

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; amending s.  
13          320.02, F.S.; revising the motor vehicle insurance  
14          coverages that an applicant must show to register  
15          certain vehicles with the Department of Highway Safety  
16          and Motor Vehicles; conforming a provision to changes  
17          made by the act; revising construction; amending s.  
18          320.0609, F.S.; conforming a provision to changes made  
19          by the act; amending s. 320.27, F.S.; defining the  
20          term "garage liability insurance"; revising garage  
21          liability insurance requirements for motor vehicle  
22          dealer applicants; conforming a provision to changes  
23          made by the act; amending s. 320.771, F.S.; revising  
24          garage liability insurance requirements for  
25          recreational vehicle dealer license applicants;

26 | amending ss. 322.251 and 322.34, F.S.; conforming  
27 | provisions to changes made by the act; amending s.  
28 | 324.011, F.S.; revising legislative intent; amending  
29 | s. 324.021, F.S.; revising definitions of the terms  
30 | "motor vehicle" and "proof of financial  
31 | responsibility"; revising minimum coverage  
32 | requirements for proof of financial responsibility for  
33 | specified motor vehicles; defining the term "for-hire  
34 | passenger transportation vehicle"; conforming  
35 | provisions to changes made by the act; amending s.  
36 | 324.022, F.S.; revising minimum liability coverage  
37 | requirements for motor vehicle owners or operators;  
38 | revising authorized methods for meeting such  
39 | requirements; deleting a provision relating to an  
40 | insurer's duty to defend certain claims; revising the  
41 | vehicles that are excluded from the definition of the  
42 | term "motor vehicle"; providing security requirements  
43 | for certain excluded vehicles; conforming provisions  
44 | to changes made by the act; conforming cross-  
45 | references; amending s. 324.0221, F.S.; revising  
46 | coverages that subject a policy to certain insurer  
47 | reporting and notice requirements; conforming  
48 | provisions to changes made by the act; creating s.  
49 | 324.0222, F.S.; providing that driver license or  
50 | registration suspensions for failure to maintain

51 required security which were in effect before a  
52 specified date remain in full force and effect;  
53 providing that such suspended licenses or  
54 registrations may be reinstated as provided in a  
55 specified section; amending s. 324.023, F.S.;  
56 conforming cross-references; amending s. 324.031,  
57 F.S.; deleting provisions relating to a method of  
58 proving financial responsibility by owners or  
59 operators of for-hire passenger transportation  
60 vehicles; revising a method of proving financial  
61 responsibility by owners or operators of motor  
62 vehicles other than for-hire passenger transportation  
63 vehicles; revising the amount of a certificate of  
64 deposit required to elect a certain method of proof of  
65 financial responsibility; revising excess liability  
66 coverage requirements for a person electing to use  
67 such method; amending s. 324.032, F.S.; revising  
68 financial responsibility requirements for owners or  
69 lessees of for-hire passenger transportation vehicles;  
70 amending ss. 324.051, 324.071, and 324.091, F.S.;  
71 making technical changes; amending s. 324.151, F.S.;  
72 revising requirements for motor vehicle liability  
73 insurance policies relating to coverage, and exclusion  
74 from coverage, for certain drivers and vehicles;  
75 defining terms; conforming provisions to changes made

76 | by the act; making technical changes; amending s.  
77 | 324.161, F.S.; revising requirements for a certificate  
78 | of deposit that is required if a person elects a  
79 | certain method of proving financial responsibility;  
80 | amending s. 324.171, F.S.; revising the minimum net  
81 | worth requirements to qualify certain persons as self-  
82 | insurers; conforming provisions to changes made by the  
83 | act; amending s. 324.251, F.S.; revising the short  
84 | title and an effective date; amending s. 400.9905,  
85 | F.S.; revising the definition of the term "clinic";  
86 | amending ss. 400.991 and 400.9935, F.S.; conforming  
87 | provisions to changes made by the act; amending s.  
88 | 409.901, F.S.; revising the definition of the term  
89 | "third-party benefit"; amending s. 409.910, F.S.;  
90 | revising the definition of the term "medical  
91 | coverage"; amending s. 456.057, F.S.; conforming a  
92 | cross-reference; amending s. 456.072, F.S.; revising  
93 | specified grounds for discipline for certain health  
94 | professions; amending s. 626.9541, F.S.; conforming a  
95 | provision to changes made by the act; revising the  
96 | type of insurance coverage applicable to a certain  
97 | prohibited act; amending s. 626.989, F.S.; revising  
98 | the definition of the term "fraudulent insurance act";  
99 | amending s. 627.06501, F.S.; revising coverages that  
100 | may provide for a reduction in motor vehicle insurance

101 policy premium charges under certain circumstances;  
102 amending s. 627.0651, F.S.; specifying requirements  
103 for initial rate filings for motor vehicle liability  
104 policies submitted to the Office of Insurance  
105 Regulation beginning on a specified date; amending s.  
106 627.0652, F.S.; revising coverages that must provide a  
107 premium charge reduction under certain circumstances;  
108 amending s. 627.0653, F.S.; revising coverages subject  
109 to premium discounts for specified motor vehicle  
110 equipment; amending s. 627.4132, F.S.; revising the  
111 coverages of a motor vehicle policy which are subject  
112 to a stacking prohibition; amending s. 627.7263, F.S.;  
113 revising coverages that are deemed primary, except  
114 under certain circumstances, for the lessor of a motor  
115 vehicle for lease or rent; revising a notice that is  
116 required if the lessee's coverage is to be primary;  
117 creating s. 627.7265, F.S.; specifying persons whom  
118 medical payments coverage must protect; specifying the  
119 minimum medical expense and death benefit limits;  
120 specifying coverage options an insurer must and may  
121 offer; providing that motor vehicle liability  
122 insurance policies are deemed to have medical payments  
123 coverage at a certain limit and with no deductible  
124 unless rejected or modified by the policyholder by  
125 certain means; specifying requirements for certain

126 forms approved by the office; requiring insurers to  
127 provide policyholders with a certain annual notice;  
128 providing construction relating to limits on certain  
129 other coverages; requiring insurers, upon receiving  
130 certain notice of an accident, to hold a specified  
131 reserve for certain purposes for a certain timeframe;  
132 providing that the reserve requirement does not  
133 require insurers to establish a claim reserve for  
134 accounting purposes; specifying that an insurer  
135 providing medical payments coverage benefits may not  
136 have a lien on a certain recovery and may not have a  
137 certain cause of action; authorizing insurers to  
138 include policy provisions allowing for subrogation,  
139 under certain circumstances, for medical payments  
140 benefits paid; providing construction; specifying a  
141 requirement for an insured for repayment of medical  
142 payments benefits under certain circumstances;  
143 prohibiting insurers from including policy provisions  
144 allowing for subrogation for death benefits paid;  
145 amending s. 627.727, F.S.; conforming provisions to  
146 changes made by the act; revising the legal liability  
147 of an uninsured motorist coverage insurer; amending s.  
148 627.7275, F.S.; revising required coverages for a  
149 motor vehicle insurance policy; conforming provisions  
150 to changes made by the act; creating s. 627.7278,

151 F.S.; defining the term "minimum security  
152 requirements"; providing a prohibition, requirements,  
153 applicability, and construction relating to motor  
154 vehicle insurance policies as of a certain date;  
155 requiring insurers to allow certain insureds to make  
156 certain coverage changes, subject to certain  
157 conditions; requiring an insurer to provide, by a  
158 specified date, a specified notice to policyholders  
159 relating to requirements under the act; amending s.  
160 627.728, F.S.; conforming a provision to changes made  
161 by the act; amending s. 627.7295, F.S.; revising the  
162 definitions of the terms "policy" and "binder";  
163 revising the coverages of a motor vehicle insurance  
164 policy for which a licensed general lines agent may  
165 charge a specified fee; conforming a provision to  
166 changes made by the act; amending s. 627.7415, F.S.;  
167 revising additional liability insurance requirements  
168 for commercial motor vehicles; creating s. 627.747,  
169 F.S.; providing that private passenger motor vehicle  
170 policies may exclude certain identified individuals  
171 from specified coverages under certain circumstances;  
172 providing that such policies may not exclude coverage  
173 under certain circumstances; amending s. 627.748,  
174 F.S.; revising insurance requirements for  
175 transportation network companies or transportation

176 network company drivers or vehicle owners; conforming  
 177 provisions to changes made by the act; amending s.  
 178 627.749, F.S.; conforming a provision to changes made  
 179 by the act; amending s. 627.8405, F.S.; revising  
 180 coverages in a policy sold in combination with an  
 181 accidental death and dismemberment policy which a  
 182 premium finance company may not finance; revising  
 183 rulemaking authority of the Financial Services  
 184 Commission; amending ss. 627.915, 628.909, 705.184,  
 185 and 713.78, F.S.; conforming provisions to changes  
 186 made by the act; amending s. 817.234, F.S.; revising  
 187 coverages that are the basis of specified prohibited  
 188 false and fraudulent insurance claims; conforming  
 189 provisions to changes made by the act; providing an  
 190 appropriation; providing effective dates.

191  
 192 Be It Enacted by the Legislature of the State of Florida:

193  
 194 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,  
 195 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,  
 196 and 627.7405, Florida Statutes, are repealed.

197 Section 2. Section 627.7407, Florida Statutes, is  
 198 repealed.

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



201           316.646 Security required; proof of security and display  
 202 thereof.—

203           (1) Any person required by s. 324.022 to maintain  
 204 liability security for property damage, ~~liability security,~~  
 205 ~~required by s. 324.023 to maintain liability security for bodily~~  
 206 ~~injury, or death, or required by s. 627.733 to maintain personal~~  
 207 ~~injury protection security on a motor vehicle~~ shall have in his  
 208 or her immediate possession at all times while operating such  
 209 motor vehicle proper proof of maintenance of the ~~required~~  
 210 security required under s. 324.021(7).

211           (a) Such proof must ~~shall~~ be in a uniform paper or  
 212 electronic format, as prescribed by the department, a valid  
 213 insurance policy, an insurance policy binder, a certificate of  
 214 insurance, or such other proof as may be prescribed by the  
 215 department.

216           (b)1. The act of presenting to a law enforcement officer  
 217 an electronic device displaying proof of insurance in an  
 218 electronic format does not constitute consent for the officer to  
 219 access any information on the device other than the displayed  
 220 proof of insurance.

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

223           Section 4. Paragraph (b) of subsection (2) of section  
 224 318.18, Florida Statutes, is amended to read:

225           318.18 Amount of penalties.—The penalties required for a

226 noncriminal disposition pursuant to s. 318.14 or a criminal  
 227 offense listed in s. 318.17 are as follows:

228 (2) Thirty dollars for all nonmoving traffic violations  
 229 and:

230 (b) For all violations of ss. 320.0605, 320.07(1),  
 231 322.065, and 322.15(1). A ~~Any~~ person who is cited for a  
 232 violation of s. 320.07(1) shall be charged a delinquent fee  
 233 pursuant to s. 320.07(4).

234 1. If a person who is cited for a violation of s. 320.0605  
 235 or s. 320.07 can show proof of having a valid registration at  
 236 the time of arrest, the clerk of the court may dismiss the case  
 237 and may assess a dismissal fee of up to \$10, from which the  
 238 clerk shall remit \$2.50 to the Department of Revenue for deposit  
 239 into the General Revenue Fund. A person who finds it impossible  
 240 or impractical to obtain a valid registration certificate must  
 241 submit an affidavit detailing the reasons for the impossibility  
 242 or impracticality. The reasons may include, but are not limited  
 243 to, the fact that the vehicle was sold, stolen, or destroyed;  
 244 that the state in which the vehicle is registered does not issue  
 245 a certificate of registration; or that the vehicle is owned by  
 246 another person.

247 2. If a person who is cited for a violation of s. 322.03,  
 248 s. 322.065, or s. 322.15 can show a driver license issued to him  
 249 or her and valid at the time of arrest, the clerk of the court  
 250 may dismiss the case and may assess a dismissal fee of up to

251 \$10, from which the clerk shall remit \$2.50 to the Department of  
 252 Revenue for deposit into the General Revenue Fund.

253 3. If a person who is cited for a violation of s. 316.646  
 254 can show proof of security as required by s. 324.021(7) ~~s.~~  
 255 ~~627.733~~, issued to the person and valid at the time of arrest,  
 256 the clerk of the court may dismiss the case and may assess a  
 257 dismissal fee of up to \$10, from which the clerk shall remit  
 258 \$2.50 to the Department of Revenue for deposit into the General  
 259 Revenue Fund. A person who finds it impossible or impractical to  
 260 obtain proof of security must submit an affidavit detailing the  
 261 reasons for the impracticality. The reasons may include, but are  
 262 not limited to, the fact that the vehicle has since been sold,  
 263 stolen, or destroyed; ~~that the owner or registrant of the~~  
 264 ~~vehicle is not required by s. 627.733 to maintain personal~~  
 265 ~~injury protection insurance;~~ or that the vehicle is owned by  
 266 another person.

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

269 320.02 Registration required; application for  
 270 registration; forms.—

271 (5) (a) Proof that bodily injury liability coverage and  
 272 property damage liability coverage ~~personal injury protection~~  
 273 ~~benefits~~ have been purchased if required under s. 324.022, s.  
 274 324.032, or s. 627.742; ~~s. 627.733, that property damage~~  
 275 ~~liability coverage has been purchased as required under s.~~

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276 | ~~324.022,~~ that bodily injury liability ~~or death~~ coverage has been  
277 | purchased if required under s. 324.023;~~;~~ and that combined  
278 | bodily liability insurance and property damage liability  
279 | insurance have been purchased if required under s. 627.7415 must  
280 | ~~shall~~ be provided in the manner prescribed by law by the  
281 | applicant at the time of application for registration of any  
282 | motor vehicle that is subject to such requirements. The issuing  
283 | agent may not ~~shall refuse to~~ issue registration if such proof  
284 | of purchase is not provided. Insurers shall furnish uniform  
285 | proof-of-purchase cards in a paper or electronic format in a  
286 | form prescribed by the department and include the name of the  
287 | insured's insurance company, the coverage identification number,  
288 | and the make, year, and vehicle identification number of the  
289 | vehicle insured. The card must contain a statement notifying the  
290 | applicant of the penalty specified under s. 316.646(4). The card  
291 | or insurance policy, insurance policy binder, or certificate of  
292 | insurance or a photocopy of any of these; an affidavit  
293 | containing the name of the insured's insurance company, the  
294 | insured's policy number, and the make and year of the vehicle  
295 | insured; or such other proof as may be prescribed by the  
296 | department constitutes ~~shall constitute~~ sufficient proof of  
297 | purchase. If an affidavit is provided as proof, it must be in  
298 | substantially the following form:  
299 |  
300 | Under penalty of perjury, I ... (Name of insured) ... do hereby

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301 certify that I have ...(bodily injury liability and ~~Personal~~  
 302 ~~Injury Protection~~, property damage liability, ~~and, if required,~~  
 303 ~~Bodily Injury Liability~~)... insurance currently in effect with  
 304 ... (Name of insurance company)... under ... (policy number)...  
 305 covering ... (make, year, and vehicle identification number of  
 306 vehicle).... ... (Signature of Insured)...

307

308 Such affidavit must include the following warning:

309

310 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
 311 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
 312 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
 313 SUBJECT TO PROSECUTION.

314

315 If an application is made through a licensed motor vehicle  
 316 dealer as required under s. 319.23, the original or a photocopy  
 317 ~~photostatic copy~~ of such card, insurance policy, insurance  
 318 policy binder, or certificate of insurance or the original  
 319 affidavit from the insured must ~~shall~~ be forwarded by the dealer  
 320 to the tax collector of the county or the Department of Highway  
 321 Safety and Motor Vehicles for processing. By executing the  
 322 ~~aforesaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not  
 323 ~~will be~~ liable in damages for any inadequacy, insufficiency, or  
 324 falsification of any statement contained therein. ~~A card must~~  
 325 ~~also indicate the existence of any bodily injury liability~~

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326 | ~~insurance voluntarily purchased.~~

327 |       (d) The verifying of ~~proof of personal injury protection~~  
328 | ~~insurance, proof of property damage liability insurance, proof~~  
329 | ~~of combined bodily liability insurance and property damage~~  
330 | ~~liability insurance, or proof of financial responsibility~~  
331 | ~~insurance~~ and the issuance or failure to issue the motor vehicle  
332 | registration under ~~the provisions of~~ this chapter may not be  
333 | construed in any court as a warranty of the reliability or  
334 | accuracy of the evidence of such proof, or as meaning that the  
335 | provisions of any insurance policy furnished as proof of  
336 | financial responsibility comply with state law. Neither the  
337 | department nor any tax collector is liable in damages for any  
338 | inadequacy, insufficiency, falsification, or unauthorized  
339 | modification of any item of ~~the proof of personal injury~~  
340 | ~~protection insurance, proof of property damage liability~~  
341 | ~~insurance, proof of combined bodily liability insurance and~~  
342 | ~~property damage liability insurance, or proof of financial~~  
343 | responsibility before insurance prior to, during, or subsequent  
344 | to the verification of the proof. The issuance of a motor  
345 | vehicle registration does not constitute prima facie evidence or  
346 | a presumption of insurance coverage.

347 |       Section 6. Paragraph (b) of subsection (1) of section  
348 | 320.0609, Florida Statutes, is amended to read:

349 |       320.0609 Transfer and exchange of registration license  
350 | plates; transfer fee.—

351 (1)

352 (b) The transfer of a license plate from a vehicle  
353 disposed of to a newly acquired vehicle does not constitute a  
354 new registration. The application for transfer must ~~shall~~ be  
355 accepted without requiring proof of ~~personal injury protection~~  
356 ~~or~~ liability insurance.

357 Section 7. Paragraph (g) is added to subsection (1) of  
358 section 320.27, Florida Statutes, and subsection (3) of that  
359 section is amended, to read:

360 320.27 Motor vehicle dealers.—

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

365 (g) "Garage liability insurance" means, beginning January  
366 1, 2022, combined single-limit liability coverage, including  
367 property damage and bodily injury liability coverage, in the  
368 amount of at least \$60,000.

369 (3) APPLICATION AND FEE.—The ~~application for the~~ license  
370 application must ~~shall~~ be in such form as may be prescribed by  
371 the department and is ~~shall be~~ subject to such rules ~~with~~  
372 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.  
373 Such application must ~~shall~~ be verified by oath or affirmation  
374 and must ~~shall~~ contain a full statement of the name and birth  
375 date of the person or persons applying for the license ~~therefor~~;

376 | the name of the firm or copartnership, with the names and places  
377 | of residence of all members ~~thereof~~, if such applicant is a firm  
378 | or copartnership; the names and places of residence of the  
379 | principal officers, if the applicant is a body corporate or  
380 | other artificial body; the name of the state under whose laws  
381 | the corporation is organized; the present and former place or  
382 | places of residence of the applicant; and the prior business in  
383 | which the applicant has been engaged and its ~~the~~ location  
384 | ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact  
385 | location of the place of business and must ~~shall~~ state whether  
386 | the place of business is owned by the applicant and when  
387 | acquired, or, if leased, a true copy of the lease must ~~shall~~ be  
388 | attached to the application. The applicant shall certify that  
389 | the location provides an adequately equipped office and is not a  
390 | residence; that the location affords sufficient unoccupied space  
391 | upon and within which adequately to store all motor vehicles  
392 | offered and displayed for sale; and that the location is a  
393 | suitable place where the applicant can in good faith carry on  
394 | such business and keep and maintain books, records, and files  
395 | necessary to conduct such business, which must ~~shall~~ be  
396 | available at all reasonable hours to inspection by the  
397 | department or any of its inspectors or other employees. The  
398 | applicant shall certify that the business of a motor vehicle  
399 | dealer is the principal business that will ~~which shall~~ be  
400 | conducted at that location. The application must ~~shall~~ contain a



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401 statement that the applicant is either franchised by a  
402 manufacturer of motor vehicles, in which case the name of each  
403 motor vehicle that the applicant is franchised to sell must  
404 ~~shall~~ be included, or an independent (nonfranchised) motor  
405 vehicle dealer. The application must ~~shall~~ contain other  
406 relevant information as may be required by the department. The  
407 applicant shall furnish, including evidence, in a form approved  
408 by the department, that the applicant is insured under a garage  
409 liability insurance policy or a general liability insurance  
410 policy coupled with a business automobile policy having the  
411 coverages and limits of the garage liability insurance coverage  
412 in accordance with paragraph (1) (g), which shall include, at a  
413 minimum, \$25,000 combined single-limit liability coverage  
414 including bodily injury and property damage protection and  
415 \$10,000 personal injury protection. However, a salvage motor  
416 vehicle dealer as defined in subparagraph (1) (c) 5. is exempt  
417 from the requirements for garage liability insurance ~~and~~  
418 ~~personal injury protection insurance~~ on those vehicles that  
419 cannot be legally operated on roads, highways, or streets in  
420 this state. Franchise dealers must submit a garage liability  
421 insurance policy, and all other dealers must submit a garage  
422 liability insurance policy or a general liability insurance  
423 policy coupled with a business automobile policy. Such policy  
424 must ~~shall~~ be for the license period, and evidence of a new or  
425 continued policy must ~~shall~~ be delivered to the department at

426 the beginning of each license period. Upon making an initial  
427 application, the applicant shall pay to the department a fee of  
428 \$300 in addition to any other fees required by law. Applicants  
429 may choose to extend the licensure period for 1 additional year  
430 for a total of 2 years. An initial applicant shall pay to the  
431 department a fee of \$300 for the first year and \$75 for the  
432 second year, in addition to any other fees required by law. An  
433 applicant for renewal shall pay to the department \$75 for a 1-  
434 year renewal or \$150 for a 2-year renewal, in addition to any  
435 other fees required by law. Upon making an application for a  
436 change of location, the applicant ~~person~~ shall pay a fee of \$50  
437 in addition to any other fees now required by law. The  
438 department shall, in the case of every application for initial  
439 licensure, verify whether certain facts set forth in the  
440 application are true. Each applicant, general partner in the  
441 case of a partnership, or corporate officer and director in the  
442 case of a corporate applicant shall, ~~must~~ file a set of  
443 fingerprints with the department for the purpose of determining  
444 any prior criminal record or any outstanding warrants. The  
445 department shall submit the fingerprints to the Department of  
446 Law Enforcement for state processing and forwarding to the  
447 Federal Bureau of Investigation for federal processing. The  
448 actual cost of state and federal processing must ~~shall~~ be borne  
449 by the applicant and is in addition to the fee for licensure.  
450 The department may issue a license to an applicant pending the

451 results of the fingerprint investigation, which license is fully  
452 revocable if the department subsequently determines that any  
453 facts set forth in the application are not true or correctly  
454 represented.

455 Section 8. Paragraph (j) of subsection (3) of section  
456 320.771, Florida Statutes, is amended to read:

457 320.771 License required of recreational vehicle dealers.—

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

462 (j) A statement that the applicant is insured under a  
463 garage liability insurance policy in accordance with s.  
464 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~  
465 ~~combined single limit liability coverage, including bodily~~  
466 ~~injury and property damage protection, and \$10,000 personal~~  
467 ~~injury protection,~~ if the applicant is to be licensed as a  
468 dealer in, or intends to sell, recreational vehicles. However, a  
469 garage liability policy is not required for the licensure of a  
470 mobile home dealer who sells only park trailers.

471  
472 The department shall, if it deems necessary, cause an  
473 investigation to be made to ascertain if the facts set forth in  
474 the application are true and shall not issue a license to the  
475 applicant until it is satisfied that the facts set forth in the

476 application are true.

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

479 322.251 Notice of cancellation, suspension, revocation, or  
480 disqualification of license.—

481 (1) All orders of cancellation, suspension, revocation, or  
482 disqualification issued under ~~the provisions of~~ this chapter,  
483 chapter 318, or chapter 324 must, ~~or ss. 627.732-627.734 shall~~  
484 be given either by personal delivery thereof to the licensee  
485 whose license is being canceled, suspended, revoked, or  
486 disqualified or by deposit in the United States mail in an  
487 envelope, first class, postage prepaid, addressed to the  
488 licensee at his or her last known mailing address furnished to  
489 the department. Such mailing by the department constitutes  
490 notification, and any failure by the person to receive the  
491 mailed order will not affect or stay the effective date or term  
492 of the cancellation, suspension, revocation, or disqualification  
493 of the licensee's driving privilege.

494 (2) The giving of notice and an order of cancellation,  
495 suspension, revocation, or disqualification by mail is complete  
496 upon expiration of 20 days after deposit in the United States  
497 mail for all notices except those issued under chapter 324 ~~or~~  
498 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in  
499 the United States mail. Proof of the giving of notice and an  
500 order of cancellation, suspension, revocation, or

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501 disqualification in either manner must ~~shall~~ be made by entry in  
502 the records of the department that such notice was given. The  
503 entry is admissible in the courts of this state and constitutes  
504 sufficient proof that such notice was given.

505 Section 10. Paragraph (a) of subsection (8) of section  
506 322.34, Florida Statutes, is amended to read:

507 322.34 Driving while license suspended, revoked, canceled,  
508 or disqualified.—

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

512 1. Whether the person's driver license is suspended or  
513 revoked, or the person is under suspension or revocation  
514 equivalent status.

515 2. Whether the person's driver license has remained  
516 suspended or revoked, or the person has been under suspension or  
517 revocation equivalent status, since a conviction for the offense  
518 of driving with a suspended or revoked license.

519 3. Whether the suspension, revocation, or suspension or  
520 revocation equivalent status was made under s. 316.646 ~~or s.~~  
521 ~~627.733~~, relating to failure to maintain required security, or  
522 under s. 322.264, relating to habitual traffic offenders.

523 4. Whether the driver is the registered owner or co-owner  
524 of the vehicle.

525 Section 11. Section 324.011, Florida Statutes, is amended

526 to read:

527       324.011 Legislative intent and purpose of chapter.—It is  
 528 the Legislature's intent of this chapter to ensure that the  
 529 privilege of owning or operating a motor vehicle in this state  
 530 is exercised ~~recognize the existing privilege to own or operate~~  
 531 ~~a motor vehicle on the public streets and highways of this state~~  
 532 ~~when such vehicles are used with due consideration for the~~  
 533 safety of others and their property, ~~and~~ to promote safety, and  
 534 to provide financial security requirements for ~~such~~ owners and  
 535 ~~or~~ operators whose responsibility it is to recompense others for  
 536 injury to person or property caused by the operation of a motor  
 537 vehicle. Therefore, this chapter requires that every owner or  
 538 operator of a motor vehicle required to be registered in this  
 539 state establish, maintain, and it is required herein that the  
 540 ~~operator of a motor vehicle involved in a crash or convicted of~~  
 541 ~~certain traffic offenses meeting the operative provisions of s.~~  
 542 ~~324.051(2) shall respond for such damages and show proof of~~  
 543 financial ability to respond for damages arising out of the  
 544 ownership, maintenance, or use of a motor vehicle in future  
 545 ~~accidents~~ as a requisite to owning or operating a motor vehicle  
 546 in this state ~~his or her future exercise of such privileges.~~

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

550       324.021 Definitions; minimum insurance required.—The

551 following words and phrases when used in this chapter shall, for  
552 the purpose of this chapter, have the meanings respectively  
553 ascribed to them in this section, except in those instances  
554 where the context clearly indicates a different meaning:

555 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is  
556 designed and required to be licensed for use upon a highway,  
557 including trailers and semitrailers designed for use with such  
558 vehicles, except traction engines, road rollers, farm tractors,  
559 power shovels, and well drillers, and every vehicle that is  
560 propelled by electric power obtained from overhead wires but not  
561 operated upon rails, but not including any personal delivery  
562 device or mobile carrier as defined in s. 316.003, bicycle,  
563 electric bicycle, or moped. ~~However, the term "motor vehicle"~~  
564 ~~does not include a motor vehicle as defined in s. 627.732(3)~~  
565 ~~when the owner of such vehicle has complied with the~~  
566 ~~requirements of ss. 627.730-627.7405, inclusive, unless the~~  
567 ~~provisions of s. 324.051 apply; and, in such case, the~~  
568 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

569 (7) PROOF OF FINANCIAL RESPONSIBILITY.—~~That~~ Proof of  
570 ability to respond in damages for liability on account of  
571 crashes arising out of the ownership, maintenance, or use of a  
572 motor vehicle:

573 (a) Beginning January 1, 2022, with respect to a motor  
574 vehicle that is not a commercial motor vehicle, nonpublic sector  
575 bus, or for-hire passenger transportation vehicle, in the amount

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576 of:

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

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

583 2.(e) Ten thousand dollars for damage ~~In the amount of~~  
584 ~~\$10,000 because of injury to, or destruction of, property of~~  
585 others in any one crash. ~~and~~

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

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

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

593 (9) OWNER; OWNER/LESSOR.—

594 (c) *Application.*—

595 1. The limits on liability in subparagraphs (b)2. and 3.  
596 do not apply to an owner of motor vehicles that are used for  
597 commercial activity in the owner's ordinary course of business,  
598 other than a rental company that rents or leases motor vehicles.  
599 For purposes of this paragraph, the term "rental company"  
600 includes only an entity that is engaged in the business of



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601 renting or leasing motor vehicles to the general public and that  
602 rents or leases a majority of its motor vehicles to persons with  
603 no direct or indirect affiliation with the rental company. The  
604 term "rental company" also includes:

605 a. A related rental or leasing company that is a  
606 subsidiary of the same parent company as that of the renting or  
607 leasing company that rented or leased the vehicle.

608 b. The holder of a motor vehicle title or an equity  
609 interest in a motor vehicle title if the title or equity  
610 interest is held pursuant to or to facilitate an asset-backed  
611 securitization of a fleet of motor vehicles used solely in the  
612 business of renting or leasing motor vehicles to the general  
613 public and under the dominion and control of a rental company,  
614 as described in this subparagraph, in the operation of such  
615 rental company's business.

616 2. Furthermore, with respect to commercial motor vehicles  
617 as defined in s. 207.002 or s. 320.01 ~~s. 627.732~~, the limits on  
618 liability in subparagraphs (b)2. and 3. do not apply if, at the  
619 time of the incident, the commercial motor vehicle is being used  
620 in the transportation of materials found to be hazardous for the  
621 purposes of the Hazardous Materials Transportation Authorization  
622 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is  
623 required pursuant to such act to carry placards warning others  
624 of the hazardous cargo, unless at the time of lease or rental  
625 either:

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

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

634 3.a. A motor vehicle dealer, or a motor vehicle dealer's  
635 leasing or rental affiliate, that provides a temporary  
636 replacement vehicle at no charge or at a reasonable daily charge  
637 to a service customer whose vehicle is being held for repair,  
638 service, or adjustment by the motor vehicle dealer is immune  
639 from any cause of action and is not liable, vicariously or  
640 directly, under general law solely by reason of being the owner  
641 of the temporary replacement vehicle for harm to persons or  
642 property that arises out of the use, or operation, of the  
643 temporary replacement vehicle by any person during the period  
644 the temporary replacement vehicle has been entrusted to the  
645 motor vehicle dealer's service customer if there is no  
646 negligence or criminal wrongdoing on the part of the motor  
647 vehicle owner, or its leasing or rental affiliate.

648 b. For purposes of this section, and notwithstanding any  
649 other provision of general law, a motor vehicle dealer, or a  
650 motor vehicle dealer's leasing or rental affiliate, that gives

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651 possession, control, or use of a temporary replacement vehicle  
652 to a motor vehicle dealer's service customer may not be adjudged  
653 liable in a civil proceeding absent negligence or criminal  
654 wrongdoing on the part of the motor vehicle dealer, or the motor  
655 vehicle dealer's leasing or rental affiliate, if the motor  
656 vehicle dealer or the motor vehicle dealer's leasing or rental  
657 affiliate executes a written rental or use agreement and obtains  
658 from the person receiving the temporary replacement vehicle a  
659 copy of the person's driver license and insurance information  
660 reflecting at least the minimum motor vehicle insurance coverage  
661 required in the state. Any subsequent determination that the  
662 driver license or insurance information provided to the motor  
663 vehicle dealer, or the motor vehicle dealer's leasing or rental  
664 affiliate, was in any way false, fraudulent, misleading,  
665 nonexistent, canceled, not in effect, or invalid does not alter  
666 or diminish the protections provided by this section, unless the  
667 motor vehicle dealer, or the motor vehicle dealer's leasing or  
668 rental affiliate, had actual knowledge thereof at the time  
669 possession of the temporary replacement vehicle was provided.

670 c. For purposes of this subparagraph, the term "service  
671 customer" does not include an agent or a principal of a motor  
672 vehicle dealer or a motor vehicle dealer's leasing or rental  
673 affiliate, and does not include an employee of a motor vehicle  
674 dealer or a motor vehicle dealer's leasing or rental affiliate  
675 unless the employee was provided a temporary replacement

676 | vehicle:

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

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

682 |       (III) The employee was not acting within the course and  
683 | scope of their employment.

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

688 |       Section 13. Section 324.022, Florida Statutes, is amended  
689 | to read:

690 |       324.022 Financial responsibility requirements ~~for property~~  
691 | ~~damage.~~—

692 |       (1) (a) Beginning January 1, 2022, every owner or operator  
693 | of a motor vehicle required to be registered in this state shall  
694 | establish and continuously maintain the ability to respond in  
695 | damages for liability on account of accidents arising out of the  
696 | use of the motor vehicle in the amount of:

697 |       1. Twenty-five thousand dollars for bodily injury to, or  
698 | the death of, one person in any one crash and, subject to such  
699 | limits for one person, in the amount of \$50,000 for bodily  
700 | injury to, or the death of, two or more persons in any one

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701 crash; and

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

704 (b) The requirements of paragraph (a) ~~this section~~ may be  
705 met by one of the methods established in s. 324.031; by self-  
706 insuring as authorized by s. 768.28(16); or by maintaining a  
707 motor vehicle liability insurance policy that ~~an insurance~~  
708 ~~policy providing coverage for property damage liability in the~~  
709 ~~amount of at least \$10,000 because of damage to, or destruction~~  
710 ~~of, property of others in any one accident arising out of the~~  
711 ~~use of the motor vehicle. The requirements of this section may~~  
712 ~~also be met by having a policy which provides~~ combined property  
713 damage liability and bodily injury liability coverage for any  
714 one crash arising out of the ownership, maintenance, or use of a  
715 motor vehicle and that conforms to the requirements of s.  
716 324.151 in the amount of at least \$60,000 for every owner or  
717 operator subject to the financial responsibility required in  
718 paragraph (a) \$30,000 for combined property damage liability and  
719 ~~bodily injury liability for any one crash arising out of the use~~  
720 ~~of the motor vehicle. The policy, with respect to coverage for~~  
721 ~~property damage liability, must meet the applicable requirements~~  
722 ~~of s. 324.151, subject to the usual policy exclusions that have~~  
723 ~~been approved in policy forms by the Office of Insurance~~  
724 ~~Regulation. No insurer shall have any duty to defend uncovered~~  
725 ~~claims irrespective of their joinder with covered claims.~~

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

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

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

733 2. A motor vehicle that is used in mass transit and  
734 designed to transport more than five passengers, exclusive of  
735 the operator of the motor vehicle, and that is owned by a  
736 municipality, transit authority, or political subdivision of the  
737 state.

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

740 4. A commercial motor vehicle as defined in s. 207.002 or  
741 s. 320.01, which must maintain security as required under ss.  
742 324.031 and 627.7415.

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

745 ~~6.4. A vehicle providing for-hire passenger transportation~~  
746 ~~vehicle, which must that is subject to the provisions of s.~~  
747 ~~324.031. A taxicab shall maintain security as required under s.~~  
748 ~~324.032 ~~s. 324.032(1).~~~~

749 ~~7.5.~~ A personal delivery device as defined in s. 316.003.

750 (b) "Owner" means the person who holds legal title to a

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751 motor vehicle or the debtor or lessee who has the right to  
752 possession of a motor vehicle that is the subject of a security  
753 agreement or lease with an option to purchase.

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

761 (4) An ~~The~~ owner or registrant of a motor vehicle who is  
762 ~~exempt from the requirements of this section if she or he is a~~  
763 member of the United States Armed Forces and is called to or on  
764 active duty outside the United States in an emergency situation  
765 is exempt from this section while he or she. ~~The exemption~~  
766 ~~provided by this subsection applies only as long as the member~~  
767 ~~of the Armed Forces is on such active duty.~~ This exemption  
768 ~~outside the United States and applies only while the vehicle~~  
769 covered by the security is not operated by any person. Upon  
770 receipt of a written request by the insured to whom the  
771 exemption provided in this subsection applies, the insurer shall  
772 cancel the coverages and return any unearned premium or suspend  
773 the security required by this section. Notwithstanding s.  
774 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the  
775 registration or operator's license of an ~~any~~ owner or registrant

776 of a motor vehicle during the time she or he qualifies for the  
 777 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant  
 778 of a motor vehicle who qualifies for the ~~an~~ exemption under this  
 779 subsection shall immediately notify the department before ~~prior~~  
 780 ~~to~~ and at the end of the expiration of the exemption.

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

783 324.0221 Reports by insurers to the department; suspension  
 784 of driver license and vehicle registrations; reinstatement.—

785 (1) (a) Each insurer that has issued a policy providing  
 786 ~~personal injury protection coverage or property damage~~ liability  
 787 coverage shall report the cancellation or nonrenewal thereof to  
 788 the department within 10 days after the processing date or  
 789 effective date of each cancellation or nonrenewal. Upon the  
 790 issuance of a policy providing ~~personal injury protection~~  
 791 ~~coverage or property damage~~ liability coverage to a named  
 792 insured not previously insured by the insurer during that  
 793 calendar year, the insurer shall report the issuance of the new  
 794 policy to the department within 10 days. The report must ~~shall~~  
 795 be in the form ~~and format~~ and contain any information required  
 796 by the department and must be provided in a format that is  
 797 compatible with the data processing capabilities of the  
 798 department. Failure by an insurer to file proper reports with  
 799 the department as required by this subsection constitutes a  
 800 violation of the Florida Insurance Code. These records may ~~shall~~



801 be used by the department only for enforcement and regulatory  
 802 purposes, including the generation by the department of data  
 803 regarding compliance by owners of motor vehicles with the  
 804 requirements for financial responsibility coverage.

805 (b) With respect to an insurance policy providing ~~personal~~  
 806 ~~injury protection coverage or property damage~~ liability  
 807 coverage, each insurer shall notify the named insured, or the  
 808 first-named insured in the case of a commercial fleet policy, in  
 809 writing that any cancellation or nonrenewal of the policy will  
 810 be reported by the insurer to the department. The notice must  
 811 also inform the named insured that failure to maintain bodily  
 812 injury liability ~~personal injury protection~~ coverage and  
 813 property damage liability coverage on a motor vehicle when  
 814 required by law may result in the loss of registration and  
 815 driving privileges in this state and inform the named insured of  
 816 the amount of the reinstatement fees required by this section.  
 817 This notice is for informational purposes only, and an insurer  
 818 is not civilly liable for failing to provide this notice.

819 (2) The department shall suspend, after due notice and an  
 820 opportunity to be heard, the registration and driver license of  
 821 any owner or registrant of a motor vehicle for ~~with respect to~~  
 822 which security is required under s. 324.022, s. 324.032, s.  
 823 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

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

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

828 (b) Notification by the insurer to the department, in a  
829 form approved by the department, of cancellation or termination  
830 of the required security.

831 Section 15. Section 324.0222, Florida Statutes, is created  
832 to read:

833 324.0222 Application of suspensions for failure to  
834 maintain security; reinstatement.—All suspensions for failure to  
835 maintain required security as required by law in effect before  
836 January 1, 2022, remain in full force and effect on or after  
837 January 1, 2022. A driver may reinstate a suspended driver  
838 license or registration as provided under s. 324.0221.

839 Section 16. Section 324.023, Florida Statutes, is amended  
840 to read:

841 324.023 Financial responsibility for bodily injury or  
842 death.—In addition to any other financial responsibility  
843 required by law, every owner or operator of a motor vehicle that  
844 is required to be registered in this state, or that is located  
845 within this state, and who, regardless of adjudication of guilt,  
846 has been found guilty of or entered a plea of guilty or nolo  
847 contendere to a charge of driving under the influence under s.  
848 316.193 after October 1, 2007, shall, by one of the methods  
849 established in s. 324.031(1) (a) or (b) ~~s. 324.031(1) or (2)~~,  
850 establish and maintain the ability to respond in damages for

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851 liability on account of accidents arising out of the use of a  
852 motor vehicle in the amount of \$100,000 because of bodily injury  
853 to, or death of, one person in any one crash and, subject to  
854 such limits for one person, in the amount of \$300,000 because of  
855 bodily injury to, or death of, two or more persons in any one  
856 crash and in the amount of \$50,000 because of property damage in  
857 any one crash. If the owner or operator chooses to establish and  
858 maintain such ability by furnishing a certificate of deposit  
859 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of  
860 deposit must be at least \$350,000. Such higher limits must be  
861 carried for a minimum period of 3 years. If the owner or  
862 operator has not been convicted of driving under the influence  
863 or a felony traffic offense for a period of 3 years from the  
864 date of reinstatement of driving privileges for a violation of  
865 s. 316.193, the owner or operator is ~~shall be~~ exempt from this  
866 section.

867 Section 17. Section 324.031, Florida Statutes, is amended  
868 to read:

869 324.031 Manner of proving financial responsibility.—

870 ~~(1) The owner or operator of a taxicab, limousine, jitney,~~  
871 ~~or any other for-hire passenger transportation vehicle may prove~~  
872 ~~financial responsibility by providing satisfactory evidence of~~  
873 ~~holding a motor vehicle liability policy as defined in s.~~  
874 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~  
875 ~~carrier which is a member of the Florida Insurance Guaranty~~

876 ~~Association.~~ The operator or owner of a motor vehicle other than  
 877 a for-hire passenger transportation vehicle ~~any other vehicle~~  
 878 may prove his or her financial responsibility by:

879 (a) (1) ~~Furnishing~~ satisfactory evidence of holding a motor  
 880 vehicle liability policy as defined in ss. 324.021(8) and  
 881 324.151 which provides liability coverage for the motor vehicle  
 882 being operated;

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

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

887 (2) (a) ~~Beginning January 1, 2022,~~ any person, ~~including~~  
 888 ~~any firm, partnership, association, corporation, or other~~  
 889 ~~person, other than a natural person,~~ electing to use the method  
 890 of proof specified in paragraph (1) (b) subsection (2) shall  
 891 furnish a certificate of deposit equal to the number of vehicles  
 892 owned times \$60,000 ~~\$30,000~~, to a maximum of \$240,000. ~~\$120,000;~~

893 (b) ~~In addition,~~ any such person, ~~other than a natural~~  
 894 ~~person,~~ shall maintain insurance providing coverage conforming  
 895 to the requirements of s. 324.151 in excess of the amount of the  
 896 certificate of deposit, with limits of at least:

897 1. One hundred twenty-five thousand dollars for bodily  
 898 injury to, or the death of, one person in any one crash and,  
 899 subject to such limits for one person, in the amount of \$250,000  
 900 for bodily injury to, or the death of, two or more persons in

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901 any one crash, and \$50,000 for damage to, or destruction of,  
902 property of others in any one crash; or

903 2. Three hundred thousand dollars for combined bodily  
904 injury liability and property damage liability for any one crash  
905 \$10,000/20,000/10,000 or \$30,000 combined single limits, and  
906 such excess insurance shall provide minimum limits of  
907 \$125,000/250,000/50,000 or \$300,000 combined single limits.  
908 ~~These increased limits shall not affect the requirements for~~  
909 ~~proving financial responsibility under s. 324.032(1).~~

910 Section 18. Section 324.032, Florida Statutes, is amended  
911 to read:

912 324.032 ~~Manner of proving~~ Financial responsibility for  
913 for-hire passenger transportation vehicles. ~~Notwithstanding the~~  
914 ~~provisions of s. 324.031:~~

915 (1) An owner or lessee of a for-hire passenger  
916 transportation vehicle that is required to be registered in this  
917 state shall establish and continuously maintain the ability to  
918 respond in damages for liability on account of accidents arising  
919 out of the ownership, maintenance, or use of the for-hire  
920 passenger transportation vehicle, in the amount of:

921 (a) One hundred twenty-five thousand dollars for bodily  
922 injury to, or the death of, one person in any one crash and,  
923 subject to such limits for one person, in the amount of \$250,000  
924 for bodily injury to, or the death of, two or more persons in  
925 any one crash; and ~~A person who is either the owner or a lessee~~

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926 ~~required to maintain insurance under s. 627.733(1)(b) and who~~  
927 ~~operates one or more taxicabs, limousines, jitneys, or any other~~  
928 ~~for-hire passenger transportation vehicles may prove financial~~  
929 ~~responsibility by furnishing satisfactory evidence of holding a~~  
930 ~~motor vehicle liability policy, but with minimum limits of~~  
931 ~~\$125,000/250,000/50,000.~~

932 (b) Fifty thousand dollars for damage to, or destruction  
933 of, property of others in any one crash ~~A person who is either~~  
934 ~~the owner or a lessee required to maintain insurance under s.~~  
935 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~  
936 ~~for-hire passenger vehicles, other than taxicabs, may prove~~  
937 ~~financial responsibility by furnishing satisfactory evidence of~~  
938 ~~holding a motor vehicle liability policy as defined in s.~~  
939 ~~324.031.~~

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

946 (3)-(2) ~~An owner or a lessee who is required to maintain~~  
947 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~  
948 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~  
949 ~~transportation vehicles may provide financial responsibility by~~  
950 ~~complying with the provisions of s. 324.171, which must such~~

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951 ~~compliance~~ to be demonstrated by maintaining at its principal  
952 place of business an audited financial statement, prepared in  
953 accordance with generally accepted accounting principles, and  
954 providing to the department a certification issued by a  
955 certified public accountant that the applicant's net worth is at  
956 least equal to the requirements of s. 324.171 as determined by  
957 the Office of Insurance Regulation of the Financial Services  
958 Commission, including claims liabilities in an amount certified  
959 as adequate by a Fellow of the Casualty Actuarial Society.

960  
961 Upon request by the department, the applicant shall ~~must~~ provide  
962 the department at the applicant's principal place of business in  
963 this state access to the applicant's underlying financial  
964 information and financial statements that provide the basis of  
965 the certified public accountant's certification. The applicant  
966 shall reimburse the requesting department for all reasonable  
967 costs incurred by it in reviewing the supporting information.  
968 The maximum amount of self-insurance permissible under this  
969 subsection is \$300,000 and must be stated on a per-occurrence  
970 basis, and the applicant shall maintain adequate excess  
971 insurance issued by an authorized or eligible insurer licensed  
972 or approved by the Office of Insurance Regulation. All risks  
973 self-insured shall remain with the owner or lessee providing it,  
974 and the risks are not transferable to any other person, unless a  
975 policy complying with subsections (1) and (2) ~~subsection (1)~~ is

976 | obtained.

977 | Section 19. Paragraph (b) of subsection (2) of section  
 978 | 324.051, Florida Statutes, is amended to read:

979 | 324.051 Reports of crashes; suspensions of licenses and  
 980 | registrations.—

981 | (2)

982 | (b) This subsection does ~~shall~~ not apply:

983 | 1. To such operator or owner if such operator or owner had  
 984 | in effect at the time of such crash or traffic conviction a  
 985 | motor vehicle ~~an automobile~~ liability policy with respect to all  
 986 | of the registered motor vehicles owned by such operator or  
 987 | owner.

988 | 2. To such operator, if not the owner of such motor  
 989 | vehicle, if there was in effect at the time of such crash or  
 990 | traffic conviction a motor vehicle ~~an automobile~~ liability  
 991 | policy or bond with respect to his or her operation of motor  
 992 | vehicles not owned by him or her.

993 | 3. To such operator or owner if the liability of such  
 994 | operator or owner for damages resulting from such crash is, in  
 995 | the judgment of the department, covered by any other form of  
 996 | liability insurance or bond.

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

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1001 No such policy or bond shall be effective under this subsection  
 1002 unless it contains limits of not less than those specified in s.  
 1003 324.021(7).

1004 Section 20. Section 324.071, Florida Statutes, is amended  
 1005 to read:

1006 324.071 Reinstatement; renewal of license; reinstatement  
 1007 fee.—An ~~Any~~ operator or owner whose license or registration has  
 1008 been suspended pursuant to s. 324.051(2), s. 324.072, s.  
 1009 324.081, or s. 324.121 may effect its reinstatement upon  
 1010 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or  
 1011 s. 324.081(2) and (3), as the case may be, and with one of the  
 1012 provisions of s. 324.031 and upon payment to the department of a  
 1013 nonrefundable reinstatement fee of \$15. Only one such fee may  
 1014 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the  
 1015 number of licenses and registrations to be then reinstated or  
 1016 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited  
 1017 into ~~to~~ a department trust fund. If ~~When~~ the reinstatement of  
 1018 any license or registration is effected by compliance with s.  
 1019 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the  
 1020 license or registration within ~~a period of~~ 3 years after ~~from~~  
 1021 such reinstatement, nor may ~~shall~~ any other license or  
 1022 registration be issued in the name of such person, unless the  
 1023 operator continues ~~is continuing~~ to comply with ~~one of the~~  
 1024 ~~provisions of~~ s. 324.031.

1025 Section 21. Subsection (1) of section 324.091, Florida

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1026 Statutes, is amended to read:

1027 324.091 Notice to department; notice to insurer.—

1028 (1) Each owner and operator involved in a crash or  
 1029 conviction case within the purview of this chapter shall furnish  
 1030 evidence of ~~automobile liability insurance or~~ motor vehicle  
 1031 liability insurance within 14 days after the date of the mailing  
 1032 of notice of crash by the department in the form and manner as  
 1033 it may designate. Upon receipt of evidence that a ~~an automobile~~  
 1034 ~~liability policy or~~ motor vehicle liability policy was in effect  
 1035 at the time of the crash or conviction case, the department  
 1036 shall forward to the insurer such information for verification  
 1037 in a method as determined by the department. The insurer shall  
 1038 respond to the department within 20 days after the notice as to  
 1039 ~~or not~~ such information is valid. If the department  
 1040 determines that a ~~an automobile liability policy or~~ motor  
 1041 vehicle liability policy was not in effect and did not provide  
 1042 coverage for both the owner and the operator, it must ~~shall~~ take  
 1043 action as it is authorized to do under this chapter.

1044 Section 22. Section 324.151, Florida Statutes, is amended  
 1045 to read:

1046 324.151 Motor vehicle liability policies; required  
 1047 provisions.—

1048 (1) A motor vehicle liability policy that serves as ~~to be~~  
 1049 proof of financial responsibility under s. 324.031(1)(a) must ~~s.~~  
 1050 ~~324.031(1),~~ shall be issued to owners or operators of motor

1051 vehicles under the following provisions:

1052 (a) A motor vehicle ~~An owner's~~ liability insurance policy  
1053 issued to an owner of a motor vehicle required to be registered  
1054 in this state must ~~shall~~ designate by explicit description or by  
1055 appropriate reference all motor vehicles for ~~with respect to~~  
1056 which coverage is thereby granted. The policy must ~~and shall~~  
1057 insure the person or persons ~~owner~~ named therein and, except for  
1058 a named driver excluded pursuant to s. 627.747, must insure any  
1059 resident relative of a named insured ~~other person as operator~~  
1060 ~~using such motor vehicle or motor vehicles with the express or~~  
1061 ~~implied permission of such owner against loss~~ from the liability  
1062 imposed by law for damage arising out of the ownership,  
1063 maintenance, or use of any ~~such~~ motor vehicle ~~or motor vehicles~~  
1064 ~~within the United States or the Dominion of Canada,~~ subject to  
1065 ~~limits, exclusive of interest and costs with respect to each~~  
1066 ~~such motor vehicle as is provided for under s. 324.021(7).~~  
1067 Except for a named driver excluded pursuant to s. 627.747, the  
1068 policy must also insure any person operating an insured motor  
1069 vehicle with the express or implied permission of a named  
1070 insured against loss from the liability imposed by law for  
1071 damage arising out of the use of the insured vehicle. However,  
1072 the insurer may include provisions in its policy excluding  
1073 liability coverage for a motor vehicle not designated as an  
1074 insured vehicle on the policy if such motor vehicle does not  
1075 qualify as a newly acquired vehicle, does not qualify as a

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1076 temporary substitute vehicle, and was owned by the insured or  
1077 was furnished for an insured's regular use for more than 30  
1078 consecutive days before the event giving rise to the claim.  
1079 Insurers may make available, with respect to property damage  
1080 liability coverage, a deductible amount not to exceed \$500. In  
1081 the event of a property damage loss covered by a policy  
1082 containing a property damage deductible provision, the insurer  
1083 shall pay to the third-party claimant the amount of any property  
1084 damage liability settlement or judgment, subject to policy  
1085 limits, as if no deductible existed.

1086 (b) A motor vehicle liability insurance policy issued to a  
1087 person who does not own a motor vehicle must ~~An operator's motor~~  
1088 ~~vehicle liability policy of insurance shall~~ insure the person or  
1089 persons named therein against loss from the liability imposed  
1090 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~  
1091 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~  
1092 ~~same territorial limits and subject to the same limits of~~  
1093 ~~liability as referred to above with respect to an owner's policy~~  
1094 ~~of liability insurance.~~

1095 (c) All such motor vehicle liability policies must provide  
1096 liability coverage with limits, exclusive of interest and costs,  
1097 as specified under s. 324.021(7) for accidents occurring within  
1098 the United States or Canada. The policies must ~~shall~~ state the  
1099 name and address of the named insured, the coverage afforded by  
1100 the policy, the premium charged therefor, the policy period, and

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1101 the limits of liability, and must ~~shall~~ contain an agreement or  
1102 be endorsed that insurance is provided in accordance with the  
1103 coverage defined in this chapter ~~as respects bodily injury and~~  
1104 ~~death or property damage or both~~ and is subject to all  
1105 ~~provisions of~~ this chapter. The ~~said~~ policies must ~~shall~~ also  
1106 contain a provision that the satisfaction by an insured of a  
1107 judgment for such injury or damage may ~~shall~~ not be a condition  
1108 precedent to the right or duty of the insurance carrier to make  
1109 payment on account of such injury or damage, and must ~~shall~~ also  
1110 contain a provision that bankruptcy or insolvency of the insured  
1111 or of the insured's estate may ~~shall~~ not relieve the insurance  
1112 carrier of any of its obligations under the ~~said~~ policy.

1113 (2) ~~The provisions of~~ This section is ~~shall~~ not ~~be~~  
1114 applicable to any motor vehicle ~~automobile~~ liability policy  
1115 unless and until it is furnished as proof of financial  
1116 responsibility for the future pursuant to s. 324.031, and then  
1117 applies only from ~~and after~~ the date the ~~said~~ policy is ~~so~~  
1118 furnished.

1119 (3) As used in this section, the term:

1120 (a) "Newly acquired vehicle" means a vehicle owned by a  
1121 named insured or resident relative of the named insured which  
1122 was acquired within 30 days before an accident.

1123 (b) "Resident relative" means a person related to a named  
1124 insured by any degree by blood, marriage, or adoption, including  
1125 a ward or foster child, who usually makes his or her home in the

1126 same family unit or residence as the named insured, whether or  
 1127 not he or she temporarily lives elsewhere.

1128 (c) "Temporary substitute vehicle" means any motor vehicle  
 1129 as defined in s. 320.01(1) which is not owned by the named  
 1130 insured and which is temporarily used with the permission of the  
 1131 owner as a substitute for the owned motor vehicle designated on  
 1132 the policy when the owned vehicle is withdrawn from normal use  
 1133 because of breakdown, repair, servicing, loss, or destruction.

1134 Section 23. Section 324.161, Florida Statutes, is amended  
 1135 to read:

1136 324.161 Proof of financial responsibility; deposit.—If a  
 1137 person elects to prove his or her financial responsibility under  
 1138 the method of proof specified in s. 324.031(1) (b), he or she  
 1139 annually must obtain and submit to the department proof of a  
 1140 certificate of deposit in the amount required under s.

1141 324.031(2) from a financial institution insured by the Federal  
 1142 Deposit Insurance Corporation or the National Credit Union  
 1143 Administration Annually, before any certificate of insurance may  
 1144 be issued to a person, including any firm, partnership,  
 1145 association, corporation, or other person, other than a natural  
 1146 person, proof of a certificate of deposit of \$30,000 issued and  
 1147 held by a financial institution must be submitted to the  
 1148 department. A power of attorney will be issued to and held by  
 1149 the department and may be executed upon a judgment issued  
 1150 against such person making the deposit, for damages for because

1151 ~~of~~ bodily injury to or death of any person or for damages for  
 1152 ~~because of~~ injury to or destruction of property resulting from  
 1153 the use or operation of any motor vehicle occurring after such  
 1154 deposit was made. Money so deposited is ~~shall~~ not ~~be~~ subject to  
 1155 attachment or execution unless such attachment or execution  
 1156 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages ~~as~~  
 1157 aforesaid.

1158 Section 24. Subsections (1) and (2) of section 324.171,  
 1159 Florida Statutes, are amended to read:

1160 324.171 Self-insurer.—

1161 (1) A ~~Any~~ person may qualify as a self-insurer by  
 1162 obtaining a certificate of self-insurance from the department.  
 1163 ~~which may, in its discretion and~~ Upon application of such a  
 1164 person, the department may issue a ~~said~~ certificate of self-  
 1165 insurance to an applicant who satisfies ~~when such person has~~  
 1166 ~~satisfied~~ the requirements of this section. Effective January 1,  
 1167 2022 ~~to qualify as a self-insurer under this section:~~

1168 (a) A private individual with private passenger vehicles  
 1169 shall possess a net unencumbered worth of at least \$100,000  
 1170 ~~\$40,000~~.

1171 (b) A person, including any firm, partnership,  
 1172 association, corporation, or other person, other than a natural  
 1173 person, shall:

1174 1. Possess a net unencumbered worth of at least \$100,000  
 1175 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each

1176 additional motor vehicle; or

1177       2. Maintain sufficient net worth, in an amount determined

1178 by the department, to be financially responsible for potential

1179 losses. The department annually shall determine the minimum net

1180 worth sufficient to satisfy this subparagraph ~~as determined~~

1181 ~~annually by the department,~~ pursuant to rules adopted

1182 ~~promulgated~~ by the department, with the assistance of the Office

1183 of Insurance Regulation of the Financial Services Commission, ~~to~~

1184 ~~be financially responsible for potential losses.~~ The rules must

1185 consider any ~~shall take into consideration~~ excess insurance

1186 carried by the applicant. The department's determination must

1187 ~~shall~~ be based upon reasonable actuarial principles considering

1188 the frequency, severity, and loss development of claims incurred

1189 by casualty insurers writing coverage on the type of motor

1190 vehicles for which a certificate of self-insurance is desired.

1191       (c) The owner of a commercial motor vehicle, as defined in

1192 s. 207.002 or s. 320.01, may qualify as a self-insurer subject

1193 to the standards provided ~~for~~ in subparagraph (b)2.

1194       (2) The self-insurance certificate must ~~shall~~ provide

1195 limits of liability insurance in the amounts specified under s.

1196 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~

1197 ~~protection coverage under s. 627.733(3)(b).~~

1198       Section 25. Section 324.251, Florida Statutes, is amended

1199 to read:

1200       324.251 Short title.—This chapter may be cited as the



1201 "Financial Responsibility Law of 2021 ~~1955~~" and ~~is shall become~~  
 1202 effective at 12:01 a.m., January 1, 2022 ~~October 1, 1955~~.

1203 Section 26. Subsection (4) of section 400.9905, Florida  
 1204 Statutes, is amended to read:

1205 400.9905 Definitions.—

1206 (4) (a) "Clinic" means an entity where health care services  
 1207 are provided to individuals and which tenders charges for  
 1208 reimbursement for such services, including a mobile clinic and a  
 1209 portable equipment provider. As used in this part, the term does  
 1210 not include and the licensure requirements of this part do not  
 1211 apply to:

1212 1.(a) Entities licensed or registered by the state under  
 1213 chapter 395; entities licensed or registered by the state and  
 1214 providing only health care services within the scope of services  
 1215 authorized under their respective licenses under ss. 383.30-  
 1216 383.332, chapter 390, chapter 394, chapter 397, this chapter  
 1217 except part X, chapter 429, chapter 463, chapter 465, chapter  
 1218 466, chapter 478, chapter 484, or chapter 651; end-stage renal  
 1219 disease providers authorized under 42 C.F.R. part 494; providers  
 1220 certified and providing only health care services within the  
 1221 scope of services authorized under their respective  
 1222 certifications under 42 C.F.R. part 485, subpart B, subpart H,  
 1223 or subpart J; providers certified and providing only health care  
 1224 services within the scope of services authorized under their  
 1225 respective certifications under 42 C.F.R. part 486, subpart C;

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1226 providers certified and providing only health care services  
1227 within the scope of services authorized under their respective  
1228 certifications under 42 C.F.R. part 491, subpart A; providers  
1229 certified by the Centers for Medicare and Medicaid services  
1230 under the federal Clinical Laboratory Improvement Amendments and  
1231 the federal rules adopted thereunder; or any entity that  
1232 provides neonatal or pediatric hospital-based health care  
1233 services or other health care services by licensed practitioners  
1234 solely within a hospital licensed under chapter 395.

1235 2.~~(b)~~ Entities that own, directly or indirectly, entities  
1236 licensed or registered by the state pursuant to chapter 395;  
1237 entities that own, directly or indirectly, entities licensed or  
1238 registered by the state and providing only health care services  
1239 within the scope of services authorized pursuant to their  
1240 respective licenses under ss. 383.30-383.332, chapter 390,  
1241 chapter 394, chapter 397, this chapter except part X, chapter  
1242 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
1243 484, or chapter 651; end-stage renal disease providers  
1244 authorized under 42 C.F.R. part 494; providers certified and  
1245 providing only health care services within the scope of services  
1246 authorized under their respective certifications under 42 C.F.R.  
1247 part 485, subpart B, subpart H, or subpart J; providers  
1248 certified and providing only health care services within the  
1249 scope of services authorized under their respective  
1250 certifications under 42 C.F.R. part 486, subpart C; providers

1251 certified and providing only health care services within the  
 1252 scope of services authorized under their respective  
 1253 certifications under 42 C.F.R. part 491, subpart A; providers  
 1254 certified by the Centers for Medicare and Medicaid services  
 1255 under the federal Clinical Laboratory Improvement Amendments and  
 1256 the federal rules adopted thereunder; or any entity that  
 1257 provides neonatal or pediatric hospital-based health care  
 1258 services by licensed practitioners solely within a hospital  
 1259 licensed under chapter 395.

1260 3.(e) Entities that are owned, directly or indirectly, by  
 1261 an entity licensed or registered by the state pursuant to  
 1262 chapter 395; entities that are owned, directly or indirectly, by  
 1263 an entity licensed or registered by the state and providing only  
 1264 health care services within the scope of services authorized  
 1265 pursuant to their respective licenses under ss. 383.30-383.332,  
 1266 chapter 390, chapter 394, chapter 397, this chapter except part  
 1267 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter  
 1268 478, chapter 484, or chapter 651; end-stage renal disease  
 1269 providers authorized under 42 C.F.R. part 494; providers  
 1270 certified and providing only health care services within the  
 1271 scope of services authorized under their respective  
 1272 certifications under 42 C.F.R. part 485, subpart B, subpart H,  
 1273 or subpart J; providers certified and providing only health care  
 1274 services within the scope of services authorized under their  
 1275 respective certifications under 42 C.F.R. part 486, subpart C;

1276 providers certified and providing only health care services  
 1277 within the scope of services authorized under their respective  
 1278 certifications under 42 C.F.R. part 491, subpart A; providers  
 1279 certified by the Centers for Medicare and Medicaid services  
 1280 under the federal Clinical Laboratory Improvement Amendments and  
 1281 the federal rules adopted thereunder; or any entity that  
 1282 provides neonatal or pediatric hospital-based health care  
 1283 services by licensed practitioners solely within a hospital  
 1284 under chapter 395.

1285 4.~~(d)~~ Entities that are under common ownership, directly  
 1286 or indirectly, with an entity licensed or registered by the  
 1287 state pursuant to chapter 395; entities that are under common  
 1288 ownership, directly or indirectly, with an entity licensed or  
 1289 registered by the state and providing only health care services  
 1290 within the scope of services authorized pursuant to their  
 1291 respective licenses under ss. 383.30-383.332, chapter 390,  
 1292 chapter 394, chapter 397, this chapter except part X, chapter  
 1293 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
 1294 484, or chapter 651; end-stage renal disease providers  
 1295 authorized under 42 C.F.R. part 494; providers certified and  
 1296 providing only health care services within the scope of services  
 1297 authorized under their respective certifications under 42 C.F.R.  
 1298 part 485, subpart B, subpart H, or subpart J; providers  
 1299 certified and providing only health care services within the  
 1300 scope of services authorized under their respective

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1301 certifications under 42 C.F.R. part 486, subpart C; providers  
1302 certified and providing only health care services within the  
1303 scope of services authorized under their respective  
1304 certifications under 42 C.F.R. part 491, subpart A; providers  
1305 certified by the Centers for Medicare and Medicaid services  
1306 under the federal Clinical Laboratory Improvement Amendments and  
1307 the federal rules adopted thereunder; or any entity that  
1308 provides neonatal or pediatric hospital-based health care  
1309 services by licensed practitioners solely within a hospital  
1310 licensed under chapter 395.

1311 5.(e) An entity that is exempt from federal taxation under  
1312 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan  
1313 under 26 U.S.C. s. 409 that has a board of trustees at least  
1314 two-thirds of which are Florida-licensed health care  
1315 practitioners and provides only physical therapy services under  
1316 physician orders, any community college or university clinic,  
1317 and any entity owned or operated by the federal or state  
1318 government, including agencies, subdivisions, or municipalities  
1319 thereof.

1320 6.(f) A sole proprietorship, group practice, partnership,  
1321 or corporation that provides health care services by physicians  
1322 covered by s. 627.419, that is directly supervised by one or  
1323 more of such physicians, and that is wholly owned by one or more  
1324 of those physicians or by a physician and the spouse, parent,  
1325 child, or sibling of that physician.

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1326        7.~~(g)~~ A sole proprietorship, group practice, partnership,  
1327 or corporation that provides health care services by licensed  
1328 health care practitioners under chapter 457, chapter 458,  
1329 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
1330 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
1331 chapter 490, chapter 491, or part I, part III, part X, part  
1332 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
1333 wholly owned by one or more licensed health care practitioners,  
1334 or the licensed health care practitioners set forth in this  
1335 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling  
1336 of a licensed health care practitioner if one of the owners who  
1337 is a licensed health care practitioner is supervising the  
1338 business activities and is legally responsible for the entity's  
1339 compliance with all federal and state laws. However, a health  
1340 care practitioner may not supervise services beyond the scope of  
1341 the practitioner's license, except that, for the purposes of  
1342 this part, a clinic owned by a licensee in s. 456.053(3)(b)  
1343 which provides only services authorized pursuant to s.  
1344 456.053(3)(b) may be supervised by a licensee specified in s.  
1345 456.053(3)(b).

1346        8.~~(h)~~ Clinical facilities affiliated with an accredited  
1347 medical school at which training is provided for medical  
1348 students, residents, or fellows.

1349        9.~~(i)~~ Entities that provide only oncology or radiation  
1350 therapy services by physicians licensed under chapter 458 or

1351 chapter 459 or entities that provide oncology or radiation  
1352 therapy services by physicians licensed under chapter 458 or  
1353 chapter 459 which are owned by a corporation whose shares are  
1354 publicly traded on a recognized stock exchange.

1355 10.(j) Clinical facilities affiliated with a college of  
1356 chiropractic accredited by the Council on Chiropractic Education  
1357 at which training is provided for chiropractic students.

1358 11.(k) Entities that provide licensed practitioners to  
1359 staff emergency departments or to deliver anesthesia services in  
1360 facilities licensed under chapter 395 and that derive at least  
1361 90 percent of their gross annual revenues from the provision of  
1362 such services. Entities claiming an exemption from licensure  
1363 under this subparagraph ~~paragraph~~ must provide documentation  
1364 demonstrating compliance.

1365 12.(l) Orthotic, prosthetic, pediatric cardiology, or  
1366 perinatology clinical facilities or anesthesia clinical  
1367 facilities that are not otherwise exempt under subparagraph 1.  
1368 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are  
1369 a publicly traded corporation or are wholly owned, directly or  
1370 indirectly, by a publicly traded corporation. As used in this  
1371 subparagraph ~~paragraph~~, a publicly traded corporation is a  
1372 corporation that issues securities traded on an exchange  
1373 registered with the United States Securities and Exchange  
1374 Commission as a national securities exchange.

1375 13.(m) Entities that are owned by a corporation that has

1376 \$250 million or more in total annual sales of health care  
1377 services provided by licensed health care practitioners where  
1378 one or more of the persons responsible for the operations of the  
1379 entity is a health care practitioner who is licensed in this  
1380 state and who is responsible for supervising the business  
1381 activities of the entity and is responsible for the entity's  
1382 compliance with state law for purposes of this part.

1383 14.(n) Entities that employ 50 or more licensed health  
1384 care practitioners licensed under chapter 458 or chapter 459  
1385 where the billing for medical services is under a single tax  
1386 identification number. The application for exemption under this  
1387 subsection must include ~~shall contain information that includes:~~  
1388 the name, residence, and business address and telephone ~~phone~~  
1389 number of the entity that owns the practice; a complete list of  
1390 the names and contact information of all the officers and  
1391 directors of the corporation; the name, residence address,  
1392 business address, and medical license number of each licensed  
1393 Florida health care practitioner employed by the entity; the  
1394 corporate tax identification number of the entity seeking an  
1395 exemption; a listing of health care services to be provided by  
1396 the entity at the health care clinics owned or operated by the  
1397 entity; and a certified statement prepared by an independent  
1398 certified public accountant which states that the entity and the  
1399 health care clinics owned or operated by the entity have not  
1400 received payment for health care services under medical payments



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1401 ~~personal injury protection~~ insurance coverage for the preceding  
1402 year. If the agency determines that an entity that ~~which~~ is  
1403 exempt under this subsection has received payments for medical  
1404 services under medical payments ~~personal injury protection~~  
1405 insurance coverage, the agency may deny or revoke the exemption  
1406 from licensure under this subsection.

1407 15. ~~(a)~~ Entities that are, directly or indirectly, under  
1408 the common ownership of or that are subject to common control by  
1409 a mutual insurance holding company, as defined in s. 628.703,  
1410 with an entity issued a certificate of authority under chapter  
1411 624 or chapter 641 which has \$1 billion or more in total annual  
1412 sales in this state.

1413 16. ~~(a)~~ Entities that are owned by an entity that is a  
1414 behavioral health care service provider in at least five other  
1415 states; that, together with its affiliates, have \$90 million or  
1416 more in total annual revenues associated with the provision of  
1417 behavioral health care services; and wherein one or more of the  
1418 persons responsible for the operations of the entity is a health  
1419 care practitioner who is licensed in this state, who is  
1420 responsible for supervising the business activities of the  
1421 entity, and who is responsible for the entity's compliance with  
1422 state law for purposes of this part.

1423 17. ~~(a)~~ Medicaid providers.

1424 (b) Notwithstanding paragraph (a) ~~this subsection~~, an  
1425 entity is ~~shall be~~ deemed a clinic and must be licensed under

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1426 | this part in order to receive medical payments coverage  
1427 | reimbursement under s. 627.7265 unless the entity is: the  
1428 | ~~Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~  
1429 | ~~exempted under s. 627.736(5)(h).~~

1430 |       1. Wholly owned by a physician licensed under chapter 458  
1431 | or chapter 459, or by the physician and the spouse, parent,  
1432 | child, or sibling of the physician;

1433 |       2. Wholly owned by a dentist licensed under chapter 466,  
1434 | or by the dentist and the spouse, parent, child, or sibling of  
1435 | the dentist;

1436 |       3. Wholly owned by a chiropractic physician licensed under  
1437 | chapter 460, or by the chiropractic physician and the spouse,  
1438 | parent, child, or sibling of the chiropractic physician;

1439 |       4. A hospital or ambulatory surgical center licensed under  
1440 | chapter 395;

1441 |       5. An entity that wholly owns or is wholly owned, directly  
1442 | or indirectly, by a hospital or hospitals licensed under chapter  
1443 | 395;

1444 |       6. A clinical facility affiliated with an accredited  
1445 | medical school at which training is provided for medical  
1446 | students, residents, or fellows;

1447 |       7. Certified under 42 C.F.R. part 485, subpart H; or

1448 |       8. Owned by a publicly traded corporation, either directly  
1449 | or indirectly through its subsidiaries, which has \$250 million  
1450 | or more in total annual sales of health care services provided

1451 by licensed health care practitioners, if one or more of the  
 1452 persons responsible for the operations of the entity are health  
 1453 care practitioners who are licensed in this state and are  
 1454 responsible for supervising the business activities of the  
 1455 entity and the entity's compliance with state law for purposes  
 1456 of this subsection.

1457 Section 27. Subsection (5) of section 400.991, Florida  
 1458 Statutes, is amended to read:

1459 400.991 License requirements; background screenings;  
 1460 prohibitions.—

1461 (5) All agency forms for licensure application or  
 1462 exemption from licensure under this part must contain the  
 1463 following statement:

1464  
 1465 INSURANCE FRAUD NOTICE.—A person commits a fraudulent  
 1466 insurance act, as defined in s. 626.989, Florida  
 1467 Statutes, if the person ~~who~~ knowingly submits a false,  
 1468 misleading, or fraudulent application or other  
 1469 document when applying for licensure as a health care  
 1470 clinic, seeking an exemption from licensure as a  
 1471 health care clinic, or demonstrating compliance with  
 1472 part X of chapter 400, Florida Statutes, with the  
 1473 intent to use the license, exemption from licensure,  
 1474 or demonstration of compliance to provide services or  
 1475 seek reimbursement under a motor vehicle liability

1476 insurance policy's medical payments coverage ~~the~~  
 1477 ~~Florida Motor Vehicle No-Fault Law, commits a~~  
 1478 ~~fraudulent insurance act, as defined in s. 626.989,~~  
 1479 ~~Florida Statutes.~~ A person who presents a claim for  
 1480 benefits under medical payments coverage, ~~personal~~  
 1481 ~~injury protection benefits~~ knowing that the payee  
 1482 knowingly submitted such health care clinic  
 1483 application or document, commits insurance fraud, as  
 1484 defined in s. 817.234, Florida Statutes.

1485 Section 28. Paragraph (g) of subsection (1) of section  
 1486 400.9935, Florida Statutes, is amended to read:  
 1487 400.9935 Clinic responsibilities.—

1488 (1) Each clinic shall appoint a medical director or clinic  
 1489 director who shall agree in writing to accept legal  
 1490 responsibility for the following activities on behalf of the  
 1491 clinic. The medical director or the clinic director shall:

1492 (g) Conduct systematic reviews of clinic billings to  
 1493 ensure that the billings are not fraudulent or unlawful. Upon  
 1494 discovery of an unlawful charge, the medical director or clinic  
 1495 director shall take immediate corrective action. If the clinic  
 1496 performs only the technical component of magnetic resonance  
 1497 imaging, static radiographs, computed tomography, or positron  
 1498 emission tomography, and provides the professional  
 1499 interpretation of such services, in a fixed facility that is  
 1500 accredited by a national accrediting organization that is

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1501 approved by the Centers for Medicare and Medicaid Services for  
1502 magnetic resonance imaging and advanced diagnostic imaging  
1503 services and if, in the preceding quarter, the percentage of  
1504 scans performed by that clinic which was billed to motor vehicle  
1505 ~~all personal injury protection~~ insurance carriers under medical  
1506 payments coverage was less than 15 percent, the chief financial  
1507 officer of the clinic may, in a written acknowledgment provided  
1508 to the agency, assume the responsibility for the conduct of the  
1509 systematic reviews of clinic billings to ensure that the  
1510 billings are not fraudulent or unlawful.

1511 Section 29. Subsection (28) of section 409.901, Florida  
1512 Statutes, is amended to read:

1513 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
1514 409.901-409.920, except as otherwise specifically provided, the  
1515 term:

1516 (28) "Third-party benefit" means any benefit that is or  
1517 may be available at any time through contract, court award,  
1518 judgment, settlement, agreement, or any arrangement between a  
1519 third party and any person or entity, including, without  
1520 limitation, a Medicaid recipient, a provider, another third  
1521 party, an insurer, or the agency, for any Medicaid-covered  
1522 injury, illness, goods, or services, including costs of medical  
1523 services related thereto, for bodily ~~personal~~ injury or for  
1524 death of the recipient, but specifically excluding ~~policies of~~  
1525 life insurance policies on the recipient, unless available under

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1526 terms of the policy to pay medical expenses before ~~prior to~~  
 1527 death. The term includes, without limitation, collateral, as  
 1528 defined in this section;~~;~~ health insurance; ~~;~~ any benefit under a  
 1529 health maintenance organization, a preferred provider  
 1530 arrangement, a prepaid health clinic, liability insurance,  
 1531 uninsured motorist insurance, or medical payments coverage; or  
 1532 ~~personal injury protection coverage,~~ medical benefits under  
 1533 workers' compensation, and any obligation under law or equity to  
 1534 provide medical support.

1535 Section 30. Paragraph (f) of subsection (11) of section  
 1536 409.910, Florida Statutes, is amended to read:

1537 409.910 Responsibility for payments on behalf of Medicaid-  
 1538 eligible persons when other parties are liable.-

1539 (11) The agency may, as a matter of right, in order to  
 1540 enforce its rights under this section, institute, intervene in,  
 1541 or join any legal or administrative proceeding in its own name  
 1542 in one or more of the following capacities: individually, as  
 1543 subrogee of the recipient, as assignee of the recipient, or as  
 1544 lienholder of the collateral.

1545 (f) Notwithstanding any provision in this section to the  
 1546 contrary, in the event of an action in tort against a third  
 1547 party in which the recipient or his or her legal representative  
 1548 is a party which results in a judgment, award, or settlement  
 1549 from a third party, the amount recovered shall be distributed as  
 1550 follows:

1551           1. After attorney ~~attorney's~~ fees and taxable costs as  
 1552 defined by the Florida Rules of Civil Procedure, one-half of the  
 1553 remaining recovery shall be paid to the agency up to the total  
 1554 amount of medical assistance provided by Medicaid.

1555           2. The remaining amount of the recovery shall be paid to  
 1556 the recipient.

1557           3. For purposes of calculating the agency's recovery of  
 1558 medical assistance benefits paid, the fee for services of an  
 1559 attorney retained by the recipient or his or her legal  
 1560 representative shall be calculated at 25 percent of the  
 1561 judgment, award, or settlement.

1562           4. Notwithstanding any other provision of this section to  
 1563 the contrary, the agency shall be entitled to all medical  
 1564 coverage benefits up to the total amount of medical assistance  
 1565 provided by Medicaid. For purposes of this paragraph, the term  
 1566 "medical coverage" means any benefits under health insurance, a  
 1567 health maintenance organization, a preferred provider  
 1568 arrangement, or a prepaid health clinic, and the portion of  
 1569 benefits designated for medical payments under ~~coverage for~~  
 1570 workers' compensation coverage, motor vehicle insurance  
 1571 coverage, personal injury protection, and casualty coverage.

1572           Section 31. Paragraph (k) of subsection (2) of section  
 1573 456.057, Florida Statutes, is amended to read:

1574           456.057 Ownership and control of patient records; report  
 1575 or copies of records to be furnished; disclosure of

1576 information.—

1577 (2) As used in this section, the terms "records owner,"  
 1578 "health care practitioner," and "health care practitioner's  
 1579 employer" do not include any of the following persons or  
 1580 entities; furthermore, the following persons or entities are not  
 1581 authorized to acquire or own medical records, but are authorized  
 1582 under the confidentiality and disclosure requirements of this  
 1583 section to maintain those documents required by the part or  
 1584 chapter under which they are licensed or regulated:

1585 (k) Persons or entities practicing under s. 627.7265 ~~s.~~  
 1586 ~~627.736(7)~~.

1587 Section 32. Paragraphs (ee) and (ff) of subsection (1) of  
 1588 section 456.072, Florida Statutes, are amended to read:

1589 456.072 Grounds for discipline; penalties; enforcement.—

1590 (1) The following acts shall constitute grounds for which  
 1591 the disciplinary actions specified in subsection (2) may be  
 1592 taken:

1593 (ee) With respect to making a medical payments coverage  
 1594 ~~personal injury protection~~ claim under s. 627.7265 as required  
 1595 ~~by s. 627.736~~, intentionally submitting a claim, statement, or  
 1596 bill that has been upcoded. As used in this paragraph, the term  
 1597 "upcoded" means an action that submits a billing code that would  
 1598 result in a greater payment amount than would be paid using a  
 1599 billing code that accurately describes the services performed.  
 1600 The term does not include an otherwise lawful bill by a magnetic



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1601 resonance imaging facility, which globally combines both  
1602 technical and professional components, if the amount of the  
1603 global bill is not more than the components if billed  
1604 separately; however, payment of such a bill constitutes payment  
1605 in full for all components of such service ~~"unpeoded" as defined~~  
1606 ~~in s. 627.732.~~

1607 (ff) With respect to making a medical payments coverage  
1608 ~~personal injury protection~~ claim as required under s. 627.7265  
1609 ~~by s. 627.736~~, intentionally submitting a claim, statement, or  
1610 bill for payment of services that were not rendered.

1611 Section 33. Paragraphs (i) and (o) of subsection (1) of  
1612 section 626.9541, Florida Statutes, are amended to read:

1613 626.9541 Unfair methods of competition and unfair or  
1614 deceptive acts or practices defined.—

1615 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
1616 ACTS.—The following are defined as unfair methods of competition  
1617 and unfair or deceptive acts or practices:

1618 (i) *Unfair claim settlement practices.*—

1619 1. Attempting to settle claims on the basis of an  
1620 application, when serving as a binder or intended to become a  
1621 part of the policy, or any other material document which was  
1622 altered without notice to, or knowledge or consent of, the  
1623 insured;

1624 2. A material misrepresentation made to an insured or any  
1625 other person having an interest in the proceeds payable under

1626 such contract or policy, for the purpose and with the intent of  
 1627 effecting settlement of such claims, loss, or damage under such  
 1628 contract or policy on less favorable terms than those provided  
 1629 in, and contemplated by, such contract or policy; ~~or~~

1630 3. Committing or performing with such frequency as to  
 1631 indicate a general business practice any of the following:

1632 a. Failing to adopt and implement standards for the proper  
 1633 investigation of claims;

1634 b. Misrepresenting pertinent facts or insurance policy  
 1635 provisions relating to coverages at issue;

1636 c. Failing to acknowledge and act promptly upon  
 1637 communications with respect to claims;

1638 d. Denying claims without conducting reasonable  
 1639 investigations based upon available information;

1640 e. Failing to affirm or deny full or partial coverage of  
 1641 claims, and, as to partial coverage, the dollar amount or extent  
 1642 of coverage, or failing to provide a written statement that the  
 1643 claim is being investigated, upon the written request of the  
 1644 insured within 30 days after proof-of-loss statements have been  
 1645 completed;

1646 f. Failing to promptly provide a reasonable explanation in  
 1647 writing to the insured of the basis in the insurance policy, in  
 1648 relation to the facts or applicable law, for denial of a claim  
 1649 or for the offer of a compromise settlement;

1650 g. Failing to promptly notify the insured of any

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1651 additional information necessary for the processing of a claim;  
 1652 or

1653 h. Failing to clearly explain the nature of the requested  
 1654 information and the reasons why such information is necessary.

1655 ~~i. Failing to pay personal injury protection insurance~~  
 1656 ~~claims within the time periods required by s. 627.736(4)(b). The~~  
 1657 ~~office may order the insurer to pay restitution to a~~  
 1658 ~~policyholder, medical provider, or other claimant, including~~  
 1659 ~~interest at a rate consistent with the amount set forth in s.~~  
 1660 ~~55.03(1), for the time period within which an insurer fails to~~  
 1661 ~~pay claims as required by law. Restitution is in addition to any~~  
 1662 ~~other penalties allowed by law, including, but not limited to,~~  
 1663 ~~the suspension of the insurer's certificate of authority.~~

1664 4. Failing to pay undisputed amounts of partial or full  
 1665 benefits owed under first-party property insurance policies  
 1666 within 90 days after an insurer receives notice of a residential  
 1667 property insurance claim, determines the amounts of partial or  
 1668 full benefits, and agrees to coverage, unless payment of the  
 1669 undisputed benefits is prevented by an act of God, prevented by  
 1670 the impossibility of performance, or due to actions by the  
 1671 insured or claimant that constitute fraud, lack of cooperation,  
 1672 or intentional misrepresentation regarding the claim for which  
 1673 benefits are owed.

1674 (o) *Illegal dealings in premiums; excess or reduced*  
 1675 *charges for insurance.-*

1676 1. Knowingly collecting any sum as a premium or charge for  
 1677 insurance, which is not then provided, or is not in due course  
 1678 to be provided, subject to acceptance of the risk by the  
 1679 insurer, by an insurance policy issued by an insurer as  
 1680 permitted by this code.

1681 2. Knowingly collecting as a premium or charge for  
 1682 insurance any sum in excess of or less than the premium or  
 1683 charge applicable to such insurance, in accordance with the  
 1684 applicable classifications and rates as filed with and approved  
 1685 by the office, and as specified in the policy; or, in cases when  
 1686 classifications, premiums, or rates are not required by this  
 1687 code to be so filed and approved, premiums and charges collected  
 1688 from a Florida resident in excess of or less than those  
 1689 specified in the policy and as fixed by the insurer.

1690 Notwithstanding any other provision of law, this provision shall  
 1691 not be deemed to prohibit the charging and collection, by  
 1692 surplus lines agents licensed under part VIII of this chapter,  
 1693 of the amount of applicable state and federal taxes, or fees as  
 1694 authorized by s. 626.916(4), in addition to the premium required  
 1695 by the insurer or the charging and collection, by licensed  
 1696 agents, of the exact amount of any discount or other such fee  
 1697 charged by a credit card facility in connection with the use of  
 1698 a credit card, as authorized by subparagraph (q)3., in addition  
 1699 to the premium required by the insurer. This subparagraph shall  
 1700 not be construed to prohibit collection of a premium for a

1701 universal life or a variable or indeterminate value insurance  
 1702 policy made in accordance with the terms of the contract.

1703 3.a. Imposing or requesting an additional premium for  
 1704 bodily injury liability coverage, property damage liability  
 1705 coverage ~~a policy of motor vehicle liability, personal injury~~  
 1706 ~~protection~~, medical payments coverage ~~payment~~, or collision  
 1707 coverage in a motor vehicle liability insurance policy ~~insurance~~  
 1708 ~~or any combination thereof~~ or refusing to renew the policy  
 1709 solely because the insured was involved in a motor vehicle  
 1710 accident unless the insurer's file contains information from  
 1711 which the insurer in good faith determines that the insured was  
 1712 substantially at fault in the accident.

1713 b. An insurer which imposes and collects such a surcharge  
 1714 or which refuses to renew such policy shall, in conjunction with  
 1715 the notice of premium due or notice of nonrenewal, notify the  
 1716 named insured that he or she is entitled to reimbursement of  
 1717 such amount or renewal of the policy under the conditions listed  
 1718 below and will subsequently reimburse him or her or renew the  
 1719 policy, if the named insured demonstrates that the operator  
 1720 involved in the accident was:

- 1721 (I) Lawfully parked;
- 1722 (II) Reimbursed by, or on behalf of, a person responsible
- 1723 for the accident or has a judgment against such person;
- 1724 (III) Struck in the rear by another vehicle headed in the
- 1725 same direction and was not convicted of a moving traffic

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1726 | violation in connection with the accident;

1727 |       (IV) Hit by a "hit-and-run" driver, if the accident was  
1728 | reported to the proper authorities within 24 hours after  
1729 | discovering the accident;

1730 |       (V) Not convicted of a moving traffic violation in  
1731 | connection with the accident, but the operator of the other  
1732 | automobile involved in such accident was convicted of a moving  
1733 | traffic violation;

1734 |       (VI) Finally adjudicated not to be liable by a court of  
1735 | competent jurisdiction;

1736 |       (VII) In receipt of a traffic citation which was dismissed  
1737 | or nolle prossed; or

1738 |       (VIII) Not at fault as evidenced by a written statement  
1739 | from the insured establishing facts demonstrating lack of fault  
1740 | which are not rebutted by information in the insurer's file from  
1741 | which the insurer in good faith determines that the insured was  
1742 | substantially at fault.

1743 |       c. In addition to the other provisions of this  
1744 | subparagraph, an insurer may not fail to renew a policy if the  
1745 | insured has had only one accident in which he or she was at  
1746 | fault within the current 3-year period. However, an insurer may  
1747 | nonrenew a policy for reasons other than accidents in accordance  
1748 | with s. 627.728. This subparagraph does not prohibit nonrenewal  
1749 | of a policy under which the insured has had three or more  
1750 | accidents, regardless of fault, during the most recent 3-year

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1751 period.

1752 4. Imposing or requesting an additional premium for, or  
1753 refusing to renew, a policy for motor vehicle insurance solely  
1754 because the insured committed a noncriminal traffic infraction  
1755 as described in s. 318.14 unless the infraction is:

1756 a. A second infraction committed within an 18-month  
1757 period, or a third or subsequent infraction committed within a  
1758 36-month period.

1759 b. A violation of s. 316.183, when such violation is a  
1760 result of exceeding the lawful speed limit by more than 15 miles  
1761 per hour.

1762 5. Upon the request of the insured, the insurer and  
1763 licensed agent shall supply to the insured the complete proof of  
1764 fault or other criteria which justifies the additional charge or  
1765 cancellation.

1766 6. No insurer shall impose or request an additional  
1767 premium for motor vehicle insurance, cancel or refuse to issue a  
1768 policy, or refuse to renew a policy because the insured or the  
1769 applicant is a handicapped or physically disabled person, so  
1770 long as such handicap or physical disability does not  
1771 substantially impair such person's mechanically assisted driving  
1772 ability.

1773 7. No insurer may cancel or otherwise terminate any  
1774 insurance contract or coverage, or require execution of a  
1775 consent to rate endorsement, during the stated policy term for

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1776 the purpose of offering to issue, or issuing, a similar or  
1777 identical contract or coverage to the same insured with the same  
1778 exposure at a higher premium rate or continuing an existing  
1779 contract or coverage with the same exposure at an increased  
1780 premium.

1781 8. No insurer may issue a nonrenewal notice on any  
1782 insurance contract or coverage, or require execution of a  
1783 consent to rate endorsement, for the purpose of offering to  
1784 issue, or issuing, a similar or identical contract or coverage  
1785 to the same insured at a higher premium rate or continuing an  
1786 existing contract or coverage at an increased premium without  
1787 meeting any applicable notice requirements.

1788 9. No insurer shall, with respect to premiums charged for  
1789 motor vehicle insurance, unfairly discriminate solely on the  
1790 basis of age, sex, marital status, or scholastic achievement.

1791 10. Imposing or requesting an additional premium for motor  
1792 vehicle comprehensive or uninsured motorist coverage solely  
1793 because the insured was involved in a motor vehicle accident or  
1794 was convicted of a moving traffic violation.

1795 11. No insurer shall cancel or issue a nonrenewal notice  
1796 on any insurance policy or contract without complying with any  
1797 applicable cancellation or nonrenewal provision required under  
1798 the Florida Insurance Code.

1799 12. No insurer shall impose or request an additional  
1800 premium, cancel a policy, or issue a nonrenewal notice on any



1801 insurance policy or contract because of any traffic infraction  
 1802 when adjudication has been withheld and no points have been  
 1803 assessed pursuant to s. 318.14(9) and (10). However, this  
 1804 subparagraph does not apply to traffic infractions involving  
 1805 accidents in which the insurer has incurred a loss due to the  
 1806 fault of the insured.

1807 Section 34. Paragraph (a) of subsection (1) of section  
 1808 626.989, Florida Statutes, is amended to read:

1809 626.989 Investigation by department or Division of  
 1810 Investigative and Forensic Services; compliance; immunity;  
 1811 confidential information; reports to division; division  
 1812 investigator's power of arrest.—

1813 (1) For the purposes of this section:

1814 (a) A person commits a "fraudulent insurance act" if the  
 1815 person:

1816 1. Knowingly and with intent to defraud presents, causes  
 1817 to be presented, or prepares with knowledge or belief that it  
 1818 will be presented, to or by an insurer, self-insurer, self-  
 1819 insurance fund, servicing corporation, purported insurer,  
 1820 broker, or any agent thereof, any written statement as part of,  
 1821 or in support of, an application for the issuance of, or the  
 1822 rating of, any insurance policy, or a claim for payment or other  
 1823 benefit pursuant to any insurance policy, which the person knows  
 1824 to contain materially false information concerning any fact  
 1825 material thereto or if the person conceals, for the purpose of

1826 misleading another, information concerning any fact material  
 1827 thereto.

1828 2. Knowingly submits:

1829 a. A false, misleading, or fraudulent application or other  
 1830 document when applying for licensure as a health care clinic,  
 1831 seeking an exemption from licensure as a health care clinic, or  
 1832 demonstrating compliance with part X of chapter 400 with an  
 1833 intent to use the license, exemption from licensure, or  
 1834 demonstration of compliance to provide services or seek  
 1835 reimbursement under a motor vehicle liability insurance policy's  
 1836 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~  
 1837 ~~Law.~~

1838 b. A claim for payment or other benefit under medical  
 1839 payments coverage ~~pursuant to a personal injury protection~~  
 1840 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if  
 1841 the person knows that the payee knowingly submitted a false,  
 1842 misleading, or fraudulent application or other document when  
 1843 applying for licensure as a health care clinic, seeking an  
 1844 exemption from licensure as a health care clinic, or  
 1845 demonstrating compliance with part X of chapter 400.

1846 Section 35. Subsection (1) of section 627.06501, Florida  
 1847 Statutes, is amended to read:

1848 627.06501 Insurance discounts for certain persons  
 1849 completing driver improvement course.-

1850 (1) Any rate, rating schedule, or rating manual for the

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1851 liability, medical payments ~~personal injury protection~~, and  
1852 collision coverages of a motor vehicle insurance policy filed  
1853 with the office may provide for an appropriate reduction in  
1854 premium charges as to such coverages if ~~when~~ the principal  
1855 operator on the covered vehicle has successfully completed a  
1856 driver improvement course approved and certified by the  
1857 Department of Highway Safety and Motor Vehicles which is  
1858 effective in reducing crash or violation rates, or both, as  
1859 determined pursuant to s. 318.1451(5). Any discount, not to  
1860 exceed 10 percent, used by an insurer is presumed to be  
1861 appropriate unless credible data demonstrates otherwise.

1862 Section 36. Subsection (15) is added to section 627.0651,  
1863 Florida Statutes, to read:

1864 627.0651 Making and use of rates for motor vehicle  
1865 insurance.—

1866 (15) Initial rate filings for motor vehicle liability  
1867 policies which are submitted to the office on or after January  
1868 1, 2022, must reflect the financial responsibility requirements  
1869 in s. 324.022, as amended, and may be approved only through the  
1870 file and use process under paragraph (1) (a).

1871 Section 37. Subsection (1) of section 627.0652, Florida  
1872 Statutes, is amended to read:

1873 627.0652 Insurance discounts for certain persons  
1874 completing safety course.—

1875 (1) Any rates, rating schedules, or rating manuals for the

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1876 liability, medical payments ~~personal injury protection~~, and  
1877 collision coverages of a motor vehicle insurance policy filed  
1878 with the office must ~~shall~~ provide for an appropriate reduction  
1879 in premium charges as to such coverages if ~~when~~ the principal  
1880 operator on the covered vehicle is an insured 55 years of age or  
1881 older who has successfully completed a motor vehicle accident  
1882 prevention course approved by the Department of Highway Safety  
1883 and Motor Vehicles. Any discount used by an insurer is presumed  
1884 to be appropriate unless credible data demonstrates otherwise.

1885 Section 38. Subsections (1), (3), and (6) of section  
1886 627.0653, Florida Statutes, are amended to read:

1887 627.0653 Insurance discounts for specified motor vehicle  
1888 equipment.—

1889 (1) Any rates, rating schedules, or rating manuals for the  
1890 liability, medical payments ~~personal injury protection~~, and  
1891 collision coverages of a motor vehicle insurance policy filed  
1892 with the office must ~~shall~~ provide a premium discount if the  
1893 insured vehicle is equipped with factory-installed, four-wheel  
1894 antilock brakes.

1895 (3) Any rates, rating schedules, or rating manuals for  
1896 ~~personal injury protection coverage and~~ medical payments  
1897 ~~coverage, if offered,~~ of a motor vehicle insurance policy filed  
1898 with the office must ~~shall~~ provide a premium discount if the  
1899 insured vehicle is equipped with one or more air bags that ~~which~~  
1900 are factory installed.

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1901           (6) The Office of Insurance Regulation may approve a  
 1902 premium discount to any rates, rating schedules, or rating  
 1903 manuals for the liability, medical payments ~~personal injury~~  
 1904 ~~protection~~, and collision coverages of a motor vehicle insurance  
 1905 policy filed with the office if the insured vehicle is equipped  
 1906 with an automated driving system or electronic vehicle collision  
 1907 avoidance technology that is factory installed or a retrofitted  
 1908 system and that complies with National Highway Traffic Safety  
 1909 Administration standards.

1910           Section 39. Section 627.4132, Florida Statutes, is amended  
 1911 to read:

1912           627.4132 Stacking of coverages prohibited.—If an insured  
 1913 or named insured is protected by any type of motor vehicle  
 1914 insurance policy for bodily injury and property damage  
 1915 liability, ~~personal injury protection, or other coverage~~, the  
 1916 policy must ~~shall~~ provide that the insured or named insured is  
 1917 protected only to the extent of the coverage she or he has on  
 1918 the vehicle involved in the accident. However, if none of the  
 1919 insured's or named insured's vehicles are ~~is~~ involved in the  
 1920 accident, coverage is available only to the extent of coverage  
 1921 on any one of the vehicles with applicable coverage. Coverage on  
 1922 any other vehicles may ~~shall~~ not be added to or stacked upon  
 1923 that coverage. This section does not apply:

1924           (1) To uninsured motorist coverage that ~~which~~ is  
 1925 separately governed by s. 627.727.

1926 (2) To reduce the coverage available by reason of  
 1927 insurance policies insuring different named insureds.

1928 Section 40. Section 627.7263, Florida Statutes, is amended  
 1929 to read:

1930 627.7263 Rental and leasing driver's insurance to be  
 1931 primary; exception.—

1932 (1) The valid and collectible liability insurance and  
 1933 medical payments coverage ~~or personal injury protection~~  
 1934 ~~insurance providing coverage~~ for the lessor of a motor vehicle  
 1935 for rent or lease is primary unless otherwise stated in at least  
 1936 10-point type on the face of the rental or lease agreement. Such  
 1937 insurance is primary for the limits of liability ~~and personal~~  
 1938 ~~injury protection~~ coverage as required by s. 324.021(7) and the  
 1939 medical payments coverage limit specified under s. 627.7265 ss.  
 1940 ~~324.021(7) and 627.736.~~

1941 (2) If the lessee's coverage is to be primary, the rental  
 1942 or lease agreement must contain the following language, in at  
 1943 least 10-point type:

1944  
 1945 "The valid and collectible liability insurance and  
 1946 medical payments coverage ~~personal injury protection~~  
 1947 ~~insurance~~ of an ~~any~~ authorized rental or leasing  
 1948 driver is primary for the limits of liability ~~and~~  
 1949 ~~personal injury protection~~ coverage required under  
 1950 section 324.021(7), Florida Statutes, and the medical

1951 payments coverage limit specified under section  
 1952 627.7265 ~~by ss. 324.021(7) and 627.736,~~ Florida  
 1953 Statutes."

1954 Section 41. Section 627.7265, Florida Statutes, is created  
 1955 to read:

1956 627.7265 Motor vehicle insurance; medical payments  
 1957 coverage.—

1958 (1) Medical payments coverage must protect the named  
 1959 insured, resident relatives, persons operating the insured motor  
 1960 vehicle, passengers in the insured motor vehicle, and persons  
 1961 who are struck by the insured motor vehicle and suffer bodily  
 1962 injury while not an occupant of a self-propelled motor vehicle  
 1963 at a limit of at least \$5,000 for medical expense incurred due  
 1964 to bodily injury, sickness, or disease arising out of the  
 1965 ownership, maintenance, or use of a motor vehicle. The coverage  
 1966 must provide an additional death benefit of at least \$5,000.

1967 (a) Before issuing a motor vehicle liability insurance  
 1968 policy that is furnished as proof of financial responsibility  
 1969 under s. 324.031, the insurer must offer medical payments  
 1970 coverage at limits of \$5,000 and \$10,000. The insurer may also  
 1971 offer medical payments coverage at any limit greater than  
 1972 \$5,000.

1973 (b) The medical payments coverage must be offered with an  
 1974 option with no deductible. The insurer may also offer medical  
 1975 payments coverage with a deductible not to exceed \$500.

1976        (c) Each motor vehicle liability insurance policy that is  
 1977 furnished as proof of financial responsibility under s. 324.031  
 1978 is deemed to have:

1979        1. Medical payments coverage to a limit of \$10,000, unless  
 1980 the insurer obtains the policyholder's written refusal of  
 1981 medical payments coverage or written selection of medical  
 1982 payments coverage at a limit other than \$10,000. The rejection  
 1983 or selection of coverage at a limit other than \$10,000 must be  
 1984 made on a form approved by the office.

1985        2. No medical payments coverage deductible, unless the  
 1986 insurer obtains the policyholder's written selection of a  
 1987 deductible of up to \$500. The selection of a deductible must be  
 1988 made on a form approved by the office.

1989        (d)1. The forms in subparagraphs (c)1. and 2. must fully  
 1990 advise the applicant of the nature of the coverage being  
 1991 rejected or the policy limit or deductible being selected. If  
 1992 the form is signed by a named insured, it is conclusively  
 1993 presumed that there was an informed, knowing rejection of the  
 1994 coverage or election of the policy limit or deductible selected.

1995        2. Unless the policyholder requests in writing the  
 1996 coverage specified in this section, it need not be provided in  
 1997 or supplemental to any other policy that renews, insures,  
 1998 extends, changes, supersedes, or replaces an existing policy if  
 1999 the policyholder has rejected the coverage specified in this  
 2000 section or has selected an alternative coverage limit or



2001 deductible. At least annually, the insurer shall provide the  
2002 policyholder with a notice of the availability of such coverage  
2003 in a form approved by the office. The notice must be part of,  
2004 and attached to, the notice of premium and must provide for a  
2005 means to allow the insured to request medical payments coverage  
2006 at the limits and deductibles required to be offered under this  
2007 section. The notice must be given in a manner approved by the  
2008 office. Receipt of this notice does not constitute an  
2009 affirmative waiver of the insured's right to medical payments  
2010 coverage if the insured has not signed a selection or rejection  
2011 form.

2012 (e) This section may not be construed to limit any other  
2013 coverage made available by an insurer.

2014 (2) Upon receiving notice of an accident that is  
2015 potentially covered by medical payments coverage benefits, the  
2016 insurer must reserve \$5,000 of medical payments coverage  
2017 benefits for payment to physicians licensed under chapter 458 or  
2018 chapter 459 or dentists licensed under chapter 466 who provide  
2019 emergency services and care, as defined in s. 395.002, or who  
2020 provide hospital inpatient care. The amount required to be held  
2021 in reserve may be used only to pay claims from such physicians  
2022 or dentists until 30 days after the date the insurer receives  
2023 notice of the accident. After the 30-day period, any amount of  
2024 the reserve for which the insurer has not received notice of  
2025 such claims may be used by the insurer to pay other claims. This

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2026 subsection does not require an insurer to establish a claim  
2027 reserve for insurance accounting purposes.

2028 (3) An insurer providing medical payments coverage  
2029 benefits may not have:

2030 (a) A lien on any recovery in tort by judgment,  
2031 settlement, or otherwise for medical payments coverage benefits,  
2032 whether suit has been filed or settlement has been reached  
2033 without suit; or

2034 (b) A cause of action against a person to whom or for whom  
2035 medical payments coverage benefits were paid, except when  
2036 medical payments coverage benefits are paid by reason of fraud  
2037 the person commits.

2038 (4) An insurer providing medical payments coverage may  
2039 include provisions in its policy allowing for subrogation for  
2040 medical payments benefits paid if the expenses giving rise to  
2041 the payments were caused by the wrongful act or omission of  
2042 another who is not also an insured under the policy paying the  
2043 medical payments benefits. However, this subrogation right is  
2044 inferior to the rights of the injured insured and is available  
2045 only after all the insured's damages are recovered and the  
2046 insured is made whole. An insured who obtains a recovery from a  
2047 third party of the full amount of the damages sustained and  
2048 delivers a release or satisfaction that impairs a medical  
2049 payments insurer's subrogation right is liable to the insurer  
2050 for repayment of medical payments benefits less any expenses of

2051 acquiring the recovery, including a prorated share of attorney  
 2052 fees and costs, and shall hold that net recovery in trust to be  
 2053 delivered to the medical payments insurer. The insurer may not  
 2054 include any provision in its policy allowing for subrogation for  
 2055 any death benefit paid.

2056 Section 42. Subsections (1) and (7) of section 627.727,  
 2057 Florida Statutes, are amended to read:

2058 627.727 Motor vehicle insurance; uninsured and  
 2059 underinsured vehicle coverage; insolvent insurer protection.—

2060 (1) A ~~No~~ motor vehicle liability insurance policy that  
 2061 ~~which~~ provides bodily injury liability coverage may not shall be  
 2062 delivered or issued for delivery in this state with respect to  
 2063 any specifically insured or identified motor vehicle registered  
 2064 or principally garaged in this state, unless uninsured motor  
 2065 vehicle coverage is provided therein or supplemental thereto for  
 2066 the protection of persons insured thereunder who are legally  
 2067 entitled to recover damages from owners or operators of  
 2068 uninsured motor vehicles because of bodily injury, sickness, or  
 2069 disease, including death, resulting therefrom. However, the  
 2070 coverage required under this section is not applicable if ~~when~~,  
 2071 or to the extent that, an insured named in the policy makes a  
 2072 written rejection of the coverage on behalf of all insureds  
 2073 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~  
 2074 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms  
 2075 of the lease contract, provides liability coverage on the leased

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2076 | vehicle, the lessee of such vehicle has ~~shall have~~ the sole  
2077 | privilege to reject uninsured motorist coverage or to select  
2078 | lower limits than the bodily injury liability limits, regardless  
2079 | of whether the lessor is qualified as a self-insurer pursuant to  
2080 | s. 324.171. Unless an insured, or a lessee having the privilege  
2081 | of rejecting uninsured motorist coverage, requests such coverage  
2082 | or requests higher uninsured motorist limits in writing, the  
2083 | coverage or such higher uninsured motorist limits need not be  
2084 | provided in or supplemental to any other policy that ~~which~~  
2085 | renews, extends, changes, supersedes, or replaces an existing  
2086 | policy with the same bodily injury liability limits when an  
2087 | insured or lessee had rejected the coverage. When an insured or  
2088 | lessee has initially selected limits of uninsured motorist  
2089 | coverage lower than her or his bodily injury liability limits,  
2090 | higher limits of uninsured motorist coverage need not be  
2091 | provided in or supplemental to any other policy that ~~which~~  
2092 | renews, extends, changes, supersedes, or replaces an existing  
2093 | policy with the same bodily injury liability limits unless an  
2094 | insured requests higher uninsured motorist coverage in writing.  
2095 | The rejection or selection of lower limits must ~~shall~~ be made on  
2096 | a form approved by the office. The form must ~~shall~~ fully advise  
2097 | the applicant of the nature of the coverage and must ~~shall~~ state  
2098 | that the coverage is equal to bodily injury liability limits  
2099 | unless lower limits are requested or the coverage is rejected.  
2100 | The heading of the form must ~~shall~~ be in 12-point bold type and

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2101 must ~~shall~~ state: "You are electing not to purchase certain  
2102 valuable coverage that ~~which~~ protects you and your family or you  
2103 are purchasing uninsured motorist limits less than your bodily  
2104 injury liability limits when you sign this form. Please read  
2105 carefully." If this form is signed by a named insured, it will  
2106 be conclusively presumed that there was an informed, knowing  
2107 rejection of coverage or election of lower limits on behalf of  
2108 all insureds. The insurer shall notify the named insured at  
2109 least annually of her or his options as to the coverage required  
2110 by this section. Such notice must ~~shall~~ be part of, and attached  
2111 to, the notice of premium, must ~~shall~~ provide for a means to  
2112 allow the insured to request such coverage, and must ~~shall~~ be  
2113 given in a manner approved by the office. Receipt of this notice  
2114 does not constitute an affirmative waiver of the insured's right  
2115 to uninsured motorist coverage if ~~where~~ the insured has not  
2116 signed a selection or rejection form. The coverage described  
2117 under this section must ~~shall~~ be over and above, but may ~~shall~~  
2118 not duplicate, the benefits available to an insured under any  
2119 workers' compensation law, ~~personal injury protection benefits,~~  
2120 disability benefits law, or similar law; under any automobile  
2121 medical payments ~~expense~~ coverage; under any motor vehicle  
2122 liability insurance coverage; or from the owner or operator of  
2123 the uninsured motor vehicle or any other person or organization  
2124 jointly or severally liable together with such owner or operator  
2125 for the accident,† and such coverage must ~~shall~~ cover the

2126 | difference, if any, between the sum of such benefits and the  
 2127 | damages sustained, up to the maximum amount of such coverage  
 2128 | provided under this section. The amount of coverage available  
 2129 | under this section may ~~shall~~ not be reduced by a setoff against  
 2130 | any coverage, including liability insurance. Such coverage does  
 2131 | ~~shall~~ not inure directly or indirectly to the benefit of any  
 2132 | workers' compensation or disability benefits carrier or any  
 2133 | person or organization qualifying as a self-insurer under any  
 2134 | workers' compensation or disability benefits law or similar law.

2135 |         (7) The legal liability of an uninsured motorist coverage  
 2136 | insurer includes ~~does not include~~ damages in tort for pain,  
 2137 | suffering, disability or physical impairment, disfigurement,  
 2138 | mental anguish, ~~and inconvenience,~~ and the loss of capacity for  
 2139 | the enjoyment of life experienced in the past and to be  
 2140 | experienced in the future ~~unless the injury or disease is~~  
 2141 | ~~described in one or more of paragraphs (a) - (d) of s. 627.737(2).~~

2142 |         Section 43. Subsection (1) and paragraphs (a) and (b) of  
 2143 | subsection (2) of section 627.7275, Florida Statutes, are  
 2144 | amended to read:

2145 |             627.7275 Motor vehicle liability.—

2146 |         (1) A motor vehicle insurance policy ~~providing personal~~  
 2147 | ~~injury protection as set forth in s. 627.736~~ may not be  
 2148 | delivered or issued for delivery in this state for a ~~with~~  
 2149 | ~~respect to any~~ specifically insured or identified motor vehicle  
 2150 | registered or principally garaged in this state must provide

2151 bodily injury liability coverage and ~~unless the policy also~~  
 2152 ~~provides coverage for~~ property damage liability coverage as  
 2153 required under ~~by~~ s. 324.022.

2154 (2) (a) Insurers writing motor vehicle insurance in this  
 2155 state shall make available, subject to the insurers' usual  
 2156 underwriting restrictions:

2157 1. Coverage under policies as described in subsection (1)  
 2158 to an applicant for private passenger motor vehicle insurance  
 2159 coverage who is seeking the coverage in order to reinstate the  
 2160 applicant's driving privileges in this state if the driving  
 2161 privileges were revoked or suspended pursuant to s. 316.646 or  
 2162 s. 324.0221 due to the failure of the applicant to maintain  
 2163 required security.

2164 2. Coverage under policies as described in subsection (1),  
 2165 which includes bodily injury ~~also provides~~ liability coverage  
 2166 and property damage liability coverage, ~~for bodily injury,~~  
 2167 ~~death, and property damage arising out of the ownership,~~  
 2168 ~~maintenance, or use of the motor vehicle~~ in an amount not less  
 2169 than the minimum limits required under ~~described in~~ s.  
 2170 324.021(7) or s. 324.023 and which conforms to the requirements  
 2171 of s. 324.151, to an applicant for private passenger motor  
 2172 vehicle insurance coverage who is seeking the coverage in order  
 2173 to reinstate the applicant's driving privileges in this state  
 2174 after such privileges were revoked or suspended under s. 316.193  
 2175 or s. 322.26(2) for driving under the influence.

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2176 (b) The policies described in paragraph (a) must ~~shall~~ be  
 2177 issued for at least 6 months and, as to the minimum coverages  
 2178 required under this section, may not be canceled by the insured  
 2179 for any reason or by the insurer after 60 days, during which  
 2180 period the insurer is completing the underwriting of the policy.  
 2181 After the insurer has completed underwriting the policy, the  
 2182 insurer shall notify the Department of Highway Safety and Motor  
 2183 Vehicles that the policy is in full force and effect and is not  
 2184 cancelable for the remainder of the policy period. A premium  
 2185 must ~~shall~~ be collected and the coverage is in effect for the  
 2186 60-day period during which the insurer is completing the  
 2187 underwriting of the policy, whether or not the person's driver  
 2188 license, motor vehicle tag, and motor vehicle registration are  
 2189 in effect. Once the noncancelable provisions of the policy  
 2190 become effective, the bodily injury liability and property  
 2191 damage liability coverages ~~for bodily injury, property damage,~~  
 2192 ~~and personal injury protection~~ may not be reduced below the  
 2193 minimum limits required under s. 324.021 or s. 324.023 during  
 2194 the policy period.

2195 Section 44. Effective upon this act becoming a law,  
 2196 section 627.7278, Florida Statutes, is created to read:

2197 627.7278 Applicability and construction; notice to  
 2198 policyholders.—

2199 (1) As used in this section, the term "minimum security  
 2200 requirements" means security that enables a person to respond in



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2201 damages for liability on account of crashes arising out of the  
2202 ownership, maintenance, or use of a motor vehicle, in the  
2203 amounts required by s. 324.021(7).

2204 (2) Effective January 1, 2022:

2205 (a) Motor vehicle insurance policies issued or renewed on  
2206 or after that date may not include personal injury protection.

2207 (b) All persons subject to s. 324.022, s. 324.032, s.  
2208 627.7415, or s. 627.742 must maintain at least minimum security  
2209 requirements.

2210 (c) Any new or renewal motor vehicle insurance policy  
2211 delivered or issued for delivery in this state must provide  
2212 coverage that complies with minimum security requirements.

2213 (d) An existing motor vehicle insurance policy issued  
2214 before January 1, 2022, that provides personal injury protection  
2215 and property damage liability coverage which meets the  
2216 requirements of s. 324.022 on December 31, 2021, but which does  
2217 not meet minimum security requirements on or after January 1,  
2218 2022, is deemed to meet the security requirements of s. 324.022  
2219 until such policy is renewed, nonrenewed, or canceled on or  
2220 after January 1, 2022. Sections 400.9905, 400.991, 456.057,  
2221 456.072, 626.9541(1)(i), 627.7263, 627.727, 627.730-627.7405,  
2222 627.748, and 817.234, Florida Statutes 2020, remain in full  
2223 force and effect for motor vehicle accidents covered under a  
2224 policy issued under the Florida Motor Vehicle No-Fault Law  
2225 before January 1, 2022, until the policy is renewed, nonrenewed,

2226 or canceled on or after January 1, 2022.

2227 (3) Each insurer shall allow each insured who has a new or  
2228 renewal policy providing personal injury protection which  
2229 becomes effective before January 1, 2022, and whose policy does  
2230 not meet minimum security requirements on or after January 1,  
2231 2022, to change coverages so as to eliminate personal injury  
2232 protection and obtain coverage providing minimum security  
2233 requirements, which shall be effective on or after January 1,  
2234 2022. The insurer is not required to provide coverage complying  
2235 with minimum security requirements in such policies if the  
2236 insured does not pay the required premium, if any, by January 1,  
2237 2022, or such later date as the insurer may allow. The insurer  
2238 must also offer each insured medical payments coverage pursuant  
2239 to s. 627.7265. Any reduction in the premium must be refunded by  
2240 the insurer. The insurer may not impose on the insured an  
2241 additional fee or charge that applies solely to a change in  
2242 coverage; however, the insurer may charge an additional required  
2243 premium that is actuarially indicated.

2244 (4) By September 1, 2021, each motor vehicle insurer shall  
2245 provide notice of this section to each motor vehicle  
2246 policyholder who is subject to this section. The notice is  
2247 subject to approval by the office and must clearly inform the  
2248 policyholder that:

2249 (a) The Florida Motor Vehicle No-Fault Law is repealed  
2250 effective January 1, 2022, and that on or after that date, the

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2251 insured is no longer required to maintain personal injury  
2252 protection insurance coverage, that personal injury protection  
2253 coverage is no longer available for purchase in this state, and  
2254 that all new or renewal policies issued on or after that date  
2255 will not contain that coverage.

2256 (b) Effective January 1, 2022, a person subject to the  
2257 financial responsibility requirements of s. 324.022 must  
2258 maintain minimum security requirements that enable the person to  
2259 respond to damages for liability on account of accidents arising  
2260 out of the use of a motor vehicle in the following amounts:

2261 1. Twenty-five thousand dollars for bodily injury to, or  
2262 the death of, one person in any one crash and, subject to such  
2263 limits for one person, in the amount of \$50,000 for bodily  
2264 injury to, or the death of, two or more persons in any one  
2265 crash; and

2266 2. Ten thousand dollars for damage to, or destruction of,  
2267 the property of others in any one crash.

2268 (c) Bodily injury liability coverage protects the insured,  
2269 up to the coverage limits, against loss if the insured is  
2270 legally responsible for the death of or bodily injury to others  
2271 in a motor vehicle accident.

2272 (d) Effective January 1, 2022, each policyholder of motor  
2273 vehicle liability insurance purchased as proof of financial  
2274 responsibility must be offered medical payments coverage  
2275 benefits that comply with s. 627.7265. The insurer must offer

2276 medical payments coverage at limits of \$5,000 and \$10,000  
2277 without a deductible. The insurer may also offer medical  
2278 payments coverage at other limits greater than \$5,000, and may  
2279 offer coverage with a deductible of up to \$500. Medical payments  
2280 coverage pays covered medical expenses incurred due to bodily  
2281 injury, sickness, or disease arising out of the ownership,  
2282 maintenance, or use of the motor vehicle, up to the limits of  
2283 such coverage, for injuries sustained in a motor vehicle crash  
2284 by the named insured, resident relatives, persons operating the  
2285 insured motor vehicle, passengers in the insured motor vehicle,  
2286 and persons who are struck by the insured motor vehicle and  
2287 suffer bodily injury while not an occupant of a self-propelled  
2288 motor vehicle as provided in s. 627.7265. Medical payments  
2289 coverage also provides a death benefit of at least \$5,000.

2290 (e) The policyholder may obtain uninsured and underinsured  
2291 motorist coverage, which provides benefits, up to the limits of  
2292 such coverage, to a policyholder or other insured entitled to  
2293 recover damages for bodily injury, sickness, disease, or death  
2294 resulting from a motor vehicle accident with an uninsured or  
2295 underinsured owner or operator of a motor vehicle.

2296 (f) If the policyholder's new or renewal motor vehicle  
2297 insurance policy is effective before January 1, 2022, and  
2298 contains personal injury protection and property damage  
2299 liability coverage as required by state law before January 1,  
2300 2022, but does not meet minimum security requirements on or

2301 after January 1, 2022, the policy is deemed to meet minimum  
 2302 security requirements until it is renewed, nonrenewed, or  
 2303 canceled on or after January 1, 2022.

2304 (g) A policyholder whose new or renewal policy becomes  
 2305 effective before January 1, 2022, but does not meet minimum  
 2306 security requirements on or after January 1, 2022, may change  
 2307 coverages under the policy so as to eliminate personal injury  
 2308 protection and to obtain coverage providing minimum security  
 2309 requirements, including bodily injury liability coverage, which  
 2310 are effective on or after January 1, 2022.

2311 (h) If the policyholder has any questions, he or she  
 2312 should contact the person named at the telephone number provided  
 2313 in the notice.

2314 Section 45. Paragraph (a) of subsection (1) of section  
 2315 627.728, Florida Statutes, is amended to read:

2316 627.728 Cancellations; nonrenewals.—

2317 (1) As used in this section, the term:

2318 (a) "Policy" means the bodily injury and property damage  
 2319 liability, ~~personal injury protection~~, medical payments,  
 2320 comprehensive, collision, and uninsured motorist coverage  
 2321 portions of a policy of motor vehicle insurance delivered or  
 2322 issued for delivery in this state:

2323 1. Insuring a natural person as named insured or one or  
 2324 more related individuals who are residents ~~resident~~ of the same  
 2325 household; and

2326           2. Insuring only a motor vehicle of the private passenger  
 2327 type or station wagon type which is not used as a public or  
 2328 livery conveyance for passengers or rented to others; or  
 2329 insuring any other four-wheel motor vehicle having a load  
 2330 capacity of 1,500 pounds or less which is not used in the  
 2331 occupation, profession, or business of the insured other than  
 2332 farming; other than any policy issued under an automobile  
 2333 insurance assigned risk plan or covering garage, automobile  
 2334 sales agency, repair shop, service station, or public parking  
 2335 place operation hazards.

2336  
 2337 The term "policy" does not include a binder as defined in s.  
 2338 627.420 unless the duration of the binder period exceeds 60  
 2339 days.

2340           Section 46. Subsection (1), paragraph (a) of subsection  
 2341 (5), and subsections (6) and (7) of section 627.7295, Florida  
 2342 Statutes, are amended to read:

2343           627.7295 Motor vehicle insurance contracts.—

2344           (1) As used in this section, the term:

2345           (a) "Policy" means a motor vehicle insurance policy that  
 2346 provides bodily injury liability ~~personal injury protection~~  
 2347 coverage and, ~~property damage liability coverage, or both.~~

2348           (b) "Binder" means a binder that provides motor vehicle  
 2349 bodily injury liability coverage ~~personal injury protection~~ and  
 2350 property damage liability coverage.

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2351 (5) (a) A licensed general lines agent may charge a per-  
2352 policy fee of up to ~~not to exceed~~ \$10 to cover the  
2353 administrative costs of the agent associated with selling the  
2354 motor vehicle insurance policy if the policy covers only bodily  
2355 injury liability coverage ~~personal injury protection coverage as~~  
2356 ~~provided by s. 627.736~~ and property damage liability coverage as  
2357 provided by s. 627.7275 and if no other insurance is sold or  
2358 issued in conjunction with or collateral to the policy. The fee  
2359 is not ~~considered~~ part of the premium.

2360 (6) If a motor vehicle owner's driver license, license  
2361 plate, and registration have previously been suspended pursuant  
2362 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy  
2363 only as provided in s. 627.7275.

2364 (7) A policy of private passenger motor vehicle insurance  
2365 or a binder for such a policy may be initially issued in this  
2366 state only if, before the effective date of such binder or  
2367 policy, the insurer or agent has collected from the insured an  
2368 amount equal to at least 1 month's premium. An insurer, agent,  
2369 or premium finance company may not, directly or indirectly, take  
2370 any action that results ~~resulting~~ in the insured paying ~~having~~  
2371 ~~paid~~ from the insured's own funds an amount less than the 1  
2372 month's premium required by this subsection. This subsection  
2373 applies without regard to whether the premium is financed by a  
2374 premium finance company or is paid pursuant to a periodic  
2375 payment plan of an insurer or an insurance agent.

2376           (a) This subsection does not apply:

2377           1. If an insured or member of the insured's family is

2378 renewing or replacing a policy or a binder for such policy

2379 written by the same insurer or a member of the same insurer

2380 group. ~~This subsection does not apply~~

2381           2. To an insurer that issues private passenger motor

2382 vehicle coverage primarily to active duty or former military

2383 personnel or their dependents. ~~This subsection does not apply~~

2384           3. If all policy payments are paid pursuant to a payroll

2385 deduction plan, an automatic electronic funds transfer payment

2386 plan from the policyholder, or a recurring credit card or debit

2387 card agreement with the insurer.

2388           (b) This subsection and subsection (4) do not apply if:

2389           1. All policy payments to an insurer are paid pursuant to

2390 an automatic electronic funds transfer payment plan from an

2391 agent, a managing general agent, or a premium finance company

2392 and if the policy includes, at a minimum, bodily injury

2393 liability coverage and ~~personal injury protection pursuant to~~

2394 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~

2395 coverage pursuant to s. 627.7275; or ~~and bodily injury liability~~

2396 ~~in at least the amount of \$10,000 because of bodily injury to,~~

2397 ~~or death of, one person in any one accident and in the amount of~~

2398 ~~\$20,000 because of bodily injury to, or death of, two or more~~

2399 ~~persons in any one accident. This subsection and subsection (4)~~

2400 ~~do not apply if~~



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2401        2. An insured has had a policy in effect for at least 6  
2402 months, the insured's agent is terminated by the insurer that  
2403 issued the policy, and the insured obtains coverage on the  
2404 policy's renewal date with a new company through the terminated  
2405 agent.

2406        Section 47. Section 627.7415, Florida Statutes, is amended  
2407 to read:

2408        627.7415 Commercial motor vehicles; additional liability  
2409 insurance coverage.—Beginning January 1, 2022, commercial motor  
2410 vehicles, as defined in s. 207.002 or s. 320.01, operated upon  
2411 the roads and highways of this state must ~~shall~~ be insured with  
2412 the following minimum levels of combined bodily liability  
2413 insurance and property damage liability insurance in addition to  
2414 any other insurance requirements:

2415        (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a  
2416 commercial motor vehicle with a gross vehicle weight of 26,000  
2417 pounds or more, but less than 35,000 pounds.

2418        (2) One hundred twenty thousand dollars per occurrence for  
2419 a commercial motor vehicle with a gross vehicle weight of 35,000  
2420 pounds or more, but less than 44,000 pounds.

2421        (3) Three hundred thousand dollars per occurrence for a  
2422 commercial motor vehicle with a gross vehicle weight of 44,000  
2423 pounds or more.

2424        (4) All commercial motor vehicles subject to regulations  
2425 of the United States Department of Transportation, 49 C.F.R.

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2426 part 387, subpart A, and as may be hereinafter amended, shall be  
2427 insured in an amount equivalent to the minimum levels of  
2428 financial responsibility as set forth in such regulations.

2429

2430 A violation of this section is a noncriminal traffic infraction,  
2431 punishable as a nonmoving violation as provided in chapter 318.

2432 Section 48. Section 627.747, Florida Statutes, is created  
2433 to read:

2434 627.747 Named driver exclusion.-

2435 (1) A private passenger motor vehicle policy may exclude  
2436 an identified individual from the following coverages while the  
2437 identified individual is operating a motor vehicle, provided  
2438 that the identified individual is specifically excluded by name  
2439 on the declarations page or by endorsement, and the policyholder  
2440 consents in writing to the exclusion:

2441 (a) Property damage liability coverage.

2442 (b) Bodily injury liability coverage.

2443 (c) Uninsured motorist coverage for any damages sustained  
2444 by the identified excluded individual, if the policyholder has  
2445 purchased such coverage.

2446 (d) Any coverage the policyholder is not required by law  
2447 to purchase.

2448 (2) A private passenger motor vehicle policy may not  
2449 exclude coverage when:

2450 (a) The identified excluded individual is injured while

2451 not operating a motor vehicle;

2452 (b) The exclusion is unfairly discriminatory under the  
 2453 Florida Insurance Code, as determined by the office; or

2454 (c) The exclusion is inconsistent with the underwriting  
 2455 rules filed by the insurer pursuant to s. 627.0651(13)(a).

2456 Section 49. Paragraphs (b), (c), and (g) of subsection (7)  
 2457 and paragraphs (a) and (b) of subsection (8) of section 627.748,  
 2458 Florida Statutes, are amended to read:

2459 627.748 Transportation network companies.—

2460 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER  
 2461 INSURANCE REQUIREMENTS.—

2462 (b) The following automobile insurance requirements apply  
 2463 while a participating TNC driver is logged on to the digital  
 2464 network but is not engaged in a prearranged ride:

2465 1. Automobile insurance that provides:

2466 a. A primary automobile liability coverage of at least  
 2467 \$50,000 for death and bodily injury per person, \$100,000 for  
 2468 death and bodily injury per incident, and \$25,000 for property  
 2469 damage; and

2470 ~~b. Personal injury protection benefits that meet the~~  
 2471 ~~minimum coverage amounts required under ss. 627.730–627.7405;~~  
 2472 ~~and~~

2473 ~~b.e.~~ Uninsured and underinsured vehicle coverage as  
 2474 required by s. 627.727.

2475 2. The coverage requirements of this paragraph may be

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2476 satisfied by any of the following:

2477       a. Automobile insurance maintained by the TNC driver or  
2478 the TNC vehicle owner;

2479       b. Automobile insurance maintained by the TNC; or

2480       c. A combination of sub-subparagraphs a. and b.

2481       (c) The following automobile insurance requirements apply  
2482 while a TNC driver is engaged in a prearranged ride:

2483       1. Automobile insurance that provides:

2484           a. A primary automobile liability coverage of at least \$1  
2485 million for death, bodily injury, and property damage; and

2486           ~~b. Personal injury protection benefits that meet the~~  
2487 ~~minimum coverage amounts required of a limousine under ss.~~  
2488 ~~627.730-627.7405; and~~

2489           b. e. Uninsured and underinsured vehicle coverage as  
2490 required by s. 627.727.

2491       2. The coverage requirements of this paragraph may be  
2492 satisfied by any of the following:

2493           a. Automobile insurance maintained by the TNC driver or  
2494 the TNC vehicle owner;

2495           b. Automobile insurance maintained by the TNC; or

2496           c. A combination of sub-subparagraphs a. and b.

2497       (g) Insurance satisfying the requirements under this  
2498 subsection is deemed to satisfy the financial responsibility  
2499 requirement for a motor vehicle under chapter 324 ~~and the~~  
2500 ~~security required under s. 627.733~~ for any period when the TNC

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2501 driver is logged onto the digital network or engaged in a  
2502 prearranged ride.

2503 (8) TRANSPORTATION NETWORK COMPANY AND INSURER;  
2504 DISCLOSURE; EXCLUSIONS.—

2505 (a) Before a TNC driver is allowed to accept a request for  
2506 a prearranged ride on the digital network, the TNC must disclose  
2507 in writing to the TNC driver:

2508 1. The insurance coverage, including the types of coverage  
2509 and the limits for each coverage, which the TNC provides while  
2510 the TNC driver uses a TNC vehicle in connection with the TNC's  
2511 digital network.

2512 2. That the TNC driver's own automobile insurance policy  
2513 might not provide any coverage while the TNC driver is logged on  
2514 to the digital network or is engaged in a prearranged ride,  
2515 depending on the terms of the TNC driver's own automobile  
2516 insurance policy.

2517 3. That the provision of rides for compensation which are  
2518 not prearranged rides subjects the driver to the coverage  
2519 requirements imposed under s. 324.032(1) and (2) and that  
2520 failure to meet such coverage requirements subjects the TNC  
2521 driver to penalties provided in s. 324.221, up to and including  
2522 a misdemeanor of the second degree.

2523 (b)1. An insurer that provides an automobile liability  
2524 insurance policy under this part may exclude any and all  
2525 coverage afforded under the policy issued to an owner or

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2526 operator of a TNC vehicle while driving that vehicle for any  
2527 loss or injury that occurs while a TNC driver is logged on to a  
2528 digital network or while a TNC driver provides a prearranged  
2529 ride. Exclusions imposed under this subsection are limited to  
2530 coverage while a TNC driver is logged on to a digital network or  
2531 while a TNC driver provides a prearranged ride. This right to  
2532 exclude all coverage may apply to any coverage included in an  
2533 automobile insurance policy, including, but not limited to:

- 2534 a. Liability coverage for bodily injury and property  
2535 damage;
- 2536 b. Uninsured and underinsured motorist coverage;
- 2537 c. Medical payments coverage;
- 2538 d. Comprehensive physical damage coverage; and
- 2539 e. Collision physical damage coverage; ~~and~~
- 2540 ~~f. Personal injury protection.~~

2541 2. The exclusions described in subparagraph 1. apply  
2542 notwithstanding any requirement under chapter 324. These  
2543 exclusions do not affect or diminish coverage otherwise  
2544 available for permissive drivers or resident relatives under the  
2545 personal automobile insurance policy of the TNC driver or owner  
2546 of the TNC vehicle who are not occupying the TNC vehicle at the  
2547 time of loss. This section does not require that a personal  
2548 automobile insurance policy provide coverage while the TNC  
2549 driver is logged on to a digital network, while the TNC driver  
2550 is engaged in a prearranged ride, or while the TNC driver

2551 otherwise uses a vehicle to transport riders for compensation.

2552 3. This section must not be construed to require an  
 2553 insurer to use any particular policy language or reference to  
 2554 this section in order to exclude any and all coverage for any  
 2555 loss or injury that occurs while a TNC driver is logged on to a  
 2556 digital network or while a TNC driver provides a prearranged  
 2557 ride.

2558 4. This section does not preclude an insurer from  
 2559 providing primary or excess coverage for the TNC driver's  
 2560 vehicle by contract or endorsement.

2561 Section 50. Paragraph (a) of subsection (2) of section  
 2562 627.749, Florida Statutes, is amended to read:

2563 627.749 Autonomous vehicles; insurance requirements.—

2564 (2) INSURANCE REQUIREMENTS.—

2565 (a) A fully autonomous vehicle with the automated driving  
 2566 system engaged while logged on to an on-demand autonomous  
 2567 vehicle network or engaged in a prearranged ride must be covered  
 2568 by a policy of automobile insurance which provides:

2569 1. Primary liability coverage of at least \$1 million for  
 2570 death, bodily injury, and property damage.

2571 ~~2. Personal injury protection benefits that meet the~~  
 2572 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

2573 2.3. Uninsured and underinsured vehicle coverage as  
 2574 required by s. 627.727.

2575 Section 51. Section 627.8405, Florida Statutes, is amended

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2576 to read:

2577           627.8405 Prohibited acts; financing companies.—~~A No~~  
 2578 premium finance company ~~shall~~, in a premium finance agreement or  
 2579 other agreement, may not finance the cost of or otherwise  
 2580 provide for the collection or remittance of dues, assessments,  
 2581 fees, or other periodic payments of money for the cost of:

2582           (1) A membership in an automobile club. The term  
 2583 "automobile club" means a legal entity that ~~which~~, in  
 2584 consideration of dues, assessments, or periodic payments of  
 2585 money, promises its members or subscribers to assist them in  
 2586 matters relating to the ownership, operation, use, or  
 2587 maintenance of a motor vehicle; however, the term ~~this~~  
 2588 ~~definition of "automobile club"~~ does not include persons,  
 2589 associations, or corporations ~~which are~~ organized and operated  
 2590 solely for the purpose of conducting, sponsoring, or sanctioning  
 2591 motor vehicle races, exhibitions, or contests upon racetracks,  
 2592 or upon racecourses established and marked as such for the  
 2593 duration of such particular events. The term ~~words~~ "motor  
 2594 vehicle" used herein has ~~have~~ the same meaning as defined in  
 2595 chapter 320.

2596           (2) An accidental death and dismemberment policy sold in  
 2597 combination with a policy providing only bodily injury liability  
 2598 coverage ~~personal injury protection~~ and property damage  
 2599 liability coverage ~~only policy~~.

2600           (3) Any product not regulated under ~~the provisions of this~~



2601 insurance code.

2602

2603 This section also applies to premium financing by any insurance  
 2604 agent or insurance company under part XVI. The commission shall  
 2605 adopt rules to assure disclosure, at the time of sale, of  
 2606 coverages financed ~~with personal injury protection~~ and shall  
 2607 prescribe the form of such disclosure.

2608 Section 52. Subsection (1) of section 627.915, Florida  
 2609 Statutes, is amended to read:

2610 627.915 Insurer experience reporting.-

2611 (1) Each insurer transacting private passenger automobile  
 2612 insurance in this state shall report certain information  
 2613 annually to the office. The information will be due on or before  
 2614 July 1 of each year. The information must ~~shall~~ be divided into  
 2615 the following categories: bodily injury liability; property  
 2616 damage liability; uninsured motorist; ~~personal injury protection~~  
 2617 ~~benefits~~; medical payments; and comprehensive and collision. The  
 2618 information given must ~~shall~~ be on direct insurance writings in  
 2619 the state alone and ~~shall~~ represent total limits data. The  
 2620 information set forth in paragraphs (a)-(f) is applicable to  
 2621 voluntary private passenger and Joint Underwriting Association  
 2622 private passenger writings and must ~~shall~~ be reported for each  
 2623 of the latest 3 calendar-accident years, with an evaluation date  
 2624 of March 31 of the current year. The information set forth in  
 2625 paragraphs (g)-(j) is applicable to voluntary private passenger

2626 | writings and must ~~shall~~ be reported on a calendar-accident year  
 2627 | basis ultimately seven times at seven different stages of  
 2628 | development.

2629 |       (a) Premiums earned for the latest 3 calendar-accident  
 2630 | years.

2631 |       (b) Loss development factors and the historic development  
 2632 | of those factors.

2633 |       (c) Policyholder dividends incurred.

2634 |       (d) Expenses for other acquisition and general expense.

2635 |       (e) Expenses for agents' commissions and taxes, licenses,  
 2636 | and fees.

2637 |       (f) Profit and contingency factors as utilized in the  
 2638 | insurer's automobile rate filings for the applicable years.

2639 |       (g) Losses paid.

2640 |       (h) Losses unpaid.

2641 |       (i) Loss adjustment expenses paid.

2642 |       (j) Loss adjustment expenses unpaid.

2643 |       Section 53. Subsections (2) and (3) of section 628.909,  
 2644 | Florida Statutes, are amended to read:

2645 |       628.909 Applicability of other laws.—

2646 |       (2) The following provisions of the Florida Insurance Code  
 2647 | apply to captive insurance companies that ~~who~~ are not industrial  
 2648 | insured captive insurance companies to the extent that such  
 2649 | provisions are not inconsistent with this part:

2650 |       (a) Chapter 624, except for ss. 624.407, 624.408,

2651 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

2652 (b) Chapter 625, part II.

2653 (c) Chapter 626, part IX.

2654 ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~  
 2655 ~~provided.~~

2656 (d)~~(e)~~ Chapter 628.

2657 (3) The following provisions of the Florida Insurance Code  
 2658 ~~shall~~ apply to industrial insured captive insurance companies to  
 2659 the extent that such provisions are not inconsistent with this  
 2660 part:

2661 (a) Chapter 624, except for ss. 624.407, 624.408,  
 2662 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and  
 2663 624.609(1).

2664 (b) Chapter 625, part II, if the industrial insured  
 2665 captive insurance company is incorporated in this state.

2666 (c) Chapter 626, part IX.

2667 ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~  
 2668 ~~provided.~~

2669 (d)~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and  
 2670 628.6018.

2671 Section 54. Subsections (2), (6), and (7) of section  
 2672 705.184, Florida Statutes, are amended to read:

2673 705.184 Derelict or abandoned motor vehicles on the  
 2674 premises of public-use airports.—

2675 (2) The airport director or the director's designee shall

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2676 | contact the Department of Highway Safety and Motor Vehicles to  
2677 | notify that department that the airport has possession of the  
2678 | abandoned or derelict motor vehicle and to determine the name  
2679 | and address of the owner of the motor vehicle, the insurance  
2680 | company insuring the motor vehicle, ~~notwithstanding the~~  
2681 | ~~provisions of s. 627.736,~~ and any person who has filed a lien on  
2682 | the motor vehicle. Within 7 business days after receipt of the  
2683 | information, the director or the director's designee shall send  
2684 | notice by certified mail, return receipt requested, to the owner  
2685 | of the motor vehicle, the insurance company insuring the motor  
2686 | vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
2687 | persons of record claiming a lien against the motor vehicle. The  
2688 | notice must ~~shall~~ state the fact of possession of the motor  
2689 | vehicle, that charges for reasonable towing, storage, and  
2690 | parking fees, if any, have accrued and the amount thereof, that  
2691 | a lien as provided in subsection (6) will be claimed, that the  
2692 | lien is subject to enforcement pursuant to law, that the owner  
2693 | or lienholder, if any, has the right to a hearing as set forth  
2694 | in subsection (4), and that any motor vehicle which, at the end  
2695 | of 30 calendar days after receipt of the notice, has not been  
2696 | removed from the airport upon payment in full of all accrued  
2697 | charges for reasonable towing, storage, and parking fees, if  
2698 | any, may be disposed of as provided in s. 705.182(2)(a), (b),  
2699 | (d), or (e), including, but not limited to, the motor vehicle  
2700 | being sold free of all prior liens after 35 calendar days after

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2701 the time the motor vehicle is stored if any prior liens on the  
2702 motor vehicle are more than 5 years of age or after 50 calendar  
2703 days after the time the motor vehicle is stored if any prior  
2704 liens on the motor vehicle are 5 years of age or less.

2705 (6) The airport pursuant to this section or, if used, a  
2706 licensed independent wrecker company pursuant to s. 713.78 shall  
2707 have a lien on an abandoned or derelict motor vehicle for all  
2708 reasonable towing, storage, and accrued parking fees, if any,  
2709 except that no storage fee may ~~shall~~ be charged if the motor  
2710 vehicle is stored less than 6 hours. As a prerequisite to  
2711 perfecting a lien under this section, the airport director or  
2712 the director's designee must serve a notice in accordance with  
2713 subsection (2) on the owner of the motor vehicle, the insurance  
2714 company insuring the motor vehicle, ~~notwithstanding the~~  
2715 ~~provisions of s. 627.736,~~ and all persons of record claiming a  
2716 lien against the motor vehicle. If attempts to notify the owner,  
2717 the insurance company insuring the motor vehicle,  
2718 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are  
2719 not successful, the requirement of notice by mail shall be  
2720 considered met. Serving of the notice does not dispense with  
2721 recording the claim of lien.

2722 (7) (a) For the purpose of perfecting its lien under this  
2723 section, the airport shall record a claim of lien which states  
2724 ~~shall state:~~

2725 1. The name and address of the airport.



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2751 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~  
 2752 and all persons of record claiming a lien against the motor  
 2753 vehicle on . . . . , . . . (year) . . . , by . . . . .  
 2754 . . . (Signature) . . .  
 2755 Sworn to (or affirmed) and subscribed before me this . . . . day of  
 2756 . . . . , . . . (year) . . . , by . . . (name of person making statement) . . . .  
 2757 . . . (Signature of Notary Public) . . . . . (Print, Type, or Stamp  
 2758 Commissioned name of Notary Public) . . .  
 2759 Personally Known . . . . OR Produced . . . . as identification.

2760  
 2761 However, the negligent inclusion or omission of any information  
 2762 in this claim of lien which does not prejudice the owner does  
 2763 not constitute a default that operates to defeat an otherwise  
 2764 valid lien.

2765 (d) The claim of lien must ~~shall~~ be served on the owner of  
 2766 the motor vehicle, the insurance company insuring the motor  
 2767 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
 2768 persons of record claiming a lien against the motor vehicle. If  
 2769 attempts to notify the owner, the insurance company insuring the  
 2770 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or  
 2771 lienholders are not successful, the requirement of notice by  
 2772 mail shall be considered met. The claim of lien must ~~shall~~ be so  
 2773 served before recordation.

2774 (e) The claim of lien must ~~shall~~ be recorded with the  
 2775 clerk of court in the county where the airport is located. The

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

2776 recording of the claim of lien shall be constructive notice to  
2777 all persons of the contents and effect of such claim. The lien  
2778 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~  
2779 ~~take~~ priority as of that time.

2780 Section 55. Subsection (4) of section 713.78, Florida  
2781 Statutes, is amended to read:

2782 713.78 Liens for recovering, towing, or storing vehicles  
2783 and vessels.—

2784 (4) (a) A person regularly engaged in the business of  
2785 recovering, towing, or storing vehicles or vessels who comes  
2786 into possession of a vehicle or vessel pursuant to subsection  
2787 (2), and who claims a lien for recovery, towing, or storage  
2788 services, shall give notice, by certified mail, to the  
2789 registered owner, the insurance company insuring the vehicle  
2790 ~~notwithstanding s. 627.736~~, and all persons claiming a lien  
2791 thereon, as disclosed by the records in the Department of  
2792 Highway Safety and Motor Vehicles or as disclosed by the records  
2793 of any corresponding agency in any other state in which the  
2794 vehicle is identified through a records check of the National  
2795 Motor Vehicle Title Information System or an equivalent  
2796 commercially available system as being titled or registered.

2797 (b) Whenever a law enforcement agency authorizes the  
2798 removal of a vehicle or vessel or whenever a towing service,  
2799 garage, repair shop, or automotive service, storage, or parking  
2800 place notifies the law enforcement agency of possession of a



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2801 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
2802 enforcement agency of the jurisdiction where the vehicle or  
2803 vessel is stored shall contact the Department of Highway Safety  
2804 and Motor Vehicles, or the appropriate agency of the state of  
2805 registration, if known, within 24 hours through the medium of  
2806 electronic communications, giving the full description of the  
2807 vehicle or vessel. Upon receipt of the full description of the  
2808 vehicle or vessel, the department shall search its files to  
2809 determine the owner's name, the insurance company insuring the  
2810 vehicle or vessel, and whether any person has filed a lien upon  
2811 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
2812 notify the applicable law enforcement agency within 72 hours.  
2813 The person in charge of the towing service, garage, repair shop,  
2814 or automotive service, storage, or parking place shall obtain  
2815 such information from the applicable law enforcement agency  
2816 within 5 days after the date of storage and shall give notice  
2817 pursuant to paragraph (a). The department may release the  
2818 insurance company information to the requestor ~~notwithstanding~~  
2819 ~~s. 627.736.~~

2820 (c) The notice of lien must be sent by certified mail to  
2821 the registered owner, the insurance company insuring the vehicle  
2822 ~~notwithstanding s. 627.736,~~ and all other persons claiming a  
2823 lien thereon within 7 business days, excluding Saturday and  
2824 Sunday, after the date of storage of the vehicle or vessel.  
2825 However, in no event shall the notice of lien be sent less than

2826 30 days before the sale of the vehicle or vessel. The notice  
 2827 must state:

2828 1. If the claim of lien is for a vehicle, the last 8  
 2829 digits of the vehicle identification number of the vehicle  
 2830 subject to the lien, or, if the claim of lien is for a vessel,  
 2831 the hull identification number of the vessel subject to the  
 2832 lien, clearly printed in the delivery address box and on the  
 2833 outside of the envelope sent to the registered owner and all  
 2834 other persons claiming an interest therein or lien thereon.

2835 2. The name, physical address, and telephone number of the  
 2836 lienor, and the entity name, as registered with the Division of  
 2837 Corporations, of the business where the towing and storage  
 2838 occurred, which must also appear on the outside of the envelope  
 2839 sent to the registered owner and all other persons claiming an  
 2840 interest in or lien on the vehicle or vessel.

2841 3. The fact of possession of the vehicle or vessel.

2842 4. The name of the person or entity that authorized the  
 2843 lienor to take possession of the vehicle or vessel.

2844 5. That a lien as provided in subsection (2) is claimed.

2845 6. That charges have accrued and include an itemized  
 2846 statement of the amount thereof.

2847 7. That the lien is subject to enforcement under law and  
 2848 that the owner or lienholder, if any, has the right to a hearing  
 2849 as set forth in subsection (5).

2850 8. That any vehicle or vessel that remains unclaimed, or

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2851 for which the charges for recovery, towing, or storage services  
2852 remain unpaid, may be sold free of all prior liens 35 days after  
2853 the vehicle or vessel is stored by the lienor if the vehicle or  
2854 vessel is more than 3 years of age or 50 days after the vehicle  
2855 or vessel is stored by the lienor if the vehicle or vessel is 3  
2856 years of age or less.

2857 9. The address at which the vehicle or vessel is  
2858 physically located.

2859 (d) The notice of lien may not be sent to the registered  
2860 owner, the insurance company insuring the vehicle or vessel, and  
2861 all other persons claiming a lien thereon less than 30 days  
2862 before the sale of the vehicle or vessel.

2863 (e) If attempts to locate the name and address of the  
2864 owner or lienholder prove unsuccessful, the towing-storage  
2865 operator shall, after 7 business days, excluding Saturday and  
2866 Sunday, after the initial tow or storage, notify the public  
2867 agency of jurisdiction where the vehicle or vessel is stored in  
2868 writing by certified mail or acknowledged hand delivery that the  
2869 towing-storage company has been unable to locate the name and  
2870 address of the owner or lienholder and a physical search of the  
2871 vehicle or vessel has disclosed no ownership information and a  
2872 good faith effort has been made, including records checks of the  
2873 Department of Highway Safety and Motor Vehicles database and the  
2874 National Motor Vehicle Title Information System or an equivalent  
2875 commercially available system. For purposes of this paragraph

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2876 and subsection (9), the term "good faith effort" means that the  
2877 following checks have been performed by the company to establish  
2878 the prior state of registration and for title:

2879 1. A check of the department's database for the owner and  
2880 any lienholder.

2881 2. A check of the electronic National Motor Vehicle Title  
2882 Information System or an equivalent commercially available  
2883 system to determine the state of registration when there is not  
2884 a current registration record for the vehicle or vessel on file  
2885 with the department.

2886 3. A check of the vehicle or vessel for any type of tag,  
2887 tag record, temporary tag, or regular tag.

2888 4. A check of the law enforcement report for a tag number  
2889 or other information identifying the vehicle or vessel, if the  
2890 vehicle or vessel was towed at the request of a law enforcement  
2891 officer.

2892 5. A check of the trip sheet or tow ticket of the tow  
2893 truck operator to determine whether a tag was on the vehicle or  
2894 vessel at the beginning of the tow, if a private tow.

2895 6. If there is no address of the owner on the impound  
2896 report, a check of the law enforcement report to determine  
2897 whether an out-of-state address is indicated from driver license  
2898 information.

2899 7. A check of the vehicle or vessel for an inspection  
2900 sticker or other stickers and decals that may indicate a state

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2901 of possible registration.

2902 8. A check of the interior of the vehicle or vessel for  
 2903 any papers that may be in the glove box, trunk, or other areas  
 2904 for a state of registration.

2905 9. A check of the vehicle for a vehicle identification  
 2906 number.

2907 10. A check of the vessel for a vessel registration  
 2908 number.

2909 11. A check of the vessel hull for a hull identification  
 2910 number which should be carved, burned, stamped, embossed, or  
 2911 otherwise permanently affixed to the outboard side of the  
 2912 transom or, if there is no transom, to the outmost seaboard side  
 2913 at the end of the hull that bears the rudder or other steering  
 2914 mechanism.

2915 Section 56. Paragraph (a) of subsection (1), paragraph (c)  
 2916 of subsection (7), paragraphs (a), (b), and (c) of subsection  
 2917 (8), and subsections (9) and (10) of section 817.234, Florida  
 2918 Statutes, are amended to read:

2919 817.234 False and fraudulent insurance claims.—

2920 (1) (a) A person commits insurance fraud punishable as  
 2921 provided in subsection (11) if that person, with the intent to  
 2922 injure, defraud, or deceive any insurer:

2923 1. Presents or causes to be presented any written or oral  
 2924 statement as part of, or in support of, a claim for payment or  
 2925 other benefit pursuant to an insurance policy or a health

2926 maintenance organization subscriber or provider contract,  
 2927 knowing that such statement contains ~~any~~ false, incomplete, or  
 2928 misleading information concerning any fact or thing material to  
 2929 such claim;

2930         2. Prepares or makes any written or oral statement that is  
 2931 intended to be presented to an ~~any~~ insurer in connection with,  
 2932 or in support of, any claim for payment or other benefit  
 2933 pursuant to an insurance policy or a health maintenance  
 2934 organization subscriber or provider contract, knowing that such  
 2935 statement contains ~~any~~ false, incomplete, or misleading  
 2936 information concerning any fact or thing material to such claim;

2937         3.a. Knowingly presents, causes to be presented, or  
 2938 prepares or makes with knowledge or belief that it will be  
 2939 presented to an ~~any~~ insurer, purported insurer, servicing  
 2940 corporation, insurance broker, or insurance agent, or any  
 2941 employee or agent thereof, ~~any~~ false, incomplete, or misleading  
 2942 information or a written or oral statement as part of, or in  
 2943 support of, an application for the issuance of, or the rating  
 2944 of, any insurance policy, or a health maintenance organization  
 2945 subscriber or provider contract; or

2946         b. Knowingly conceals information concerning any fact  
 2947 material to such application; or

2948         4. Knowingly presents, causes to be presented, or prepares  
 2949 or makes with knowledge or belief that it will be presented to  
 2950 any insurer a claim for payment or other benefit under medical

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2951 payments coverage in a motor vehicle ~~a personal injury~~  
2952 ~~protection~~ insurance policy if the person knows that the payee  
2953 knowingly submitted a false, misleading, or fraudulent  
2954 application or other document when applying for licensure as a  
2955 health care clinic, seeking an exemption from licensure as a  
2956 health care clinic, or demonstrating compliance with part X of  
2957 chapter 400.

2958 (7)

2959 ~~(c) An insurer, or any person acting at the direction of~~  
2960 ~~or on behalf of an insurer, may not change an opinion in a~~  
2961 ~~mental or physical report prepared under s. 627.736(7) or direct~~  
2962 ~~the physician preparing the report to change such opinion;~~  
2963 ~~however, this provision does not preclude the insurer from~~  
2964 ~~calling to the attention of the physician errors of fact in the~~  
2965 ~~report based upon information in the claim file. Any person who~~  
2966 ~~violates this paragraph commits a felony of the third degree,~~  
2967 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

2968 (8) (a) It is unlawful for any person intending to defraud  
2969 any other person to solicit or cause to be solicited any  
2970 business from a person involved in a motor vehicle accident for  
2971 the purpose of making, adjusting, or settling motor vehicle tort  
2972 claims or claims for benefits under medical payments coverage in  
2973 a motor vehicle insurance policy ~~personal injury protection~~  
2974 ~~benefits required by s. 627.736.~~ Any person who violates the  
2975 ~~provisions of this paragraph~~ commits a felony of the second

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2976 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
2977 775.084. A person who is convicted of a violation of this  
2978 subsection shall be sentenced to a minimum term of imprisonment  
2979 of 2 years.

2980 (b) A person may not solicit or cause to be solicited any  
2981 business from a person involved in a motor vehicle accident by  
2982 any means of communication other than advertising directed to  
2983 the public for the purpose of making motor vehicle tort claims  
2984 or claims for benefits under medical payments coverage in a  
2985 motor vehicle insurance policy ~~personal injury protection~~  
2986 ~~benefits required by s. 627.736,~~ within 60 days after the  
2987 occurrence of the motor vehicle accident. Any person who  
2988 violates this paragraph commits a felony of the third degree,  
2989 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2990 (c) A lawyer, health care practitioner as defined in s.  
2991 456.001, or owner or medical director of a clinic required to be  
2992 licensed pursuant to s. 400.9905 may not, at any time after 60  
2993 days have elapsed from the occurrence of a motor vehicle  
2994 accident, solicit or cause to be solicited any business from a  
2995 person involved in a motor vehicle accident by means of in  
2996 person or telephone contact at the person's residence, for the  
2997 purpose of making motor vehicle tort claims or claims for  
2998 benefits under medical payments coverage in a motor vehicle  
2999 insurance policy ~~personal injury protection benefits required by~~  
3000 ~~s. 627.736.~~ Any person who violates this paragraph commits a



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3001 felony of the third degree, punishable as provided in s.  
3002 775.082, s. 775.083, or s. 775.084.

3003 (9) A person may not organize, plan, or knowingly  
3004 participate in an intentional motor vehicle crash or a scheme to  
3005 create documentation of a motor vehicle crash that did not occur  
3006 for the purpose of making motor vehicle tort claims or claims  
3007 for benefits under medical payments coverage in a motor vehicle  
3008 insurance policy ~~personal injury protection benefits as required~~  
3009 ~~by s. 627.736~~. Any person who violates this subsection commits a  
3010 felony of the second degree, punishable as provided in s.  
3011 775.082, s. 775.083, or s. 775.084. A person who is convicted of  
3012 a violation of this subsection shall be sentenced to a minimum  
3013 term of imprisonment of 2 years.

3014 (10) A licensed health care practitioner who is found  
3015 guilty of insurance fraud under this section for an act relating  
3016 to a motor vehicle ~~personal injury protection~~ insurance policy  
3017 loses his or her license to practice for 5 years and may not  
3018 receive reimbursement under medical payments coverage in a motor  
3019 vehicle insurance policy ~~for personal injury protection benefits~~  
3020 for 10 years.

3021 Section 57. For the 2021-2022 fiscal year, the sum of  
3022 \$83,651 in nonrecurring funds is appropriated from the Insurance  
3023 Regulatory Trust Fund to the Office of Insurance Regulation for  
3024 the purpose of implementing this act.

3025 Section 58. Except as otherwise expressly provided in this

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3026 | act and except for this section, which shall take effect upon  
3027 | this act becoming a law, this act shall take effect January 1,  
3028 | 2022.