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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 a  
20    technical change; amending s. 320.27, F.S.; defining  
21    the term "garage liability insurance"; revising garage  
22    liability insurance requirements for motor vehicle  
23    dealer applicants; conforming a provision to changes  
24    made by the act; amending s. 320.771, F.S.; revising  
25    garage liability insurance requirements for  
26    recreational vehicle dealer license applicants;  
27    amending ss. 322.251 and 322.34, F.S.; conforming  
28    provisions to changes made by the act; making  
29    technical changes; amending s. 324.011, F.S.; revising

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

31 revising definitions of the terms "motor vehicle" and

32 "proof of financial responsibility"; revising minimum

33 coverage requirements for proof of financial

34 responsibility for specified motor vehicles; defining

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

36 conforming provisions to changes made by the act;

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

38 coverage requirements for motor vehicle owners or

39 operators; revising authorized methods for meeting

40 such requirements; deleting a provision relating to an

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

42 vehicles that are excluded from the definition of the

43 term "motor vehicle"; providing security requirements

44 for certain excluded vehicles; conforming provisions

45 to changes made by the act; conforming cross-

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

47 coverages that subject a policy to certain insurer

48 reporting and notice requirements; conforming

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

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

51 registration suspensions for failure to maintain

52 required security which were in effect before a

53 specified date remain in full force and effect;

54 providing that such suspended licenses or

55 registrations may be reinstated as provided in a

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

57 conforming cross-references; making a technical

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

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

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

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

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

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175 attorney fees and costs under certain circumstances;  
176 amending s. 627.7263, F.S.; revising coverages that  
177 are deemed primary, except under certain  
178 circumstances, for the lessor of a motor vehicle for  
179 lease or rent; revising a notice that is required if  
180 the lessee's coverage is to be primary; creating s.  
181 627.7265, F.S.; specifying persons whom medical  
182 payments coverage must protect; specifying the minimum  
183 medical expense and death benefit limits; specifying  
184 coverage options that an insurer is required and  
185 authorized to offer; providing that each motor vehicle  
186 insurance policy furnished as proof of financial  
187 responsibility is deemed to have certain coverages;  
188 requiring that certain rejections or selections be  
189 made on forms approved by the office; providing  
190 requirements for such forms; providing that certain  
191 coverage is not required to be provided in certain  
192 policies under certain circumstances; requiring  
193 insurers to provide certain notices to policyholders;  
194 providing construction relating to limits on certain  
195 other coverages; requiring insurers, upon receiving  
196 certain notice of an accident, to hold a specified  
197 reserve for certain purposes for a certain timeframe;  
198 providing that the reserve requirement does not  
199 require insurers to establish a claim reserve for  
200 accounting purposes; specifying that an insurer  
201 providing medical payments coverage benefits may not  
202 seek a lien on a certain recovery and may not bring a  
203 certain cause of action; authorizing insurers to

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204 include policy provisions allowing for subrogation,  
205 under certain circumstances, for medical payments  
206 benefits paid; providing construction; specifying a  
207 requirement for an insured for repayment of medical  
208 payments benefits under certain circumstances;  
209 prohibiting insurers from including policy provisions  
210 allowing for subrogation for death benefits paid;  
211 amending s. 627.727, F.S.; revising the legal  
212 liability of an uninsured motorist coverage insurer;  
213 conforming provisions to changes made by the act;  
214 amending s. 627.7275, F.S.; revising required  
215 coverages for a motor vehicle insurance policy;  
216 conforming provisions to changes made by the act;  
217 creating s. 627.72761, F.S.; requiring motor vehicle  
218 insurance policies to provide death benefits;  
219 specifying requirements for and persons to whom such  
220 benefits may and may not be paid; creating s.  
221 627.7278, F.S.; defining the term "minimum security  
222 requirements"; providing requirements, applicability,  
223 and construction relating to motor vehicle insurance  
224 policies as of a certain date; requiring insurers to  
225 allow certain insureds to make certain coverage  
226 changes, subject to certain conditions; requiring an  
227 insurer to provide, by a specified date, a specified  
228 notice to policyholders relating to requirements under  
229 the act; amending s. 627.728, F.S.; conforming a  
230 provision to changes made by the act; making a  
231 technical change; amending s. 627.7295, F.S.; revising  
232 the definitions of the terms "policy" and "binder";



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233 revising the coverages of a motor vehicle insurance  
234 policy for which a licensed general lines agent may  
235 charge a specified fee; conforming provisions to  
236 changes made by the act; amending s. 627.7415, F.S.;  
237 revising additional liability insurance requirements  
238 for commercial motor vehicles; creating s. 627.747,  
239 F.S.; providing that private passenger motor vehicle  
240 policies may exclude specified coverages for all  
241 claims or suits resulting from the operation of a  
242 motor vehicle by an identified individual under  
243 certain circumstances; providing that such policies  
244 may not exclude coverage under certain circumstances;  
245 providing that an excluded driver must establish,  
246 maintain, and show proof of financial ability to  
247 respond for damages arising out of the ownership,  
248 maintenance, or use of a motor vehicle as required by  
249 law; providing that a valid named driver exclusion  
250 will not be invalidated if the excluded driver fails  
251 to show such proof; amending s. 627.748, F.S.;  
252 revising insurance requirements for transportation  
253 network company drivers; conforming provisions to  
254 changes made by the act; amending s. 627.749, F.S.;  
255 conforming a provision to changes made by the act;  
256 amending s. 627.8405, F.S.; revising coverages in a  
257 policy sold in combination with an accidental death  
258 and dismemberment policy which a premium finance  
259 company may not finance; revising rulemaking authority  
260 of the Financial Services Commission; amending ss.  
261 627.915, 628.909, 705.184, and 713.78, F.S.;

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262 conforming provisions to changes made by the act;  
263 making technical changes; creating s. 768.852, F.S.;  
264 providing for a setoff on certain damages that may be  
265 recovered by a person operating certain motor vehicles  
266 who is not in compliance with financial responsibility  
267 laws; providing exceptions; amending s. 817.234, F.S.;  
268 revising coverages that are the basis of specified  
269 prohibited false and fraudulent insurance claims;  
270 conforming provisions to changes made by the act;  
271 providing an appropriation; providing effective dates.

272

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

274

275 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,  
276 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,  
277 and 627.7405, Florida Statutes, are repealed.

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

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

281 316.646 Security required; proof of security and display  
282 thereof.—

283 (1) Any person required by s. 324.022 to maintain liability  
284 security for property damage, ~~liability security, required by s.~~  
285 ~~324.023 to maintain liability security for~~ bodily injury, or  
286 ~~death, or required by s. 627.733 to maintain personal injury~~  
287 ~~protection security on a motor vehicle~~ shall have in his or her  
288 immediate possession at all times while operating a ~~such~~ motor  
289 vehicle proper proof of maintenance of the ~~required~~ required security  
290 required under s. 324.021(7).

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291 (a) Such proof must ~~shall~~ be in a uniform paper or  
292 electronic format, as prescribed by the department, a valid  
293 insurance policy, an insurance policy binder, a certificate of  
294 insurance, or such other proof as may be prescribed by the  
295 department.

296 (b)1. The act of presenting to a law enforcement officer an  
297 electronic device displaying proof of insurance in an electronic  
298 format does not constitute consent for the officer to access any  
299 information on the device other than the displayed proof of  
300 insurance.

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

303 Section 4. Paragraph (b) of subsection (2) of section  
304 318.18, Florida Statutes, is amended to read:

305 318.18 Amount of penalties.—The penalties required for a  
306 noncriminal disposition pursuant to s. 318.14 or a criminal  
307 offense listed in s. 318.17 are as follows:

308 (2) Thirty dollars for all nonmoving traffic violations  
309 and:

310 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,  
311 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.  
312 320.07(1) shall be charged a delinquent fee pursuant to s.  
313 320.07(4).

314 1. If a person who is cited for a violation of s. 320.0605  
315 or s. 320.07 can show proof of having a valid registration at  
316 the time of arrest, the clerk of the court may dismiss the case  
317 and may assess a dismissal fee of up to \$10, from which the  
318 clerk shall remit \$2.50 to the Department of Revenue for deposit  
319 into the General Revenue Fund. A person who finds it impossible

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320 or impractical to obtain a valid registration certificate must  
321 submit an affidavit detailing the reasons for the impossibility  
322 or impracticality. The reasons may include, but are not limited  
323 to, the fact that the vehicle was sold, stolen, or destroyed;  
324 that the state in which the vehicle is registered does not issue  
325 a certificate of registration; or that the vehicle is owned by  
326 another person.

327 2. If a person who is cited for a violation of s. 322.03,  
328 s. 322.065, or s. 322.15 can show a driver license issued to him  
329 or her and valid at the time of arrest, the clerk of the court  
330 may dismiss the case and may assess a dismissal fee of up to  
331 \$10, from which the clerk shall remit \$2.50 to the Department of  
332 Revenue for deposit into the General Revenue Fund.

333 3. If a person who is cited for a violation of s. 316.646  
334 can show proof of security as required by s. 324.021(7) ~~s.~~  
335 ~~627.733~~, issued to the person and valid at the time of arrest,  
336 the clerk of the court may dismiss the case and may assess a  
337 dismissal fee of up to \$10, from which the clerk shall remit  
338 \$2.50 to the Department of Revenue for deposit into the General  
339 Revenue Fund. A person who finds it impossible or impractical to  
340 obtain proof of security must submit an affidavit detailing the  
341 reasons for the impracticality. The reasons may include, but are  
342 not limited to, the fact that the vehicle has since been sold,  
343 stolen, or destroyed; ~~that the owner or registrant of the~~  
344 ~~vehicle is not required by s. 627.733 to maintain personal~~  
345 ~~injury protection insurance;~~ or that the vehicle is owned by  
346 another person.

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

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349 320.02 Registration required; application for registration;  
350 forms.—

351 (5) (a) Proof that bodily injury liability coverage and  
352 property damage liability coverage ~~personal injury protection~~  
353 ~~benefits~~ have been purchased if required under s. 324.022, s.  
354 324.032, or s. 627.742 ~~s. 627.733, that property damage~~  
355 ~~liability coverage has been purchased as required under s.~~  
356 ~~324.022, that bodily injury~~ liability ~~or death~~ coverage has been  
357 purchased if required under s. 324.023, and that combined bodily  
358 liability insurance and property damage liability insurance have  
359 been purchased if required under s. 627.7415 must ~~shall~~ be  
360 provided in the manner prescribed by law by the applicant at the  
361 time of application for registration of any motor vehicle that  
362 is subject to such requirements. The issuing agent may not ~~shall~~  
363 ~~refuse to~~ issue registration if such proof of purchase is not  
364 provided. Insurers shall furnish uniform proof-of-purchase cards  
365 in a paper or electronic format in a form prescribed by the  
366 department and include the name of the insured's insurance  
367 company, the coverage identification number, and the make, year,  
368 and vehicle identification number of the vehicle insured. The  
369 card must contain a statement notifying the applicant of the  
370 penalty specified under s. 316.646(4). The card or insurance  
371 policy, insurance policy binder, or certificate of insurance or  
372 a photocopy of any of these; an affidavit containing the name of  
373 the insured's insurance company, the insured's policy number,  
374 and the make and year of the vehicle insured; or such other  
375 proof as may be prescribed by the department constitutes ~~shall~~  
376 ~~constitute~~ sufficient proof of purchase. If an affidavit is  
377 provided as proof, it must be in substantially the following

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378 form:

379

380 Under penalty of perjury, I ...(Name of insured)... do hereby  
381 certify that I have ...(bodily injury liability and Personal  
382 ~~Injury Protection~~, property damage liability, ~~and, if required,~~  
383 ~~Bodily Injury Liability~~)... insurance currently in effect with  
384 ...(Name of insurance company)... under ...(policy number)...  
385 covering ...(make, year, and vehicle identification number of  
386 vehicle).... ...(Signature of Insured)...

387

388 Such affidavit must include the following warning:

389

390 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
391 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
392 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
393 SUBJECT TO PROSECUTION.

394

395 If an application is made through a licensed motor vehicle  
396 dealer as required under s. 319.23, the original or a photocopy  
397 ~~photostatic copy~~ of such card, insurance policy, insurance  
398 policy binder, or certificate of insurance or the original  
399 affidavit from the insured must ~~shall~~ be forwarded by the dealer  
400 to the tax collector of the county or the Department of Highway  
401 Safety and Motor Vehicles for processing. By executing the  
402 ~~aforesaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not  
403 ~~will be~~ liable in damages for any inadequacy, insufficiency, or  
404 falsification of any statement contained therein. ~~A card must~~  
405 ~~also indicate the existence of any bodily injury liability~~  
406 ~~insurance voluntarily purchased.~~

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407 (d) The verifying of ~~proof of personal injury protection~~  
408 ~~insurance, proof of property damage liability insurance, proof~~  
409 ~~of combined bodily liability insurance and property damage~~  
410 ~~liability insurance, or proof of financial responsibility~~  
411 ~~insurance~~ and the issuance or failure to issue the motor vehicle  
412 registration under ~~the provisions of~~ this chapter may not be  
413 construed in any court as a warranty of the reliability or  
414 accuracy of the evidence of such proof or as meaning that the  
415 provisions of any insurance policy furnished as proof of  
416 financial responsibility comply with state law. Neither the  
417 department nor any tax collector is liable in damages for any  
418 inadequacy, insufficiency, falsification, or unauthorized  
419 modification of any item of ~~the proof of personal injury~~  
420 ~~protection insurance, proof of property damage liability~~  
421 ~~insurance, proof of combined bodily liability insurance and~~  
422 ~~property damage liability insurance, or proof of financial~~  
423 responsibility before insurance prior to, during, or subsequent  
424 to the verification of the proof. The issuance of a motor  
425 vehicle registration does not constitute prima facie evidence or  
426 a presumption of insurance coverage.

427 Section 6. Paragraph (b) of subsection (1) of section  
428 320.0609, Florida Statutes, is amended to read:

429 320.0609 Transfer and exchange of registration license  
430 plates; transfer fee.—

431 (1)

432 (b) The transfer of a license plate from a vehicle disposed  
433 of to a newly acquired vehicle does not constitute a new  
434 registration. The application for transfer must ~~shall~~ be  
435 accepted without requiring proof of ~~personal injury protection~~

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436 ~~or~~ liability insurance.

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

440 320.27 Motor vehicle dealers.—

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

445 (g) "Garage liability insurance" means, beginning January  
446 1, 2022, combined single-limit liability coverage, including  
447 property damage and bodily injury liability coverage, in the  
448 amount of at least \$60,000.

449 (3) APPLICATION AND FEE.—~~The application for the license~~  
450 application must ~~shall~~ be in such form as may be prescribed by  
451 the department and is ~~shall be~~ subject to such rules ~~with~~  
452 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.  
453 Such application must ~~shall~~ be verified by oath or affirmation  
454 and must ~~shall~~ contain a full statement of the name and birth  
455 date of the person or persons applying for the license ~~therefor~~;  
456 the name of the firm or copartnership, with the names and places  
457 of residence of all members ~~thereof~~, if such applicant is a firm  
458 or copartnership; the names and places of residence of the  
459 principal officers, if the applicant is a body corporate or  
460 other artificial body; the name of the state under whose laws  
461 the corporation is organized; the present and former place or  
462 places of residence of the applicant; and the ~~prior~~ business in  
463 which the applicant has been engaged and its ~~the~~ location  
464 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact



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465 location of the place of business and must ~~shall~~ state whether  
466 the place of business is owned by the applicant and when  
467 acquired, or, if leased, a true copy of the lease must ~~shall~~ be  
468 attached to the application. The applicant shall certify that  
469 the location provides an adequately equipped office and is not a  
470 residence; that the location affords sufficient unoccupied space  
471 upon and within which adequately to store all motor vehicles  
472 offered and displayed for sale; and that the location is a  
473 suitable place where the applicant can in good faith carry on  
474 such business and keep and maintain books, records, and files  
475 necessary to conduct such business, which must ~~shall~~ be  
476 available at all reasonable hours to inspection by the  
477 department or any of its inspectors or other employees. The  
478 applicant shall certify that the business of a motor vehicle  
479 dealer is the principal business that will ~~which shall~~ be  
480 conducted at that location. The application must ~~shall~~ contain a  
481 statement that the applicant is either franchised by a  
482 manufacturer of motor vehicles, in which case the name of each  
483 motor vehicle that the applicant is franchised to sell must  
484 ~~shall~~ be included, or an independent (nonfranchised) motor  
485 vehicle dealer. The application must ~~shall~~ contain other  
486 relevant information as may be required by the department. The  
487 applicant shall furnish, including evidence, in a form approved  
488 by the department, that the applicant is insured under a garage  
489 liability insurance policy or a general liability insurance  
490 policy coupled with a business automobile policy having the  
491 coverages and limits of the garage liability insurance coverage  
492 in accordance with paragraph (1) (g), which shall include, at a  
493 minimum, \$25,000 combined single-limit liability coverage

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494 ~~including bodily injury and property damage protection and~~  
495 ~~\$10,000 personal injury protection.~~ However, a salvage motor  
496 vehicle dealer as defined in subparagraph (1)(c)5. is exempt  
497 from the requirements for garage liability insurance ~~and~~  
498 ~~personal injury protection insurance~~ on those vehicles that  
499 cannot be legally operated on roads, highways, or streets in  
500 this state. Franchise dealers must submit a garage liability  
501 insurance policy, and all other dealers must submit a garage  
502 liability insurance policy or a general liability insurance  
503 policy coupled with a business automobile policy. Such policy  
504 must ~~shall~~ be for the license period, and evidence of a new or  
505 continued policy must ~~shall~~ be delivered to the department at  
506 the beginning of each license period. Upon making an initial  
507 application, the applicant shall pay to the department a fee of  
508 \$300 in addition to any other fees required by law. Applicants  
509 may choose to extend the licensure period for 1 additional year  
510 for a total of 2 years. An initial applicant shall pay to the  
511 department a fee of \$300 for the first year and \$75 for the  
512 second year, in addition to any other fees required by law. An  
513 applicant for renewal shall pay to the department \$75 for a 1-  
514 year renewal or \$150 for a 2-year renewal, in addition to any  
515 other fees required by law. Upon making an application for a  
516 change of location, the applicant ~~person~~ shall pay a fee of \$50  
517 in addition to any other fees now required by law. The  
518 department shall, in the case of every application for initial  
519 licensure, verify whether certain facts set forth in the  
520 application are true. Each applicant, general partner in the  
521 case of a partnership, or corporate officer and director in the  
522 case of a corporate applicant shall, ~~must~~ file a set of

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523 fingerprints with the department for the purpose of determining  
524 any prior criminal record or any outstanding warrants. The  
525 department shall submit the fingerprints to the Department of  
526 Law Enforcement for state processing and forwarding to the  
527 Federal Bureau of Investigation for federal processing. The  
528 actual cost of state and federal processing must ~~shall~~ be borne  
529 by the applicant and is in addition to the fee for licensure.  
530 The department may issue a license to an applicant pending the  
531 results of the fingerprint investigation, which license is fully  
532 revocable if the department subsequently determines that any  
533 facts set forth in the application are not true or correctly  
534 represented.

535 Section 8. Paragraph (j) of subsection (3) of section  
536 320.771, Florida Statutes, is amended to read:

537 320.771 License required of recreational vehicle dealers.-

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

542 (j) A statement that the applicant is insured under a  
543 garage liability insurance policy in accordance with s.  
544 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~  
545 ~~combined single limit liability coverage, including bodily~~  
546 ~~injury and property damage protection, and \$10,000 personal~~  
547 ~~injury protection,~~ if the applicant is to be licensed as a  
548 dealer in, or intends to sell, recreational vehicles. However, a  
549 garage liability policy is not required for the licensure of a  
550 mobile home dealer who sells only park trailers.

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552 The department shall, if it deems necessary, cause an  
553 investigation to be made to ascertain if the facts set forth in  
554 the application are true and may ~~shall~~ not issue a license to  
555 the applicant until it is satisfied that the facts set forth in  
556 the application are true.

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

559 322.251 Notice of cancellation, suspension, revocation, or  
560 disqualification of license.—

561 (1) All orders of cancellation, suspension, revocation, or  
562 disqualification issued under ~~the provisions of~~ this chapter,  
563 chapter 318, or chapter 324 must, ~~or ss. 627.732–627.734 shall~~  
564 be given either by personal delivery thereof to the licensee  
565 whose license is being canceled, suspended, revoked, or  
566 disqualified or by deposit in the United States mail in an  
567 envelope, first class, postage prepaid, addressed to the  
568 licensee at his or her last known mailing address furnished to  
569 the department. Such mailing by the department constitutes  
570 notification, and any failure by the person to receive the  
571 mailed order will not affect or stay the effective date or term  
572 of the cancellation, suspension, revocation, or disqualification  
573 of the licensee's driving privilege.

574 (2) The giving of notice and an order of cancellation,  
575 suspension, revocation, or disqualification by mail is complete  
576 upon expiration of 20 days after deposit in the United States  
577 mail for all notices except those issued under chapter 324 ~~or~~  
578 ~~ss. 627.732–627.734~~, which are complete 15 days after deposit in  
579 the United States mail. Proof of the giving of notice and an  
580 order of cancellation, suspension, revocation, or

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581 disqualification in either manner must ~~shall~~ be made by entry in  
582 the records of the department that such notice was given. The  
583 entry is admissible in the courts of this state and constitutes  
584 sufficient proof that such notice was given.

585 Section 10. Paragraph (a) of subsection (8) of section  
586 322.34, Florida Statutes, is amended to read:

587 322.34 Driving while license suspended, revoked, canceled,  
588 or disqualified.—

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

592 1. Whether the person's driver license is suspended or  
593 revoked, or the person is under suspension or revocation  
594 equivalent status.

595 2. Whether the person's driver license has remained  
596 suspended or revoked, or the person has been under suspension or  
597 revocation equivalent status, since a conviction for the offense  
598 of driving with a suspended or revoked license.

599 3. Whether the suspension, revocation, or suspension or  
600 revocation equivalent status was made under s. 316.646 ~~or s.~~  
601 ~~627.733~~, relating to failure to maintain required security, or  
602 under s. 322.264, relating to habitual traffic offenders.

603 4. Whether the driver is the registered owner or co-owner  
604 of the vehicle.

605 Section 11. Section 324.011, Florida Statutes, is amended  
606 to read:

607 324.011 Legislative intent; purpose of chapter.—It is the  
608 intent of the Legislature that this chapter ensure that the  
609 privilege of owning or operating a motor vehicle in this state

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610 ~~is exercised to recognize the existing privilege to own or~~  
611 ~~operate a motor vehicle on the public streets and highways of~~  
612 ~~this state when such vehicles are used with due consideration~~  
613 ~~for others' safety~~ others and their property, promoting and to  
614 ~~promote safety,~~ and providing provide financial security  
615 requirements for ~~such~~ owners and ~~or~~ operators whose  
616 responsibility it is to recompense others for injury to person  
617 or property caused by the operation of a motor vehicle.  
618 Therefore, the purpose of this chapter is to require that every  
619 owner or operator of a motor vehicle required to be registered  
620 in this state establish, maintain, and it is required herein  
621 ~~that the operator of a motor vehicle involved in a crash or~~  
622 ~~convicted of certain traffic offenses meeting the operative~~  
623 ~~provisions of s. 324.051(2) shall respond for such damages and~~  
624 ~~show proof of financial ability to respond for damages arising~~  
625 ~~out of the ownership, maintenance, or use of a motor vehicle in~~  
626 ~~future accidents~~ as a requisite to owning or operating a motor  
627 vehicle in this state ~~his or her future exercise of such~~  
628 ~~privileges.~~

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

632 324.021 Definitions; minimum insurance required.—The  
633 following words and phrases when used in this chapter shall, for  
634 the purpose of this chapter, have the meanings respectively  
635 ascribed to them in this section, except in those instances  
636 where the context clearly indicates a different meaning:

637 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is  
638 designed and required to be licensed for use upon a highway,

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639 including trailers and semitrailers designed for use with such  
640 vehicles, except traction engines, road rollers, farm tractors,  
641 power shovels, and well drillers, and every vehicle that is  
642 propelled by electric power obtained from overhead wires but not  
643 operated upon rails, but not including any personal delivery  
644 device or mobile carrier as defined in s. 316.003, bicycle,  
645 electric bicycle, or moped. ~~However, the term "motor vehicle"~~  
646 ~~does not include a motor vehicle as defined in s. 627.732(3)~~  
647 ~~when the owner of such vehicle has complied with the~~  
648 ~~requirements of ss. 627.730-627.7405, inclusive, unless the~~  
649 ~~provisions of s. 324.051 apply; and, in such case, the~~  
650 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

651 (7) PROOF OF FINANCIAL RESPONSIBILITY. Beginning January 1,  
652 2022, ~~That~~ proof of ability to respond in damages for liability  
653 on account of crashes arising out of the ownership, maintenance,  
654 or use of a motor vehicle:

655 (a) With respect to a motor vehicle other than a commercial  
656 motor vehicle, nonpublic sector bus, or for-hire passenger  
657 transportation vehicle, in the amounts specified in s.  
658 324.022(1). ~~in the amount of \$10,000 because of bodily injury~~  
659 ~~to, or death of, one person in any one crash;~~

660 (b) ~~Subject to such limits for one person, in the amount of~~  
661 ~~\$20,000 because of bodily injury to, or death of, two or more~~  
662 ~~persons in any one crash;~~

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

665 (b)(d) With respect to commercial motor vehicles and  
666 nonpublic sector buses, in the amounts specified in s. 627.7415  
667 ss. 627.7415 and 627.742, respectively.

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

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

672 (9) OWNER; OWNER/LESSOR.—

673 (c) *Application.*—

674 1. The limits on liability in subparagraphs (b)2. and 3. do  
675 not apply to an owner of motor vehicles that are used for  
676 commercial activity in the owner's ordinary course of business,  
677 other than a rental company that rents or leases motor vehicles.  
678 For purposes of this paragraph, the term "rental company"  
679 includes only an entity that is engaged in the business of  
680 renting or leasing motor vehicles to the general public and that  
681 rents or leases a majority of its motor vehicles to persons with  
682 no direct or indirect affiliation with the rental company. The  
683 term "rental company" also includes:

684 a. A related rental or leasing company that is a subsidiary  
685 of the same parent company as that of the renting or leasing  
686 company that rented or leased the vehicle.

687 b. The holder of a motor vehicle title or an equity  
688 interest in a motor vehicle title if the title or equity  
689 interest is held pursuant to or to facilitate an asset-backed  
690 securitization of a fleet of motor vehicles used solely in the  
691 business of renting or leasing motor vehicles to the general  
692 public and under the dominion and control of a rental company,  
693 as described in this subparagraph, in the operation of such  
694 rental company's business.

695 2. Furthermore, with respect to commercial motor vehicles  
696 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on



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697 liability in subparagraphs (b)2. and 3. do not apply if, at the  
698 time of the incident, the commercial motor vehicle is being used  
699 in the transportation of materials found to be hazardous for the  
700 purposes of the Hazardous Materials Transportation Authorization  
701 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is  
702 required pursuant to such act to carry placards warning others  
703 of the hazardous cargo, unless at the time of lease or rental  
704 either:

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

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

713 3.a. A motor vehicle dealer, or a motor vehicle dealer's  
714 leasing or rental affiliate, that provides a temporary  
715 replacement vehicle at no charge or at a reasonable daily charge  
716 to a service customer whose vehicle is being held for repair,  
717 service, or adjustment by the motor vehicle dealer is immune  
718 from any cause of action and is not liable, vicariously or  
719 directly, under general law solely by reason of being the owner  
720 of the temporary replacement vehicle for harm to persons or  
721 property that arises out of the use, or operation, of the  
722 temporary replacement vehicle by any person during the period  
723 the temporary replacement vehicle has been entrusted to the  
724 motor vehicle dealer's service customer if there is no  
725 negligence or criminal wrongdoing on the part of the motor

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726 vehicle owner, or its leasing or rental affiliate.

727       b. For purposes of this section, and notwithstanding any  
728 other provision of general law, a motor vehicle dealer, or a  
729 motor vehicle dealer's leasing or rental affiliate, that gives  
730 possession, control, or use of a temporary replacement vehicle  
731 to a motor vehicle dealer's service customer may not be adjudged  
732 liable in a civil proceeding absent negligence or criminal  
733 wrongdoing on the part of the motor vehicle dealer, or the motor  
734 vehicle dealer's leasing or rental affiliate, if the motor  
735 vehicle dealer or the motor vehicle dealer's leasing or rental  
736 affiliate executes a written rental or use agreement and obtains  
737 from the person receiving the temporary replacement vehicle a  
738 copy of the person's driver license and insurance information  
739 reflecting at least the minimum motor vehicle insurance coverage  
740 required in the state. Any subsequent determination that the  
741 driver license or insurance information provided to the motor  
742 vehicle dealer, or the motor vehicle dealer's leasing or rental  
743 affiliate, was in any way false, fraudulent, misleading,  
744 nonexistent, canceled, not in effect, or invalid does not alter  
745 or diminish the protections provided by this section, unless the  
746 motor vehicle dealer, or the motor vehicle dealer's leasing or  
747 rental affiliate, had actual knowledge thereof at the time  
748 possession of the temporary replacement vehicle was provided.

749       c. For purposes of this subparagraph, the term "service  
750 customer" does not include an agent or a principal of a motor  
751 vehicle dealer or a motor vehicle dealer's leasing or rental  
752 affiliate, and does not include an employee of a motor vehicle  
753 dealer or a motor vehicle dealer's leasing or rental affiliate  
754 unless the employee was provided a temporary replacement

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755 vehicle:

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

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

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

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

767 Section 13. Section 324.022, Florida Statutes, is amended  
768 to read:

769 324.022 Financial responsibility requirements ~~for property~~  
770 ~~damage.~~—

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

776 1. Twenty-five thousand dollars for bodily injury to, or  
777 the death of, one person in any one crash and, subject to such  
778 limits for one person, in the amount of \$50,000 for bodily  
779 injury to, or the death of, two or more persons in any one  
780 crash; and

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

783 (b) The requirements of paragraph (a) ~~this section~~ may be

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784 met by one of the methods established in s. 324.031; by self-  
785 insuring as authorized by s. 768.28(16); or by maintaining a  
786 motor vehicle liability insurance policy that an insurance  
787 ~~policy providing coverage for property damage liability in the~~  
788 ~~amount of at least \$10,000 because of damage to, or destruction~~  
789 ~~of, property of others in any one accident arising out of the~~  
790 ~~use of the motor vehicle. The requirements of this section may~~  
791 ~~also be met by having a policy which provides combined property~~  
792 ~~damage liability and bodily injury liability coverage for any~~  
793 ~~one crash arising out of the ownership, maintenance, or use of a~~  
794 ~~motor vehicle and that conforms to the requirements of s.~~  
795 ~~324.151 in the amount of at least \$60,000 for every owner or~~  
796 ~~operator subject to the financial responsibility required in~~  
797 ~~paragraph (a) \$30,000 for combined property damage liability and~~  
798 ~~bodily injury liability for any one crash arising out of the use~~  
799 ~~of the motor vehicle. The policy, with respect to coverage for~~  
800 ~~property damage liability, must meet the applicable requirements~~  
801 ~~of s. 324.151, subject to the usual policy exclusions that have~~  
802 ~~been approved in policy forms by the Office of Insurance~~  
803 ~~Regulation. No insurer shall have any duty to defend uncovered~~  
804 ~~claims irrespective of their joinder with covered claims.~~

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

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

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

812 2. A motor vehicle that is used in mass transit and

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813 designed to transport more than five passengers, exclusive of  
814 the operator of the motor vehicle, and that is owned by a  
815 municipality, transit authority, or political subdivision of the  
816 state.

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

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

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

824 6.4. A ~~vehicle providing~~ for-hire passenger transportation  
825 vehicle, which must ~~that is subject to the provisions of s.~~  
826 ~~324.031. A taxicab shall~~ maintain security as required under s.  
827 324.032 ~~s. 324.032(1).~~

828 ~~7.5.~~ A personal delivery device as defined in s. 316.003.

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

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

839 (4) An ~~The~~ owner or registrant of a motor vehicle who is  
840 ~~exempt from the requirements of this section if she or he is a~~  
841 member of the United States Armed Forces and is called to or on

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842 active duty outside the United States in an emergency situation  
843 is exempt from this section while he or she. ~~The exemption~~  
844 ~~provided by this subsection applies only as long as the member~~  
845 ~~of the Armed Forces~~ is on such active duty. This exemption  
846 ~~outside the United States and~~ applies only while the vehicle  
847 covered by the security is not operated by any person. Upon  
848 receipt of a written request by the insured to whom the  
849 exemption provided in this subsection applies, the insurer shall  
850 cancel the coverages and return any unearned premium or suspend  
851 the security required by this section. Notwithstanding s.  
852 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the  
853 registration or operator's license of an ~~any~~ owner or registrant  
854 of a motor vehicle during the time she or he qualifies for the  
855 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant  
856 of a motor vehicle who qualifies for the ~~an~~ exemption under this  
857 subsection shall immediately notify the department before ~~prior~~  
858 ~~to~~ and at the end of the expiration of the exemption.

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

861 324.0221 Reports by insurers to the department; suspension  
862 of driver license and vehicle registrations; reinstatement.-

863 (1) (a) Each insurer that has issued a policy providing  
864 ~~personal injury protection coverage or property damage~~ liability  
865 coverage shall report the cancellation or nonrenewal thereof to  
866 the department within 10 days after the processing date or  
867 effective date of each cancellation or nonrenewal. Upon the  
868 issuance of a policy providing ~~personal injury protection~~  
869 ~~coverage or property damage~~ liability coverage to a named  
870 insured not previously insured by the insurer during that

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871 calendar year, the insurer shall report the issuance of the new  
872 policy to the department within 10 days. The report must ~~shall~~  
873 be in the form ~~and format~~ and contain any information required  
874 by the department and must be provided in a format that is  
875 compatible with the data processing capabilities of the  
876 department. Failure by an insurer to file proper reports with  
877 the department as required by this subsection constitutes a  
878 violation of the Florida Insurance Code. These records may ~~shall~~  
879 be used by the department only for enforcement and regulatory  
880 purposes, including the generation by the department of data  
881 regarding compliance by owners of motor vehicles with the  
882 requirements for financial responsibility coverage.

883 (b) With respect to an insurance policy providing ~~personal~~  
884 ~~injury protection coverage or property damage~~ liability  
885 coverage, each insurer shall notify the named insured, or the  
886 first-named insured in the case of a commercial fleet policy, in  
887 writing that any cancellation or nonrenewal of the policy will  
888 be reported by the insurer to the department. The notice must  
889 also inform the named insured that failure to maintain bodily  
890 injury liability ~~personal injury protection~~ coverage and  
891 property damage liability coverage on a motor vehicle when  
892 required by law may result in the loss of registration and  
893 driving privileges in this state and inform the named insured of  
894 the amount of the reinstatement fees required by this section.  
895 This notice is for informational purposes only, and an insurer  
896 is not civilly liable for failing to provide this notice.

897 (2) The department shall suspend, after due notice and an  
898 opportunity to be heard, the registration and driver license of  
899 any owner or registrant of a motor vehicle for ~~with respect to~~

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900 which security is required under s. 324.022, s. 324.023, s.  
901 324.032, s. 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~  
902 upon:

903 (a) The department's records showing that the owner or  
904 registrant of such motor vehicle does ~~did~~ not have the ~~in full~~  
905 ~~force and effect when~~ required security in full force and effect  
906 ~~that complies with the requirements of ss. 324.022 and 627.733;~~  
907 or

908 (b) Notification by the insurer to the department, in a  
909 form approved by the department, of cancellation or termination  
910 of the required security.

911 Section 15. Section 324.0222, Florida Statutes, is created  
912 to read:

913 324.0222 Application of suspensions for failure to maintain  
914 security; reinstatement.—All suspensions for failure to maintain  
915 required security as required by law in effect before January 1,  
916 2022, remain in full force and effect after January 1, 2022. A  
917 driver may reinstate a suspended driver license or registration  
918 as provided under s. 324.0221.

919 Section 16. Section 324.023, Florida Statutes, is amended  
920 to read:

921 324.023 Financial responsibility for bodily injury or  
922 death.—In addition to any other financial responsibility  
923 required by law, every owner or operator of a motor vehicle that  
924 is required to be registered in this state, or that is located  
925 within this state, and who, regardless of adjudication of guilt,  
926 has been found guilty of or entered a plea of guilty or nolo  
927 contendere to a charge of driving under the influence under s.  
928 316.193 after October 1, 2007, shall, by one of the methods



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929 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,  
930 establish and maintain the ability to respond in damages for  
931 liability on account of accidents arising out of the use of a  
932 motor vehicle in the amount of \$100,000 because of bodily injury  
933 to, or death of, one person in any one crash and, subject to  
934 such limits for one person, in the amount of \$300,000 because of  
935 bodily injury to, or death of, two or more persons in any one  
936 crash and in the amount of \$50,000 because of property damage in  
937 any one crash. If the owner or operator chooses to establish and  
938 maintain such ability by furnishing a certificate of deposit  
939 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of  
940 deposit must be at least \$350,000. Such higher limits must be  
941 carried for a minimum period of 3 years. If the owner or  
942 operator has not been convicted of driving under the influence  
943 or a felony traffic offense for a period of 3 years from the  
944 date of reinstatement of driving privileges for a violation of  
945 s. 316.193, the owner or operator is ~~shall be~~ exempt from this  
946 section.

947 Section 17. Section 324.031, Florida Statutes, is amended  
948 to read:

949 324.031 Manner of proving financial responsibility.-

950 (1) ~~The owner or operator of a taxicab, limousine, jitney,~~  
951 ~~or any other for-hire passenger transportation vehicle may prove~~  
952 ~~financial responsibility by providing satisfactory evidence of~~  
953 ~~holding a motor vehicle liability policy as defined in s.~~  
954 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~  
955 ~~carrier which is a member of the Florida Insurance Guaranty~~  
956 ~~Association.~~ The operator or owner of a motor vehicle other than  
957 a for-hire passenger transportation vehicle ~~any other vehicle~~

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958 may prove his or her financial responsibility by:

959 (a) ~~(1)~~ Furnishing satisfactory evidence of holding a motor  
960 vehicle liability policy as defined in ss. 324.021(8) and  
961 324.151 which provides liability coverage for the motor vehicle  
962 being operated;

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

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

967 (2) Beginning January 1, 2022, any person, ~~including any~~  
968 ~~firm, partnership, association, corporation, or other person,~~  
969 ~~other than a natural person,~~ electing to use the method of proof  
970 specified in paragraph (1) (b) subsection (2) shall do both of  
971 the following:

972 (a) Furnish a certificate of deposit equal to the number of  
973 vehicles owned times \$60,000 ~~\$30,000~~, up to a maximum of  
974 \$240,000. ~~\$120,000;~~

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

978 1. At least \$125,000 for bodily injury to, or the death of,  
979 one person in any one crash and, subject to such limits for one  
980 person, in the amount of \$250,000 for bodily injury to, or the  
981 death of, two or more persons in any one crash; and \$50,000 for  
982 damage to, or destruction of, property of others in any one  
983 crash; or

984 2. At least \$300,000 for combined bodily injury liability  
985 and property damage liability for any one crash  
986 ~~\$10,000/20,000/10,000 or \$30,000 combined single limits, and~~

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987 ~~such excess insurance shall provide minimum limits of~~  
988 ~~\$125,000/250,000/50,000 or \$300,000 combined single limits.~~  
989 ~~These increased limits shall not affect the requirements for~~  
990 ~~proving financial responsibility under s. 324.032(1).~~

991 Section 18. Section 324.032, Florida Statutes, is amended  
992 to read:

993 324.032 ~~Manner of proving~~ Financial responsibility for;  
994 for-hire passenger transportation vehicles. ~~Notwithstanding the~~  
995 ~~provisions of s. 324.031:~~

996 (1) An owner or a lessee of a for-hire passenger  
997 transportation vehicle that is required to be registered in this  
998 state shall establish and continuously maintain the ability to  
999 respond in damages for liability on account of accidents arising  
1000 out of the ownership, maintenance, or use of the for-hire  
1001 passenger transportation vehicle, in the amount of:

1002 (a) One hundred twenty-five thousand dollars for bodily  
1003 injury to, or the death of, one person in any one crash and,  
1004 subject to such limits for one person, in the amount of \$250,000  
1005 for bodily injury to, or the death of, two or more persons in  
1006 any one crash; and ~~A person who is either the owner or a lessee~~  
1007 ~~required to maintain insurance under s. 627.733(1) (b) and who~~  
1008 ~~operates one or more taxicabs, limousines, jitneys, or any other~~  
1009 ~~for-hire passenger transportation vehicles may prove financial~~  
1010 ~~responsibility by furnishing satisfactory evidence of holding a~~  
1011 ~~motor vehicle liability policy, but with minimum limits of~~  
1012 ~~\$125,000/250,000/50,000.~~

1013 (b) Fifty thousand dollars for damage to, or destruction  
1014 of, property of others in any one crash ~~A person who is either~~  
1015 ~~the owner or a lessee required to maintain insurance under s.~~

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1016 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~  
1017 ~~for-hire passenger vehicles, other than taxicabs, may prove~~  
1018 ~~financial responsibility by furnishing satisfactory evidence of~~  
1019 ~~holding a motor vehicle liability policy as defined in s.~~  
1020 ~~324.031.~~

1021 (2) Except as provided in subsection (3), the requirements  
1022 of this section must be met by the owner or lessee providing  
1023 satisfactory evidence of holding a motor vehicle liability  
1024 policy conforming to the requirements of s. 324.151 which is  
1025 issued by an insurance carrier that is a member of the Florida  
1026 Insurance Guaranty Association.

1027 ~~(3)(2)~~ An owner or a lessee who ~~is required to maintain~~  
1028 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~  
1029 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~  
1030 ~~transportation vehicles may provide financial responsibility by~~  
1031 ~~complying with the provisions of s. 324.171, which must such~~  
1032 ~~compliance to be demonstrated by maintaining at its principal~~  
1033 ~~place of business an audited financial statement, prepared in~~  
1034 ~~accordance with generally accepted accounting principles, and~~  
1035 ~~providing to the department a certification issued by a~~  
1036 ~~certified public accountant that the applicant's net worth is at~~  
1037 ~~least equal to the requirements of s. 324.171 as determined by~~  
1038 ~~the Office of Insurance Regulation of the Financial Services~~  
1039 ~~Commission, including claims liabilities in an amount certified~~  
1040 ~~as adequate by a Fellow of the Casualty Actuarial Society.~~

1041  
1042 Upon request by the department, the applicant shall ~~must~~ provide  
1043 the department at the applicant's principal place of business in  
1044 this state access to the applicant's underlying financial

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1045 information and financial statements that provide the basis of  
1046 the certified public accountant's certification. The applicant  
1047 shall reimburse the requesting department for all reasonable  
1048 costs incurred by it in reviewing the supporting information.  
1049 The maximum amount of self-insurance permissible under this  
1050 subsection is \$300,000 and must be stated on a per-occurrence  
1051 basis, and the applicant shall maintain adequate excess  
1052 insurance issued by an authorized or eligible insurer licensed  
1053 or approved by the Office of Insurance Regulation. All risks  
1054 self-insured shall remain with the owner or lessee providing it,  
1055 and the risks are not transferable to any other person, unless a  
1056 policy complying with subsections (1) and (2) ~~subsection (1)~~ is  
1057 obtained.

1058 Section 19. Subsection (2) of section 324.051, Florida  
1059 Statutes, is amended, and subsection (4) is added to that  
1060 section, to read:

1061 324.051 Reports of crashes; suspensions of licenses and  
1062 registrations.—

1063 (2) (a) Thirty days after receipt of notice of any accident  
1064 described in paragraph (1) (a) involving a motor vehicle within  
1065 this state, the department shall suspend, after due notice and  
1066 opportunity to be heard, the license of each operator and all  
1067 registrations of the owner of the vehicles operated by such  
1068 operator whether or not involved in such crash and, in the case  
1069 of a nonresident owner or operator, shall suspend such  
1070 nonresident's operating privilege in this state, unless such  
1071 operator or owner shall, prior to the expiration of such 30  
1072 days, be found by the department to be exempt from the operation  
1073 of this chapter, based upon evidence satisfactory to the

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1074 department that:

1075 1. The motor vehicle was legally parked at the time of such  
1076 crash.

1077 2. The motor vehicle was owned by the United States  
1078 Government, this state, or any political subdivision of this  
1079 state or any municipality therein.

1080 3. Such operator or owner has secured a duly acknowledged  
1081 written agreement providing for release from liability by all  
1082 parties injured as the result of said crash and has complied  
1083 with one of the provisions of s. 324.031.

1084 4. Such operator or owner has deposited with the department  
1085 security to conform with s. 324.061 when applicable and has  
1086 complied with one of the provisions of s. 324.031.

1087 5. One year has elapsed since such owner or operator was  
1088 suspended pursuant to subsection (3), the owner or operator has  
1089 complied with one of the provisions of s. 324.031, and no bill  
1090 of complaint of which the department has notice has been filed  
1091 in a court of competent jurisdiction.

1092 (b) This subsection does ~~shall~~ not apply:

1093 1. To such operator or owner if such operator or owner had  
1094 in effect at the time of such crash or traffic conviction a  
1095 motor vehicle ~~an automobile~~ liability policy with respect to all  
1096 of the registered motor vehicles owned by such operator or  
1097 owner.

1098 2. To such operator, if not the owner of such motor  
1099 vehicle, if there was in effect at the time of such crash or  
1100 traffic conviction a motor vehicle ~~an automobile~~ liability  
1101 policy or bond with respect to his or her operation of motor  
1102 vehicles not owned by him or her.

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1103 3. To such operator or owner if the liability of such  
1104 operator or owner for damages resulting from such crash is, in  
1105 the judgment of the department, covered by any other form of  
1106 liability insurance or bond.

1107 4. To any person who has obtained from the department a  
1108 certificate of self-insurance, in accordance with s. 324.171, or  
1109 to any person operating a motor vehicle for such self-insurer.

1110  
1111 No such policy or bond shall be effective under this subsection  
1112 unless it contains limits of not less than those specified in s.  
1113 324.021(7).

1114 (4) As used in this section, the term "motor vehicle"  
1115 includes a motorcycle as defined in s. 320.01(26).

1116 Section 20. Section 324.071, Florida Statutes, is amended  
1117 to read:

1118 324.071 Reinstatement; renewal of license; reinstatement  
1119 fee.—~~An~~ Any operator or owner whose license or registration has  
1120 been suspended pursuant to s. 324.051(2), s. 324.072, s.  
1121 324.081, or s. 324.121 may effect its reinstatement upon  
1122 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or  
1123 s. 324.081(2) and (3), as the case may be, and with one of the  
1124 provisions of s. 324.031 and upon payment to the department of a  
1125 nonrefundable reinstatement fee of \$15. Only one such fee may  
1126 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the  
1127 number of licenses and registrations to be then reinstated or  
1128 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to  
1129 a department trust fund. If ~~When~~ the reinstatement of any  
1130 license or registration is effected by compliance with s.  
1131 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the

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1132 license or registration within ~~a period of~~ 3 years after ~~from~~  
1133 such reinstatement, nor may ~~shall~~ any other license or  
1134 registration be issued in the name of such person, unless the  
1135 operator continues ~~is continuing~~ to comply with ~~one of the~~  
1136 ~~provisions of~~ s. 324.031.

1137 Section 21. Subsection (1) of section 324.091, Florida  
1138 Statutes, is amended to read:

1139 324.091 Notice to department; notice to insurer.-

1140 (1) Each owner and operator involved in a crash or  
1141 conviction case within the purview of this chapter shall furnish  
1142 evidence of ~~automobile liability insurance or~~ motor vehicle  
1143 liability insurance within 14 days after the date of the mailing  
1144 of notice of crash by the department in the form and manner as  
1145 it may designate. Upon receipt of evidence that a ~~an automobile~~  
1146 ~~liability policy or~~ motor vehicle liability policy was in effect  
1147 at the time of the crash or conviction case, the department  
1148 shall forward to the insurer such information for verification  
1149 in a method as determined by the department. The insurer shall  
1150 respond to the department within 20 days after the notice as to  
1151 whether ~~or not~~ such information is valid. If the department  
1152 determines that a ~~an automobile liability policy or~~ motor  
1153 vehicle liability policy was not in effect and did not provide  
1154 coverage for both the owner and the operator, it must ~~shall~~ take  
1155 action as it is authorized to do under this chapter.

1156 Section 22. Section 324.151, Florida Statutes, is amended  
1157 to read:

1158 324.151 Motor vehicle liability policies; required  
1159 provisions.-

1160 (1) A motor vehicle liability policy that serves as ~~to be~~



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1161 proof of financial responsibility under s. 324.031(1) (a) must ~~s.~~  
1162 ~~324.031(1)~~, shall be issued to owners or operators of motor  
1163 vehicles under the following provisions:

1164 (a) A motor vehicle ~~An owner's~~ liability insurance policy  
1165 issued to an owner of a motor vehicle required to be registered  
1166 in this state must ~~shall~~ designate by explicit description or by  
1167 appropriate reference all motor vehicles for ~~with respect to~~  
1168 which coverage is thereby granted. The policy must ~~and shall~~  
1169 insure the person or persons ~~owner~~ named therein and, unless  
1170 excluded pursuant to s. 627.747, any resident relative of a  
1171 named insured ~~any other person as operator using such motor~~  
1172 ~~vehicle or motor vehicles with the express or implied permission~~  
1173 ~~of such owner against loss from the liability imposed by law for~~  
1174 ~~damage arising out of the ownership, maintenance, or use of any~~  
1175 ~~such motor vehicle or motor vehicles within the United States or~~  
1176 ~~the Dominion of Canada, subject to limits, exclusive of interest~~  
1177 ~~and costs with respect to each such motor vehicle as is provided~~  
1178 ~~for under s. 324.021(7).~~ The policy must also insure any person  
1179 operating an insured motor vehicle with the express or implied  
1180 permission of a named insured against loss from the liability  
1181 imposed by law for damage arising out of the use of any vehicle,  
1182 unless that person was excluded pursuant to s. 627.747. However,  
1183 the insurer may include provisions in its policy excluding  
1184 liability coverage for a motor vehicle not designated as an  
1185 insured vehicle on the policy if such motor vehicle does not  
1186 qualify as a newly acquired vehicle or as a temporary substitute  
1187 vehicle and was owned by the insured or was furnished for an  
1188 insured's regular use for more than 30 consecutive days before  
1189 the event giving rise to the claim. Insurers may make available,

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1190 with respect to property damage liability coverage, a deductible  
1191 amount not to exceed \$500. In the event of a property damage  
1192 loss covered by a policy containing a property damage deductible  
1193 provision, the insurer shall pay to the third-party claimant the  
1194 amount of any property damage liability settlement or judgment,  
1195 subject to policy limits, as if no deductible existed.

1196 (b) A motor vehicle liability insurance policy issued to a  
1197 person who does not own a motor vehicle must ~~An operator's motor~~  
1198 ~~vehicle liability policy of insurance shall~~ insure the person or  
1199 persons named therein against loss from the liability imposed  
1200 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~  
1201 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~  
1202 ~~same territorial limits and subject to the same limits of~~  
1203 ~~liability as referred to above with respect to an owner's policy~~  
1204 ~~of liability insurance.~~

1205 (c) All such motor vehicle liability policies must provide  
1206 liability coverage with limits, exclusive of interest and costs,  
1207 as specified under s. 324.021(7) for accidents occurring within  
1208 the United States and Canada. The policies must ~~shall~~ state the  
1209 name and address of the named insured, the coverage afforded by  
1210 the policy, the premium charged therefor, the policy period, and  
1211 the limits of liability, and must ~~shall~~ contain an agreement or  
1212 be endorsed that insurance is provided in accordance with the  
1213 coverage defined in this chapter ~~as respects bodily injury and~~  
1214 ~~death or property damage or both~~ and is subject to ~~all~~  
1215 ~~provisions of this chapter. The said policies~~ must ~~shall~~ also  
1216 contain a provision that the satisfaction by an insured of a  
1217 judgment for such injury or damage may ~~shall~~ not be a condition  
1218 precedent to the right or duty of the insurance carrier to make

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1219 payment on account of such injury or damage, and must ~~shall~~ also  
1220 contain a provision that bankruptcy or insolvency of the insured  
1221 or of the insured's estate does ~~shall~~ not relieve the insurance  
1222 carrier of any of its obligations under the ~~said~~ policy.

1223 (2) ~~The provisions of~~ This section is ~~shall~~ not be  
1224 applicable to any motor vehicle ~~automobile~~ liability policy  
1225 unless and until it is furnished as proof of financial  
1226 responsibility for the future pursuant to s. 324.031, and then  
1227 applies only from ~~and after~~ the date the ~~said~~ policy is ~~so~~  
1228 furnished.

1229 (3) As used in this section, the term:

1230 (a) "Newly acquired vehicle" means a vehicle owned by a  
1231 named insured or resident relative of the named insured which  
1232 was acquired no more than 30 days before an accident.

1233 (b) "Resident relative" means a person related to a named  
1234 insured by any degree by blood, marriage, or adoption, including  
1235 a ward or foster child, who usually makes his or her home in the  
1236 same family unit or residence as the named insured, regardless  
1237 of whether he or she temporarily lives elsewhere.

1238 (c) "Temporary substitute vehicle" means any motor vehicle  
1239 as defined in s. 320.01(1) which is not owned by the named  
1240 insured and which is temporarily used with the permission of the  
1241 owner as a substitute for the owned motor vehicle designated on  
1242 the policy when the owned vehicle is withdrawn from normal use  
1243 because of breakdown, repair, servicing, loss, or destruction.

1244 Section 23. Section 324.161, Florida Statutes, is amended  
1245 to read:

1246 324.161 Proof of financial responsibility; deposit.—If a  
1247 person elects to prove his or her financial responsibility under

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1248 the method of proof specified in s. 324.031(1)(b), he or she  
1249 annually must obtain and submit to the department proof of a  
1250 certificate of deposit in the amount required under s.  
1251 324.031(2) from a financial institution insured by the Federal  
1252 Deposit Insurance Corporation or the National Credit Union  
1253 Administration ~~Annually, before any certificate of insurance may~~  
1254 ~~be issued to a person, including any firm, partnership,~~  
1255 ~~association, corporation, or other person, other than a natural~~  
1256 ~~person, proof of a certificate of deposit of \$30,000 issued and~~  
1257 ~~held by a financial institution must be submitted to the~~  
1258 ~~department.~~ A power of attorney will be issued to and held by  
1259 the department and may be executed upon a judgment issued  
1260 against such person making the deposit, for damages for ~~because~~  
1261 ~~of~~ bodily injury to or death of any person or for damages for  
1262 ~~because of~~ injury to or destruction of property resulting from  
1263 the use or operation of any motor vehicle occurring after such  
1264 deposit was made. Money so deposited is ~~shall~~ not be subject to  
1265 attachment or execution unless such attachment or execution  
1266 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as  
1267 aforesaid.

1268 Section 24. Subsections (1) and (2) of section 324.171,  
1269 Florida Statutes, are amended to read:

1270 324.171 Self-insurer.—

1271 (1) A ~~Any~~ person may qualify as a self-insurer by obtaining  
1272 a certificate of self-insurance from the department. ~~which may,~~  
1273 ~~in its discretion and~~ Upon application of such a person, the  
1274 department may issue a said certificate of self-insurance to an  
1275 applicant who satisfies ~~when such person has satisfied~~ the  
1276 requirements of this section. Effective January 1, 2022 ~~to~~

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1277 ~~qualify as a self-insurer under this section:~~

1278 (a) A private individual with private passenger vehicles  
1279 shall possess a net unencumbered worth of at least \$100,000  
1280 ~~\$40,000~~.

1281 (b) A person, including any firm, partnership, association,  
1282 corporation, or other person, other than a natural person,  
1283 shall:

1284 1. Possess a net unencumbered worth of at least \$100,000  
1285 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each  
1286 additional motor vehicle; or

1287 2. Maintain sufficient net worth, in an amount determined  
1288 by the department, to be financially responsible for potential  
1289 losses. The department annually shall determine the minimum net  
1290 worth sufficient to satisfy this subparagraph as determined  
1291 annually by the department, pursuant to rules adopted  
1292 ~~promulgated~~ by the department, with the assistance of the Office  
1293 of Insurance Regulation of the Financial Services Commission, ~~to~~  
1294 ~~be financially responsible for potential losses.~~ The rules must  
1295 consider any ~~shall take into consideration~~ excess insurance  
1296 carried by the applicant. The department's determination must  
1297 ~~shall~~ be based upon reasonable actuarial principles considering  
1298 the frequency, severity, and loss development of claims incurred  
1299 by casualty insurers writing coverage on the type of motor  
1300 vehicles for which a certificate of self-insurance is desired.

1301 (c) The owner of a commercial motor vehicle, as defined in  
1302 s. 207.002 or s. 320.01, may qualify as a self-insurer subject  
1303 to the standards provided ~~for~~ in subparagraph (b)2.

1304 (2) The self-insurance certificate must ~~shall~~ provide  
1305 limits of liability insurance in the amounts specified under s.

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1306 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~  
1307 ~~protection coverage under s. 627.733(3)(b).~~

1308 Section 25. Section 324.251, Florida Statutes, is amended  
1309 to read:

1310 324.251 Short title.—This chapter may be cited as the  
1311 “Financial Responsibility Law of 2021 ~~1955~~” and is ~~shall become~~  
1312 effective at 12:01 a.m., January 1, 2022 ~~October 1, 1955~~.

1313 Section 26. Subsection (4) of section 400.9905, Florida  
1314 Statutes, is amended to read:

1315 400.9905 Definitions.—

1316 (4) (a) “Clinic” means an entity where health care services  
1317 are provided to individuals and which tenders charges for  
1318 reimbursement for such services, including a mobile clinic and a  
1319 portable equipment provider. As used in this part, the term does  
1320 not include and the licensure requirements of this part do not  
1321 apply to:

1322 1. ~~(a)~~ Entities licensed or registered by the state under  
1323 chapter 395; entities licensed or registered by the state and  
1324 providing only health care services within the scope of services  
1325 authorized under their respective licenses under ss. 383.30-  
1326 383.332, chapter 390, chapter 394, chapter 397, this chapter  
1327 except part X, chapter 429, chapter 463, chapter 465, chapter  
1328 466, chapter 478, chapter 484, or chapter 651; end-stage renal  
1329 disease providers authorized under 42 C.F.R. part 494; providers  
1330 certified and providing only health care services within the  
1331 scope of services authorized under their respective  
1332 certifications under 42 C.F.R. part 485, subpart B, subpart H,  
1333 or subpart J; providers certified and providing only health care  
1334 services within the scope of services authorized under their

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1335 respective certifications under 42 C.F.R. part 486, subpart C;  
1336 providers certified and providing only health care services  
1337 within the scope of services authorized under their respective  
1338 certifications under 42 C.F.R. part 491, subpart A; providers  
1339 certified by the Centers for Medicare and Medicaid Services  
1340 under the federal Clinical Laboratory Improvement Amendments and  
1341 the federal rules adopted thereunder; or any entity that  
1342 provides neonatal or pediatric hospital-based health care  
1343 services or other health care services by licensed practitioners  
1344 solely within a hospital licensed under chapter 395.

1345 2.~~(b)~~ Entities that own, directly or indirectly, entities  
1346 licensed or registered by the state pursuant to chapter 395;  
1347 entities that own, directly or indirectly, entities licensed or  
1348 registered by the state and providing only health care services  
1349 within the scope of services authorized pursuant to their  
1350 respective licenses under ss. 383.30-383.332, chapter 390,  
1351 chapter 394, chapter 397, this chapter except part X, chapter  
1352 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
1353 484, or chapter 651; end-stage renal disease providers  
1354 authorized under 42 C.F.R. part 494; providers certified and  
1355 providing only health care services within the scope of services  
1356 authorized under their respective certifications under 42 C.F.R.  
1357 part 485, subpart B, subpart H, or subpart J; providers  
1358 certified and providing only health care services within the  
1359 scope of services authorized under their respective  
1360 certifications under 42 C.F.R. part 486, subpart C; providers  
1361 certified and providing only health care services within the  
1362 scope of services authorized under their respective  
1363 certifications under 42 C.F.R. part 491, subpart A; providers

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1364 certified by the Centers for Medicare and Medicaid Services  
1365 under the federal Clinical Laboratory Improvement Amendments and  
1366 the federal rules adopted thereunder; or any entity that  
1367 provides neonatal or pediatric hospital-based health care  
1368 services by licensed practitioners solely within a hospital  
1369 licensed under chapter 395.

1370 3.(e) Entities that are owned, directly or indirectly, by  
1371 an entity licensed or registered by the state pursuant to  
1372 chapter 395; entities that are owned, directly or indirectly, by  
1373 an entity licensed or registered by the state and providing only  
1374 health care services within the scope of services authorized  
1375 pursuant to their respective licenses under ss. 383.30-383.332,  
1376 chapter 390, chapter 394, chapter 397, this chapter except part  
1377 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter  
1378 478, chapter 484, or chapter 651; end-stage renal disease  
1379 providers authorized under 42 C.F.R. part 494; providers  
1380 certified and providing only health care services within the  
1381 scope of services authorized under their respective  
1382 certifications under 42 C.F.R. part 485, subpart B, subpart H,  
1383 or subpart J; providers certified and providing only health care  
1384 services within the scope of services authorized under their  
1385 respective certifications under 42 C.F.R. part 486, subpart C;  
1386 providers certified and providing only health care services  
1387 within the scope of services authorized under their respective  
1388 certifications under 42 C.F.R. part 491, subpart A; providers  
1389 certified by the Centers for Medicare and Medicaid Services  
1390 under the federal Clinical Laboratory Improvement Amendments and  
1391 the federal rules adopted thereunder; or any entity that  
1392 provides neonatal or pediatric hospital-based health care



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1393 services by licensed practitioners solely within a hospital  
1394 under chapter 395.

1395 4.~~(d)~~ Entities that are under common ownership, directly or  
1396 indirectly, with an entity licensed or registered by the state  
1397 pursuant to chapter 395; entities that are under common  
1398 ownership, directly or indirectly, with an entity licensed or  
1399 registered by the state and providing only health care services  
1400 within the scope of services authorized pursuant to their  
1401 respective licenses under ss. 383.30-383.332, chapter 390,  
1402 chapter 394, chapter 397, this chapter except part X, chapter  
1403 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
1404 484, or chapter 651; end-stage renal disease providers  
1405 authorized under 42 C.F.R. part 494; providers certified and  
1406 providing only health care services within the scope of services  
1407 authorized under their respective certifications under 42 C.F.R.  
1408 part 485, subpart B, subpart H, or subpart J; providers  
1409 certified and providing only health care services within the  
1410 scope of services authorized under their respective  
1411 certifications under 42 C.F.R. part 486, subpart C; providers  
1412 certified and providing only health care services within the  
1413 scope of services authorized under their respective  
1414 certifications under 42 C.F.R. part 491, subpart A; providers  
1415 certified by the Centers for Medicare and Medicaid Services  
1416 under the federal Clinical Laboratory Improvement Amendments and  
1417 the federal rules adopted thereunder; or any entity that  
1418 provides neonatal or pediatric hospital-based health care  
1419 services by licensed practitioners solely within a hospital  
1420 licensed under chapter 395.

1421 5.~~(e)~~ An entity that is exempt from federal taxation under

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1422 26 U.S.C. s. 501(c) (3) or (4), an employee stock ownership plan  
1423 under 26 U.S.C. s. 409 that has a board of trustees at least  
1424 two-thirds of which are Florida-licensed health care  
1425 practitioners and provides only physical therapy services under  
1426 physician orders, any community college or university clinic,  
1427 and any entity owned or operated by the federal or state  
1428 government, including agencies, subdivisions, or municipalities  
1429 thereof.

1430 6.~~(f)~~ A sole proprietorship, group practice, partnership,  
1431 or corporation that provides health care services by physicians  
1432 covered by s. 627.419, that is directly supervised by one or  
1433 more of such physicians, and that is wholly owned by one or more  
1434 of those physicians or by a physician and the spouse, parent,  
1435 child, or sibling of that physician.

1436 7.~~(g)~~ A sole proprietorship, group practice, partnership,  
1437 or corporation that provides health care services by licensed  
1438 health care practitioners under chapter 457, chapter 458,  
1439 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
1440 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
1441 chapter 490, chapter 491, or part I, part III, part X, part  
1442 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
1443 wholly owned by one or more licensed health care practitioners,  
1444 or the licensed health care practitioners set forth in this  
1445 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling  
1446 of a licensed health care practitioner if one of the owners who  
1447 is a licensed health care practitioner is supervising the  
1448 business activities and is legally responsible for the entity's  
1449 compliance with all federal and state laws. However, a health  
1450 care practitioner may not supervise services beyond the scope of

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1451 the practitioner's license, except that, for the purposes of  
1452 this part, a clinic owned by a licensee in s. 456.053(3) (b)  
1453 which provides only services authorized pursuant to s.  
1454 456.053(3) (b) may be supervised by a licensee specified in s.  
1455 456.053(3) (b).

1456 8.~~(h)~~ Clinical facilities affiliated with an accredited  
1457 medical school at which training is provided for medical  
1458 students, residents, or fellows.

1459 9.~~(i)~~ Entities that provide only oncology or radiation  
1460 therapy services by physicians licensed under chapter 458 or  
1461 chapter 459 or entities that provide oncology or radiation  
1462 therapy services by physicians licensed under chapter 458 or  
1463 chapter 459 which are owned by a corporation whose shares are  
1464 publicly traded on a recognized stock exchange.

1465 10.~~(j)~~ Clinical facilities affiliated with a college of  
1466 chiropractic accredited by the Council on Chiropractic Education  
1467 at which training is provided for chiropractic students.

1468 11.~~(k)~~ Entities that provide licensed practitioners to  
1469 staff emergency departments or to deliver anesthesia services in  
1470 facilities licensed under chapter 395 and that derive at least  
1471 90 percent of their gross annual revenues from the provision of  
1472 such services. Entities claiming an exemption from licensure  
1473 under this subparagraph ~~paragraph~~ must provide documentation  
1474 demonstrating compliance.

1475 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or  
1476 perinatology clinical facilities or anesthesia clinical  
1477 facilities that are not otherwise exempt under subparagraph 1.  
1478 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are  
1479 a publicly traded corporation or are wholly owned, directly or

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1480 indirectly, by a publicly traded corporation. As used in this  
1481 subparagraph ~~paragraph~~, a publicly traded corporation is a  
1482 corporation that issues securities traded on an exchange  
1483 registered with the United States Securities and Exchange  
1484 Commission as a national securities exchange.

1485 13. ~~(m)~~ Entities that are owned by a corporation that has  
1486 \$250 million or more in total annual sales of health care  
1487 services provided by licensed health care practitioners where  
1488 one or more of the persons responsible for the operations of the  
1489 entity is a health care practitioner who is licensed in this  
1490 state and who is responsible for supervising the business  
1491 activities of the entity and is responsible for the entity's  
1492 compliance with state law for purposes of this part.

1493 14. ~~(n)~~ Entities that employ 50 or more licensed health care  
1494 practitioners licensed under chapter 458 or chapter 459 where  
1495 the billing for medical services is under a single tax  
1496 identification number. The application for exemption under this  
1497 subsection must include ~~shall contain information that includes:~~  
1498 the name, residence, and business address and telephone ~~phone~~  
1499 number of the entity that owns the practice; a complete list of  
1500 the names and contact information of all the officers and  
1501 directors of the corporation; the name, residence address,  
1502 business address, and medical license number of each licensed  
1503 Florida health care practitioner employed by the entity; the  
1504 corporate tax identification number of the entity seeking an  
1505 exemption; a listing of health care services to be provided by  
1506 the entity at the health care clinics owned or operated by the  
1507 entity; and a certified statement prepared by an independent  
1508 certified public accountant which states that the entity and the

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1509 health care clinics owned or operated by the entity have not  
1510 received payment for health care services under medical payments  
1511 ~~personal injury protection insurance~~ coverage for the preceding  
1512 year. If the agency determines that an entity that ~~which~~ is  
1513 exempt under this subsection has received payments for medical  
1514 services under medical payments ~~personal injury protection~~  
1515 ~~insurance~~ coverage, the agency may deny or revoke the exemption  
1516 from licensure under this subsection.

1517 15. ~~(a)~~ Entities that are, directly or indirectly, under the  
1518 common ownership of or that are subject to common control by a  
1519 mutual insurance holding company, as defined in s. 628.703, with  
1520 an entity issued a certificate of authority under chapter 624 or  
1521 chapter 641 which has \$1 billion or more in total annual sales  
1522 in this state.

1523 16. ~~(a)~~ Entities that are owned by an entity that is a  
1524 behavioral health care service provider in at least five other  
1525 states; that, together with its affiliates, have \$90 million or  
1526 more in total annual revenues associated with the provision of  
1527 behavioral health care services; and wherein one or more of the  
1528 persons responsible for the operations of the entity is a health  
1529 care practitioner who is licensed in this state, who is  
1530 responsible for supervising the business activities of the  
1531 entity, and who is responsible for the entity's compliance with  
1532 state law for purposes of this part.

1533 17. ~~(a)~~ Medicaid providers.

1534 (b) Notwithstanding paragraph (a) ~~this subsection~~, an  
1535 entity is ~~shall be~~ deemed a clinic and must be licensed under  
1536 this part in order to receive medical payments coverage  
1537 reimbursement under s. 627.7265 unless the entity is:

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1538 1. Wholly owned by a physician licensed under chapter 458  
1539 or chapter 459 or by the physician and the spouse, parent,  
1540 child, or sibling of the physician;

1541 2. Wholly owned by a dentist licensed under chapter 466 or  
1542 by the dentist and the spouse, parent, child, or sibling of the  
1543 dentist;

1544 3. Wholly owned by a chiropractic physician licensed under  
1545 chapter 460 or by the chiropractic physician and the spouse,  
1546 parent, child, or sibling of the chiropractic physician;

1547 4. A hospital or ambulatory surgical center licensed under  
1548 chapter 395;

1549 5. An entity that wholly owns or is wholly owned, directly  
1550 or indirectly, by a hospital or hospitals licensed under chapter  
1551 395;

1552 6. A clinical facility affiliated with an accredited  
1553 medical school at which training is provided for medical  
1554 students, residents, or fellows;

1555 7. Certified under 42 C.F.R. part 485, subpart H; or

1556 8. Owned by a publicly traded corporation, either directly  
1557 or indirectly through its subsidiaries, which has \$250 million  
1558 or more in total annual sales of health care services provided  
1559 by licensed health care practitioners, if one or more of the  
1560 persons responsible for the operations of the entity are health  
1561 care practitioners who are licensed in this state and are  
1562 responsible for supervising the business activities of the  
1563 entity and the entity's compliance with state law for purposes  
1564 of this subsection ~~the Florida Motor Vehicle No-Fault Law, ss.~~  
1565 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1566 Section 27. Subsection (5) of section 400.991, Florida

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1567 Statutes, is amended to read:

1568 400.991 License requirements; background screenings;  
1569 prohibitions.—

1570 (5) All agency forms for licensure application or exemption  
1571 from licensure under this part must contain the following  
1572 statement:

1573

1574 INSURANCE FRAUD NOTICE.—A person commits a fraudulent  
1575 insurance act, as defined in s. 626.989, Florida  
1576 Statutes, if the person ~~who~~ knowingly submits a false,  
1577 misleading, or fraudulent application or other  
1578 document when applying for licensure as a health care  
1579 clinic, seeking an exemption from licensure as a  
1580 health care clinic, or demonstrating compliance with  
1581 part X of chapter 400, Florida Statutes, with the  
1582 intent to use the license, exemption from licensure,  
1583 or demonstration of compliance to provide services or  
1584 seek reimbursement under a motor vehicle liability  
1585 insurance policy's medical payments coverage ~~the~~  
1586 Florida Motor Vehicle No-Fault Law, commits a  
1587 fraudulent insurance act, as defined in s. 626.989,  
1588 Florida Statutes. A person who presents a claim for  
1589 benefits under medical payments coverage ~~personal~~  
1590 injury protection benefits knowing that the payee  
1591 knowingly submitted such health care clinic  
1592 application or document, commits insurance fraud, as  
1593 defined in s. 817.234, Florida Statutes.

1594 Section 28. Paragraph (g) of subsection (1) of section  
1595 400.9935, Florida Statutes, is amended to read:

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1596 400.9935 Clinic responsibilities.—

1597 (1) Each clinic shall appoint a medical director or clinic  
1598 director who shall agree in writing to accept legal  
1599 responsibility for the following activities on behalf of the  
1600 clinic. The medical director or the clinic director shall:

1601 (g) Conduct systematic reviews of clinic billings to ensure  
1602 that the billings are not fraudulent or unlawful. Upon discovery  
1603 of an unlawful charge, the medical director or clinic director  
1604 shall take immediate corrective action. If the clinic performs  
1605 only the technical component of magnetic resonance imaging,  
1606 static radiographs, computed tomography, or positron emission  
1607 tomography, and provides the professional interpretation of such  
1608 services, in a fixed facility that is accredited by a national  
1609 accrediting organization that is approved by the Centers for  
1610 Medicare and Medicaid Services for magnetic resonance imaging  
1611 and advanced diagnostic imaging services and if, in the  
1612 preceding quarter, the percentage of scans performed by that  
1613 clinic which was billed to motor vehicle ~~all personal injury~~  
1614 ~~protection~~ insurance carriers under medical payments coverage  
1615 was less than 15 percent, the chief financial officer of the  
1616 clinic may, in a written acknowledgment provided to the agency,  
1617 assume the responsibility for the conduct of the systematic  
1618 reviews of clinic billings to ensure that the billings are not  
1619 fraudulent or unlawful.

1620 Section 29. Subsection (28) of section 409.901, Florida  
1621 Statutes, is amended to read:

1622 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
1623 409.901-409.920, except as otherwise specifically provided, the  
1624 term:



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1625 (28) "Third-party benefit" means any benefit that is or may  
1626 be available at any time through contract, court award,  
1627 judgment, settlement, agreement, or any arrangement between a  
1628 third party and any person or entity, including, without  
1629 limitation, a Medicaid recipient, a provider, another third  
1630 party, an insurer, or the agency, for any Medicaid-covered  
1631 injury, illness, goods, or services, including costs of medical  
1632 services related thereto, for bodily ~~personal~~ injury or for  
1633 death of the recipient, but specifically excluding ~~policies of~~  
1634 life insurance policies on the recipient, unless available under  
1635 terms of the policy to pay medical expenses before ~~prior to~~  
1636 death. The term includes, without limitation, collateral, as  
1637 defined in this section;~~;~~ health insurance;~~;~~ any benefit under a  
1638 health maintenance organization, a preferred provider  
1639 arrangement, a prepaid health clinic, liability insurance,  
1640 uninsured motorist insurance, or medical payments coverage; or  
1641 ~~personal injury protection coverage,~~ medical benefits under  
1642 workers' compensation, and any obligation under law or equity to  
1643 provide medical support.

1644 Section 30. Paragraph (f) of subsection (11) of section  
1645 409.910, Florida Statutes, is amended to read:

1646 409.910 Responsibility for payments on behalf of Medicaid-  
1647 eligible persons when other parties are liable.-

1648 (11) The agency may, as a matter of right, in order to  
1649 enforce its rights under this section, institute, intervene in,  
1650 or join any legal or administrative proceeding in its own name  
1651 in one or more of the following capacities: individually, as  
1652 subrogee of the recipient, as assignee of the recipient, or as  
1653 lienholder of the collateral.

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1654 (f) Notwithstanding any provision in this section to the  
1655 contrary, in the event of an action in tort against a third  
1656 party in which the recipient or his or her legal representative  
1657 is a party which results in a judgment, award, or settlement  
1658 from a third party, the amount recovered shall be distributed as  
1659 follows:

1660 1. After attorney ~~attorney's~~ fees and taxable costs as  
1661 defined by the Florida Rules of Civil Procedure, one-half of the  
1662 remaining recovery shall be paid to the agency up to the total  
1663 amount of medical assistance provided by Medicaid.

1664 2. The remaining amount of the recovery shall be paid to  
1665 the recipient.

1666 3. For purposes of calculating the agency's recovery of  
1667 medical assistance benefits paid, the fee for services of an  
1668 attorney retained by the recipient or his or her legal  
1669 representative shall be calculated at 25 percent of the  
1670 judgment, award, or settlement.

1671 4. Notwithstanding any other provision of this section to  
1672 the contrary, the agency shall be entitled to all medical  
1673 coverage benefits up to the total amount of medical assistance  
1674 provided by Medicaid. For purposes of this paragraph, the term  
1675 "medical coverage" means any benefits under health insurance, a  
1676 health maintenance organization, a preferred provider  
1677 arrangement, or a prepaid health clinic, and the portion of  
1678 benefits designated for medical payments under ~~coverage for~~  
1679 workers' compensation coverage, motor vehicle insurance  
1680 coverage, personal injury protection, and casualty coverage.

1681 Section 31. Paragraph (k) of subsection (2) of section  
1682 456.057, Florida Statutes, is amended to read:

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1683 456.057 Ownership and control of patient records; report or  
1684 copies of records to be furnished; disclosure of information.—

1685 (2) As used in this section, the terms "records owner,"  
1686 "health care practitioner," and "health care practitioner's  
1687 employer" do not include any of the following persons or  
1688 entities; furthermore, the following persons or entities are not  
1689 authorized to acquire or own medical records, but are authorized  
1690 under the confidentiality and disclosure requirements of this  
1691 section to maintain those documents required by the part or  
1692 chapter under which they are licensed or regulated:

1693 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1694 Section 32. Paragraphs (ee) and (ff) of subsection (1) of  
1695 section 456.072, Florida Statutes, are amended to read:

1696 456.072 Grounds for discipline; penalties; enforcement.—

1697 (1) The following acts shall constitute grounds for which  
1698 the disciplinary actions specified in subsection (2) may be  
1699 taken:

1700 (ee) With respect to making a medical payments coverage  
1701 personal injury protection claim under s. 627.7265 as required  
1702 by s. 627.736, intentionally submitting a claim, statement, or  
1703 bill that has been upcoded. As used in this paragraph, the term  
1704 "upcoded" means an action that submits a billing code that would  
1705 result in a greater payment amount than would be paid using a  
1706 billing code that accurately describes the services performed.  
1707 The term does not include an otherwise lawful bill by a magnetic  
1708 resonance imaging facility which globally combines both  
1709 technical and professional components, if the amount of the  
1710 global bill is not more than the components if billed  
1711 separately; however, payment of such a bill constitutes payment

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1712 in full for all components of such service ~~“uncoded” as defined~~  
1713 ~~in s. 627.732.~~

1714 (ff) With respect to making a medical payments coverage  
1715 ~~personal injury protection~~ claim pursuant to s. 627.7265 ~~as~~  
1716 ~~required by s. 627.736~~, intentionally submitting a claim,  
1717 statement, or bill for payment of services that were not  
1718 rendered.

1719 Section 33. Paragraph (b) of subsection (1) and subsection  
1720 (8) of section 624.155, Florida Statutes, are amended to read:  
1721 624.155 Civil remedy.—

1722 (1) Any person may bring a civil action against an insurer  
1723 when such person is damaged:

1724 (b) By the commission of any of the following acts by the  
1725 insurer:

1726 1. Except for a civil action for bad faith failure to  
1727 settle a third-party claim subject to s. 624.156, not attempting  
1728 in good faith to settle claims when, under all the  
1729 circumstances, it could and should have done so, had it acted  
1730 fairly and honestly toward its insured and with due regard for  
1731 her or his interests;

1732 2. Making claims payments to insureds or beneficiaries not  
1733 accompanied by a statement setting forth the coverage under  
1734 which payments are being made; ~~or~~

1735 3. Except as to liability coverages, failing to promptly  
1736 settle claims, when the obligation to settle a claim has become  
1737 reasonably clear, under one portion of the insurance policy  
1738 coverage in order to influence settlements under other portions  
1739 of the insurance policy coverage; or

1740 4. When handling a first-party claim under a motor vehicle

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1741 insurance policy, not attempting in good faith to settle such  
1742 claim pursuant to subparagraph 1. when such failure is caused by  
1743 a failure to communicate to an insured:

1744 a. The name, telephone number, e-mail address, and mailing  
1745 address of the person who is adjusting the claim;

1746 b. Any issues that may impair the insured's coverage;

1747 c. Information that might resolve the coverage issue in a  
1748 prompt manner;

1749 d. Any basis for the insurer's rejection or nonacceptance  
1750 of any settlement demand or offer; or

1751 e. Any needed extensions to respond to a time-limited  
1752 settlement offer.

1753  
1754 Notwithstanding the provisions of the above to the contrary, a  
1755 person pursuing a remedy under this section need not prove that  
1756 such act was committed or performed with such frequency as to  
1757 indicate a general business practice.

1758 (8) The civil remedy specified in this section does not  
1759 preempt any other remedy or cause of action provided for  
1760 pursuant to any other statute or pursuant to the common law of  
1761 this state. A ~~Any person is~~ may obtain a judgment under either  
1762 ~~the common-law remedy of bad faith or this statutory remedy, but~~  
1763 ~~shall~~ not be entitled to a judgment under multiple bad faith  
1764 ~~both~~ remedies. This section shall not be construed to create a  
1765 common-law cause of action. The damages recoverable pursuant to  
1766 this section shall include those damages which are a reasonably  
1767 foreseeable result of a specified violation of this section by  
1768 the authorized insurer and may include an award or judgment in  
1769 an amount that exceeds the policy limits.

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1770 Section 34. Section 624.156, Florida Statutes, is created  
1771 to read:

1772 624.156 Actions against motor vehicle insurers for bad  
1773 faith failure to settle third-party claims.-

1774 (1) SCOPE.-This section applies in all actions against any  
1775 insurer for bad faith failure to settle a third-party claim for  
1776 a loss arising out of the ownership, maintenance, or use of a  
1777 motor vehicle operated or principally garaged in this state at  
1778 the time of an incident or a loss, regardless of whether the  
1779 insurer is authorized to do business in this state or issued a  
1780 policy in this state. This section governs in any conflict with  
1781 common law or any other statute.

1782 (2) DUTY OF GOOD FAITH.-In handling claims, an insurer has  
1783 a duty to its insured to handle claims in good faith by  
1784 complying with the best practices standards of subsection (4).  
1785 An insurer's negligence does not constitute bad faith. However,  
1786 negligence is relevant to whether an insurer acted in bad faith.

1787 (3) BAD FAITH FAILURE TO SETTLE.-The term "bad faith  
1788 failure to settle" means an insurer's failure to meet its duty  
1789 of good faith, as described in subsection (2), which is a  
1790 proximate cause of the insurer not settling a third-party claim  
1791 when, under all the circumstances, the insurer could and should  
1792 have done so, had it acted fairly and honestly toward its  
1793 insured and with due regard for the insured's interests.

1794 (4) BEST PRACTICES STANDARDS.-An insurer must meet the best  
1795 practices standards of this subsection. The insurer's duty  
1796 begins upon receiving actual notice of an incident or a loss  
1797 that could give rise to a covered liability claim and continues  
1798 until the claim is resolved. Notice may be communicated to the

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1799 insurer or an agent of the insurer by any means. However, if  
1800 actual notice is communicated by means other than through any  
1801 manner permitted by the policy or other documents provided to  
1802 the insured by the insurer, through the insurer's website, or  
1803 through the e-mail address designated by the insurer under s.  
1804 624.422, the notice will not be effective under this subsection  
1805 if that variation causes actual prejudice to the insurer's  
1806 ability to settle the claim. The burden is on the party bringing  
1807 the bad faith claim to prove that the insurer had actual notice  
1808 of the incident or loss giving rise to the claim that resulted  
1809 in an excess judgment and when such notice was received. After  
1810 receipt of actual notice, an insurer:

1811 (a) Must assign a duly licensed and appointed insurance  
1812 adjuster to investigate the extent of the insured's probable  
1813 exposure and diligently attempt to resolve any questions  
1814 concerning the existence or extent of the insured's coverage.

1815 (b) Based on available information, must ethically evaluate  
1816 every claim fairly, honestly, and with due regard for the  
1817 interests of the insured; consider the extent of the claimant's  
1818 recoverable damages; and consider the information in a  
1819 reasonable and prudent manner.

1820 (c) Must request from the insured or claimant additional  
1821 relevant information the insurer reasonably deems necessary to  
1822 evaluate whether to settle a claim.

1823 (d) Must conduct all oral and written communications with  
1824 the insured with the utmost honesty and complete candor.

1825 (e) Must make reasonable efforts to explain to persons not  
1826 represented by counsel matters requiring expertise beyond the  
1827 level normally expected of a layperson with no training in

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1828 insurance or claims-handling issues.

1829 (f) Must retain all written communications and note and  
1830 retain a summary of all verbal communications in a reasonable  
1831 manner for a period of not less than 5 years after the later of:

1832 1. The entry of a judgment against the insured in excess of  
1833 policy limits becomes final; or

1834 2. The conclusion of the extracontractual claim, if any,  
1835 including any related appeals.

1836 (g) Must provide the insured, upon request, with all  
1837 communications related to the insurer's handling of the claim  
1838 which are not privileged as to the insured.

1839 (h) Must provide, at the insurer's expense, reasonable  
1840 accommodations necessary to communicate effectively with an  
1841 insured covered under the Americans with Disabilities Act.

1842 (i) In handling third-party claims, must communicate to an  
1843 insured all of the following:

1844 1. The identity of any other person or entity the insurer  
1845 has reason to believe may be liable.

1846 2. The insurer's evaluation of the claim.

1847 3. The likelihood and possible extent of an excess  
1848 judgment.

1849 4. Steps the insured can take to avoid exposure to an  
1850 excess judgment, including the right to secure personal counsel  
1851 at the insured's expense.

1852 5. The insured's duty to cooperate with the insurer,  
1853 including any specific requests required because of a settlement  
1854 opportunity or by the insurer for the insured's cooperation  
1855 under subsection (5), the purpose of the required cooperation,  
1856 and the consequences of refusing to cooperate.



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1857 6. Any settlement demands or offers.

1858 (j) If, after the expiration of the safe harbor periods in  
1859 subsection (8), the facts available to the insurer indicate that  
1860 the insured's liability is likely to exceed the policy limits,  
1861 must initiate settlement negotiations by tendering its policy  
1862 limits to the claimant in exchange for a general release of the  
1863 insured.

1864 (k)1. Must give fair consideration to a settlement offer  
1865 that is not unreasonable under the facts available to the  
1866 insurer and settle, if possible, when a reasonably prudent  
1867 person, faced with the prospect of paying the total probable  
1868 exposure of the insured, would do so. The insurer shall provide  
1869 reasonable assistance to the insured to comply with the  
1870 insured's obligations to cooperate and shall act reasonably to  
1871 attempt to satisfy any conditions of a claimant's settlement  
1872 offer. If it is not possible to settle a liability claim within  
1873 the available policy limits, the insurer shall act reasonably to  
1874 attempt to minimize the excess exposure to the insured.

1875 2. When multiple claims arise out of a single occurrence,  
1876 the combined value of all claims exceeds the total of all  
1877 applicable policy limits, and the claimants are unwilling to  
1878 globally settle within the policy limits, thereafter, must  
1879 attempt to minimize the magnitude of possible excess judgments  
1880 against the insured. The insurer is entitled to great discretion  
1881 to decide how much to offer each respective claimant in its  
1882 attempt to protect the insured. The insurer may, in its effort  
1883 to minimize the excess liability of the insured, use its  
1884 discretion to offer the full available policy limits to one or  
1885 more claimants to the exclusion of other claimants and may leave

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1886 the insured exposed to some liability after all the policy  
1887 limits are paid. An insurer does not act in bad faith simply  
1888 because it is unable to settle all claims in a multiple claimant  
1889 case. It is a defense to a bad faith action if the insurer  
1890 establishes that it used its discretion for the benefit of its  
1891 insureds and complied with the other best practices standards of  
1892 this subsection.

1893 (l) When a loss creates the potential for a third-party  
1894 claim against more than one insured, must attempt to settle the  
1895 claim on behalf of all insureds against whom a claim may be  
1896 presented. If it is not possible to settle on behalf of all  
1897 insureds, the insurer may, in consultation with the insureds,  
1898 enter into reasonable settlements of claims against certain  
1899 insureds to the exclusion of other insureds.

1900 (m) Must respond to any request for insurance information  
1901 in compliance with s. 626.9372 or s. 627.4137, as applicable.

1902 (n) Where it appears the insured's probable exposure is  
1903 greater than policy limits, must take reasonable measures to  
1904 preserve evidence, for a reasonable period of time, which is  
1905 needed for the defense of the liability claim.

1906 (o) Must comply with s. 627.426, if applicable.

1907 (p) May not commit or perform with such frequency as to  
1908 indicate a general business practice, any of the following:

1909 1. Failing to adopt and implement standards for the proper  
1910 investigation of claims.

1911 2. Misrepresenting pertinent facts or insurance policy  
1912 provisions relating to coverages at issue.

1913 3. Failing to acknowledge and act promptly upon  
1914 communications with respect to claims.

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1915 4. Denying claims without conducting reasonable  
1916 investigations based upon available information.

1917 (5) INSURED'S DUTY TO COOPERATE.—

1918 (a) Insureds have a duty to cooperate with their insurer in  
1919 the defense of the claim and in making settlements. Accordingly,  
1920 the insured must take any reasonable action requested by the  
1921 injured claimant or provided in the policy which is necessary to  
1922 assist the insurer in settling a covered claim, including:

1923 1. Executing affidavits regarding the facts within the  
1924 insured's knowledge regarding the covered loss; and

1925 2. Providing documents, including those requested pursuant  
1926 to paragraph (b).

1927 (b) When it is reasonably necessary to settle a covered  
1928 claim valued in excess of all applicable policy limits, upon the  
1929 request of the injured claimant, an insured must disclose on a  
1930 form adopted by the department or provided by the claimant a  
1931 summary of the following:

1932 1. The insured's assets at the time of the loss, including:

1933 a. Cash, stocks, bonds, and nonretirement-based mutual  
1934 funds;

1935 b. Nonhomestead real property;

1936 c. All registered vehicles;

1937 d. All bank accounts;

1938 e. An estimated net accounting of all other assets; and

1939 f. Any additional information included by the department.

1940 2. The insured's liabilities, including:

1941 a. Mortgage debt;

1942 b. Credit card debt;

1943 c. Child support and alimony payments;

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1944 d. Other liabilities; and

1945 e. Any additional information included by the department.

1946 3. For a corporate entity, information on its balance  
1947 sheet, including the corporate entity's:

1948 a. Cash, property, equipment, and inventory;

1949 b. Liabilities, including obligations, rent, money owed to  
1950 vendors, payroll, and taxes;

1951 c. Other information relevant to understanding the entity's  
1952 capital and net worth; and

1953 d. Any additional information included by the department.

1954 4. A list of all insurance policies that may provide  
1955 coverage for the claim, stating the name of the insurer and  
1956 policy number of each policy.

1957 5. For natural persons, a statement of whether the insured  
1958 was acting in the course and scope of employment at the time of  
1959 the incident or loss giving rise to the claim and, if so,  
1960 providing the name and contact information for the insured's  
1961 employer.

1962 (c) No later than 14 days following actual notice of an  
1963 incident or a loss that could give rise to a covered liability  
1964 claim, the insurer must notify the insured of the insured's  
1965 duties under this subsection. The burden is on the insurer to  
1966 prove that it provided notice to the insured of the insured's  
1967 duty to cooperate; otherwise, a presumption arises that the  
1968 insured met its duty to cooperate under this subsection.

1969 (d) An insurer may terminate the defense as to any insured  
1970 who unreasonably fails to meet its duties under this subsection  
1971 when:

1972 1. The insurer exercised diligence and met its duties under

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1973 subparagraph (4)(i)5.;

1974 2. The insurer provided reasonable assistance to the  
1975 insured to comply with the obligations of this subsection;

1976 3. The insurer gave the insured written notice of any  
1977 failure to cooperate and a reasonable opportunity for the  
1978 insured to cure the lack of cooperation, consistent with any  
1979 deadlines imposed by settlement negotiations;

1980 4. The insured's failure to cooperate causes the insurer to  
1981 be unable to settle the claim; and

1982 5. The insurer unconditionally tenders its available  
1983 coverage policy limits directly to the claimant or the  
1984 claimant's attorney.

1985 (e) When an insured's defense is terminated in compliance  
1986 with this subsection, the insurer is not liable for any damages  
1987 caused by a failure to settle or defend the liability claim  
1988 against that insured.

1989 (6) CLAIMANT COMMUNICATIONS.—The trier of fact may not  
1990 attribute the insurer's failure to settle a covered third-party  
1991 claim to a claimant's lack of communication with the insurer  
1992 when the claimant truthfully complies with all applicable  
1993 standards of this subsection by:

1994 (a) Contemporaneously with or before making a claim with  
1995 the insurer, communicating in writing to the insurer:

1996 1. The date and location of loss;

1997 2. The name, address, and date of birth of the claimant;

1998 and

1999 3. A physical address, an e-mail address, and a facsimile  
2000 number for further communications, including, but not limited  
2001 to, responses to any settlement demand.

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2002 (b) Presenting the following in writing:

2003 1. The legal and factual basis of the claim; and

2004 2. A reasonably detailed description of the claimant's:

2005 a. Known injuries caused or aggravated by the incident or  
2006 loss on which the claim is based;

2007 b. Medical treatment causally related to the incident or  
2008 loss on which the claim is based;

2009 c. Relevant pre-accident medical conditions, if known; and

2010 d. Type and amount of known damages incurred and, if any,  
2011 the damages the claimant reasonably anticipates incurring in the  
2012 future.

2013 (c) Providing any settlement demand in writing and stating  
2014 within such demand:

2015 1. The name of each insured to whom the demand for  
2016 settlement is directed;

2017 2. The amount of the demand for settlement; and

2018 3. Any conditions the claimant is placing on acceptance of  
2019 the demand for settlement.

2020  
2021 This subsection does not reduce an insurer's duty of good faith,  
2022 which is owed solely to its insured. The claimant owes no duty  
2023 to the insured or the insurer, and the duties of the claimant's  
2024 attorney are owed solely to the claimant. The claimant and the  
2025 claimant's attorney do not have a duty to comply with this  
2026 subsection.

2027 (7) CONDITIONS PRECEDENT.—It is a condition precedent to  
2028 filing an action against an insurer for bad faith failure to  
2029 settle a third-party claim that:

2030 (a) A third-party claimant obtained a final judgment in

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2031 excess of the policy limits against the insured or the insured's  
2032 estate, bankruptcy trustee, or successor in interest, unless the  
2033 insurer expressly waived the requirement of a final excess  
2034 judgment or wrongfully breached its duty to defend the insured;  
2035 and

2036 (b) The insurer or an agent of the insurer received actual  
2037 notice effective under subsection (4).

2038 (8) SAFE HARBORS.—

2039 (a) After an insurer receives actual notice of an incident  
2040 or a loss that could give rise to a covered liability claim, the  
2041 insurer is entitled to a reasonable opportunity to investigate  
2042 and evaluate the claim. The amount of time required for the  
2043 insurer's investigation and evaluation will vary depending on  
2044 the circumstances of the claim. The safe harbors provided in  
2045 this subsection are available to an insurer that complies with  
2046 the best practices standards of subsection (4).

2047 (b) When one claim arises out of a single occurrence, and  
2048 an insurer initiates settlement negotiations by tendering the  
2049 applicable policy limits in exchange for a general release of  
2050 the insured within 45 days after receiving actual notice of the  
2051 loss, the failure to tender the policy limits sooner does not  
2052 constitute bad faith.

2053 (c) When multiple claims arise out of a single occurrence,  
2054 the combined value of all claims exceeds the total of all  
2055 applicable policy limits, and an insurer initiates settlement  
2056 negotiations by globally tendering the applicable policy limits  
2057 in exchange for a general release of the insured within 45 days  
2058 after receiving actual notice of the loss, the failure to tender  
2059 policy limits sooner does not constitute bad faith.

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2060 (d) An insurer is not under any circumstances liable for  
2061 the failure to accept a settlement offer within 45 days after  
2062 receiving actual notice of the loss if:

2063 1. The settlement offer provides the insurer fewer than 15  
2064 days for acceptance; or

2065 2. The settlement offer provides the insurer fewer than 30  
2066 days for acceptance where the offer contains conditions for  
2067 acceptance other than the insurer's disclosure of its policy  
2068 limits.

2069 (e) This subsection does not require that an insurer  
2070 automatically tender policy limits within 45 days in every case.

2071 (9) BURDEN OF PROOF.—In any action for bad faith failure to  
2072 settle:

2073 (a) The party bringing the bad faith claim must prove every  
2074 element of the claim by the greater weight of the evidence,  
2075 taking into account the totality of the circumstances.

2076 (b) An insurer that relies upon paragraph (5) (d) as a  
2077 defense to a claim for bad faith failure to settle must prove  
2078 the elements of that paragraph by the greater weight of the  
2079 evidence.

2080 (c) An insurer that relies upon a safe harbor provision of  
2081 subsection (8) must prove the elements of the safe harbor by the  
2082 greater weight of the evidence.

2083 (10) DAMAGES.—If the trier of fact finds that the party  
2084 bringing the bad faith claim has met its burden of proof, the  
2085 insurer is liable for the amount of any excess judgment,  
2086 together with court costs and, if the party bringing the bad  
2087 faith claim is the insured or an assignee of the insured, the  
2088 reasonable attorney fees incurred by the party bringing the bad



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2089 faith claim. Punitive damages may not be awarded.

2090 (11) AGENTS.—This section is not intended to expand or  
2091 diminish any cause of action currently available against  
2092 insurance agents who sell motor vehicle liability insurance  
2093 policies in this state.

2094 Section 35. Paragraphs (i) and (o) of subsection (1) of  
2095 section 626.9541, Florida Statutes, are amended to read:

2096 626.9541 Unfair methods of competition and unfair or  
2097 deceptive acts or practices defined.—

2098 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
2099 ACTS.—The following are defined as unfair methods of competition  
2100 and unfair or deceptive acts or practices:

2101 (i) *Unfair claim settlement practices.*—

2102 1. Attempting to settle claims on the basis of an  
2103 application, when serving as a binder or intended to become a  
2104 part of the policy, or any other material document which was  
2105 altered without notice to, or knowledge or consent of, the  
2106 insured;

2107 2. Making a material misrepresentation ~~made~~ to an insured  
2108 or any other person having an interest in the proceeds payable  
2109 under such contract or policy, for the purpose and with the  
2110 intent of effecting settlement of such claims, loss, or damage  
2111 under such contract or policy on less favorable terms than those  
2112 provided in, and contemplated by, such contract or policy; ~~or~~

2113 3. Committing or performing with such frequency as to  
2114 indicate a general business practice any of the following:

2115 a. Failing to adopt and implement standards for the proper  
2116 investigation of claims;

2117 b. Misrepresenting pertinent facts or insurance policy

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2118 provisions relating to coverages at issue;

2119 c. Failing to acknowledge and act promptly upon  
2120 communications with respect to claims;

2121 d. Denying claims without conducting reasonable  
2122 investigations based upon available information;

2123 e. Failing to affirm or deny full or partial coverage of  
2124 claims, and, as to partial coverage, the dollar amount or extent  
2125 of coverage, or failing to provide a written statement that the  
2126 claim is being investigated, upon the written request of the  
2127 insured within 30 days after proof-of-loss statements have been  
2128 completed;

2129 f. Failing to promptly provide a reasonable explanation in  
2130 writing to the insured of the basis in the insurance policy, in  
2131 relation to the facts or applicable law, for denial of a claim  
2132 or for the offer of a compromise settlement;

2133 g. Failing to promptly notify the insured of any additional  
2134 information necessary for the processing of a claim; or

2135 h. Failing to clearly explain the nature of the requested  
2136 information and the reasons why such information is necessary.

2137 ~~i. Failing to pay personal injury protection insurance~~  
2138 ~~claims within the time periods required by s. 627.736(4)(b). The~~  
2139 ~~office may order the insurer to pay restitution to a~~  
2140 ~~policyholder, medical provider, or other claimant, including~~  
2141 ~~interest at a rate consistent with the amount set forth in s.~~  
2142 ~~55.03(1), for the time period within which an insurer fails to~~  
2143 ~~pay claims as required by law. Restitution is in addition to any~~  
2144 ~~other penalties allowed by law, including, but not limited to,~~  
2145 ~~the suspension of the insurer's certificate of authority.~~

2146 4. Failing to pay undisputed amounts of partial or full

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2147 benefits owed under first-party property insurance policies  
2148 within 90 days after an insurer receives notice of a residential  
2149 property insurance claim, determines the amounts of partial or  
2150 full benefits, and agrees to coverage, unless payment of the  
2151 undisputed benefits is prevented by an act of God, prevented by  
2152 the impossibility of performance, or due to actions by the  
2153 insured or claimant that constitute fraud, lack of cooperation,  
2154 or intentional misrepresentation regarding the claim for which  
2155 benefits are owed.

2156 (o) *Illegal dealings in premiums; excess or reduced charges*  
2157 *for insurance.*—

2158 1. Knowingly collecting any sum as a premium or charge for  
2159 insurance, which is not then provided, or is not in due course  
2160 to be provided, subject to acceptance of the risk by the  
2161 insurer, by an insurance policy issued by an insurer as  
2162 permitted by this code.

2163 2. Knowingly collecting as a premium or charge for  
2164 insurance any sum in excess of or less than the premium or  
2165 charge applicable to such insurance, in accordance with the  
2166 applicable classifications and rates as filed with and approved  
2167 by the office, and as specified in the policy; or, in cases when  
2168 classifications, premiums, or rates are not required by this  
2169 code to be so filed and approved, premiums and charges collected  
2170 from a Florida resident in excess of or less than those  
2171 specified in the policy and as fixed by the insurer.

2172 Notwithstanding any other provision of law, this provision shall  
2173 not be deemed to prohibit the charging and collection, by  
2174 surplus lines agents licensed under part VIII of this chapter,  
2175 of the amount of applicable state and federal taxes, or fees as

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2176 authorized by s. 626.916(4), in addition to the premium required  
2177 by the insurer or the charging and collection, by licensed  
2178 agents, of the exact amount of any discount or other such fee  
2179 charged by a credit card facility in connection with the use of  
2180 a credit card, as authorized by subparagraph (q)3., in addition  
2181 to the premium required by the insurer. This subparagraph shall  
2182 not be construed to prohibit collection of a premium for a  
2183 universal life or a variable or indeterminate value insurance  
2184 policy made in accordance with the terms of the contract.

2185 3.a. Imposing or requesting an additional premium for death  
2186 benefit coverage under s. 627.72761, bodily injury liability  
2187 coverage, property damage liability coverage ~~a policy of motor~~  
2188 ~~vehicle liability, personal injury protection, medical payments~~  
2189 ~~coverage payment, or collision coverage in a motor vehicle~~  
2190 liability insurance policy insurance or any combination thereof  
2191 or refusing to renew the policy solely because the insured was  
2192 involved in a motor vehicle accident unless the insurer's file  
2193 contains information from which the insurer in good faith  
2194 determines that the insured was substantially at fault in the  
2195 accident.

2196 b. An insurer which imposes and collects such a surcharge  
2197 or which refuses to renew such policy shall, in conjunction with  
2198 the notice of premium due or notice of nonrenewal, notify the  
2199 named insured that he or she is entitled to reimbursement of  
2200 such amount or renewal of the policy under the conditions listed  
2201 below and will subsequently reimburse him or her or renew the  
2202 policy, if the named insured demonstrates that the operator  
2203 involved in the accident was:

2204 (I) Lawfully parked;

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2205 (II) Reimbursed by, or on behalf of, a person responsible  
2206 for the accident or has a judgment against such person;

2207 (III) Struck in the rear by another vehicle headed in the  
2208 same direction and was not convicted of a moving traffic  
2209 violation in connection with the accident;

2210 (IV) Hit by a "hit-and-run" driver, if the accident was  
2211 reported to the proper authorities within 24 hours after  
2212 discovering the accident;

2213 (V) Not convicted of a moving traffic violation in  
2214 connection with the accident, but the operator of the other  
2215 automobile involved in such accident was convicted of a moving  
2216 traffic violation;

2217 (VI) Finally adjudicated not to be liable by a court of  
2218 competent jurisdiction;

2219 (VII) In receipt of a traffic citation which was dismissed  
2220 or nolle prossed; or

2221 (VIII) Not at fault as evidenced by a written statement  
2222 from the insured establishing facts demonstrating lack of fault  
2223 which are not rebutted by information in the insurer's file from  
2224 which the insurer in good faith determines that the insured was  
2225 substantially at fault.

2226 c. In addition to the other provisions of this  
2227 subparagraph, an insurer may not fail to renew a policy if the  
2228 insured has had only one accident in which he or she was at  
2229 fault within the current 3-year period. However, an insurer may  
2230 nonrenew a policy for reasons other than accidents in accordance  
2231 with s. 627.728. This subparagraph does not prohibit nonrenewal  
2232 of a policy under which the insured has had three or more  
2233 accidents, regardless of fault, during the most recent 3-year

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2234 period.

2235 4. Imposing or requesting an additional premium for, or  
2236 refusing to renew, a policy for motor vehicle insurance solely  
2237 because the insured committed a noncriminal traffic infraction  
2238 as described in s. 318.14 unless the infraction is:

2239 a. A second infraction committed within an 18-month period,  
2240 or a third or subsequent infraction committed within a 36-month  
2241 period.

2242 b. A violation of s. 316.183, when such violation is a  
2243 result of exceeding the lawful speed limit by more than 15 miles  
2244 per hour.

2245 5. Upon the request of the insured, the insurer and  
2246 licensed agent shall supply to the insured the complete proof of  
2247 fault or other criteria which justifies the additional charge or  
2248 cancellation.

2249 6. No insurer shall impose or request an additional premium  
2250 for motor vehicle insurance, cancel or refuse to issue a policy,  
2251 or refuse to renew a policy because the insured or the applicant  
2252 is a handicapped or physically disabled person, so long as such  
2253 handicap or physical disability does not substantially impair  
2254 such person's mechanically assisted driving ability.

2255 7. No insurer may cancel or otherwise terminate any  
2256 insurance contract or coverage, or require execution of a  
2257 consent to rate endorsement, during the stated policy term for  
2258 the purpose of offering to issue, or issuing, a similar or  
2259 identical contract or coverage to the same insured with the same  
2260 exposure at a higher premium rate or continuing an existing  
2261 contract or coverage with the same exposure at an increased  
2262 premium.

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2263 8. No insurer may issue a nonrenewal notice on any  
2264 insurance contract or coverage, or require execution of a  
2265 consent to rate endorsement, for the purpose of offering to  
2266 issue, or issuing, a similar or identical contract or coverage  
2267 to the same insured at a higher premium rate or continuing an  
2268 existing contract or coverage at an increased premium without  
2269 meeting any applicable notice requirements.

2270 9. No insurer shall, with respect to premiums charged for  
2271 motor vehicle insurance, unfairly discriminate solely on the  
2272 basis of age, sex, marital status, or scholastic achievement.

2273 10. Imposing or requesting an additional premium for motor  
2274 vehicle comprehensive or uninsured motorist coverage solely  
2275 because the insured was involved in a motor vehicle accident or  
2276 was convicted of a moving traffic violation.

2277 11. No insurer shall cancel or issue a nonrenewal notice on  
2278 any insurance policy or contract without complying with any  
2279 applicable cancellation or nonrenewal provision required under  
2280 the Florida Insurance Code.

2281 12. No insurer shall impose or request an additional  
2282 premium, cancel a policy, or issue a nonrenewal notice on any  
2283 insurance policy or contract because of any traffic infraction  
2284 when adjudication has been withheld and no points have been  
2285 assessed pursuant to s. 318.14(9) and (10). However, this  
2286 subparagraph does not apply to traffic infractions involving  
2287 accidents in which the insurer has incurred a loss due to the  
2288 fault of the insured.

2289 Section 36. Paragraph (a) of subsection (1) of section  
2290 626.989, Florida Statutes, is amended to read:

2291 626.989 Investigation by department or Division of

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2292 Investigative and Forensic Services; compliance; immunity;  
2293 confidential information; reports to division; division  
2294 investigator's power of arrest.—

2295 (1) For the purposes of this section:

2296 (a) A person commits a "fraudulent insurance act" if the  
2297 person:

2298 1. Knowingly and with intent to defraud presents, causes to  
2299 be presented, or prepares with knowledge or belief that it will  
2300 be presented, to or by an insurer, self-insurer, self-insurance  
2301 fund, servicing corporation, purported insurer, broker, or any  
2302 agent thereof, any written statement as part of, or in support  
2303 of, an application for the issuance of, or the rating of, any  
2304 insurance policy, or a claim for payment or other benefit  
2305 pursuant to any insurance policy, which the person knows to  
2306 contain materially false information concerning any fact  
2307 material thereto or if the person conceals, for the purpose of  
2308 misleading another, information concerning any fact material  
2309 thereto.

2310 2. Knowingly submits:

2311 a. A false, misleading, or fraudulent application or other  
2312 document when applying for licensure as a health care clinic,  
2313 seeking an exemption from licensure as a health care clinic, or  
2314 demonstrating compliance with part X of chapter 400 with an  
2315 intent to use the license, exemption from licensure, or  
2316 demonstration of compliance to provide services or seek  
2317 reimbursement under a motor vehicle liability insurance policy's  
2318 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~  
2319 ~~Law~~.

2320 b. A claim for payment or other benefit under medical



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2321 ~~payments coverage, pursuant to a personal injury protection~~  
2322 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if  
2323 the person knows that the payee knowingly submitted a false,  
2324 misleading, or fraudulent application or other document when  
2325 applying for licensure as a health care clinic, seeking an  
2326 exemption from licensure as a health care clinic, or  
2327 demonstrating compliance with part X of chapter 400.

2328 Section 37. Subsection (1) of section 627.06501, Florida  
2329 Statutes, is amended to read:

2330 627.06501 Insurance discounts for certain persons  
2331 completing driver improvement course.—

2332 (1) Any rate, rating schedule, or rating manual for the  
2333 liability, medical payments, death benefit ~~personal injury~~  
2334 ~~protection~~, and collision coverages of a motor vehicle insurance  
2335 policy filed with the office may provide for an appropriate  
2336 reduction in premium charges as to such coverages if ~~when~~ the  
2337 principal operator on the covered vehicle has successfully  
2338 completed a driver improvement course approved and certified by  
2339 the Department of Highway Safety and Motor Vehicles which is  
2340 effective in reducing crash or violation rates, or both, as  
2341 determined pursuant to s. 318.1451(5). Any discount, not to  
2342 exceed 10 percent, used by an insurer is presumed to be  
2343 appropriate unless credible data demonstrates otherwise.

2344 Section 38. Subsection (15) is added to section 627.0651,  
2345 Florida Statutes, to read:

2346 627.0651 Making and use of rates for motor vehicle  
2347 insurance.—

2348 (15) Rate filings for motor vehicle liability policies that  
2349 implement the financial responsibility requirements of s.

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2350 324.022 in effect January 1, 2022, except for commercial motor  
2351 vehicle insurance policies exempt under paragraph (14) (a), must  
2352 reflect such financial responsibility requirements and may be  
2353 approved only through the file and use process under paragraph  
2354 (1) (a).

2355 Section 39. Subsection (1) of section 627.0652, Florida  
2356 Statutes, is amended to read:

2357 627.0652 Insurance discounts for certain persons completing  
2358 safety course.—

2359 (1) Any rates, rating schedules, or rating manuals for the  
2360 liability, medical payments, death benefit ~~personal injury~~  
2361 ~~protection~~, and collision coverages of a motor vehicle insurance  
2362 policy filed with the office must ~~shall~~ provide for an  
2363 appropriate reduction in premium charges as to such coverages if  
2364 ~~when~~ the principal operator on the covered vehicle is an insured  
2365 55 years of age or older who has successfully completed a motor  
2366 vehicle accident prevention course approved by the Department of  
2367 Highway Safety and Motor Vehicles. Any discount used by an  
2368 insurer is presumed to be appropriate unless credible data  
2369 demonstrates otherwise.

2370 Section 40. Subsections (1), (3), and (6) of section  
2371 627.0653, Florida Statutes, are amended to read:

2372 627.0653 Insurance discounts for specified motor vehicle  
2373 equipment.—

2374 (1) Any rates, rating schedules, or rating manuals for the  
2375 liability, medical payments, death benefit ~~personal injury~~  
2376 ~~protection~~, and collision coverages of a motor vehicle insurance  
2377 policy filed with the office must ~~shall~~ provide a premium  
2378 discount if the insured vehicle is equipped with factory-

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2379 installed, four-wheel antilock brakes.

2380 (3) Any rates, rating schedules, or rating manuals for  
2381 ~~personal injury protection coverage and~~ medical payments  
2382 coverage, ~~if offered,~~ of a motor vehicle insurance policy filed  
2383 with the office must ~~shall~~ provide a premium discount if the  
2384 insured vehicle is equipped with one or more air bags that ~~which~~  
2385 are factory installed.

2386 (6) The Office of Insurance Regulation may approve a  
2387 premium discount to any rates, rating schedules, or rating  
2388 manuals for the liability, medical payments, death benefit  
2389 ~~personal injury protection,~~ and collision coverages of a motor  
2390 vehicle insurance policy filed with the office if the insured  
2391 vehicle is equipped with an automated driving system or  
2392 electronic vehicle collision avoidance technology that is  
2393 factory installed or a retrofitted system and that complies with  
2394 National Highway Traffic Safety Administration standards.

2395 Section 41. Section 627.4132, Florida Statutes, is amended  
2396 to read:

2397 627.4132 Stacking of coverages prohibited.—If an insured or  
2398 named insured is protected by any type of motor vehicle  
2399 insurance policy for bodily injury and property damage  
2400 liability, ~~personal injury protection, or other coverage,~~ the  
2401 policy must ~~shall~~ provide that the insured or named insured is  
2402 protected only to the extent of the coverage she or he has on  
2403 the vehicle involved in the accident. However, if none of the  
2404 insured's or named insured's vehicles are ~~is~~ involved in the  
2405 accident, coverage is available only to the extent of coverage  
2406 on any one of the vehicles with applicable coverage. Coverage on  
2407 any other vehicles may ~~shall~~ not be added to or stacked upon

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2408 that coverage. This section does not ~~apply~~:

2409 (1) Apply to uninsured motorist coverage that ~~which~~ is  
2410 separately governed by s. 627.727.

2411 (2) ~~To~~ Reduce the coverage available by reason of insurance  
2412 policies insuring different named insureds.

2413 Section 42. Subsection (1) of section 627.4137, Florida  
2414 Statutes, is amended to read:

2415 627.4137 Disclosure of certain information required.—

2416 (1) Each insurer which does or may provide liability  
2417 insurance coverage to pay all or a portion of any claim which  
2418 might be made shall provide, within 30 days of the written  
2419 request of the claimant or the claimant's attorney, a statement,  
2420 under oath, of a corporate officer or the insurer's claims  
2421 manager or superintendent setting forth the following  
2422 information with regard to each known policy of insurance,  
2423 including excess or umbrella insurance:

2424 (a) The name of the insurer.

2425 (b) The name of each insured.

2426 (c) The limits of the liability coverage.

2427 (d) A statement of any policy or coverage defense which  
2428 such insurer reasonably believes is available to such insurer at  
2429 the time of filing such statement.

2430 (e) A copy of the policy.

2431  
2432 In addition, the insured, or her or his insurance agent, upon  
2433 written request of the claimant or the claimant's attorney,  
2434 shall disclose the name and coverage of each known insurer to  
2435 the claimant and shall forward such request for information as  
2436 required by this subsection to all affected insurers. The

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2437 insurer shall then supply the information required in this  
2438 subsection to the claimant within 30 days of receipt of such  
2439 request. If an insurer fails to timely comply with this section,  
2440 the claimant may file an action in a court of competent  
2441 jurisdiction to enforce this section. If the court determines  
2442 that the insurer violated this section, the claimant is entitled  
2443 to an award of reasonable attorney fees and costs to be paid by  
2444 the insurer.

2445 Section 43. Section 627.7263, Florida Statutes, is amended  
2446 to read:

2447 627.7263 Rental and leasing driver's insurance to be  
2448 primary; exception.—

2449 (1) The valid and collectible liability insurance, death  
2450 benefit coverage, and medical payments coverage ~~or personal~~  
2451 ~~injury protection insurance providing coverage~~ for the lessor of  
2452 a motor vehicle for rent or lease is primary unless otherwise  
2453 stated in at least 10-point type on the face of the rental or  
2454 lease agreement. Such insurance is primary for the limits of  
2455 liability and ~~personal injury protection~~ coverage as required by  
2456 s. 324.021(7), the death benefit coverage limit specified under  
2457 s. 627.72761, and the medical payments coverage limit specified  
2458 under s. 627.7265 ~~ss. 324.021(7) and 627.736.~~

2459 (2) If the lessee's coverage is to be primary, the rental  
2460 or lease agreement must contain the following language, in at  
2461 least 10-point type:

2462  
2463 "The valid and collectible liability insurance, death  
2464 benefit coverage, and medical payments coverage  
2465 ~~personal injury protection insurance~~ of an any

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2466 authorized rental or leasing driver is primary for the  
2467 limits of liability ~~and personal injury protection~~  
2468 coverage required under section 324.021(7), Florida  
2469 Statutes, the limit of the death benefit coverage  
2470 required under section 627.72761, Florida Statutes,  
2471 and the medical payments coverage limit specified  
2472 under section 627.7265 by ss. 324.021(7) and 627.736,  
2473 Florida Statutes."

2474 Section 44. Section 627.7265, Florida Statutes, is created  
2475 to read:

2476 627.7265 Motor vehicle insurance; medical payments  
2477 coverage.—

2478 (1) Medical payments coverage must protect the named  
2479 insured, resident relatives, persons operating the insured motor  
2480 vehicle, passengers in the insured motor vehicle, and persons  
2481 who are struck by the insured motor vehicle and suffer bodily  
2482 injury while not an occupant of a self-propelled motor vehicle  
2483 at a limit of at least \$5,000 for medical expenses incurred due  
2484 to bodily injury, sickness, or disease arising out of the  
2485 ownership, maintenance, or use of a motor vehicle. The coverage  
2486 must provide an additional death benefit of at least \$5,000.

2487 (a) Before issuing a motor vehicle liability insurance  
2488 policy that is furnished as proof of financial responsibility  
2489 under s. 324.031, the insurer must offer medical payments  
2490 coverage at limits of \$5,000 and \$10,000. The insurer may also  
2491 offer medical payments coverage at any limit greater than  
2492 \$5,000.

2493 (b) The insurer must offer medical payments coverage with  
2494 no deductible. The insurer may also offer medical payments

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2495 coverage with a deductible not to exceed \$500.

2496 (c) Each motor vehicle liability insurance policy furnished  
2497 as proof of financial responsibility under s. 324.031 is deemed  
2498 to have:

2499 1. Medical payments coverage to a limit of \$10,000, unless  
2500 the insurer obtains a named insured's written refusal of medical  
2501 payments coverage or written selection of medical payments  
2502 coverage at a limit other than \$10,000. The rejection or  
2503 selection of coverage at a limit other than \$10,000 must be made  
2504 on a form approved by the office.

2505 2. No medical payments coverage deductible, unless the  
2506 insurer obtains a named insured's written selection of a  
2507 deductible up to \$500. The selection of a deductible must be  
2508 made on a form approved by the office.

2509 (d)1. The forms referenced in subparagraphs (c)1. and 2.  
2510 must fully advise the applicant of the nature of the coverage  
2511 being rejected or the policy limit or deductible being selected.  
2512 If the form is signed by a named insured, it is conclusively  
2513 presumed that there was an informed, knowing rejection of the  
2514 coverage or election of the policy limit or deductible.

2515 2. Unless a named insured requests in writing the coverage  
2516 specified in this section, it need not be provided in or  
2517 supplemental to any other policy that renews, insures, extends,  
2518 changes, supersedes, or replaces an existing policy if a named  
2519 insured has rejected the coverage specified in this section or  
2520 has selected an alternative coverage limit or deductible. At  
2521 least annually, the insurer shall provide to the named insured a  
2522 notice of the availability of such coverage in a form approved  
2523 by the office. The notice must be part of, and attached to, the

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2524 notice of premium and must provide for a means to allow a named  
2525 insured to request medical payments coverage at the limits and  
2526 deductibles required to be offered under this section. The  
2527 notice must be given in a manner approved by the office. Receipt  
2528 of this notice does not constitute an affirmative waiver of the  
2529 insured's right to medical payments coverage if a named insured  
2530 has not signed a selection or rejection form.

2531 (e) This section may not be construed to limit any other  
2532 coverage made available by an insurer.

2533 (2) Upon receiving notice of an accident that is  
2534 potentially covered by medical payments coverage benefits, the  
2535 insurer must reserve \$5,000 of medical payments coverage  
2536 benefits for payment to physicians licensed under chapter 458 or  
2537 chapter 459 or dentists licensed under chapter 466 who provide  
2538 emergency services and care, as defined in s. 395.002, or who  
2539 provide hospital inpatient care. The amount required to be held  
2540 in reserve may be used only to pay claims from such physicians  
2541 or dentists until 30 days after the date the insurer receives  
2542 notice of the accident. After the 30-day period, any amount of  
2543 the reserve for which the insurer has not received notice of  
2544 such claims may be used by the insurer to pay other claims. This  
2545 subsection does not require an insurer to establish a claim  
2546 reserve for insurance accounting purposes.

2547 (3) An insurer providing medical payments coverage benefits  
2548 may not:

2549 (a) Seek a lien on any recovery in tort by judgment,  
2550 settlement, or otherwise for medical payments coverage benefits,  
2551 regardless of whether suit has been filed or settlement has been  
2552 reached without suit; or



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2553 (b) Bring a cause of action against a person to whom or for  
2554 whom medical payments coverage benefits were paid, except when  
2555 medical payments coverage benefits were paid by reason of fraud  
2556 committed by that person.

2557 (4) An insurer providing medical payments coverage may  
2558 include provisions in its policy allowing for subrogation for  
2559 medical payments coverage benefits paid if the expenses giving  
2560 rise to the payments were caused by the wrongful act or omission  
2561 of another who is not also an insured under the policy paying  
2562 the medical payments coverage benefits. However, this  
2563 subrogation right is inferior to the rights of the injured  
2564 insured and is available only after all the insured's damages  
2565 are recovered and the insured is made whole. An insured who  
2566 obtains a recovery from a third party of the full amount of the  
2567 damages sustained and delivers a release or satisfaction that  
2568 impairs a medical payments insurer's subrogation right is liable  
2569 to the insurer for repayment of medical payments coverage  
2570 benefits less any expenses of acquiring the recovery, including  
2571 a prorated share of attorney fees and costs, and shall hold that  
2572 net recovery in trust to be delivered to the medical payments  
2573 insurer. The insurer may not include any provision in its policy  
2574 allowing for subrogation for any death benefit paid.

2575 Section 45. Subsections (1) and (7) of section 627.727,  
2576 Florida Statutes, are amended to read:

2577 627.727 Motor vehicle insurance; uninsured and underinsured  
2578 vehicle coverage; insolvent insurer protection.—

2579 (1) A ~~No~~ motor vehicle liability insurance policy that  
2580 ~~which~~ provides bodily injury liability coverage may not shall be  
2581 delivered or issued for delivery in this state with respect to

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2582 any specifically insured or identified motor vehicle registered  
2583 or principally garaged in this state, unless uninsured motor  
2584 vehicle coverage is provided therein or supplemental thereto for  
2585 the protection of persons insured thereunder who are legally  
2586 entitled to recover damages from owners or operators of  
2587 uninsured motor vehicles because of bodily injury, sickness, or  
2588 disease, including death, resulting therefrom. However, the  
2589 coverage required under this section is not applicable if ~~when~~,  
2590 or to the extent that, an insured named in the policy makes a  
2591 written rejection of the coverage on behalf of all insureds  
2592 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~  
2593 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms  
2594 of the lease contract, provides liability coverage on the leased  
2595 vehicle, the lessee of such vehicle has ~~shall have~~ the sole  
2596 privilege to reject uninsured motorist coverage or to select  
2597 lower limits than the bodily injury liability limits, regardless  
2598 of whether the lessor is qualified as a self-insurer pursuant to  
2599 s. 324.171. Unless an insured, or a lessee having the privilege  
2600 of rejecting uninsured motorist coverage, requests such coverage  
2601 or requests higher uninsured motorist limits in writing, the  
2602 coverage or such higher uninsured motorist limits need not be  
2603 provided in or supplemental to any other policy that ~~which~~  
2604 renews, extends, changes, supersedes, or replaces an existing  
2605 policy with the same bodily injury liability limits when an  
2606 insured or lessee had rejected the coverage. When an insured or  
2607 lessee has initially selected limits of uninsured motorist  
2608 coverage lower than her or his bodily injury liability limits,  
2609 higher limits of uninsured motorist coverage need not be  
2610 provided in or supplemental to any other policy that ~~which~~

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2611 renews, extends, changes, supersedes, or replaces an existing  
2612 policy with the same bodily injury liability limits unless an  
2613 insured requests higher uninsured motorist coverage in writing.  
2614 The rejection or selection of lower limits must ~~shall~~ be made on  
2615 a form approved by the office. The form must ~~shall~~ fully advise  
2616 the applicant of the nature of the coverage and must ~~shall~~ state  
2617 that the coverage is equal to bodily injury liability limits  
2618 unless lower limits are requested or the coverage is rejected.  
2619 The heading of the form must ~~shall~~ be in 12-point bold type and  
2620 must ~~shall~~ state: "You are electing not to purchase certain  
2621 valuable coverage that ~~which~~ protects you and your family or you  
2622 are purchasing uninsured motorist limits less than your bodily  
2623 injury liability limits when you sign this form. Please read  
2624 carefully." If this form is signed by a named insured, it will  
2625 be conclusively presumed that there was an informed, knowing  
2626 rejection of coverage or election of lower limits on behalf of  
2627 all insureds. The insurer shall notify the named insured at  
2628 least annually of her or his options as to the coverage required  
2629 by this section. Such notice must ~~shall~~ be part of, and attached  
2630 to, the notice of premium, must ~~shall~~ provide for a means to  
2631 allow the insured to request such coverage, and must ~~shall~~ be  
2632 given in a manner approved by the office. Receipt of this notice  
2633 does not constitute an affirmative waiver of the insured's right  
2634 to uninsured motorist coverage if ~~where~~ the insured has not  
2635 signed a selection or rejection form. The coverage described  
2636 under this section must ~~shall~~ be over and above, but may ~~shall~~  
2637 not duplicate, the benefits available to an insured under any  
2638 workers' compensation law, ~~personal injury protection benefits,~~  
2639 disability benefits law, or similar law; under any automobile

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2640 medical payments ~~expense~~ coverage; under any motor vehicle  
2641 liability insurance coverage; or from the owner or operator of  
2642 the uninsured motor vehicle or any other person or organization  
2643 jointly or severally liable together with such owner or operator  
2644 for the accident,~~r~~ and such coverage must ~~shall~~ cover the  
2645 difference, if any, between the sum of such benefits and the  
2646 damages sustained, up to the maximum amount of such coverage  
2647 provided under this section. The amount of coverage available  
2648 under this section may ~~shall~~ not be reduced by a setoff against  
2649 any coverage, including liability insurance. Such coverage does  
2650 ~~shall~~ not inure directly or indirectly to the benefit of any  
2651 workers' compensation or disability benefits carrier or any  
2652 person or organization qualifying as a self-insurer under any  
2653 workers' compensation or disability benefits law or similar law.

2654 (7) The legal liability of an uninsured motorist coverage  
2655 insurer includes ~~does not include~~ damages in tort for pain,  
2656 suffering, disability or physical impairment, disfigurement,  
2657 mental anguish, and inconvenience, and the loss of capacity for  
2658 the enjoyment of life experienced in the past and to be  
2659 experienced in the future ~~unless the injury or disease is~~  
2660 ~~described in one or more of paragraphs (a)–(d) of s. 627.737(2).~~

2661 Section 46. Section 627.7275, Florida Statutes, is amended  
2662 to read:

2663 627.7275 Required coverages in motor vehicle insurance  
2664 policies; availability to certain applicants liability.–

2665 (1) A motor vehicle insurance policy ~~providing personal~~  
2666 ~~injury protection as set forth in s. 627.736~~ may not be  
2667 delivered or issued for delivery in this state for a ~~with~~  
2668 ~~respect to any~~ specifically insured or identified motor vehicle

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2669 registered or principally garaged in this state must provide  
2670 bodily injury liability coverage and ~~unless the policy also~~  
2671 ~~provides coverage for~~ property damage liability coverage as  
2672 required under ~~by~~ s. 324.022 and s. 324.151 and the death  
2673 benefit required under s. 627.72761.

2674 (2) (a) Insurers writing motor vehicle insurance in this  
2675 state shall make available, subject to the insurers' usual  
2676 underwriting restrictions:

2677 1. Coverage under policies as described in subsection (1)  
2678 to an applicant for private passenger motor vehicle insurance  
2679 coverage who is seeking the coverage in order to reinstate the  
2680 applicant's driving privileges in this state if the driving  
2681 privileges were revoked or suspended pursuant to s. 316.646 or  
2682 s. 324.0221 due to the failure of the applicant to maintain  
2683 required security.

2684 2. Coverage under policies as described in subsection (1),  
2685 which includes bodily injury ~~also provides~~ liability coverage  
2686 and property damage liability coverage, ~~for bodily injury,~~  
2687 ~~death, and property damage arising out of the ownership,~~  
2688 ~~maintenance, or use of the motor vehicle in an amount not less~~  
2689 ~~than the~~ minimum limits required under ~~described in~~ s.  
2690 324.021(7) or s. 324.023 and which conforms to the requirements  
2691 of s. 324.151, to an applicant for private passenger motor  
2692 vehicle insurance coverage who is seeking the coverage in order  
2693 to reinstate the applicant's driving privileges in this state  
2694 after such privileges were revoked or suspended under s. 316.193  
2695 or s. 322.26(2) for driving under the influence.

2696 (b) The policies described in paragraph (a) must ~~shall~~ be  
2697 issued for at least 6 months and, as to the minimum coverages

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2698 required under this section, may not be canceled by the insured  
2699 for any reason or by the insurer after 60 days, during which  
2700 period the insurer is completing the underwriting of the policy.  
2701 After the insurer has completed underwriting the policy, the  
2702 insurer shall notify the Department of Highway Safety and Motor  
2703 Vehicles that the policy is in full force and effect and is not  
2704 cancelable for the remainder of the policy period. A premium  
2705 must ~~shall~~ be collected and the coverage is in effect for the  
2706 60-day period during which the insurer is completing the  
2707 underwriting of the policy, whether or not the person's driver  
2708 license, motor vehicle tag, and motor vehicle registration are  
2709 in effect. Once the noncancelable provisions of the policy  
2710 become effective, the bodily injury liability and property  
2711 damage liability coverages ~~for bodily injury, property damage,~~  
2712 ~~and personal injury protection~~ may not be reduced below the  
2713 minimum limits required under s. 324.021 or s. 324.023 during  
2714 the policy period.

2715 (c) This subsection controls to the extent of any conflict  
2716 with any other section.

2717 (d) An insurer issuing a policy subject to this section may  
2718 cancel the policy if, during the policy term, the named insured,  
2719 or any other operator who resides in the same household or  
2720 customarily operates an automobile insured under the policy, has  
2721 his or her driver license suspended or revoked.

2722 (e) This subsection does not require an insurer to offer a  
2723 policy of insurance to an applicant if such offer would be  
2724 inconsistent with the insurer's underwriting guidelines and  
2725 procedures.

2726 Section 47. Section 627.72761, Florida Statutes, is created

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2727 to read:

2728 627.72761 Required motor vehicle death benefit coverage.—An  
2729 insurance policy complying with the financial responsibility  
2730 requirements of s. 324.022 must provide a death benefit of  
2731 \$5,000 per deceased individual upon the death of the named  
2732 insured, relatives residing in the same household, persons  
2733 operating the insured motor vehicle, passengers in the motor  
2734 vehicle, and other persons struck by the motor vehicle and  
2735 suffering bodily injury while not an occupant of a self-  
2736 propelled motor vehicle when such death arises out of the  
2737 ownership, maintenance, or use of a motor vehicle. The insurer  
2738 may pay death benefits to the executor or administrator of the  
2739 deceased individual; to any of the deceased individual's  
2740 relatives by blood, legal adoption, or marriage; or to any  
2741 person appearing to the insurer to be equitably entitled to such  
2742 benefits. The benefit may not be paid if the deceased individual  
2743 died as a result of causing injury or death to himself or  
2744 herself intentionally, or because of injuries or death incurred  
2745 while committing a felony.

2746 Section 48. Effective upon this act becoming a law, section  
2747 627.7278, Florida Statutes, is created to read:

2748 627.7278 Applicability and construction; notice to  
2749 policyholders.—

2750 (1) As used in this section, the term "minimum security  
2751 requirements" means security that enables a person to respond in  
2752 damages for liability on account of crashes arising out of the  
2753 ownership, maintenance, or use of a motor vehicle, in the  
2754 amounts required by s. 324.022(1), as amended by this act.

2755 (2) Effective January 1, 2022:

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2756 (a) Motor vehicle insurance policies issued or renewed on  
2757 or after that date may not include personal injury protection.

2758 (b) All persons subject to s. 324.022, s. 324.032, s.  
2759 627.7415, or s. 627.742 must maintain at least minimum security  
2760 requirements.

2761 (c) Any new or renewal motor vehicle insurance policy  
2762 delivered or issued for delivery in this state must provide  
2763 coverage that complies with minimum security requirements and  
2764 provides the death benefit set forth in s. 627.72761.

2765 (d) An existing motor vehicle insurance policy issued  
2766 before that date which provides personal injury protection and  
2767 property damage liability coverage that meets the requirements  
2768 of s. 324.022 on December 31, 2021, but which does not meet  
2769 minimum security requirements on or after January 1, 2022, is  
2770 deemed to meet minimum security requirements until such policy  
2771 is renewed, nonrenewed, or canceled on or after January 1, 2022.  
2772 Sections 400.9905, 400.991, 456.057, 456.072, 626.9541(1)(i),  
2773 627.7263, 627.727, 627.730-627.7405, 627.748, and 817.234,  
2774 Florida Statutes 2020, remain in full force and effect for motor  
2775 vehicle accidents covered under a policy issued under the  
2776 Florida Motor Vehicle No-Fault Law before January 1, 2022, until  
2777 the policy is renewed, nonrenewed, or canceled on or after  
2778 January 1, 2022.

2779 (3) Each insurer shall allow each insured who has a new or  
2780 renewal policy providing personal injury protection which  
2781 becomes effective before January 1, 2022, and whose policy does  
2782 not meet minimum security requirements on or after January 1,  
2783 2022, to change coverages so as to eliminate personal injury  
2784 protection and obtain coverage providing minimum security



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2785 requirements and the death benefit set forth in s. 627.72761,  
2786 which shall be effective on or after January 1, 2022. The  
2787 insurer is not required to provide coverage complying with  
2788 minimum security requirements and the death benefit set forth in  
2789 s. 627.72761 in such policies if the insured does not pay the  
2790 required premium, if any, by January 1, 2022, or such later date  
2791 as the insurer may allow. The insurer also shall offer each  
2792 insured medical payments coverage pursuant to s. 627.7265. Any  
2793 reduction in the premium must be refunded by the insurer. The  
2794 insurer may not impose on the insured an additional fee or  
2795 charge that applies solely to a change in coverage; however, the  
2796 insurer may charge an additional required premium that is  
2797 actuarially indicated.

2798 (4) By September 1, 2021, each motor vehicle insurer shall  
2799 provide notice of this section to each motor vehicle  
2800 policyholder who is subject to this section. The notice is  
2801 subject to approval by the office and must clearly inform the  
2802 policyholder that:

2803 (a) The Florida Motor Vehicle No-Fault Law is repealed  
2804 effective January 1, 2022, and that on or after that date, the  
2805 insured is no longer required to maintain personal injury  
2806 protection insurance coverage, that personal injury protection  
2807 coverage is no longer available for purchase in this state, and  
2808 that all new or renewal policies issued on or after that date  
2809 will not contain that coverage.

2810 (b) Effective January 1, 2022, a person subject to the  
2811 financial responsibility requirements of s. 324.022 must:

2812 1. Maintain minimum security requirements that enable the  
2813 person to respond to damages for liability on account of

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2814 accidents arising out of the use of a motor vehicle in the  
2815 following amounts:

2816 a. Twenty-five thousand dollars for bodily injury to, or  
2817 the death of, one person in any one crash and, subject to such  
2818 limits for one person, in the amount of \$50,000 for bodily  
2819 injury to, or the death of, two or more persons in any one  
2820 crash; and

2821 b. Ten thousand dollars for damage to, or destruction of,  
2822 the property of others in any one crash.

2823 2. Purchase a death benefit pursuant to s. 627.72761  
2824 providing coverage in the amount of \$5,000 per deceased  
2825 individual upon the death of the named insured, relatives  
2826 residing in the same household, persons operating the insured  
2827 motor vehicle, passengers in the motor vehicle, and other  
2828 persons struck by the motor vehicle and suffering bodily injury  
2829 while not an occupant of a self-propelled motor vehicle, when  
2830 such death arises out of the ownership, maintenance, or use of a  
2831 motor vehicle.

2832 (c) Bodily injury liability coverage protects the insured,  
2833 up to the coverage limits, against loss if the insured is  
2834 legally responsible for the death of or bodily injury to others  
2835 in a motor vehicle accident.

2836 (d) Effective January 1, 2022, each policyholder of motor  
2837 vehicle liability insurance purchased as proof of financial  
2838 responsibility must be offered medical payments coverage  
2839 benefits that comply with s. 627.7265. The insurer must offer  
2840 medical payments coverage at limits of \$5,000 and \$10,000  
2841 without a deductible. The insurer may also offer medical  
2842 payments coverage at other limits greater than \$5,000 and may

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2843 offer coverage with a deductible of up to \$500. Medical payments  
2844 coverage pays covered medical expenses incurred due to bodily  
2845 injury, sickness, or disease arising out of the ownership,  
2846 maintenance, or use of the motor vehicle, up to the limits of  
2847 such coverage, for injuries sustained in a motor vehicle crash  
2848 by the named insured, resident relatives, any persons operating  
2849 the insured motor vehicle, passengers in the insured motor  
2850 vehicle, and persons who are struck by the insured motor vehicle  
2851 and suffer bodily injury while not an occupant of a self-  
2852 propelled motor vehicle as provided in s. 627.7265. Medical  
2853 payments coverage also provides a death benefit of at least  
2854 \$5,000.

2855 (e) The policyholder may obtain uninsured and underinsured  
2856 motorist coverage that provides benefits, up to the limits of  
2857 such coverage, to a policyholder or other insured entitled to  
2858 recover damages for bodily injury, sickness, disease, or death  
2859 resulting from a motor vehicle accident with an uninsured or  
2860 underinsured owner or operator of a motor vehicle.

2861 (f) If the policyholder's new or renewal motor vehicle  
2862 insurance policy is effective before January 1, 2022, and  
2863 contains personal injury protection and property damage  
2864 liability coverage as required by state law before January 1,  
2865 2022, but does not meet minimum security requirements on or  
2866 after January 1, 2022, the policy is deemed to meet minimum  
2867 security requirements and need not provide the death benefit set  
2868 forth in s. 627.72761 until it is renewed, nonrenewed, or  
2869 canceled on or after January 1, 2022.

2870 (g) A policyholder whose new or renewal policy becomes  
2871 effective before January 1, 2022, but does not meet minimum

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2872 security requirements on or after January 1, 2022, may change  
2873 coverages under the policy so as to eliminate personal injury  
2874 protection and to obtain coverage providing minimum security  
2875 requirements, including bodily injury liability coverage and the  
2876 death benefit set forth in s. 627.72761, which are effective on  
2877 or after January 1, 2022.

2878 (h) If the policyholder has any questions, he or she should  
2879 contact the person named at the telephone number provided in the  
2880 notice.

2881 Section 49. Paragraph (a) of subsection (1) of section  
2882 627.728, Florida Statutes, is amended to read:

2883 627.728 Cancellations; nonrenewals.—

2884 (1) As used in this section, the term:

2885 (a) "Policy" means the bodily injury and property damage  
2886 liability, ~~personal injury protection~~, medical payments, death  
2887 benefit, comprehensive, collision, and uninsured motorist  
2888 coverage portions of a policy of motor vehicle insurance  
2889 delivered or issued for delivery in this state:

2890 1. Insuring a natural person as named insured or one or  
2891 more related individuals who are residents ~~resident~~ of the same  
2892 household; and

2893 2. Insuring only a motor vehicle of the private passenger  
2894 type or station wagon type which is not used as a public or  
2895 livery conveyance for passengers or rented to others; or  
2896 insuring any other four-wheel motor vehicle having a load  
2897 capacity of 1,500 pounds or less which is not used in the  
2898 occupation, profession, or business of the insured other than  
2899 farming; other than any policy issued under an automobile  
2900 insurance assigned risk plan or covering garage, automobile

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2901 sales agency, repair shop, service station, or public parking  
2902 place operation hazards.

2903

2904 The term "policy" does not include a binder as defined in s.  
2905 627.420 unless the duration of the binder period exceeds 60  
2906 days.

2907 Section 50. Subsection (1), paragraph (a) of subsection  
2908 (5), and subsections (6) and (7) of section 627.7295, Florida  
2909 Statutes, are amended to read:

2910 627.7295 Motor vehicle insurance contracts.—

2911 (1) As used in this section, the term:

2912 (a) "Policy" means a motor vehicle insurance policy that  
2913 provides death benefit coverage under s. 627.72761, bodily  
2914 injury liability ~~personal injury protection coverage, and~~  
2915 property damage liability coverage, ~~or both~~.

2916 (b) "Binder" means a binder that provides motor vehicle  
2917 death benefit coverage under s. 627.72761, bodily injury  
2918 liability coverage, ~~personal injury protection~~ and property  
2919 damage liability coverage.

2920 (5) (a) A licensed general lines agent may charge a per-  
2921 policy fee of up to ~~not to exceed~~ \$10 to cover the  
2922 administrative costs of the agent associated with selling the  
2923 motor vehicle insurance policy if the policy covers only the  
2924 death benefit coverage set forth in s. 627.72761, bodily injury  
2925 liability coverage, ~~personal injury protection coverage as~~  
2926 ~~provided by s. 627.736~~ and property damage liability coverage as  
2927 provided by s. 627.7275 and if no other insurance is sold or  
2928 issued in conjunction with or collateral to the policy. The fee  
2929 is not ~~considered~~ part of the premium.

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2930 (6) If a motor vehicle owner's driver license, license  
2931 plate, and registration have previously been suspended pursuant  
2932 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy  
2933 only as provided in s. 627.7275.

2934 (7) A policy of private passenger motor vehicle insurance  
2935 or a binder for such a policy may be initially issued in this  
2936 state only if, before the effective date of such binder or  
2937 policy, the insurer or agent has collected from the insured an  
2938 amount equal to at least 1 month's premium. An insurer, agent,  
2939 or premium finance company may not, directly or indirectly, take  
2940 any action that results ~~resulting~~ in the insured paying ~~having~~  
2941 ~~paid~~ from the insured's own funds an amount less than the 1  
2942 month's premium required by this subsection. This subsection  
2943 applies without regard to whether the premium is financed by a  
2944 premium finance company or is paid pursuant to a periodic  
2945 payment plan of an insurer or an insurance agent.

2946 (a) This subsection does not apply:

2947 1. If an insured or member of the insured's family is  
2948 renewing or replacing a policy or a binder for such policy  
2949 written by the same insurer or a member of the same insurer  
2950 group. ~~This subsection does not apply~~

2951 2. To an insurer that issues private passenger motor  
2952 vehicle coverage primarily to active duty or former military  
2953 personnel or their dependents. ~~This subsection does not apply~~

2954 3. If all policy payments are paid pursuant to a payroll  
2955 deduction plan, an automatic electronic funds transfer payment  
2956 plan from the policyholder, or a recurring credit card or debit  
2957 card agreement with the insurer.

2958 (b) This subsection and subsection (4) do not apply if:

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2959       1. All policy payments to an insurer are paid pursuant to  
2960 an automatic electronic funds transfer payment plan from an  
2961 agent, a managing general agent, or a premium finance company  
2962 and if the policy includes, at a minimum, the death benefit  
2963 coverage set forth in s. 627.72761, bodily injury liability  
2964 coverage, and ~~personal injury protection pursuant to ss.~~  
2965 ~~627.730-627.7405; motor vehicle property damage liability~~  
2966 coverage pursuant to s. 627.7275; or ~~and bodily injury liability~~  
2967 ~~in at least the amount of \$10,000 because of bodily injury to,~~  
2968 ~~or death of, one person in any one accident and in the amount of~~  
2969 ~~\$20,000 because of bodily injury to, or death of, two or more~~  
2970 ~~persons in any one accident. This subsection and subsection (4)~~  
2971 ~~do not apply if~~

2972       2. An insured has had a policy in effect for at least 6  
2973 months, the insured's agent is terminated by the insurer that  
2974 issued the policy, and the insured obtains coverage on the  
2975 policy's renewal date with a new company through the terminated  
2976 agent.

2977       Section 51. Section 627.7415, Florida Statutes, is amended  
2978 to read:

2979       627.7415 Commercial motor vehicles; additional liability  
2980 insurance coverage.—Beginning January 1, 2022, commercial motor  
2981 vehicles, as defined in s. 207.002 or s. 320.01, operated upon  
2982 the roads and highways of this state must ~~shall~~ be insured with  
2983 the following minimum levels of combined bodily liability  
2984 insurance and property damage liability insurance in addition to  
2985 any other insurance requirements:

2986       (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a  
2987 commercial motor vehicle with a gross vehicle weight of 26,000

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2988 pounds or more, but less than 35,000 pounds.

2989 (2) One hundred twenty thousand dollars per occurrence for  
2990 a commercial motor vehicle with a gross vehicle weight of 35,000  
2991 pounds or more, but less than 44,000 pounds.

2992 (3) Three hundred thousand dollars per occurrence for a  
2993 commercial motor vehicle with a gross vehicle weight of 44,000  
2994 pounds or more.

2995 (4) All commercial motor vehicles subject to regulations of  
2996 the United States Department of Transportation, 49 C.F.R. part  
2997 387, subpart A, and as may be hereinafter amended, shall be  
2998 insured in an amount equivalent to the minimum levels of  
2999 financial responsibility as set forth in such regulations.

3000  
3001 A violation of this section is a noncriminal traffic infraction,  
3002 punishable as a nonmoving violation as provided in chapter 318.

3003 Section 52. Section 627.747, Florida Statutes, is created  
3004 to read:

3005 627.747 Named driver exclusion.—

3006 (1) A private passenger motor vehicle policy may exclude  
3007 the following coverages for all claims or suits resulting from  
3008 the operation of a motor vehicle by an identified individual who  
3009 is not a named insured, provided that the identified individual  
3010 is specifically excluded by name on the declarations page or by  
3011 endorsement and the policyholder consents in writing to the  
3012 exclusion:

3013 (a) Property damage liability coverage.

3014 (b) Bodily injury liability coverage.

3015 (c) Death benefit coverage under s. 627.72761, for the  
3016 death of the identified excluded individual.



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3017 (d) Uninsured motorist coverage for any damages sustained  
3018 by the identified excluded individual, if the policyholder has  
3019 purchased such coverage.

3020 (e) Medical payments coverage for any injuries sustained by  
3021 the identified excluded individual, if the policyholder has  
3022 purchased such coverage.

3023 (f) Any coverage the policyholder is not required by law to  
3024 purchase.

3025 (2) A private passenger motor vehicle policy may not  
3026 exclude coverage when:

3027 (a) The identified excluded individual is injured while not  
3028 operating a motor vehicle;

3029 (b) The exclusion is unfairly discriminatory under the  
3030 Florida Insurance Code, as determined by the office; or

3031 (c) The exclusion is inconsistent with the underwriting  
3032 rules filed by the insurer pursuant to s. 627.0651(13) (a).

3033 (3) A driver excluded pursuant to this section must  
3034 establish, maintain, and show proof of financial ability to  
3035 respond for damages arising out of ownership, maintenance, or  
3036 use of a motor vehicle as required by chapter 324.

3037 (4) An identified excluded individual's failure to comply  
3038 with subsection (3) does not invalidate a properly executed  
3039 exclusion issued in compliance with subsections (1) and (2).

3040 Section 53. Paragraphs (b), (c), and (g) of subsection (7),  
3041 paragraphs (a) and (b) of subsection (8), and paragraph (b) of  
3042 subsection (16) of section 627.748, Florida Statutes, are  
3043 amended to read:

3044 627.748 Transportation network companies.—

3045 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE

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3046 REQUIREMENTS.—

3047 (b) The following automobile insurance requirements apply  
3048 while a participating TNC driver is logged on to the digital  
3049 network but is not engaged in a prearranged ride:

3050 1. Automobile insurance that provides:

3051 a. A primary automobile liability coverage of at least  
3052 \$50,000 for death and bodily injury per person, \$100,000 for  
3053 death and bodily injury per incident, and \$25,000 for property  
3054 damage; and

3055 ~~b. Personal injury protection benefits that meet the~~  
3056 ~~minimum coverage amounts required under ss. 627.730–627.7405;~~  
3057 ~~and~~

3058 b.e. Uninsured and underinsured vehicle coverage as  
3059 required by s. 627.727.

3060 2. The coverage requirements of this paragraph may be  
3061 satisfied by any of the following:

3062 a. Automobile insurance maintained by the TNC driver or the  
3063 TNC vehicle owner;

3064 b. Automobile insurance maintained by the TNC; or

3065 c. A combination of sub-subparagraphs a. and b.

3066 (c) The following automobile insurance requirements apply  
3067 while a TNC driver is engaged in a prearranged ride:

3068 1. Automobile insurance that provides:

3069 a. A primary automobile liability coverage of at least \$1  
3070 million for death, bodily injury, and property damage; and

3071 ~~b. Personal injury protection benefits that meet the~~  
3072 ~~minimum coverage amounts required of a limousine under ss.~~  
3073 ~~627.730–627.7405; and~~

3074 b.e. Uninsured and underinsured vehicle coverage as

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3075 required by s. 627.727.

3076 2. The coverage requirements of this paragraph may be  
3077 satisfied by any of the following:

3078 a. Automobile insurance maintained by the TNC driver or the  
3079 TNC vehicle owner;

3080 b. Automobile insurance maintained by the TNC; or

3081 c. A combination of sub-subparagraphs a. and b.

3082 (g) Insurance satisfying the requirements under this  
3083 subsection is deemed to satisfy the financial responsibility  
3084 requirement for a motor vehicle under chapter 324 ~~and the~~  
3085 ~~security required under s. 627.733~~ for any period when the TNC  
3086 driver is logged onto the digital network or engaged in a  
3087 prearranged ride.

3088 (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;  
3089 EXCLUSIONS.—

3090 (a) Before a TNC driver is allowed to accept a request for  
3091 a prearranged ride on the digital network, the TNC must disclose  
3092 in writing to the TNC driver:

3093 1. The insurance coverage, including the types of coverage  
3094 and the limits for each coverage, which the TNC provides while  
3095 the TNC driver uses a TNC vehicle in connection with the TNC's  
3096 digital network.

3097 2. That the TNC driver's own automobile insurance policy  
3098 might not provide any coverage while the TNC driver is logged on  
3099 to the digital network or is engaged in a prearranged ride,  
3100 depending on the terms of the TNC driver's own automobile  
3101 insurance policy.

3102 3. That the provision of rides for compensation which are  
3103 not prearranged rides subjects the driver to the coverage

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3104 requirements imposed under s. 324.032(1) and (2) and that  
3105 failure to meet such coverage requirements subjects the TNC  
3106 driver to penalties provided in s. 324.221, up to and including  
3107 a misdemeanor of the second degree.

3108 (b)1. An insurer that provides an automobile liability  
3109 insurance policy under this part may exclude any and all  
3110 coverage afforded under the policy issued to an owner or  
3111 operator of a TNC vehicle while driving that vehicle for any  
3112 loss or injury that occurs while a TNC driver is logged on to a  
3113 digital network or while a TNC driver provides a prearranged  
3114 ride. Exclusions imposed under this subsection are limited to  
3115 coverage while a TNC driver is logged on to a digital network or  
3116 while a TNC driver provides a prearranged ride. This right to  
3117 exclude all coverage may apply to any coverage included in an  
3118 automobile insurance policy, including, but not limited to:

- 3119 a. Liability coverage for bodily injury and property  
3120 damage;
- 3121 b. Uninsured and underinsured motorist coverage;
- 3122 c. Medical payments coverage;
- 3123 d. Comprehensive physical damage coverage;
- 3124 e. Collision physical damage coverage; and
- 3125 f. Death benefit coverage under s. 627.72761 ~~Personal~~  
3126 ~~injury protection.~~

3127 2. The exclusions described in subparagraph 1. apply  
3128 notwithstanding any requirement under chapter 324. These  
3129 exclusions do not affect or diminish coverage otherwise  
3130 available for permissive drivers or resident relatives under the  
3131 personal automobile insurance policy of the TNC driver or owner  
3132 of the TNC vehicle who are not occupying the TNC vehicle at the

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3133 time of loss. This section does not require that a personal  
3134 automobile insurance policy provide coverage while the TNC  
3135 driver is logged on to a digital network, while the TNC driver  
3136 is engaged in a prearranged ride, or while the TNC driver  
3137 otherwise uses a vehicle to transport riders for compensation.

3138 3. This section must not be construed to require an insurer  
3139 to use any particular policy language or reference to this  
3140 section in order to exclude any and all coverage for any loss or  
3141 injury that occurs while a TNC driver is logged on to a digital  
3142 network or while a TNC driver provides a prearranged ride.

3143 4. This section does not preclude an insurer from providing  
3144 primary or excess coverage for the TNC driver's vehicle by  
3145 contract or endorsement.

3146 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

3147 (b) An entity may elect, upon written notification to the  
3148 department, to be regulated as a luxury ground TNC. A luxury  
3149 ground TNC must:

3150 1. Comply with all of the requirements of this section  
3151 applicable to a TNC, including subsection (17), which do not  
3152 conflict with subparagraph 2. or which do not prohibit the  
3153 company from connecting riders to drivers who operate for-hire  
3154 vehicles as defined in s. 320.01(15), including limousines and  
3155 luxury sedans and excluding taxicabs.

3156 2. Maintain insurance coverage as required by subsection  
3157 (7). However, if a prospective luxury ground TNC satisfies  
3158 minimum financial responsibility through compliance with s.  
3159 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives  
3160 the department written notification of its election to be  
3161 regulated as a luxury ground TNC, the luxury ground TNC may use

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3162 self-insurance to meet the insurance requirements of subsection  
3163 (7), so long as such self-insurance complies with s. 324.032(3)  
3164 ~~s. 324.032(2)~~ and provides the limits of liability required by  
3165 subsection (7).

3166 Section 54. Paragraph (a) of subsection (2) of section  
3167 627.749, Florida Statutes, is amended to read:

3168 627.749 Autonomous vehicles; insurance requirements.—

3169 (2) INSURANCE REQUIREMENTS.—

3170 (a) A fully autonomous vehicle with the automated driving  
3171 system engaged while logged on to an on-demand autonomous  
3172 vehicle network or engaged in a prearranged ride must be covered  
3173 by a policy of automobile insurance which provides:

3174 1. Primary liability coverage of at least \$1 million for  
3175 death, bodily injury, and property damage.

3176 ~~2. Personal injury protection benefits that meet the~~  
3177 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

3178 ~~2.3.~~ Uninsured and underinsured vehicle coverage as  
3179 required by s. 627.727.

3180 Section 55. Section 627.8405, Florida Statutes, is amended  
3181 to read:

3182 627.8405 Prohibited acts; financing companies.—~~A~~ ~~Ne~~ premium  
3183 finance company ~~shall~~, in a premium finance agreement or other  
3184 agreement, may not finance the cost of or otherwise provide for  
3185 the collection or remittance of dues, assessments, fees, or  
3186 other periodic payments of money for the cost of:

3187 (1) A membership in an automobile club. The term  
3188 "automobile club" means a legal entity that ~~which~~, in  
3189 consideration of dues, assessments, or periodic payments of  
3190 money, promises its members or subscribers to assist them in

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3191 matters relating to the ownership, operation, use, or  
3192 maintenance of a motor vehicle; however, the term ~~this~~  
3193 ~~definition of "automobile club"~~ does not include persons,  
3194 associations, or corporations ~~which are~~ organized and operated  
3195 solely for the purpose of conducting, sponsoring, or sanctioning  
3196 motor vehicle races, exhibitions, or contests upon racetracks,  
3197 or upon racecourses established and marked as such for the  
3198 duration of such particular events. As used in this subsection,  
3199 the term ~~words~~ "motor vehicle" has ~~used herein have~~ the same  
3200 meaning as ~~defined~~ in chapter 320.

3201 (2) An accidental death and dismemberment policy sold in  
3202 combination with a policy providing only death benefit coverage  
3203 under s. 627.72761, bodily injury liability coverage, personal  
3204 injury protection and property damage liability coverage only  
3205 policy.

3206 (3) Any product not regulated under ~~the provisions of this~~  
3207 insurance code.

3208  
3209 This section also applies to premium financing by any insurance  
3210 agent or insurance company under part XVI. The commission shall  
3211 adopt rules to assure disclosure, at the time of sale, of  
3212 coverages financed ~~with personal injury protection~~ and shall  
3213 prescribe the form of such disclosure.

3214 Section 56. Subsection (1) of section 627.915, Florida  
3215 Statutes, is amended to read:

3216 627.915 Insurer experience reporting.—

3217 (1) Each insurer transacting private passenger automobile  
3218 insurance in this state shall report certain information  
3219 annually to the office. The information will be due on or before

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3220 July 1 of each year. The information must ~~shall~~ be divided into  
3221 the following categories: bodily injury liability; property  
3222 damage liability; uninsured motorist; death benefit coverage  
3223 under s. 627.72761; ~~personal injury protection benefits~~; medical  
3224 payments; and comprehensive and collision. The information given  
3225 must ~~shall~~ be on direct insurance writings in the state alone  
3226 and ~~shall~~ represent total limits data. The information set forth  
3227 in paragraphs (a)-(f) is applicable to voluntary private  
3228 passenger and Joint Underwriting Association private passenger  
3229 writings and must ~~shall~~ be reported for each of the latest 3  
3230 calendar-accident years, with an evaluation date of March 31 of  
3231 the current year. The information set forth in paragraphs (g)-  
3232 (j) is applicable to voluntary private passenger writings and  
3233 must ~~shall~~ be reported on a calendar-accident year basis  
3234 ultimately seven times at seven different stages of development.

3235 (a) Premiums earned for the latest 3 calendar-accident  
3236 years.

3237 (b) Loss development factors and the historic development  
3238 of those factors.

3239 (c) Policyholder dividends incurred.

3240 (d) Expenses for other acquisition and general expense.

3241 (e) Expenses for agents' commissions and taxes, licenses,  
3242 and fees.

3243 (f) Profit and contingency factors as utilized in the  
3244 insurer's automobile rate filings for the applicable years.

3245 (g) Losses paid.

3246 (h) Losses unpaid.

3247 (i) Loss adjustment expenses paid.

3248 (j) Loss adjustment expenses unpaid.



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3249 Section 57. Subsections (2) and (3) of section 628.909,  
3250 Florida Statutes, are amended to read:

3251 628.909 Applicability of other laws.—

3252 (2) The following provisions of the Florida Insurance Code  
3253 apply to captive insurance companies that ~~who~~ are not industrial  
3254 insured captive insurance companies to the extent that such  
3255 provisions are not inconsistent with this part:

3256 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
3257 624.40851, 624.4095, 624.411, 624.425, and 624.426.

3258 (b) Chapter 625, part II.

3259 (c) Chapter 626, part IX.

3260 ~~(d) Sections 627.730–627.7405, when no fault coverage is~~  
3261 ~~provided.~~

3262 (d)~~(e)~~ Chapter 628.

3263 (3) The following provisions of the Florida Insurance Code  
3264 ~~shall~~ apply to industrial insured captive insurance companies to  
3265 the extent that such provisions are not inconsistent with this  
3266 part:

3267 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
3268 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

3269 (b) Chapter 625, part II, if the industrial insured captive  
3270 insurance company is incorporated in this state.

3271 (c) Chapter 626, part IX.

3272 ~~(d) Sections 627.730–627.7405 when no fault coverage is~~  
3273 ~~provided.~~

3274 (d)~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and  
3275 628.6018.

3276 Section 58. Subsections (2), (6), and (7) of section  
3277 705.184, Florida Statutes, are amended to read:

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3278 705.184 Derelict or abandoned motor vehicles on the  
3279 premises of public-use airports.—

3280 (2) The airport director or the director's designee shall  
3281 contact the Department of Highway Safety and Motor Vehicles to  
3282 notify that department that the airport has possession of the  
3283 abandoned or derelict motor vehicle and to determine the name  
3284 and address of the owner of the motor vehicle, the insurance  
3285 company insuring the motor vehicle, ~~notwithstanding the~~  
3286 ~~provisions of s. 627.736,~~ and any person who has filed a lien on  
3287 the motor vehicle. Within 7 business days after receipt of the  
3288 information, the director or the director's designee shall send  
3289 notice by certified mail, return receipt requested, to the owner  
3290 of 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. The  
3293 notice must ~~shall~~ state the fact of possession of the motor  
3294 vehicle, that charges for reasonable towing, storage, and  
3295 parking fees, if any, have accrued and the amount thereof, that  
3296 a lien as provided in subsection (6) will be claimed, that the  
3297 lien is subject to enforcement pursuant to law, that the owner  
3298 or lienholder, if any, has the right to a hearing as set forth  
3299 in subsection (4), and that any motor vehicle which, at the end  
3300 of 30 calendar days after receipt of the notice, has not been  
3301 removed from the airport upon payment in full of all accrued  
3302 charges for reasonable towing, storage, and parking fees, if  
3303 any, may be disposed of as provided in s. 705.182(2)(a), (b),  
3304 (d), or (e), including, but not limited to, the motor vehicle  
3305 being sold free of all prior liens after 35 calendar days after  
3306 the time the motor vehicle is stored if any prior liens on the

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3307 motor vehicle are more than 5 years of age or after 50 calendar  
3308 days after the time the motor vehicle is stored if any prior  
3309 liens on the motor vehicle are 5 years of age or less.

3310 (6) The airport pursuant to this section or, if used, a  
3311 licensed independent wrecker company pursuant to s. 713.78 shall  
3312 have a lien on an abandoned or derelict motor vehicle for all  
3313 reasonable towing, storage, and accrued parking fees, if any,  
3314 except that no storage fee may ~~shall~~ be charged if the motor  
3315 vehicle is stored less than 6 hours. As a prerequisite to  
3316 perfecting a lien under this section, the airport director or  
3317 the director's designee must serve a notice in accordance with  
3318 subsection (2) on the owner of the motor vehicle, the insurance  
3319 company insuring the motor vehicle, ~~notwithstanding the~~  
3320 ~~provisions of s. 627.736,~~ and all persons of record claiming a  
3321 lien against the motor vehicle. If attempts to notify the owner,  
3322 the insurance company insuring the motor vehicle,  
3323 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are  
3324 not successful, the requirement of notice by mail shall be  
3325 considered met. Serving of the notice does not dispense with  
3326 recording the claim of lien.

3327 (7) (a) For the purpose of perfecting its lien under this  
3328 section, the airport shall record a claim of lien which states  
3329 ~~shall state:~~

3330 1. The name and address of the airport.

3331 2. The name of the owner of the motor vehicle, the  
3332 insurance company insuring the motor vehicle, ~~notwithstanding~~  
3333 ~~the provisions of s. 627.736,~~ and all persons of record claiming  
3334 a lien against the motor vehicle.

3335 3. The costs incurred from reasonable towing, storage, and

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3336 parking fees, if any.

3337 4. A description of the motor vehicle sufficient for  
3338 identification.

3339 (b) The claim of lien must ~~shall~~ be signed and sworn to or  
3340 affirmed by the airport director or the director's designee.

3341 (c) The claim of lien is ~~shall be~~ sufficient if it is in  
3342 substantially the following form:

3343

3344 CLAIM OF LIEN

3345 State of .....

3346 County of .....

3347 Before me, the undersigned notary public, personally appeared  
3348 ....., who was duly sworn and says that he/she is the  
3349 ..... of ....., whose address is.....; and that the  
3350 following described motor vehicle:

3351 ...(Description of motor vehicle)...

3352 owned by ....., whose address is ....., has accrued  
3353 \$..... in fees for a reasonable tow, for storage, and for  
3354 parking, if applicable; that the lienor served its notice to the  
3355 owner, the insurance company insuring the motor vehicle  
3356 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~  
3357 and all persons of record claiming a lien against the motor  
3358 vehicle on ....., ...(year)...., by.....

3359 ...(Signature)...

3360 Sworn to (or affirmed) and subscribed before me this .... day of  
3361 ....., ...(year)...., by ...(name of person making statement)....

3362 ...(Signature of Notary Public).....(Print, Type, or Stamp  
3363 Commissioned name of Notary Public)...

3364 Personally Known....OR Produced....as identification.

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3365  
3366 However, the negligent inclusion or omission of any information  
3367 in this claim of lien which does not prejudice the owner does  
3368 not constitute a default that operates to defeat an otherwise  
3369 valid lien.

3370 (d) The claim of lien must ~~shall~~ be served on the owner of  
3371 the motor vehicle, the insurance company insuring the motor  
3372 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
3373 persons of record claiming a lien against the motor vehicle. If  
3374 attempts to notify the owner, the insurance company insuring the  
3375 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or  
3376 lienholders are not successful, the requirement of notice by  
3377 mail shall be considered met. The claim of lien must ~~shall~~ be so  
3378 served before recordation.

3379 (e) The claim of lien must ~~shall~~ be recorded with the clerk  
3380 of court in the county where the airport is located. The  
3381 recording of the claim of lien shall be constructive notice to  
3382 all persons of the contents and effect of such claim. The lien  
3383 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~  
3384 ~~take~~ priority as of that time.

3385 Section 59. Subsection (4) of section 713.78, Florida  
3386 Statutes, is amended to read:

3387 713.78 Liens for recovering, towing, or storing vehicles  
3388 and vessels.—

3389 (4) (a) A person regularly engaged in the business of  
3390 recovering, towing, or storing vehicles or vessels who comes  
3391 into possession of a vehicle or vessel pursuant to subsection  
3392 (2), and who claims a lien for recovery, towing, or storage  
3393 services, shall give notice, by certified mail, to the

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3394 registered owner, the insurance company insuring the vehicle  
3395 ~~notwithstanding s. 627.736~~, and all persons claiming a lien  
3396 thereon, as disclosed by the records in the Department of  
3397 Highway Safety and Motor Vehicles or as disclosed by the records  
3398 of any corresponding agency in any other state in which the  
3399 vehicle is identified through a records check of the National  
3400 Motor Vehicle Title Information System or an equivalent  
3401 commercially available system as being titled or registered.

3402 (b) Whenever a law enforcement agency authorizes the  
3403 removal of a vehicle or vessel or whenever a towing service,  
3404 garage, repair shop, or automotive service, storage, or parking  
3405 place notifies the law enforcement agency of possession of a  
3406 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
3407 enforcement agency of the jurisdiction where the vehicle or  
3408 vessel is stored shall contact the Department of Highway Safety  
3409 and Motor Vehicles, or the appropriate agency of the state of  
3410 registration, if known, within 24 hours through the medium of  
3411 electronic communications, giving the full description of the  
3412 vehicle or vessel. Upon receipt of the full description of the  
3413 vehicle or vessel, the department shall search its files to  
3414 determine the owner's name, the insurance company insuring the  
3415 vehicle or vessel, and whether any person has filed a lien upon  
3416 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
3417 notify the applicable law enforcement agency within 72 hours.  
3418 The person in charge of the towing service, garage, repair shop,  
3419 or automotive service, storage, or parking place shall obtain  
3420 such information from the applicable law enforcement agency  
3421 within 5 days after the date of storage and shall give notice  
3422 pursuant to paragraph (a). The department may release the

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3423 insurance company information to the requestor ~~notwithstanding~~  
3424 ~~s. 627.736.~~

3425 (c) The notice of lien must be sent by certified mail to  
3426 the registered owner, the insurance company insuring the vehicle  
3427 ~~notwithstanding s. 627.736,~~ and all other persons claiming a  
3428 lien thereon within 7 business days, excluding Saturday and  
3429 Sunday, after the date of storage of the vehicle or vessel.  
3430 However, in no event shall the notice of lien be sent less than  
3431 30 days before the sale of the vehicle or vessel. The notice  
3432 must state:

3433 1. If the claim of lien is for a vehicle, the last 8 digits  
3434 of the vehicle identification number of the vehicle subject to  
3435 the lien, or, if the claim of lien is for a vessel, the hull  
3436 identification number of the vessel subject to the lien, clearly  
3437 printed in the delivery address box and on the outside of the  
3438 envelope sent to the registered owner and all other persons  
3439 claiming an interest therein or lien thereon.

3440 2. The name, physical address, and telephone number of the  
3441 lienor, and the entity name, as registered with the Division of  
3442 Corporations, of the business where the towing and storage  
3443 occurred, which must also appear on the outside of the envelope  
3444 sent to the registered owner and all other persons claiming an  
3445 interest in or lien on the vehicle or vessel.

3446 3. The fact of possession of the vehicle or vessel.

3447 4. The name of the person or entity that authorized the  
3448 lienor to take possession of the vehicle or vessel.

3449 5. That a lien as provided in subsection (2) is claimed.

3450 6. That charges have accrued and include an itemized  
3451 statement of the amount thereof.

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3452           7. That the lien is subject to enforcement under law and  
3453 that the owner or lienholder, if any, has the right to a hearing  
3454 as set forth in subsection (5).

3455           8. That any vehicle or vessel that remains unclaimed, or  
3456 for which the charges for recovery, towing, or storage services  
3457 remain unpaid, may be sold free of all prior liens 35 days after  
3458 the vehicle or vessel is stored by the lienor if the vehicle or  
3459 vessel is more than 3 years of age or 50 days after the vehicle  
3460 or vessel is stored by the lienor if the vehicle or vessel is 3  
3461 years of age or less.

3462           9. The address at which the vehicle or vessel is physically  
3463 located.

3464           (d) The notice of lien may not be sent to the registered  
3465 owner, the insurance company insuring the vehicle or vessel, and  
3466 all other persons claiming a lien thereon less than 30 days  
3467 before the sale of the vehicle or vessel.

3468           (e) If attempts to locate the name and address of the owner  
3469 or lienholder prove unsuccessful, the towing-storage operator  
3470 shall, after 7 business days, excluding Saturday and Sunday,  
3471 after the initial tow or storage, notify the public agency of  
3472 jurisdiction where the vehicle or vessel is stored in writing by  
3473 certified mail or acknowledged hand delivery that the towing-  
3474 storage company has been unable to locate the name and address  
3475 of the owner or lienholder and a physical search of the vehicle  
3476 or vessel has disclosed no ownership information and a good  
3477 faith effort has been made, including records checks of the  
3478 Department of Highway Safety and Motor Vehicles database and the  
3479 National Motor Vehicle Title Information System or an equivalent  
3480 commercially available system. For purposes of this paragraph



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3481 and subsection (9), the term "good faith effort" means that the  
3482 following checks have been performed by the company to establish  
3483 the prior state of registration and for title:

3484 1. A check of the department's database for the owner and  
3485 any lienholder.

3486 2. A check of the electronic National Motor Vehicle Title  
3487 Information System or an equivalent commercially available  
3488 system to determine the state of registration when there is not  
3489 a current registration record for the vehicle or vessel on file  
3490 with the department.

3491 3. A check of the vehicle or vessel for any type of tag,  
3492 tag record, temporary tag, or regular tag.

3493 4. A check of the law enforcement report for a tag number  
3494 or other information identifying the vehicle or vessel, if the  
3495 vehicle or vessel was towed at the request of a law enforcement  
3496 officer.

3497 5. A check of the trip sheet or tow ticket of the tow truck  
3498 operator to determine whether a tag was on the vehicle or vessel  
3499 at the beginning of the tow, if a private tow.

3500 6. If there is no address of the owner on the impound  
3501 report, a check of the law enforcement report to determine  
3502 whether an out-of-state address is indicated from driver license  
3503 information.

3504 7. A check of the vehicle or vessel for an inspection  
3505 sticker or other stickers and decals that may indicate a state  
3506 of possible registration.

3507 8. A check of the interior of the vehicle or vessel for any  
3508 papers that may be in the glove box, trunk, or other areas for a  
3509 state of registration.

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3510 9. A check of the vehicle for a vehicle identification  
3511 number.

3512 10. A check of the vessel for a vessel registration number.

3513 11. A check of the vessel hull for a hull identification  
3514 number which should be carved, burned, stamped, embossed, or  
3515 otherwise permanently affixed to the outboard side of the  
3516 transom or, if there is no transom, to the outmost seaboard side  
3517 at the end of the hull that bears the rudder or other steering  
3518 mechanism.

3519 Section 60. Section 768.852, Florida Statutes, is created  
3520 to read:

3521 768.852 Setoff on damages as a result of a motor vehicle  
3522 crash while uninsured.—

3523 (1) Except as provided in subsection (2), for any award of  
3524 noneconomic damages, a defendant is entitled to a setoff equal  
3525 to \$10,000 if a person suffers injury while operating a motor  
3526 vehicle as defined in s. 324.022(2) which lacked the coverage  
3527 required by s. 324.022(1) and the person was not in compliance  
3528 with s. 324.022(1) for more than 30 days immediately preceding  
3529 the crash.

3530 (2) The setoff on noneconomic damages in subsection (1)  
3531 does not apply if the person who is liable for the injury:

3532 (a) Was driving while under the influence of an alcoholic  
3533 beverage, an inhalant, or a controlled substance;

3534 (b) Acted intentionally, recklessly, or with gross  
3535 negligence;

3536 (c) Fled from the scene of the crash; or

3537 (d) Was acting in furtherance of an offense or in immediate  
3538 flight from an offense that constituted a felony at the time of

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3539 the crash.

3540 (3) This section does not apply to any wrongful death  
3541 claim.

3542 Section 61. Paragraph (a) of subsection (1), paragraph (c)  
3543 of subsection (7), paragraphs (a), (b), and (c) of subsection  
3544 (8), and subsections (9) and (10) of section 817.234, Florida  
3545 Statutes, are amended to read:

3546 817.234 False and fraudulent insurance claims.—

3547 (1) (a) A person commits insurance fraud punishable as  
3548 provided in subsection (11) if that person, with the intent to  
3549 injure, defraud, or deceive any insurer:

3550 1. Presents or causes to be presented any written or oral  
3551 statement as part of, or in support of, a claim for payment or  
3552 other benefit pursuant to an insurance policy or a health  
3553 maintenance organization subscriber or provider contract,  
3554 knowing that such statement contains ~~any~~ false, incomplete, or  
3555 misleading information concerning any fact or thing material to  
3556 such claim;

3557 2. Prepares or makes any written or oral statement that is  
3558 intended to be presented to an ~~any~~ insurer in connection with,  
3559 or in support of, any claim for payment or other benefit  
3560 pursuant to an insurance policy or a health maintenance  
3561 organization subscriber or provider contract, knowing that such  
3562 statement contains ~~any~~ false, incomplete, or misleading  
3563 information concerning any fact or thing material to such claim;

3564 3.a. Knowingly presents, causes to be presented, or  
3565 prepares or makes with knowledge or belief that it will be  
3566 presented to an ~~any~~ insurer, purported insurer, servicing  
3567 corporation, insurance broker, or insurance agent, or any

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3568 employee or agent thereof, ~~any~~ false, incomplete, or misleading  
3569 information or a written or oral statement as part of, or in  
3570 support of, an application for the issuance of, or the rating  
3571 of, any insurance policy, or a health maintenance organization  
3572 subscriber or provider contract; or

3573 b. Knowingly conceals information concerning any fact  
3574 material to such application; or

3575 4. Knowingly presents, causes to be presented, or prepares  
3576 or makes with knowledge or belief that it will be presented to  
3577 any insurer a claim for payment or other benefit under medical  
3578 payments coverage in a motor vehicle ~~a personal injury~~  
3579 ~~protection~~ insurance policy if the person knows that the payee  
3580 knowingly submitted a false, misleading, or fraudulent  
3581 application or other document when applying for licensure as a  
3582 health care clinic, seeking an exemption from licensure as a  
3583 health care clinic, or demonstrating compliance with part X of  
3584 chapter 400.

3585 (7)

3586 ~~(c) An insurer, or any person acting at the direction of or~~  
3587 ~~on behalf of an insurer, may not change an opinion in a mental~~  
3588 ~~or physical report prepared under s. 627.736(7) or direct the~~  
3589 ~~physician preparing the report to change such opinion; however,~~  
3590 ~~this provision does not preclude the insurer from calling to the~~  
3591 ~~attention of the physician errors of fact in the report based~~  
3592 ~~upon information in the claim file. Any person who violates this~~  
3593 ~~paragraph commits a felony of the third degree, punishable as~~  
3594 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

3595 (8) (a) It is unlawful for any person intending to defraud  
3596 any other person to solicit or cause to be solicited any

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3597 business from a person involved in a motor vehicle accident for  
3598 the purpose of making, adjusting, or settling motor vehicle tort  
3599 claims or claims for benefits under medical payments coverage in  
3600 a motor vehicle insurance policy ~~personal injury protection~~  
3601 ~~benefits required by s. 627.736~~. Any person who violates ~~the~~  
3602 ~~provisions of~~ this paragraph commits a felony of the second  
3603 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
3604 775.084. A person who is convicted of a violation of this  
3605 subsection shall be sentenced to a minimum term of imprisonment  
3606 of 2 years.

3607 (b) A person may not solicit or cause to be solicited any  
3608 business from a person involved in a motor vehicle accident by  
3609 any means of communication other than advertising directed to  
3610 the public for the purpose of making motor vehicle tort claims  
3611 or claims for benefits under medical payments coverage in a  
3612 motor vehicle insurance policy ~~personal injury protection~~  
3613 ~~benefits required by s. 627.736~~, within 60 days after the  
3614 occurrence of the motor vehicle accident. Any person who  
3615 violates this paragraph commits a felony of the third degree,  
3616 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3617 (c) A lawyer, health care practitioner as defined in s.  
3618 456.001, or owner or medical director of a clinic required to be  
3619 licensed pursuant to s. 400.9905 may not, at any time after 60  
3620 days have elapsed from the occurrence of a motor vehicle  
3621 accident, solicit or cause to be solicited any business from a  
3622 person involved in a motor vehicle accident by means of in  
3623 person or telephone contact at the person's residence, for the  
3624 purpose of making motor vehicle tort claims or claims for  
3625 benefits under medical payments coverage in a motor vehicle

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3626 ~~insurance policy personal injury protection benefits required by~~  
3627 ~~s. 627.736.~~ Any person who violates this paragraph commits a  
3628 felony of the third degree, punishable as provided in s.  
3629 775.082, s. 775.083, or s. 775.084.

3630 (9) A person may not organize, plan, or knowingly  
3631 participate in an intentional motor vehicle crash or a scheme to  
3632 create documentation of a motor vehicle crash that did not occur  
3633 for the purpose of making motor vehicle tort claims or claims  
3634 for benefits under medical payments coverage in a motor vehicle  
3635 insurance policy ~~personal injury protection benefits as required~~  
3636 ~~by s. 627.736.~~ Any person who violates this subsection commits a  
3637 felony of the second degree, punishable as provided in s.  
3638 775.082, s. 775.083, or s. 775.084. A person who is convicted of  
3639 a violation of this subsection shall be sentenced to a minimum  
3640 term of imprisonment of 2 years.

3641 (10) A licensed health care practitioner who is found  
3642 guilty of insurance fraud under this section for an act relating  
3643 to a motor vehicle ~~personal injury protection~~ insurance policy  
3644 loses his or her license to practice for 5 years and may not  
3645 receive reimbursement under medical payments coverage in a motor  
3646 vehicle insurance policy ~~for personal injury protection benefits~~  
3647 for 10 years.

3648 Section 62. For the 2021-2022 fiscal year, the sum of  
3649 \$83,651 in nonrecurring funds is appropriated from the Insurance  
3650 Regulatory Trust Fund to the Office of Insurance Regulation for  
3651 the purpose of implementing this act.

3652 Section 63. Except as otherwise expressly provided in this  
3653 act and except for this section, which shall take effect upon  
3654 this act becoming a law, this act shall take effect January 1,

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3655 | 2022.