilege
2573 of rejecting uninsured motorist coverage, requests such coverage
2574 or requests higher uninsured motorist limits in writing, the
2575 coverage or such higher uninsured motorist limits need not be
2576 provided in or supplemental to any other policy that ~~which~~
2577 renews, extends, changes, supersedes, or replaces an existing
2578 policy with the same bodily injury liability limits when an
2579 insured or lessee had rejected the coverage. When an insured or
2580 lessee has initially selected limits of uninsured motorist
2581 coverage lower than her or his bodily injury liability limits,

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2582 higher limits of uninsured motorist coverage need not be
2583 provided in or supplemental to any other policy that ~~which~~
2584 renews, extends, changes, supersedes, or replaces an existing
2585 policy with the same bodily injury liability limits unless an
2586 insured requests higher uninsured motorist coverage in writing.
2587 The rejection or selection of lower limits must ~~shall~~ be made on
2588 a form approved by the office. The form must ~~shall~~ fully advise
2589 the applicant of the nature of the coverage and must ~~shall~~ state
2590 that the coverage is equal to bodily injury liability limits
2591 unless lower limits are requested or the coverage is rejected.
2592 The heading of the form must ~~shall~~ be in 12-point bold type and
2593 must ~~shall~~ state: "You are electing not to purchase certain
2594 valuable coverage that ~~which~~ protects you and your family or you
2595 are purchasing uninsured motorist limits less than your bodily
2596 injury liability limits when you sign this form. Please read
2597 carefully." If this form is signed by a named insured, it will
2598 be conclusively presumed that there was an informed, knowing
2599 rejection of coverage or election of lower limits on behalf of
2600 all insureds. The insurer shall notify the named insured at
2601 least annually of her or his options as to the coverage required
2602 by this section. Such notice must ~~shall~~ be part of, and attached
2603 to, the notice of premium, must ~~shall~~ provide for a means to
2604 allow the insured to request such coverage, and must ~~shall~~ be
2605 given in a manner approved by the office. Receipt of this notice
2606 does not constitute an affirmative waiver of the insured's right
2607 to uninsured motorist coverage if ~~where~~ the insured has not
2608 signed a selection or rejection form. The coverage described
2609 under this section must ~~shall~~ be over and above, but may ~~shall~~
2610 not duplicate, the benefits available to an insured under any

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2611 workers' compensation law, ~~personal injury protection benefits,~~
2612 disability benefits law, or similar law; under any automobile
2613 medical payments ~~expense~~ coverage; under any motor vehicle
2614 liability insurance coverage; or from the owner or operator of
2615 the uninsured motor vehicle or any other person or organization
2616 jointly or severally liable together with such owner or operator
2617 for the accident,~~7~~ and such coverage must ~~shall~~ cover the
2618 difference, if any, between the sum of such benefits and the
2619 damages sustained, up to the maximum amount of such coverage
2620 provided under this section. The amount of coverage available
2621 under this section may ~~shall~~ not be reduced by a setoff against
2622 any coverage, including liability insurance. Such coverage does
2623 ~~shall~~ not inure directly or indirectly to the benefit of any
2624 workers' compensation or disability benefits carrier or any
2625 person or organization qualifying as a self-insurer under any
2626 workers' compensation or disability benefits law or similar law.

2627 (7) The legal liability of an uninsured motorist coverage
2628 insurer includes ~~does not include~~ damages in tort for pain,
2629 suffering, disability or physical impairment, disfigurement,
2630 mental anguish, and inconvenience, and the loss of capacity for
2631 the enjoyment of life experienced in the past and to be
2632 experienced in the future ~~unless the injury or disease is~~
2633 ~~described in one or more of paragraphs (a) - (d) of s. 627.737(2).~~

2634 Section 46. Section 627.7275, Florida Statutes, is amended
2635 to read:

2636 627.7275 Motor vehicle liability.-

2637 (1) A motor vehicle insurance policy ~~providing personal~~
2638 ~~injury protection as set forth in s. 627.736~~ may not be
2639 delivered or issued for delivery in this state for a ~~with~~

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2640 ~~respect to any~~ specifically insured or identified motor vehicle
2641 registered or principally garaged in this state must provide
2642 bodily injury liability coverage, \$5,000 of medical payments
2643 coverage, and unless the policy also provides coverage for
2644 property damage liability coverage as required under ~~by~~ s.
2645 324.022.

2646 (2) (a) Insurers writing motor vehicle insurance in this
2647 state shall make available, subject to the insurers' usual
2648 underwriting restrictions:

2649 1. Coverage under policies as described in subsection (1)
2650 to an applicant for private passenger motor vehicle insurance
2651 coverage who is seeking the coverage in order to reinstate the
2652 applicant's driving privileges in this state if the driving
2653 privileges were revoked or suspended pursuant to s. 316.646 or
2654 s. 324.0221 due to the failure of the applicant to maintain
2655 required security.

2656 2. Coverage under policies as described in subsection (1),
2657 which includes bodily injury ~~also provides~~ liability coverage
2658 and property damage liability coverage, for bodily injury,
2659 ~~death, and property damage arising out of the ownership,~~
2660 ~~maintenance, or use of the motor vehicle~~ in an amount not less
2661 than the minimum limits required under ~~described in~~ s.
2662 324.021(7) or s. 324.023 and which conforms to the requirements
2663 of s. 324.151, to an applicant for private passenger motor
2664 vehicle insurance coverage who is seeking the coverage in order
2665 to reinstate the applicant's driving privileges in this state
2666 after such privileges were revoked or suspended under s. 316.193
2667 or s. 322.26(2) for driving under the influence.

2668 (b) The policies described in paragraph (a) must ~~shall~~ be

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2669 issued for at least 6 months and, as to the minimum coverages
2670 required under this section, may not be canceled by the insured
2671 for any reason or by the insurer after 60 days, during which
2672 period the insurer is completing the underwriting of the policy.
2673 After the insurer has completed underwriting the policy, the
2674 insurer shall notify the Department of Highway Safety and Motor
2675 Vehicles that the policy is in full force and effect and is not
2676 cancelable for the remainder of the policy period. A premium
2677 must ~~shall~~ be collected and the coverage is in effect for the
2678 60-day period during which the insurer is completing the
2679 underwriting of the policy, whether or not the person's driver
2680 license, motor vehicle tag, and motor vehicle registration are
2681 in effect. Once the noncancelable provisions of the policy
2682 become effective, the bodily injury liability and property
2683 damage liability coverages ~~for bodily injury, property damage,~~
2684 ~~and personal injury protection~~ may not be reduced below the
2685 minimum limits required under s. 324.021 or s. 324.023 during
2686 the policy period.

2687 (c) This subsection controls to the extent of any conflict
2688 with any other section.

2689 (d) An insurer issuing a policy subject to this section may
2690 cancel the policy if, during the policy term, the named insured,
2691 or any other operator who resides in the same household or
2692 customarily operates an automobile insured under the policy, has
2693 his or her driver license suspended or revoked.

2694 (e) This subsection does not require an insurer to offer a
2695 policy of insurance to an applicant if such offer would be
2696 inconsistent with the insurer's underwriting guidelines and
2697 procedures.

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2698 Section 47. Effective upon this act becoming a law, section
2699 627.7278, Florida Statutes, is created to read:

2700 627.7278 Applicability and construction; notice to
2701 policyholders.—

2702 (1) As used in this section, the term “minimum security
2703 requirements” means security that enables a person to respond in
2704 damages for liability on account of crashes arising out of the
2705 ownership, maintenance, or use of a motor vehicle, in the
2706 amounts required by s. 324.022(1), as amended by this act.

2707 (2) Effective January 1, 2022:

2708 (a) Motor vehicle insurance policies issued or renewed on
2709 or after that date may not include personal injury protection.

2710 (b) All persons subject to s. 324.022, s. 324.032, s.
2711 627.7415, or s. 627.742 must maintain at least minimum security
2712 requirements.

2713 (c) Any new or renewal motor vehicle insurance policy
2714 delivered or issued for delivery in this state must provide
2715 coverage that complies with minimum security requirements.

2716 (d) An existing motor vehicle insurance policy issued
2717 before that date which provides personal injury protection and
2718 property damage liability coverage that meets the requirements
2719 of s. 324.022 on December 31, 2021, but which does not meet
2720 minimum security requirements on or after January 1, 2022, is
2721 deemed to meet minimum security requirements until such policy
2722 is renewed, nonrenewed, or canceled on or after January 1, 2022.
2723 Sections 627.730-627.7405, 400.9905, 400.991, 456.057, 456.072,
2724 627.7263, 627.727, 627.748, 626.9541(1)(i), and 817.234, Florida
2725 Statutes 2020, remain in full force and effect for motor vehicle
2726 accidents covered under a policy issued under the Florida Motor

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2727 Vehicle No-Fault Law before January 1, 2022, until the policy is
2728 renewed, nonrenewed, or canceled on or after January 1, 2022.

2729 (3) Each insurer shall allow each insured who has a new or
2730 renewal policy providing personal injury protection which
2731 becomes effective before January 1, 2022, and whose policy does
2732 not meet minimum security requirements on or after January 1,
2733 2022, to change coverages so as to eliminate personal injury
2734 protection and obtain coverage providing minimum security
2735 requirements, which shall be effective on or after January 1,
2736 2022. The insurer is not required to provide coverage complying
2737 with minimum security requirements in such policies if the
2738 insured does not pay the required premium, if any, by January 1,
2739 2022, or such later date as the insurer may allow. The insurer
2740 also shall offer each insured medical payments coverage pursuant
2741 to s. 627.7265. Any reduction in the premium must be refunded by
2742 the insurer. The insurer may not impose on the insured an
2743 additional fee or charge that applies solely to a change in
2744 coverage; however, the insurer may charge an additional required
2745 premium that is actuarially indicated.

2746 (4) By September 1, 2021, each motor vehicle insurer shall
2747 provide notice of this section to each motor vehicle
2748 policyholder who is subject to this section. The notice is
2749 subject to approval by the office and must clearly inform the
2750 policyholder that:

2751 (a) The Florida Motor Vehicle No-Fault Law is repealed
2752 effective January 1, 2022, and that on or after that date, the
2753 insured is no longer required to maintain personal injury
2754 protection insurance coverage, that personal injury protection
2755 coverage is no longer available for purchase in this state, and

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2756 that all new or renewal policies issued on or after that date
2757 will not contain that coverage.

2758 (b) Effective January 1, 2022, a person subject to the
2759 financial responsibility requirements of s. 324.022 must
2760 maintain minimum security requirements that enable the person to
2761 respond to damages for liability on account of accidents arising
2762 out of the use of a motor vehicle in the following amounts:

2763 1. Twenty-five thousand dollars for bodily injury to, or
2764 the death of, one person in any one crash and, subject to such
2765 limits for one person, in the amount of \$50,000 for bodily
2766 injury to, or the death of, two or more persons in any one
2767 crash; and

2768 2. Ten thousand dollars for damage to, or destruction of,
2769 the property of others in any one crash.

2770 (c) Bodily injury liability coverage protects the insured,
2771 up to the coverage limits, against loss if the insured is
2772 legally responsible for the death of or bodily injury to others
2773 in a motor vehicle accident.

2774 (d) Effective January 1, 2022, each policyholder of motor
2775 vehicle liability insurance purchased as proof of financial
2776 responsibility must include medical payments coverage benefits
2777 that comply with s. 627.7265. The insurer must include medical
2778 payments coverage at a limit of \$5,000 and offer medical
2779 payments coverage at a limit of \$10,000 without a deductible.
2780 The insurer may also offer medical payments coverage at other
2781 limits greater than \$5,000 and may offer coverage with a
2782 deductible of up to \$500. Medical payments coverage pays covered
2783 medical expenses incurred due to bodily injury, sickness, or
2784 disease arising out of the ownership, maintenance, or use of the

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2785 motor vehicle, up to the limits of such coverage, for injuries
2786 sustained in a motor vehicle crash by the named insured,
2787 resident relatives, any person operating the insured motor
2788 vehicle, passengers in the insured motor vehicle, and persons
2789 who are struck by the insured motor vehicle and suffer bodily
2790 injury while not an occupant of a self-propelled motor vehicle
2791 as provided in s. 627.7265. Medical payments coverage also
2792 provides a death benefit of at least \$5,000.

2793 (e) The policyholder may obtain uninsured and underinsured
2794 motorist coverage that provides benefits, up to the limits of
2795 such coverage, to a policyholder or other insured entitled to
2796 recover damages for bodily injury, sickness, disease, or death
2797 resulting from a motor vehicle accident with an uninsured or
2798 underinsured owner or operator of a motor vehicle.

2799 (f) If the policyholder's new or renewal motor vehicle
2800 insurance policy is effective before January 1, 2022, and
2801 contains personal injury protection and property damage
2802 liability coverage as required by state law before January 1,
2803 2022, but does not meet minimum security requirements on or
2804 after January 1, 2022, the policy is deemed to meet minimum
2805 security requirements until it is renewed, nonrenewed, or
2806 canceled on or after January 1, 2022.

2807 (g) A policyholder whose new or renewal policy becomes
2808 effective before January 1, 2022, but does not meet minimum
2809 security requirements on or after January 1, 2022, may change
2810 coverages under the policy so as to eliminate personal injury
2811 protection and to obtain coverage providing minimum security
2812 requirements, including bodily injury liability coverage, which
2813 are effective on or after January 1, 2022.

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2814 (h) If the policyholder has any questions, he or she should
2815 contact the person named at the telephone number provided in the
2816 notice.

2817 Section 48. Paragraph (a) of subsection (1) of section
2818 627.728, Florida Statutes, is amended to read:

2819 627.728 Cancellations; nonrenewals.—

2820 (1) As used in this section, the term:

2821 (a) "Policy" means the bodily injury and property damage
2822 liability, ~~personal injury protection~~, medical payments,
2823 comprehensive, collision, and uninsured motorist coverage
2824 portions of a policy of motor vehicle insurance delivered or
2825 issued for delivery in this state:

2826 1. Insuring a natural person as named insured or one or
2827 more related individuals who are residents ~~resident~~ of the same
2828 household; and

2829 2. Insuring only a motor vehicle of the private passenger
2830 type or station wagon type which is not used as a public or
2831 livery conveyance for passengers or rented to others; or
2832 insuring any other four-wheel motor vehicle having a load
2833 capacity of 1,500 pounds or less which is not used in the
2834 occupation, profession, or business of the insured other than
2835 farming; other than any policy issued under an automobile
2836 insurance assigned risk plan or covering garage, automobile
2837 sales agency, repair shop, service station, or public parking
2838 place operation hazards.

2839

2840 The term "policy" does not include a binder as defined in s.
2841 627.420 unless the duration of the binder period exceeds 60
2842 days.

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2843 Section 49. Subsection (1), paragraph (a) of subsection
2844 (5), and subsections (6) and (7) of section 627.7295, Florida
2845 Statutes, are amended to read:

2846 627.7295 Motor vehicle insurance contracts.—

2847 (1) As used in this section, the term:

2848 (a) "Policy" means a motor vehicle insurance policy that
2849 provides bodily injury liability ~~personal injury protection~~
2850 coverage and, ~~property damage liability coverage, or both.~~

2851 (b) "Binder" means a binder that provides motor vehicle
2852 bodily injury liability coverage ~~personal injury protection~~ and
2853 property damage liability coverage.

2854 (5) (a) A licensed general lines agent may charge a per-
2855 policy fee of up to ~~not to exceed~~ \$10 to cover the
2856 administrative costs of the agent associated with selling the
2857 motor vehicle insurance policy if the policy covers only bodily
2858 injury liability coverage ~~personal injury protection coverage as~~
2859 ~~provided by s. 627.736~~ and property damage liability coverage as
2860 provided by s. 627.7275 and if no other insurance is sold or
2861 issued in conjunction with or collateral to the policy. The fee
2862 is not ~~considered~~ part of the premium.

2863 (6) If a motor vehicle owner's driver license, license
2864 plate, and registration have previously been suspended pursuant
2865 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2866 only as provided in s. 627.7275.

2867 (7) A policy of private passenger motor vehicle insurance
2868 or a binder for such a policy may be initially issued in this
2869 state only if, before the effective date of such binder or
2870 policy, the insurer or agent has collected from the insured an
2871 amount equal to at least 1 month's premium. An insurer, agent,

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2872 or premium finance company may not, directly or indirectly, take
2873 any action that results ~~resulting~~ in the insured paying ~~having~~
2874 ~~paid~~ from the insured's own funds an amount less than the 1
2875 month's premium required by this subsection. This subsection
2876 applies without regard to whether the premium is financed by a
2877 premium finance company or is paid pursuant to a periodic
2878 payment plan of an insurer or an insurance agent.

2879 (a) This subsection does not apply:

2880 1. If an insured or member of the insured's family is
2881 renewing or replacing a policy or a binder for such policy
2882 written by the same insurer or a member of the same insurer
2883 group. ~~This subsection does not apply~~

2884 2. To an insurer that issues private passenger motor
2885 vehicle coverage primarily to active duty or former military
2886 personnel or their dependents. ~~This subsection does not apply~~

2887 3. If all policy payments are paid pursuant to a payroll
2888 deduction plan, an automatic electronic funds transfer payment
2889 plan from the policyholder, or a recurring credit card or debit
2890 card agreement with the insurer.

2891 (b) This subsection and subsection (4) do not apply if:

2892 1. All policy payments to an insurer are paid pursuant to
2893 an automatic electronic funds transfer payment plan from an
2894 agent, a managing general agent, or a premium finance company
2895 and if the policy includes, at a minimum, bodily injury
2896 liability coverage and personal injury protection pursuant to
2897 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~
2898 coverage pursuant to s. 627.7275; or ~~and~~ bodily injury liability
2899 ~~in at least the amount of \$10,000 because of bodily injury to,~~
2900 ~~or death of, one person in any one accident and in the amount of~~

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2901 ~~\$20,000 because of bodily injury to, or death of, two or more~~
2902 ~~persons in any one accident. This subsection and subsection (4)~~
2903 ~~do not apply if~~

2904 2. An insured has had a policy in effect for at least 6
2905 months, the insured's agent is terminated by the insurer that
2906 issued the policy, and the insured obtains coverage on the
2907 policy's renewal date with a new company through the terminated
2908 agent.

2909 Section 50. Section 627.7415, Florida Statutes, is amended
2910 to read:

2911 627.7415 Commercial motor vehicles; additional liability
2912 insurance coverage.—Beginning January 1, 2022, commercial motor
2913 vehicles, as defined in s. 207.002 or s. 320.01, operated upon
2914 the roads and highways of this state must ~~shall~~ be insured with
2915 the following minimum levels of combined bodily liability
2916 insurance and property damage liability insurance in addition to
2917 any other insurance requirements:

2918 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a
2919 commercial motor vehicle with a gross vehicle weight of 26,000
2920 pounds or more, but less than 35,000 pounds.

2921 (2) One hundred twenty thousand dollars per occurrence for
2922 a commercial motor vehicle with a gross vehicle weight of 35,000
2923 pounds or more, but less than 44,000 pounds.

2924 (3) Three hundred thousand dollars per occurrence for a
2925 commercial motor vehicle with a gross vehicle weight of 44,000
2926 pounds or more.

2927 (4) All commercial motor vehicles subject to regulations of
2928 the United States Department of Transportation, 49 C.F.R. part
2929 387, subpart A, and as may be hereinafter amended, shall be

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2930 insured in an amount equivalent to the minimum levels of
2931 financial responsibility as set forth in such regulations.

2932

2933 A violation of this section is a noncriminal traffic infraction,
2934 punishable as a nonmoving violation as provided in chapter 318.

2935 Section 51. Section 627.747, Florida Statutes, is created
2936 to read:

2937 627.747 Named driver exclusion.-

2938 (1) A private passenger motor vehicle policy may exclude an
2939 identified individual from the following coverages while the
2940 identified individual is operating a motor vehicle, provided
2941 that the identified individual is specifically excluded by name
2942 on the declarations page or by endorsement and the policyholder
2943 consents in writing to the exclusion:

2944 (a) Property damage liability coverage.

2945 (b) Bodily injury liability coverage.

2946 (c) Uninsured motorist coverage for any damages sustained
2947 by the identified excluded individual, if the policyholder has
2948 purchased such coverage.

2949 (d) Medical payments coverage, if the policyholder has
2950 purchased such coverage.

2951 (e) Any coverage the policyholder is not required by law to
2952 purchase.

2953 (2) A private passenger motor vehicle policy may not
2954 exclude coverage when:

2955 (a) The identified excluded individual is injured while not
2956 operating a motor vehicle;

2957 (b) The exclusion is unfairly discriminatory under the
2958 Florida Insurance Code, as determined by the office; or

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2959 (c) The exclusion is inconsistent with the underwriting
2960 rules filed by the insurer pursuant to s. 627.0651(13)(a).

2961 Section 52. Paragraphs (b), (c), and (g) of subsection (7),
2962 paragraphs (a) and (b) of subsection (8), and paragraph (b) of
2963 subsection (16) of section 627.748, Florida Statutes, are
2964 amended to read:

2965 627.748 Transportation network companies.—

2966 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE
2967 REQUIREMENTS.—

2968 (b) The following automobile insurance requirements apply
2969 while a participating TNC driver is logged on to the digital
2970 network but is not engaged in a prearranged ride:

2971 1. Automobile insurance that provides:

2972 a. A primary automobile liability coverage of at least
2973 \$50,000 for death and bodily injury per person, \$100,000 for
2974 death and bodily injury per incident, and \$25,000 for property
2975 damage; and

2976 b. ~~Personal injury protection benefits that meet the~~
2977 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
2978 ~~and~~

2979 ~~e.~~ Uninsured and underinsured vehicle coverage as required
2980 by s. 627.727.

2981 2. The coverage requirements of this paragraph may be
2982 satisfied by any of the following:

2983 a. Automobile insurance maintained by the TNC driver or the
2984 TNC vehicle owner;

2985 b. Automobile insurance maintained by the TNC; or

2986 c. A combination of sub-subparagraphs a. and b.

2987 (c) The following automobile insurance requirements apply

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2988 while a TNC driver is engaged in a prearranged ride:

2989 1. Automobile insurance that provides:

2990 a. A primary automobile liability coverage of at least \$1
2991 million for death, bodily injury, and property damage; and

2992 b. ~~Personal injury protection benefits that meet the~~
2993 ~~minimum coverage amounts required of a limousine under ss.~~
2994 ~~627.730-627.7405; and~~

2995 e. Uninsured and underinsured vehicle coverage as required
2996 by s. 627.727.

2997 2. The coverage requirements of this paragraph may be
2998 satisfied by any of the following:

2999 a. Automobile insurance maintained by the TNC driver or the
3000 TNC vehicle owner;

3001 b. Automobile insurance maintained by the TNC; or

3002 c. A combination of sub-subparagraphs a. and b.

3003 (g) Insurance satisfying the requirements under this
3004 subsection is deemed to satisfy the financial responsibility
3005 requirement for a motor vehicle under chapter 324 ~~and the~~
3006 ~~security required under s. 627.733~~ for any period when the TNC
3007 driver is logged onto the digital network or engaged in a
3008 prearranged ride.

3009 (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;
3010 EXCLUSIONS.—

3011 (a) Before a TNC driver is allowed to accept a request for
3012 a prearranged ride on the digital network, the TNC must disclose
3013 in writing to the TNC driver:

3014 1. The insurance coverage, including the types of coverage
3015 and the limits for each coverage, which the TNC provides while
3016 the TNC driver uses a TNC vehicle in connection with the TNC's

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3017 digital network.

3018 2. That the TNC driver's own automobile insurance policy
3019 might not provide any coverage while the TNC driver is logged on
3020 to the digital network or is engaged in a prearranged ride,
3021 depending on the terms of the TNC driver's own automobile
3022 insurance policy.

3023 3. That the provision of rides for compensation which are
3024 not prearranged rides subjects the driver to the coverage
3025 requirements imposed under s. 324.032(1) and (2) and that
3026 failure to meet such coverage requirements subjects the TNC
3027 driver to penalties provided in s. 324.221, up to and including
3028 a misdemeanor of the second degree.

3029 (b)1. An insurer that provides an automobile liability
3030 insurance policy under this part may exclude any and all
3031 coverage afforded under the policy issued to an owner or
3032 operator of a TNC vehicle while driving that vehicle for any
3033 loss or injury that occurs while a TNC driver is logged on to a
3034 digital network or while a TNC driver provides a prearranged
3035 ride. Exclusions imposed under this subsection are limited to
3036 coverage while a TNC driver is logged on to a digital network or
3037 while a TNC driver provides a prearranged ride. This right to
3038 exclude all coverage may apply to any coverage included in an
3039 automobile insurance policy, including, but not limited to:

- 3040 a. Liability coverage for bodily injury and property
3041 damage;
- 3042 b. Uninsured and underinsured motorist coverage;
- 3043 c. Medical payments coverage;
- 3044 d. Comprehensive physical damage coverage; and
- 3045 e. Collision physical damage coverage; ~~and~~

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3046 ~~f. Personal injury protection.~~

3047 2. The exclusions described in subparagraph 1. apply
3048 notwithstanding any requirement under chapter 324. These
3049 exclusions do not affect or diminish coverage otherwise
3050 available for permissive drivers or resident relatives under the
3051 personal automobile insurance policy of the TNC driver or owner
3052 of the TNC vehicle who are not occupying the TNC vehicle at the
3053 time of loss. This section does not require that a personal
3054 automobile insurance policy provide coverage while the TNC
3055 driver is logged on to a digital network, while the TNC driver
3056 is engaged in a prearranged ride, or while the TNC driver
3057 otherwise uses a vehicle to transport riders for compensation.

3058 3. This section must not be construed to require an insurer
3059 to use any particular policy language or reference to this
3060 section in order to exclude any and all coverage for any loss or
3061 injury that occurs while a TNC driver is logged on to a digital
3062 network or while a TNC driver provides a prearranged ride.

3063 4. This section does not preclude an insurer from providing
3064 primary or excess coverage for the TNC driver's vehicle by
3065 contract or endorsement.

3066 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

3067 (b) An entity may elect, upon written notification to the
3068 department, to be regulated as a luxury ground TNC. A luxury
3069 ground TNC must:

3070 1. Comply with all of the requirements of this section
3071 applicable to a TNC, including subsection (17), which do not
3072 conflict with subparagraph 2. or which do not prohibit the
3073 company from connecting riders to drivers who operate for-hire
3074 vehicles as defined in s. 320.01(15), including limousines and

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3075 luxury sedans and excluding taxicabs.

3076 2. Maintain insurance coverage as required by subsection
3077 (7). However, if a prospective luxury ground TNC satisfies
3078 minimum financial responsibility through compliance with s.
3079 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives
3080 the department written notification of its election to be
3081 regulated as a luxury ground TNC, the luxury ground TNC may use
3082 self-insurance to meet the insurance requirements of subsection
3083 (7), so long as such self-insurance complies with s. 324.032(3)
3084 ~~s. 324.032(2)~~ and provides the limits of liability required by
3085 subsection (7).

3086 Section 53. Paragraph (a) of subsection (2) of section
3087 627.749, Florida Statutes, is amended to read:

3088 627.749 Autonomous vehicles; insurance requirements.—

3089 (2) INSURANCE REQUIREMENTS.—

3090 (a) A fully autonomous vehicle with the automated driving
3091 system engaged while logged on to an on-demand autonomous
3092 vehicle network or engaged in a prearranged ride must be covered
3093 by a policy of automobile insurance which provides:

3094 1. Primary liability coverage of at least \$1 million for
3095 death, bodily injury, and property damage.

3096 2. ~~Personal injury protection benefits that meet the~~
3097 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

3098 3. ~~Uninsured and underinsured vehicle coverage as required~~
3099 ~~by s. 627.727.~~

3100 Section 54. Section 627.8405, Florida Statutes, is amended
3101 to read:

3102 627.8405 Prohibited acts; financing companies.—A ~~No~~ premium
3103 finance company ~~shall~~, in a premium finance agreement or other

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3104 agreement, may not finance the cost of or otherwise provide for
3105 the collection or remittance of dues, assessments, fees, or
3106 other periodic payments of money for the cost of:

3107 (1) A membership in an automobile club. The term
3108 "automobile club" means a legal entity that ~~which~~, in
3109 consideration of dues, assessments, or periodic payments of
3110 money, promises its members or subscribers to assist them in
3111 matters relating to the ownership, operation, use, or
3112 maintenance of a motor vehicle; however, the term ~~this~~
3113 ~~definition of "automobile club"~~ does not include persons,
3114 associations, or corporations ~~which are~~ organized and operated
3115 solely for the purpose of conducting, sponsoring, or sanctioning
3116 motor vehicle races, exhibitions, or contests upon racetracks,
3117 or upon racecourses established and marked as such for the
3118 duration of such particular events. As used in this subsection,
3119 the term ~~words~~ "motor vehicle" has ~~used herein have~~ the same
3120 meaning as ~~defined~~ in chapter 320.

3121 (2) An accidental death and dismemberment policy sold in
3122 combination with a policy providing only bodily injury liability
3123 coverage ~~personal injury protection~~ and property damage
3124 liability coverage ~~only policy~~.

3125 (3) Any product not regulated under ~~the provisions of this~~
3126 insurance code.

3127
3128 This section also applies to premium financing by any insurance
3129 agent or insurance company under part XVI. The commission shall
3130 adopt rules to assure disclosure, at the time of sale, of
3131 coverages financed ~~with personal injury protection~~ and shall
3132 prescribe the form of such disclosure.

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3133 Section 55. Subsection (1) of section 627.915, Florida
3134 Statutes, is amended to read:

3135 627.915 Insurer experience reporting.-

3136 (1) Each insurer transacting private passenger automobile
3137 insurance in this state shall report certain information
3138 annually to the office. The information will be due on or before
3139 July 1 of each year. The information must ~~shall~~ be divided into
3140 the following categories: bodily injury liability; property
3141 damage liability; uninsured motorist; ~~personal injury protection~~
3142 ~~benefits~~; medical payments; and comprehensive and collision. The
3143 information given must ~~shall~~ be on direct insurance writings in
3144 the state alone and ~~shall~~ represent total limits data. The
3145 information set forth in paragraphs (a)-(f) is applicable to
3146 voluntary private passenger and Joint Underwriting Association
3147 private passenger writings and must ~~shall~~ be reported for each
3148 of the latest 3 calendar-accident years, with an evaluation date
3149 of March 31 of the current year. The information set forth in
3150 paragraphs (g)-(j) is applicable to voluntary private passenger
3151 writings and must ~~shall~~ be reported on a calendar-accident year
3152 basis ultimately seven times at seven different stages of
3153 development.

3154 (a) Premiums earned for the latest 3 calendar-accident
3155 years.

3156 (b) Loss development factors and the historic development
3157 of those factors.

3158 (c) Policyholder dividends incurred.

3159 (d) Expenses for other acquisition and general expense.

3160 (e) Expenses for agents' commissions and taxes, licenses,
3161 and fees.

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3162 (f) Profit and contingency factors as utilized in the
3163 insurer's automobile rate filings for the applicable years.

3164 (g) Losses paid.

3165 (h) Losses unpaid.

3166 (i) Loss adjustment expenses paid.

3167 (j) Loss adjustment expenses unpaid.

3168 Section 56. Subsections (2) and (3) of section 628.909,
3169 Florida Statutes, are amended to read:

3170 628.909 Applicability of other laws.—

3171 (2) The following provisions of the Florida Insurance Code
3172 apply to captive insurance companies that ~~who~~ are not industrial
3173 insured captive insurance companies to the extent that such
3174 provisions are not inconsistent with this part:

3175 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
3176 624.40851, 624.4095, 624.411, 624.425, and 624.426.

3177 (b) Chapter 625, part II.

3178 (c) Chapter 626, part IX.

3179 (d) ~~Sections 627.730–627.7405, when no fault coverage is~~
3180 ~~provided.~~

3181 ~~(e) Chapter 628.~~

3182 (3) The following provisions of the Florida Insurance Code
3183 ~~shall~~ apply to industrial insured captive insurance companies to
3184 the extent that such provisions are not inconsistent with this
3185 part:

3186 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,
3187 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

3188 (b) Chapter 625, part II, if the industrial insured captive
3189 insurance company is incorporated in this state.

3190 (c) Chapter 626, part IX.

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3191 (d) Sections ~~627.730-627.7405~~ when no fault coverage is
3192 provided.

3193 ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
3194 628.6018.

3195 Section 57. Subsections (2), (6), and (7) of section
3196 705.184, Florida Statutes, are amended to read:

3197 705.184 Derelict or abandoned motor vehicles on the
3198 premises of public-use airports.—

3199 (2) The airport director or the director's designee shall
3200 contact the Department of Highway Safety and Motor Vehicles to
3201 notify that department that the airport has possession of the
3202 abandoned or derelict motor vehicle and to determine the name
3203 and address of the owner of the motor vehicle, the insurance
3204 company insuring the motor vehicle, ~~notwithstanding the~~
3205 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
3206 the motor vehicle. Within 7 business days after receipt of the
3207 information, the director or the director's designee shall send
3208 notice by certified mail, return receipt requested, to the owner
3209 of the motor vehicle, the insurance company insuring the motor
3210 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
3211 persons of record claiming a lien against the motor vehicle. The
3212 notice must ~~shall~~ state the fact of possession of the motor
3213 vehicle, that charges for reasonable towing, storage, and
3214 parking fees, if any, have accrued and the amount thereof, that
3215 a lien as provided in subsection (6) will be claimed, that the
3216 lien is subject to enforcement pursuant to law, that the owner
3217 or lienholder, if any, has the right to a hearing as set forth
3218 in subsection (4), and that any motor vehicle which, at the end
3219 of 30 calendar days after receipt of the notice, has not been

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3220 removed from the airport upon payment in full of all accrued
3221 charges for reasonable towing, storage, and parking fees, if
3222 any, may be disposed of as provided in s. 705.182(2) (a), (b),
3223 (d), or (e), including, but not limited to, the motor vehicle
3224 being sold free of all prior liens after 35 calendar days after
3225 the time the motor vehicle is stored if any prior liens on the
3226 motor vehicle are more than 5 years of age or after 50 calendar
3227 days after the time the motor vehicle is stored if any prior
3228 liens on the motor vehicle are 5 years of age or less.

3229 (6) The airport pursuant to this section or, if used, a
3230 licensed independent wrecker company pursuant to s. 713.78 shall
3231 have a lien on an abandoned or derelict motor vehicle for all
3232 reasonable towing, storage, and accrued parking fees, if any,
3233 except that no storage fee may ~~shall~~ be charged if the motor
3234 vehicle is stored less than 6 hours. As a prerequisite to
3235 perfecting a lien under this section, the airport director or
3236 the director's designee must serve a notice in accordance with
3237 subsection (2) on the owner of the motor vehicle, the insurance
3238 company insuring the motor vehicle, ~~notwithstanding the~~
3239 ~~provisions of s. 627.736,~~ and all persons of record claiming a
3240 lien against the motor vehicle. If attempts to notify the owner,
3241 the insurance company insuring the motor vehicle,
3242 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
3243 not successful, the requirement of notice by mail shall be
3244 considered met. Serving of the notice does not dispense with
3245 recording the claim of lien.

3246 (7) (a) For the purpose of perfecting its lien under this
3247 section, the airport shall record a claim of lien which states
3248 ~~shall state:~~

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- 3249 1. The name and address of the airport.
- 3250 2. The name of the owner of the motor vehicle, the
- 3251 insurance company insuring the motor vehicle, ~~notwithstanding~~
- 3252 ~~the provisions of s. 627.736,~~ and all persons of record claiming
- 3253 a lien against the motor vehicle.
- 3254 3. The costs incurred from reasonable towing, storage, and
- 3255 parking fees, if any.
- 3256 4. A description of the motor vehicle sufficient for
- 3257 identification.

3258 (b) The claim of lien must ~~shall~~ be signed and sworn to or
 3259 affirmed by the airport director or the director's designee.

3260 (c) The claim of lien is ~~shall be~~ sufficient if it is in
 3261 substantially the following form:

CLAIM OF LIEN

3264 State of

3265 County of

3266 Before me, the undersigned notary public, personally appeared
 3267, who was duly sworn and says that he/she is the
 3268 of, whose address is.....; and that the
 3269 following described motor vehicle:

3270 ...(Description of motor vehicle)..
 3271 owned by, whose address is, has accrued
 3272 \$..... in fees for a reasonable tow, for storage, and for
 3273 parking, if applicable; that the lienor served its notice to the
 3274 owner, the insurance company insuring the motor vehicle
 3275 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
 3276 and all persons of record claiming a lien against the motor
 3277 vehicle on, ...(year)...., by.....

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3278 ... (Signature) ...
3279 Sworn to (or affirmed) and subscribed before me this day of
3280, ... (year) ..., by ... (name of person making statement)
3281 ... (Signature of Notary Public) (Print, Type, or Stamp
3282 Commissioned name of Notary Public) ...
3283 Personally Known OR Produced as identification.

3284
3285 However, the negligent inclusion or omission of any information
3286 in this claim of lien which does not prejudice the owner does
3287 not constitute a default that operates to defeat an otherwise
3288 valid lien.

3289 (d) The claim of lien must ~~shall~~ be served on the owner of
3290 the motor vehicle, the insurance company insuring the motor
3291 vehicle, ~~notwithstanding the provisions of s. 627.736~~, and all
3292 persons of record claiming a lien against the motor vehicle. If
3293 attempts to notify the owner, the insurance company insuring the
3294 motor vehicle ~~notwithstanding the provisions of s. 627.736~~, or
3295 lienholders are not successful, the requirement of notice by
3296 mail shall be considered met. The claim of lien must ~~shall~~ be so
3297 served before recordation.

3298 (e) The claim of lien must ~~shall~~ be recorded with the clerk
3299 of court in the county where the airport is located. The
3300 recording of the claim of lien shall be constructive notice to
3301 all persons of the contents and effect of such claim. The lien
3302 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
3303 ~~take~~ priority as of that time.

3304 Section 58. Subsection (4) of section 713.78, Florida
3305 Statutes, is amended to read:

3306 713.78 Liens for recovering, towing, or storing vehicles

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3307 and vessels.—

3308 (4) (a) A person regularly engaged in the business of
3309 recovering, towing, or storing vehicles or vessels who comes
3310 into possession of a vehicle or vessel pursuant to subsection
3311 (2), and who claims a lien for recovery, towing, or storage
3312 services, shall give notice, by certified mail, to the
3313 registered owner, the insurance company insuring the vehicle
3314 ~~notwithstanding s. 627.736~~, and all persons claiming a lien
3315 thereon, as disclosed by the records in the Department of
3316 Highway Safety and Motor Vehicles or as disclosed by the records
3317 of any corresponding agency in any other state in which the
3318 vehicle is identified through a records check of the National
3319 Motor Vehicle Title Information System or an equivalent
3320 commercially available system as being titled or registered.

3321 (b) Whenever a law enforcement agency authorizes the
3322 removal of a vehicle or vessel or whenever a towing service,
3323 garage, repair shop, or automotive service, storage, or parking
3324 place notifies the law enforcement agency of possession of a
3325 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
3326 enforcement agency of the jurisdiction where the vehicle or
3327 vessel is stored shall contact the Department of Highway Safety
3328 and Motor Vehicles, or the appropriate agency of the state of
3329 registration, if known, within 24 hours through the medium of
3330 electronic communications, giving the full description of the
3331 vehicle or vessel. Upon receipt of the full description of the
3332 vehicle or vessel, the department shall search its files to
3333 determine the owner's name, the insurance company insuring the
3334 vehicle or vessel, and whether any person has filed a lien upon
3335 the vehicle or vessel as provided in s. 319.27(2) and (3) and

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3336 notify the applicable law enforcement agency within 72 hours.
3337 The person in charge of the towing service, garage, repair shop,
3338 or automotive service, storage, or parking place shall obtain
3339 such information from the applicable law enforcement agency
3340 within 5 days after the date of storage and shall give notice
3341 pursuant to paragraph (a). The department may release the
3342 insurance company information to the requestor ~~notwithstanding~~
3343 ~~s. 627.736.~~

3344 (c) The notice of lien must be sent by certified mail to
3345 the registered owner, the insurance company insuring the vehicle
3346 ~~notwithstanding s. 627.736~~, and all other persons claiming a
3347 lien thereon within 7 business days, excluding Saturday and
3348 Sunday, after the date of storage of the vehicle or vessel.
3349 However, in no event shall the notice of lien be sent less than
3350 30 days before the sale of the vehicle or vessel. The notice
3351 must state:

3352 1. If the claim of lien is for a vehicle, the last 8 digits
3353 of the vehicle identification number of the vehicle subject to
3354 the lien, or, if the claim of lien is for a vessel, the hull
3355 identification number of the vessel subject to the lien, clearly
3356 printed in the delivery address box and on the outside of the
3357 envelope sent to the registered owner and all other persons
3358 claiming an interest therein or lien thereon.

3359 2. The name, physical address, and telephone number of the
3360 lienor, and the entity name, as registered with the Division of
3361 Corporations, of the business where the towing and storage
3362 occurred, which must also appear on the outside of the envelope
3363 sent to the registered owner and all other persons claiming an
3364 interest in or lien on the vehicle or vessel.

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- 3365 3. The fact of possession of the vehicle or vessel.
- 3366 4. The name of the person or entity that authorized the
3367 lienor to take possession of the vehicle or vessel.
- 3368 5. That a lien as provided in subsection (2) is claimed.
- 3369 6. That charges have accrued and include an itemized
3370 statement of the amount thereof.
- 3371 7. That the lien is subject to enforcement under law and
3372 that the owner or lienholder, if any, has the right to a hearing
3373 as set forth in subsection (5).
- 3374 8. That any vehicle or vessel that remains unclaimed, or
3375 for which the charges for recovery, towing, or storage services
3376 remain unpaid, may be sold free of all prior liens 35 days after
3377 the vehicle or vessel is stored by the lienor if the vehicle or
3378 vessel is more than 3 years of age or 50 days after the vehicle
3379 or vessel is stored by the lienor if the vehicle or vessel is 3
3380 years of age or less.
- 3381 9. The address at which the vehicle or vessel is physically
3382 located.
- 3383 (d) The notice of lien may not be sent to the registered
3384 owner, the insurance company insuring the vehicle or vessel, and
3385 all other persons claiming a lien thereon less than 30 days
3386 before the sale of the vehicle or vessel.
- 3387 (e) If attempts to locate the name and address of the owner
3388 or lienholder prove unsuccessful, the towing-storage operator
3389 shall, after 7 business days, excluding Saturday and Sunday,
3390 after the initial tow or storage, notify the public agency of
3391 jurisdiction where the vehicle or vessel is stored in writing by
3392 certified mail or acknowledged hand delivery that the towing-
3393 storage company has been unable to locate the name and address

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3394 of the owner or lienholder and a physical search of the vehicle
3395 or vessel has disclosed no ownership information and a good
3396 faith effort has been made, including records checks of the
3397 Department of Highway Safety and Motor Vehicles database and the
3398 National Motor Vehicle Title Information System or an equivalent
3399 commercially available system. For purposes of this paragraph
3400 and subsection (9), the term "good faith effort" means that the
3401 following checks have been performed by the company to establish
3402 the prior state of registration and for title:

3403 1. A check of the department's database for the owner and
3404 any lienholder.

3405 2. A check of the electronic National Motor Vehicle Title
3406 Information System or an equivalent commercially available
3407 system to determine the state of registration when there is not
3408 a current registration record for the vehicle or vessel on file
3409 with the department.

3410 3. A check of the vehicle or vessel for any type of tag,
3411 tag record, temporary tag, or regular tag.

3412 4. A check of the law enforcement report for a tag number
3413 or other information identifying the vehicle or vessel, if the
3414 vehicle or vessel was towed at the request of a law enforcement
3415 officer.

3416 5. A check of the trip sheet or tow ticket of the tow truck
3417 operator to determine whether a tag was on the vehicle or vessel
3418 at the beginning of the tow, if a private tow.

3419 6. If there is no address of the owner on the impound
3420 report, a check of the law enforcement report to determine
3421 whether an out-of-state address is indicated from driver license
3422 information.

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3423 7. A check of the vehicle or vessel for an inspection
3424 sticker or other stickers and decals that may indicate a state
3425 of possible registration.

3426 8. A check of the interior of the vehicle or vessel for any
3427 papers that may be in the glove box, trunk, or other areas for a
3428 state of registration.

3429 9. A check of the vehicle for a vehicle identification
3430 number.

3431 10. A check of the vessel for a vessel registration number.

3432 11. A check of the vessel hull for a hull identification
3433 number which should be carved, burned, stamped, embossed, or
3434 otherwise permanently affixed to the outboard side of the
3435 transom or, if there is no transom, to the outmost seaboard side
3436 at the end of the hull that bears the rudder or other steering
3437 mechanism.

3438 Section 59. Section 768.852, Florida Statutes, is created
3439 to read:

3440 768.852 Setoff on damages as a result of a motor vehicle
3441 crash while uninsured.—

3442 (1) Except as provided in subsection (2), for any award of
3443 noneconomic damages, a defendant is entitled to a setoff equal
3444 to \$10,000 if a person suffers injury while operating a motor
3445 vehicle as defined in s. 324.022(2) which lacked the coverage
3446 required by s. 324.022(1) and the person was not in compliance
3447 with s. 324.022(1) for more than 30 days immediately preceding
3448 the crash.

3449 (2) The setoff on noneconomic damages in subsection (1)
3450 does not apply if the person who is liable for the injury:

3451 (a) Was driving while under the influence of an alcoholic

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3452 beverage, an inhalant, or a controlled substance;

3453 (b) Acted intentionally, recklessly, or with gross
3454 negligence;

3455 (c) Fled from the scene of the crash; or

3456 (d) Was acting in furtherance of an offense or in immediate
3457 flight from an offense that constituted a felony at the time of
3458 the crash.

3459 (3) This section does not apply to any wrongful death
3460 claim.

3461 Section 60. Paragraph (a) of subsection (1), paragraph (c)
3462 of subsection (7), paragraphs (a), (b), and (c) of subsection
3463 (8), and subsections (9) and (10) of section 817.234, Florida
3464 Statutes, are amended to read:

3465 817.234 False and fraudulent insurance claims.—

3466 (1) (a) A person commits insurance fraud punishable as
3467 provided in subsection (11) if that person, with the intent to
3468 injure, defraud, or deceive any insurer:

3469 1. Presents or causes to be presented any written or oral
3470 statement as part of, or in support of, a claim for payment or
3471 other benefit pursuant to an insurance policy or a health
3472 maintenance organization subscriber or provider contract,
3473 knowing that such statement contains ~~any~~ false, incomplete, or
3474 misleading information concerning any fact or thing material to
3475 such claim;

3476 2. Prepares or makes any written or oral statement that is
3477 intended to be presented to an ~~any~~ insurer in connection with,
3478 or in support of, any claim for payment or other benefit
3479 pursuant to an insurance policy or a health maintenance
3480 organization subscriber or provider contract, knowing that such

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3481 statement contains ~~any~~ false, incomplete, or misleading
3482 information concerning any fact or thing material to such claim;

3483 3.a. Knowingly presents, causes to be presented, or
3484 prepares or makes with knowledge or belief that it will be
3485 presented to an ~~any~~ insurer, purported insurer, servicing
3486 corporation, insurance broker, or insurance agent, or any
3487 employee or agent thereof, ~~any~~ false, incomplete, or misleading
3488 information or a written or oral statement as part of, or in
3489 support of, an application for the issuance of, or the rating
3490 of, any insurance policy, or a health maintenance organization
3491 subscriber or provider contract; or

3492 b. Knowingly conceals information concerning any fact
3493 material to such application; or

3494 4. Knowingly presents, causes to be presented, or prepares
3495 or makes with knowledge or belief that it will be presented to
3496 any insurer a claim for payment or other benefit under medical
3497 payments coverage in a motor vehicle ~~a personal injury~~
3498 ~~protection~~ insurance policy if the person knows that the payee
3499 knowingly submitted a false, misleading, or fraudulent
3500 application or other document when applying for licensure as a
3501 health care clinic, seeking an exemption from licensure as a
3502 health care clinic, or demonstrating compliance with part X of
3503 chapter 400.

3504 (7)

3505 ~~(c) An insurer, or any person acting at the direction of or~~
3506 ~~on behalf of an insurer, may not change an opinion in a mental~~
3507 ~~or physical report prepared under s. 627.736(7) or direct the~~
3508 ~~physician preparing the report to change such opinion; however,~~
3509 ~~this provision does not preclude the insurer from calling to the~~

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3510 ~~attention of the physician errors of fact in the report based~~
3511 ~~upon information in the claim file. Any person who violates this~~
3512 ~~paragraph commits a felony of the third degree, punishable as~~
3513 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

3514 (8) (a) It is unlawful for any person intending to defraud
3515 any other person to solicit or cause to be solicited any
3516 business from a person involved in a motor vehicle accident for
3517 the purpose of making, adjusting, or settling motor vehicle tort
3518 claims or claims for benefits under medical payments coverage in
3519 a motor vehicle insurance policy ~~personal injury protection~~
3520 ~~benefits required by s. 627.736.~~ Any person who violates ~~the~~
3521 ~~provisions of~~ this paragraph commits a felony of the second
3522 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3523 775.084. A person who is convicted of a violation of this
3524 subsection shall be sentenced to a minimum term of imprisonment
3525 of 2 years.

3526 (b) A person may not solicit or cause to be solicited any
3527 business from a person involved in a motor vehicle accident by
3528 any means of communication other than advertising directed to
3529 the public for the purpose of making motor vehicle tort claims
3530 or claims for benefits under medical payments coverage in a
3531 motor vehicle insurance policy ~~personal injury protection~~
3532 ~~benefits required by s. 627.736,~~ within 60 days after the
3533 occurrence of the motor vehicle accident. Any person who
3534 violates this paragraph commits a felony of the third degree,
3535 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3536 (c) A lawyer, health care practitioner as defined in s.
3537 456.001, or owner or medical director of a clinic required to be
3538 licensed pursuant to s. 400.9905 may not, at any time after 60

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3539 days have elapsed from the occurrence of a motor vehicle
3540 accident, solicit or cause to be solicited any business from a
3541 person involved in a motor vehicle accident by means of in
3542 person or telephone contact at the person's residence, for the
3543 purpose of making motor vehicle tort claims or claims for
3544 benefits under medical payments coverage in a motor vehicle
3545 insurance policy ~~personal injury protection benefits required by~~
3546 ~~s. 627.736~~. Any person who violates this paragraph commits a
3547 felony of the third degree, punishable as provided in s.
3548 775.082, s. 775.083, or s. 775.084.

3549 (9) A person may not organize, plan, or knowingly
3550 participate in an intentional motor vehicle crash or a scheme to
3551 create documentation of a motor vehicle crash that did not occur
3552 for the purpose of making motor vehicle tort claims or claims
3553 for benefits under medical payments coverage in a motor vehicle
3554 insurance policy ~~personal injury protection benefits as required~~
3555 ~~by s. 627.736~~. Any person who violates this subsection commits a
3556 felony of the second degree, punishable as provided in s.
3557 775.082, s. 775.083, or s. 775.084. A person who is convicted of
3558 a violation of this subsection shall be sentenced to a minimum
3559 term of imprisonment of 2 years.

3560 (10) A licensed health care practitioner who is found
3561 guilty of insurance fraud under this section for an act relating
3562 to a motor vehicle ~~personal injury protection~~ insurance policy
3563 loses his or her license to practice for 5 years and may not
3564 receive reimbursement under medical payments coverage in a motor
3565 vehicle insurance policy ~~for personal injury protection benefits~~
3566 for 10 years.

3567 Section 61. For the 2021-2022 fiscal year, the sum of

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3568 \$83,651 in nonrecurring funds is appropriated from the Insurance
3569 Regulatory Trust Fund to the Office of Insurance Regulation for
3570 the purpose of implementing this act.

3571 Section 62. Except as otherwise expressly provided in this
3572 act and except for this section, which shall take effect upon
3573 this act becoming a law, this act shall take effect January 1,
3574 2022.