

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 medical payments coverage an insurer must
121 offer and medical payments coverage options an insurer
122 may offer; providing that motor vehicle liability
123 insurance policies are deemed to have medical payments
124 coverage at a certain limit and with no deductible
125 unless rejected or modified by the policyholder by

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

151 to changes made by the act; creating s. 627.7278,
152 F.S.; defining the term "minimum security
153 requirements"; providing a prohibition, requirements,
154 applicability, and construction relating to motor
155 vehicle insurance policies as of a certain date;
156 requiring insurers to allow certain insureds to make
157 certain coverage changes, subject to certain
158 conditions; requiring an insurer to provide, by a
159 specified date, a specified notice to policyholders
160 relating to requirements under the act; amending s.
161 627.728, F.S.; conforming a provision to changes made
162 by the act; amending s. 627.7295, F.S.; revising the
163 definitions of the terms "policy" and "binder";
164 revising the coverages of a motor vehicle insurance
165 policy for which a licensed general lines agent may
166 charge a specified fee; conforming a provision to
167 changes made by the act; amending s. 627.7415, F.S.;
168 revising additional liability insurance requirements
169 for commercial motor vehicles; creating s. 627.747,
170 F.S.; providing that private passenger motor vehicle
171 policies may exclude certain identified individuals
172 from specified coverages under certain circumstances;
173 providing that such policies may not exclude coverage
174 under certain circumstances; amending s. 627.748,
175 F.S.; revising insurance requirements for

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

192

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

194

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

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

200 Section 3. Subsection (1) of section 316.646, Florida

201 Statutes, is amended to read:

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

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

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

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

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

224 Section 4. Paragraph (b) of subsection (2) of section
225 318.18, Florida Statutes, is amended to read:

226 318.18 Amount of penalties.—The penalties required for a
227 noncriminal disposition pursuant to s. 318.14 or a criminal
228 offense listed in s. 318.17 are as follows:

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

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

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

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

251 may dismiss the case and may assess a dismissal fee of up to
252 \$10, from which the clerk shall remit \$2.50 to the Department of
253 Revenue for deposit into the General Revenue Fund.

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

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

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

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

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

300

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

308

309 Such affidavit must include the following warning:

310

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

315

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

326 ~~also indicate the existence of any bodily injury liability~~
327 ~~insurance voluntarily purchased.~~

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

348 Section 6. Paragraph (b) of subsection (1) of section
349 320.0609, Florida Statutes, is amended to read:

350 320.0609 Transfer and exchange of registration license

351 plates; transfer fee.—

352 (1)

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

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

361 320.27 Motor vehicle dealers.—

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

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

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

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

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

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

451 The department may issue a license to an applicant pending the
452 results of the fingerprint investigation, which license is fully
453 revocable if the department subsequently determines that any
454 facts set forth in the application are not true or correctly
455 represented.

456 Section 8. Paragraph (j) of subsection (3) of section
457 320.771, Florida Statutes, is amended to read:

458 320.771 License required of recreational vehicle dealers.-

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

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

472

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

476 applicant until it is satisfied that the facts set forth in the
 477 application are true.

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

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

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

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

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

506 Section 10. Paragraph (a) of subsection (8) of section
 507 322.34, Florida Statutes, is amended to read:

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

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

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

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

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

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

526 Section 11. Section 324.011, Florida Statutes, is amended
 527 to read:

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

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

551 324.021 Definitions; minimum insurance required.—The
552 following words and phrases when used in this chapter shall, for
553 the purpose of this chapter, have the meanings respectively
554 ascribed to them in this section, except in those instances
555 where the context clearly indicates a different meaning:

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

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

574 (a) Beginning January 1, 2022, with respect to a motor
575 vehicle that is not a commercial motor vehicle, nonpublic sector

576 bus, or for-hire passenger transportation vehicle, in the amount
 577 of:

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

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

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

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

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

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

594 (9) OWNER; OWNER/LESSOR.—

595 (c) *Application.*—

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

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

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

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

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

626 either:

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

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

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

649 b. For purposes of this section, and notwithstanding any
 650 other provision of general law, a motor vehicle dealer, or a

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

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

676 unless the employee was provided a temporary replacement
 677 vehicle:

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

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

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

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

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

691 324.022 Financial responsibility requirements ~~for property~~
 692 ~~damage.~~—

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

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

701 injury to, or the death of, two or more persons in any one
702 crash; and

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

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

726 ~~claims irrespective of their joinder with covered claims.~~

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

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

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

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

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

741 4. A commercial motor vehicle as defined in s. 207.002 or
742 s. 320.01, which must maintain security as required under ss.
743 324.031 and 627.7415.

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

746 ~~6.4. A vehicle providing for-hire passenger transportation~~
747 ~~vehicle, which must that is subject to the provisions of s.~~
748 ~~324.031. A taxicab shall maintain security as required under s.~~
749 ~~324.032 s. 324.032(1).~~

750 ~~7.5.~~ A personal delivery device as defined in s. 316.003.

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

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

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

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

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

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

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

801 violation of the Florida Insurance Code. These records may ~~shall~~
 802 be used by the department only for enforcement and regulatory
 803 purposes, including the generation by the department of data
 804 regarding compliance by owners of motor vehicles with the
 805 requirements for financial responsibility coverage.

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

820 (2) The department shall suspend, after due notice and an
 821 opportunity to be heard, the registration and driver license of
 822 any owner or registrant of a motor vehicle for ~~with respect to~~
 823 which security is required under s. 324.022, s. 324.032, s.
 824 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~ upon:

825 (a) The department's records showing that the owner or

826 | registrant of such motor vehicle did not have the ~~in full force~~
827 | ~~and effect~~ when required security in full force and effect ~~that~~
828 | ~~complies with the requirements of ss. 324.022 and 627.733; or~~

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

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

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

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

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

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

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

870 324.031 Manner of proving financial responsibility.—

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

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

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

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

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

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

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

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

901 for bodily injury to, or the death of, two or more persons in
 902 any one crash, and \$50,000 for damage to, or destruction of,
 903 property of others in any one crash; or

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

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

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

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

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

926 any one crash; and ~~A person who is either the owner or a lessee~~
927 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
928 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
929 ~~for-hire passenger transportation vehicles may prove financial~~
930 ~~responsibility by furnishing satisfactory evidence of holding a~~
931 ~~motor vehicle liability policy, but with minimum limits of~~
932 ~~\$125,000/250,000/50,000.~~

933 (b) Fifty thousand dollars for damage to, or destruction
934 of, property of others in any one crash ~~A person who is either~~
935 ~~the owner or a lessee required to maintain insurance under s.~~
936 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
937 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
938 ~~financial responsibility by furnishing satisfactory evidence of~~
939 ~~holding a motor vehicle liability policy as defined in s.~~
940 ~~324.031.~~

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

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

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

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

976 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
 977 obtained.

978 Section 19. Paragraph (b) of subsection (2) of section
 979 324.051, Florida Statutes, is amended to read:

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

982 (2)

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

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

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

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

998 4. To any person who has obtained from the department a
 999 certificate of self-insurance, in accordance with s. 324.171, or
 1000 to any person operating a motor vehicle for such self-insurer.

1001
 1002 No such policy or bond shall be effective under this subsection
 1003 unless it contains limits of not less than those specified in s.
 1004 324.021(7).

1005 Section 20. Section 324.071, Florida Statutes, is amended
 1006 to read:

1007 324.071 Reinstatement; renewal of license; reinstatement
 1008 fee.—An ~~Any~~ operator or owner whose license or registration has
 1009 been suspended pursuant to s. 324.051(2), s. 324.072, s.
 1010 324.081, or s. 324.121 may effect its reinstatement upon
 1011 compliance with ~~the provisions of~~ s. 324.051(2) (a)3. or 4., or
 1012 s. 324.081(2) and (3), as the case may be, and with one of the
 1013 provisions of s. 324.031 and upon payment to the department of a
 1014 nonrefundable reinstatement fee of \$15. Only one such fee may
 1015 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
 1016 number of licenses and registrations to be then reinstated or
 1017 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited
 1018 into ~~to~~ a department trust fund. If ~~When~~ the reinstatement of
 1019 any license or registration is effected by compliance with s.
 1020 324.051(2) (a)3. or 4., the department may ~~shall~~ not renew the
 1021 license or registration within ~~a period of~~ 3 years after ~~from~~
 1022 such reinstatement, nor may ~~shall~~ any other license or
 1023 registration be issued in the name of such person, unless the
 1024 operator continues ~~is continuing~~ to comply with ~~one of the~~
 1025 ~~provisions of~~ s. 324.031.

1026 Section 21. Subsection (1) of section 324.091, Florida
 1027 Statutes, is amended to read:

1028 324.091 Notice to department; notice to insurer.—

1029 (1) Each owner and operator involved in a crash or
 1030 conviction case within the purview of this chapter shall furnish
 1031 evidence of ~~automobile liability insurance~~ or motor vehicle
 1032 liability insurance within 14 days after the date of the mailing
 1033 of notice of crash by the department in the form and manner as
 1034 it may designate. Upon receipt of evidence that a ~~an automobile~~
 1035 ~~liability policy~~ or motor vehicle liability policy was in effect
 1036 at the time of the crash or conviction case, the department
 1037 shall forward to the insurer such information for verification
 1038 in a method as determined by the department. The insurer shall
 1039 respond to the department within 20 days after the notice as to
 1040 whether ~~or not~~ such information is valid. If the department
 1041 determines that a ~~an automobile liability policy~~ or motor
 1042 vehicle liability policy was not in effect and did not provide
 1043 coverage for both the owner and the operator, it must ~~shall~~ take
 1044 action as it is authorized to do under this chapter.

1045 Section 22. Section 324.151, Florida Statutes, is amended
 1046 to read:

1047 324.151 Motor vehicle liability policies; required
 1048 provisions.—

1049 (1) A motor vehicle liability policy that serves as ~~to be~~
 1050 proof of financial responsibility under s. 324.031(1)(a) ~~must s.~~

1051 ~~324.031(1), shall~~ be issued to owners or operators of motor
1052 vehicles under the following provisions:

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

1076 qualify as a newly acquired vehicle, does not qualify as a
1077 temporary substitute vehicle, and was owned by the insured or
1078 was furnished for an insured's regular use for more than 30
1079 consecutive days before the event giving rise to the claim.
1080 Insurers may make available, with respect to property damage
1081 liability coverage, a deductible amount not to exceed \$500. In
1082 the event of a property damage loss covered by a policy
1083 containing a property damage deductible provision, the insurer
1084 shall pay to the third-party claimant the amount of any property
1085 damage liability settlement or judgment, subject to policy
1086 limits, as if no deductible existed.

1087 (b) A motor vehicle liability insurance policy issued to a
1088 person who does not own a motor vehicle must ~~An operator's motor~~
1089 ~~vehicle liability policy of insurance shall~~ insure the person or
1090 persons named therein against loss from the liability imposed
1091 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~
1092 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~
1093 ~~same territorial limits and subject to the same limits of~~
1094 ~~liability as referred to above with respect to an owner's policy~~
1095 ~~of liability insurance.~~

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

1101 the policy, the premium charged therefor, the policy period, and
 1102 the limits of liability, and must ~~shall~~ contain an agreement or
 1103 be endorsed that insurance is provided in accordance with the
 1104 coverage defined in this chapter ~~as respects bodily injury and~~
 1105 ~~death or property damage or both~~ and is subject to ~~all~~
 1106 ~~provisions of~~ this chapter. The ~~Said~~ policies must ~~shall~~ also
 1107 contain a provision that the satisfaction by an insured of a
 1108 judgment for such injury or damage may ~~shall~~ not be a condition
 1109 precedent to the right or duty of the insurance carrier to make
 1110 payment on account of such injury or damage, and must ~~shall~~ also
 1111 contain a provision that bankruptcy or insolvency of the insured
 1112 or of the insured's estate may ~~shall~~ not relieve the insurance
 1113 carrier of any of its obligations under the ~~said~~ policy.

1114 (2) ~~The provisions of~~ This section is ~~shall~~ not be
 1115 applicable to any motor vehicle ~~automobile~~ liability policy
 1116 unless and until it is furnished as proof of financial
 1117 responsibility for the future pursuant to s. 324.031, and then
 1118 applies only from ~~and after~~ the date the ~~said~~ policy is ~~so~~
 1119 furnished.

1120 (3) As used in this section, the term:

1121 (a) "Newly acquired vehicle" means a vehicle owned by a
 1122 named insured or resident relative of the named insured which
 1123 was acquired within 30 days before an accident.

1124 (b) "Resident relative" means a person related to a named
 1125 insured by any degree by blood, marriage, or adoption, including

1126 a ward or foster child, who usually makes his or her home in the
 1127 same family unit or residence as the named insured, whether or
 1128 not he or she temporarily lives elsewhere.

1129 (c) "Temporary substitute vehicle" means any motor vehicle
 1130 as defined in s. 320.01(1) which is not owned by the named
 1131 insured and which is temporarily used with the permission of the
 1132 owner as a substitute for the owned motor vehicle designated on
 1133 the policy when the owned vehicle is withdrawn from normal use
 1134 because of breakdown, repair, servicing, loss, or destruction.

1135 Section 23. Section 324.161, Florida Statutes, is amended
 1136 to read:

1137 324.161 Proof of financial responsibility; deposit.—If a
 1138 person elects to prove his or her financial responsibility under
 1139 the method of proof specified in s. 324.031(1) (b), he or she
 1140 annually must obtain and submit to the department proof of a
 1141 certificate of deposit in the amount required under s.
 1142 324.031(2) from a financial institution insured by the Federal
 1143 Deposit Insurance Corporation or the National Credit Union
 1144 Administration ~~Annually, before any certificate of insurance may~~
 1145 ~~be issued to a person, including any firm, partnership,~~
 1146 ~~association, corporation, or other person, other than a natural~~
 1147 ~~person, proof of a certificate of deposit of \$30,000 issued and~~
 1148 ~~held by a financial institution must be submitted to the~~
 1149 ~~department.~~ A power of attorney will be issued to and held by
 1150 the department and may be executed upon a judgment issued

1151 against such person making the deposit, for damages for ~~because~~
 1152 ~~of~~ bodily injury to or death of any person or for damages for
 1153 ~~because of~~ injury to or destruction of property resulting from
 1154 the use or operation of any motor vehicle occurring after such
 1155 deposit was made. Money so deposited is ~~shall~~ not ~~be~~ subject to
 1156 attachment or execution unless such attachment or execution
 1157 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as
 1158 aforesaid.

1159 Section 24. Subsections (1) and (2) of section 324.171,
 1160 Florida Statutes, are amended to read:

1161 324.171 Self-insurer.—

1162 (1) A ~~Any~~ person may qualify as a self-insurer by
 1163 obtaining a certificate of self-insurance from the department.
 1164 ~~which may, in its discretion and~~ Upon application of such a
 1165 person, the department may issue a ~~said~~ certificate of self-
 1166 insurance to an applicant who satisfies ~~when such person has~~
 1167 ~~satisfied~~ the requirements of this section. Effective January 1,
 1168 2022 to qualify as a self-insurer under this section:

1169 (a) A private individual with private passenger vehicles
 1170 shall possess a net unencumbered worth of at least \$100,000
 1171 ~~\$40,000~~.

1172 (b) A person, including any firm, partnership,
 1173 association, corporation, or other person, other than a natural
 1174 person, shall:

1175 1. Possess a net unencumbered worth of at least \$100,000

1176 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
 1177 additional motor vehicle; or

1178 2. Maintain sufficient net worth, in an amount determined
 1179 by the department, to be financially responsible for potential
 1180 losses. The department annually shall determine the minimum net
 1181 worth sufficient to satisfy this subparagraph ~~as determined~~
 1182 ~~annually by the department,~~ pursuant to rules adopted
 1183 ~~promulgated~~ by the department, with the assistance of the Office
 1184 of Insurance Regulation of the Financial Services Commission, ~~to~~
 1185 ~~be financially responsible for potential losses.~~ The rules must
 1186 consider any ~~shall take into consideration~~ excess insurance
 1187 carried by the applicant. The department's determination must
 1188 ~~shall~~ be based upon reasonable actuarial principles considering
 1189 the frequency, severity, and loss development of claims incurred
 1190 by casualty insurers writing coverage on the type of motor
 1191 vehicles for which a certificate of self-insurance is desired.

1192 (c) The owner of a commercial motor vehicle, as defined in
 1193 s. 207.002 or s. 320.01, may qualify as a self-insurer subject
 1194 to the standards provided ~~for~~ in subparagraph (b)2.

1195 (2) The self-insurance certificate must ~~shall~~ provide
 1196 limits of liability insurance in the amounts specified under s.
 1197 324.021(7) ~~or s. 627.7415~~ and ~~shall provide personal injury~~
 1198 ~~protection coverage under s. 627.733(3)(b).~~

1199 Section 25. Section 324.251, Florida Statutes, is amended
 1200 to read:

1201 324.251 Short title.—This chapter may be cited as the
 1202 "Financial Responsibility Law of 2021 ~~1955~~" and is ~~shall become~~
 1203 effective at 12:01 a.m., January 1, 2022 ~~October 1, 1955~~.

1204 Section 26. Subsection (4) of section 400.9905, Florida
 1205 Statutes, is amended to read:

1206 400.9905 Definitions.—

1207 (4) (a) "Clinic" means an entity where health care services
 1208 are provided to individuals and which tenders charges for
 1209 reimbursement for such services, including a mobile clinic and a
 1210 portable equipment provider. As used in this part, the term does
 1211 not include and the licensure requirements of this part do not
 1212 apply to:

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

1226 | respective certifications under 42 C.F.R. part 486, subpart C;
 1227 | providers certified and providing only health care services
 1228 | within the scope of services authorized under their respective
 1229 | certifications under 42 C.F.R. part 491, subpart A; providers
 1230 | certified by the Centers for Medicare and Medicaid services
 1231 | under the federal Clinical Laboratory Improvement Amendments and
 1232 | the federal rules adopted thereunder; or any entity that
 1233 | provides neonatal or pediatric hospital-based health care
 1234 | services or other health care services by licensed practitioners
 1235 | solely within a hospital licensed under chapter 395.

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

1251 | certifications under 42 C.F.R. part 486, subpart C; providers
 1252 | certified and providing only health care services within the
 1253 | scope of services authorized under their respective
 1254 | certifications under 42 C.F.R. part 491, subpart A; providers
 1255 | certified by the Centers for Medicare and Medicaid services
 1256 | under the federal Clinical Laboratory Improvement Amendments and
 1257 | the federal rules adopted thereunder; or any entity that
 1258 | provides neonatal or pediatric hospital-based health care
 1259 | services by licensed practitioners solely within a hospital
 1260 | licensed under chapter 395.

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

1276 | respective certifications under 42 C.F.R. part 486, subpart C;
 1277 | providers certified and providing only health care services
 1278 | within the scope of services authorized under their respective
 1279 | certifications under 42 C.F.R. part 491, subpart A; providers
 1280 | certified by the Centers for Medicare and Medicaid services
 1281 | under the federal Clinical Laboratory Improvement Amendments and
 1282 | the federal rules adopted thereunder; or any entity that
 1283 | provides neonatal or pediatric hospital-based health care
 1284 | services by licensed practitioners solely within a hospital
 1285 | under chapter 395.

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

1301 scope of services authorized under their respective
 1302 certifications under 42 C.F.R. part 486, subpart C; providers
 1303 certified and providing only health care services within the
 1304 scope of services authorized under their respective
 1305 certifications under 42 C.F.R. part 491, subpart A; providers
 1306 certified by the Centers for Medicare and Medicaid services
 1307 under the federal Clinical Laboratory Improvement Amendments and
 1308 the federal rules adopted thereunder; or any entity that
 1309 provides neonatal or pediatric hospital-based health care
 1310 services by licensed practitioners solely within a hospital
 1311 licensed under chapter 395.

1312 5.(e) An entity that is exempt from federal taxation under
 1313 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
 1314 under 26 U.S.C. s. 409 that has a board of trustees at least
 1315 two-thirds of which are Florida-licensed health care
 1316 practitioners and provides only physical therapy services under
 1317 physician orders, any community college or university clinic,
 1318 and any entity owned or operated by the federal or state
 1319 government, including agencies, subdivisions, or municipalities
 1320 thereof.

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

1326 child, or sibling of that physician.

1327 7.~~(g)~~ A sole proprietorship, group practice, partnership,
1328 or corporation that provides health care services by licensed
1329 health care practitioners under chapter 457, chapter 458,
1330 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1331 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1332 chapter 490, chapter 491, or part I, part III, part X, part
1333 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1334 wholly owned by one or more licensed health care practitioners,
1335 or the licensed health care practitioners set forth in this
1336 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling
1337 of a licensed health care practitioner if one of the owners who
1338 is a licensed health care practitioner is supervising the
1339 business activities and is legally responsible for the entity's
1340 compliance with all federal and state laws. However, a health
1341 care practitioner may not supervise services beyond the scope of
1342 the practitioner's license, except that, for the purposes of
1343 this part, a clinic owned by a licensee in s. 456.053(3)(b)
1344 which provides only services authorized pursuant to s.
1345 456.053(3)(b) may be supervised by a licensee specified in s.
1346 456.053(3)(b).

1347 8.~~(h)~~ Clinical facilities affiliated with an accredited
1348 medical school at which training is provided for medical
1349 students, residents, or fellows.

1350 9.~~(i)~~ Entities that provide only oncology or radiation

1351 therapy services by physicians licensed under chapter 458 or
1352 chapter 459 or entities that provide oncology or radiation
1353 therapy services by physicians licensed under chapter 458 or
1354 chapter 459 which are owned by a corporation whose shares are
1355 publicly traded on a recognized stock exchange.

1356 10.~~(j)~~ Clinical facilities affiliated with a college of
1357 chiropractic accredited by the Council on Chiropractic Education
1358 at which training is provided for chiropractic students.

1359 11.~~(k)~~ Entities that provide licensed practitioners to
1360 staff emergency departments or to deliver anesthesia services in
1361 facilities licensed under chapter 395 and that derive at least
1362 90 percent of their gross annual revenues from the provision of
1363 such services. Entities claiming an exemption from licensure
1364 under this subparagraph ~~paragraph~~ must provide documentation
1365 demonstrating compliance.

1366 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
1367 perinatology clinical facilities or anesthesia clinical
1368 facilities that are not otherwise exempt under subparagraph 1.
1369 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are
1370 a publicly traded corporation or are wholly owned, directly or
1371 indirectly, by a publicly traded corporation. As used in this
1372 subparagraph ~~paragraph~~, a publicly traded corporation is a
1373 corporation that issues securities traded on an exchange
1374 registered with the United States Securities and Exchange
1375 Commission as a national securities exchange.

1376 13.~~(m)~~ Entities that are owned by a corporation that has
 1377 \$250 million or more in total annual sales of health care
 1378 services provided by licensed health care practitioners where
 1379 one or more of the persons responsible for the operations of the
 1380 entity is a health care practitioner who is licensed in this
 1381 state and who is responsible for supervising the business
 1382 activities of the entity and is responsible for the entity's
 1383 compliance with state law for purposes of this part.

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

1401 received payment for health care services under medical payments
 1402 ~~personal injury protection~~ insurance coverage for the preceding
 1403 year. If the agency determines that an entity that ~~which~~ is
 1404 exempt under this subsection has received payments for medical
 1405 services under medical payments ~~personal injury protection~~
 1406 insurance coverage, the agency may deny or revoke the exemption
 1407 from licensure under this subsection.

1408 15. ~~(e)~~ Entities that are, directly or indirectly, under
 1409 the common ownership of or that are subject to common control by
 1410 a mutual insurance holding company, as defined in s. 628.703,
 1411 with an entity issued a certificate of authority under chapter
 1412 624 or chapter 641 which has \$1 billion or more in total annual
 1413 sales in this state.

1414 16. ~~(e)~~ Entities that are owned by an entity that is a
 1415 behavioral health care service provider in at least five other
 1416 states; that, together with its affiliates, have \$90 million or
 1417 more in total annual revenues associated with the provision of
 1418 behavioral health care services; and wherein one or more of the
 1419 persons responsible for the operations of the entity is a health
 1420 care practitioner who is licensed in this state, who is
 1421 responsible for supervising the business activities of the
 1422 entity, and who is responsible for the entity's compliance with
 1423 state law for purposes of this part.

1424 17. ~~(e)~~ Medicaid providers.

1425 (b) Notwithstanding paragraph (a) ~~this subsection~~, an

1426 entity ~~is shall be~~ deemed a clinic and must be licensed under
 1427 this part in order to receive medical payments coverage
 1428 reimbursement under s. 627.7265 unless the entity is: ~~the~~
 1429 ~~Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless~~
 1430 ~~exempted under s. 627.736(5)(h).~~

1431 1. Wholly owned by a physician licensed under chapter 458
 1432 or chapter 459, or by the physician and the spouse, parent,
 1433 child, or sibling of the physician;

1434 2. Wholly owned by a dentist licensed under chapter 466,
 1435 or by the dentist and the spouse, parent, child, or sibling of
 1436 the dentist;

1437 3. Wholly owned by a chiropractic physician licensed under
 1438 chapter 460, or by the chiropractic physician and the spouse,
 1439 parent, child, or sibling of the chiropractic physician;

1440 4. A hospital or ambulatory surgical center licensed under
 1441 chapter 395;

1442 5. An entity that wholly owns or is wholly owned, directly
 1443 or indirectly, by a hospital or hospitals licensed under chapter
 1444 395;

1445 6. A clinical facility affiliated with an accredited
 1446 medical school at which training is provided for medical
 1447 students, residents, or fellows;

1448 7. Certified under 42 C.F.R. part 485, subpart H; or

1449 8. Owned by a publicly traded corporation, either directly
 1450 or indirectly through its subsidiaries, which has \$250 million

1451 or more in total annual sales of health care services provided
 1452 by licensed health care practitioners, if one or more of the
 1453 persons responsible for the operations of the entity are health
 1454 care practitioners who are licensed in this state and are
 1455 responsible for supervising the business activities of the
 1456 entity and the entity's compliance with state law for purposes
 1457 of this subsection.

1458 Section 27. Subsection (5) of section 400.991, Florida
 1459 Statutes, is amended to read:

1460 400.991 License requirements; background screenings;
 1461 prohibitions.—

1462 (5) All agency forms for licensure application or
 1463 exemption from licensure under this part must contain the
 1464 following statement:

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

1476 seek reimbursement under a motor vehicle liability
 1477 insurance policy's medical payments coverage ~~the~~
 1478 ~~Florida Motor Vehicle No-Fault Law, commits a~~
 1479 ~~fraudulent insurance act, as defined in s. 626.989,~~
 1480 ~~Florida Statutes.~~ A person who presents a claim for
 1481 benefits under medical payments coverage, personal
 1482 ~~injury protection benefits~~ knowing that the payee
 1483 knowingly submitted such health care clinic
 1484 application or document, commits insurance fraud, as
 1485 defined in s. 817.234, Florida Statutes.
 1486 Section 28. Paragraph (g) of subsection (1) of section
 1487 400.9935, Florida Statutes, is amended to read:
 1488 400.9935 Clinic responsibilities.—
 1489 (1) Each clinic shall appoint a medical director or clinic
 1490 director who shall agree in writing to accept legal
 1491 responsibility for the following activities on behalf of the
 1492 clinic. The medical director or the clinic director shall:
 1493 (g) Conduct systematic reviews of clinic billings to
 1494 ensure that the billings are not fraudulent or unlawful. Upon
 1495 discovery of an unlawful charge, the medical director or clinic
 1496 director shall take immediate corrective action. If the clinic
 1497 performs only the technical component of magnetic resonance
 1498 imaging, static radiographs, computed tomography, or positron
 1499 emission tomography, and provides the professional
 1500 interpretation of such services, in a fixed facility that is

1501 accredited by a national accrediting organization that is
 1502 approved by the Centers for Medicare and Medicaid Services for
 1503 magnetic resonance imaging and advanced diagnostic imaging
 1504 services and if, in the preceding quarter, the percentage of
 1505 scans performed by that clinic which was billed to motor vehicle
 1506 ~~all personal injury protection~~ insurance carriers under medical
 1507 payments coverage was less than 15 percent, the chief financial
 1508 officer of the clinic may, in a written acknowledgment provided
 1509 to the agency, assume the responsibility for the conduct of the
 1510 systematic reviews of clinic billings to ensure that the
 1511 billings are not fraudulent or unlawful.

1512 Section 29. Subsection (28) of section 409.901, Florida
 1513 Statutes, is amended to read:

1514 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
 1515 409.901-409.920, except as otherwise specifically provided, the
 1516 term:

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

1526 | life insurance policies on the recipient, unless available under
 1527 | terms of the policy to pay medical expenses before ~~prior to~~
 1528 | death. The term includes, without limitation, collateral, as
 1529 | defined in this section;~~;~~ health insurance;~~;~~ any benefit under a
 1530 | health maintenance organization, a preferred provider
 1531 | arrangement, a prepaid health clinic, liability insurance,
 1532 | uninsured motorist insurance, or medical payments coverage; or
 1533 | ~~personal injury protection coverage,~~ medical benefits under
 1534 | workers' compensation, and any obligation under law or equity to
 1535 | provide medical support.

1536 | Section 30. Paragraph (f) of subsection (11) of section
 1537 | 409.910, Florida Statutes, is amended to read:

1538 | 409.910 Responsibility for payments on behalf of Medicaid-
 1539 | eligible persons when other parties are liable.-

1540 | (11) The agency may, as a matter of right, in order to
 1541 | enforce its rights under this section, institute, intervene in,
 1542 | or join any legal or administrative proceeding in its own name
 1543 | in one or more of the following capacities: individually, as
 1544 | subrogee of the recipient, as assignee of the recipient, or as
 1545 | lienholder of the collateral.

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

1551 follows:

1552 1. After attorney ~~attorney's~~ fees and taxable costs as
 1553 defined by the Florida Rules of Civil Procedure, one-half of the
 1554 remaining recovery shall be paid to the agency up to the total
 1555 amount of medical assistance provided by Medicaid.

1556 2. The remaining amount of the recovery shall be paid to
 1557 the recipient.

1558 3. For purposes of calculating the agency's recovery of
 1559 medical assistance benefits paid, the fee for services of an
 1560 attorney retained by the recipient or his or her legal
 1561 representative shall be calculated at 25 percent of the
 1562 judgment, award, or settlement.

1563 4. Notwithstanding any other provision of this section to
 1564 the contrary, the agency shall be entitled to all medical
 1565 coverage benefits up to the total amount of medical assistance
 1566 provided by Medicaid. For purposes of this paragraph, the term
 1567 "medical coverage" means any benefits under health insurance, a
 1568 health maintenance organization, a preferred provider
 1569 arrangement, or a prepaid health clinic, and the portion of
 1570 benefits designated for medical payments under ~~coverage for~~
 1571 workers' compensation coverage, motor vehicle insurance
 1572 coverage, personal injury protection, and casualty coverage.

1573 Section 31. Paragraph (k) of subsection (2) of section
 1574 456.057, Florida Statutes, is amended to read:

1575 456.057 Ownership and control of patient records; report

1576 or copies of records to be furnished; disclosure of
 1577 information.—

1578 (2) As used in this section, the terms "records owner,"
 1579 "health care practitioner," and "health care practitioner's
 1580 employer" do not include any of the following persons or
 1581 entities; furthermore, the following persons or entities are not
 1582 authorized to acquire or own medical records, but are authorized
 1583 under the confidentiality and disclosure requirements of this
 1584 section to maintain those documents required by the part or
 1585 chapter under which they are licensed or regulated:

1586 (k) Persons or entities practicing under s. 627.7265 ~~s.~~
 1587 ~~627.736(7)~~.

1588 Section 32. Paragraphs (ee) and (ff) of subsection (1) of
 1589 section 456.072, Florida Statutes, are amended to read:

1590 456.072 Grounds for discipline; penalties; enforcement.—

1591 (1) The following acts shall constitute grounds for which
 1592 the disciplinary actions specified in subsection (2) may be
 1593 taken:

1594 (ee) With respect to making a medical payments coverage
 1595 ~~personal injury protection~~ claim under s. 627.7265 ~~as required~~
 1596 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
 1597 bill that has been upcoded. As used in this paragraph, the term
 1598 "upcoded" means an action that submits a billing code that would
 1599 result in a greater payment amount than would be paid using a
 1600 billing code that accurately describes the services performed.

1601 The term does not include an otherwise lawful bill by a magnetic
1602 resonance imaging facility, which globally combines both
1603 technical and professional components, if the amount of the
1604 global bill is not more than the components if billed
1605 separately; however, payment of such a bill constitutes payment
1606 in full for all components of such service ~~"upcoded" as defined~~
1607 ~~in s. 627.732.~~

1608 (ff) With respect to making a medical payments coverage
1609 ~~personal injury protection~~ claim as required under s. 627.7265
1610 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1611 bill for payment of services that were not rendered.

1612 Section 33. Paragraphs (i) and (o) of subsection (1) of
1613 section 626.9541, Florida Statutes, are amended to read:

1614 626.9541 Unfair methods of competition and unfair or
1615 deceptive acts or practices defined.—

1616 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
1617 ACTS.—The following are defined as unfair methods of competition
1618 and unfair or deceptive acts or practices:

1619 (i) *Unfair claim settlement practices.*—

1620 1. Attempting to settle claims on the basis of an
1621 application, when serving as a binder or intended to become a
1622 part of the policy, or any other material document which was
1623 altered without notice to, or knowledge or consent of, the
1624 insured;

1625 2. A material misrepresentation made to an insured or any

1626 | other person having an interest in the proceeds payable under
 1627 | such contract or policy, for the purpose and with the intent of
 1628 | effecting settlement of such claims, loss, or damage under such
 1629 | contract or policy on less favorable terms than those provided
 1630 | in, and contemplated by, such contract or policy; ~~or~~

1631 | 3. Committing or performing with such frequency as to
 1632 | indicate a general business practice any of the following:

1633 | a. Failing to adopt and implement standards for the proper
 1634 | investigation of claims;

1635 | b. Misrepresenting pertinent facts or insurance policy
 1636 | provisions relating to coverages at issue;

1637 | c. Failing to acknowledge and act promptly upon
 1638 | communications with respect to claims;

1639 | d. Denying claims without conducting reasonable
 1640 | investigations based upon available information;

1641 | e. Failing to affirm or deny full or partial coverage of
 1642 | claims, and, as to partial coverage, the dollar amount or extent
 1643 | of coverage, or failing to provide a written statement that the
 1644 | claim is being investigated, upon the written request of the
 1645 | insured within 30 days after proof-of-loss statements have been
 1646 | completed;

1647 | f. Failing to promptly provide a reasonable explanation in
 1648 | writing to the insured of the basis in the insurance policy, in
 1649 | relation to the facts or applicable law, for denial of a claim
 1650 | or for the offer of a compromise settlement;

1651 g. Failing to promptly notify the insured of any
 1652 additional information necessary for the processing of a claim;
 1653 or

1654 h. Failing to clearly explain the nature of the requested
 1655 information and the reasons why such information is necessary.

1656 ~~i. Failing to pay personal injury protection insurance~~
 1657 ~~claims within the time periods required by s. 627.736(4) (b). The~~
 1658 ~~office may order the insurer to pay restitution to a~~
 1659 ~~policyholder, medical provider, or other claimant, including~~
 1660 ~~interest at a rate consistent with the amount set forth in s.~~
 1661 ~~55.03(1), for the time period within which an insurer fails to~~
 1662 ~~pay claims as required by law. Restitution is in addition to any~~
 1663 ~~other penalties allowed by law, including, but not limited to,~~
 1664 ~~the suspension of the insurer's certificate of authority.~~

1665 4. Failing to pay undisputed amounts of partial or full
 1666 benefits owed under first-party property insurance policies
 1667 within 90 days after an insurer receives notice of a residential
 1668 property insurance claim, determines the amounts of partial or
 1669 full benefits, and agrees to coverage, unless payment of the
 1670 undisputed benefits is prevented by an act of God, prevented by
 1671 the impossibility of performance, or due to actions by the
 1672 insured or claimant that constitute fraud, lack of cooperation,
 1673 or intentional misrepresentation regarding the claim for which
 1674 benefits are owed.

1675 (o) *Illegal dealings in premiums; excess or reduced*

1676 | *charges for insurance.-*

1677 | 1. Knowingly collecting any sum as a premium or charge for
 1678 | insurance, which is not then provided, or is not in due course
 1679 | to be provided, subject to acceptance of the risk by the
 1680 | insurer, by an insurance policy issued by an insurer as
 1681 | permitted by this code.

1682 | 2. Knowingly collecting as a premium or charge for
 1683 | insurance any sum in excess of or less than the premium or
 1684 | charge applicable to such insurance, in accordance with the
 1685 | applicable classifications and rates as filed with and approved
 1686 | by the office, and as specified in the policy; or, in cases when
 1687 | classifications, premiums, or rates are not required by this
 1688 | code to be so filed and approved, premiums and charges collected
 1689 | from a Florida resident in excess of or less than those
 1690 | specified in the policy and as fixed by the insurer.

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

1701 not be construed to prohibit collection of a premium for a
 1702 universal life or a variable or indeterminate value insurance
 1703 policy made in accordance with the terms of the contract.

1704 3.a. Imposing or requesting an additional premium for
 1705 bodily injury liability coverage, property damage liability
 1706 coverage ~~a policy of motor vehicle liability, personal injury~~
 1707 ~~protection,~~ medical payments coverage ~~payment,~~ or collision
 1708 coverage in a motor vehicle liability insurance policy ~~insurance~~
 1709 ~~or any combination thereof~~ or refusing to renew the policy
 1710 solely because the insured was involved in a motor vehicle
 1711 accident unless the insurer's file contains information from
 1712 which the insurer in good faith determines that the insured was
 1713 substantially at fault in the accident.

1714 b. An insurer which imposes and collects such a surcharge
 1715 or which refuses to renew such policy shall, in conjunction with
 1716 the notice of premium due or notice of nonrenewal, notify the
 1717 named insured that he or she is entitled to reimbursement of
 1718 such amount or renewal of the policy under the conditions listed
 1719 below and will subsequently reimburse him or her or renew the
 1720 policy, if the named insured demonstrates that the operator
 1721 involved in the accident was:

- 1722 (I) Lawfully parked;
- 1723 (II) Reimbursed by, or on behalf of, a person responsible
- 1724 for the accident or has a judgment against such person;
- 1725 (III) Struck in the rear by another vehicle headed in the

1726 | same direction and was not convicted of a moving traffic
 1727 | violation in connection with the accident;
 1728 | (IV) Hit by a "hit-and-run" driver, if the accident was
 1729 | reported to the proper authorities within 24 hours after
 1730 | discovering the accident;
 1731 | (V) Not convicted of a moving traffic violation in
 1732 | connection with the accident, but the operator of the other
 1733 | automobile involved in such accident was convicted of a moving
 1734 | traffic violation;
 1735 | (VI) Finally adjudicated not to be liable by a court of
 1736 | competent jurisdiction;
 1737 | (VII) In receipt of a traffic citation which was dismissed
 1738 | or nolle prossed; or
 1739 | (VIII) Not at fault as evidenced by a written statement
 1740 | from the insured establishing facts demonstrating lack of fault
 1741 | which are not rebutted by information in the insurer's file from
 1742 | which the insurer in good faith determines that the insured was
 1743 | substantially at fault.
 1744 | c. In addition to the other provisions of this
 1745 | subparagraph, an insurer may not fail to renew a policy if the
 1746 | insured has had only one accident in which he or she was at
 1747 | fault within the current 3-year period. However, an insurer may
 1748 | nonrenew a policy for reasons other than accidents in accordance
 1749 | with s. 627.728. This subparagraph does not prohibit nonrenewal
 1750 | of a policy under which the insured has had three or more

1751 accidents, regardless of fault, during the most recent 3-year
 1752 period.

1753 4. Imposing or requesting an additional premium for, or
 1754 refusing to renew, a policy for motor vehicle insurance solely
 1755 because the insured committed a noncriminal traffic infraction
 1756 as described in s. 318.14 unless the infraction is:

1757 a. A second infraction committed within an 18-month
 1758 period, or a third or subsequent infraction committed within a
 1759 36-month period.

1760 b. A violation of s. 316.183, when such violation is a
 1761 result of exceeding the lawful speed limit by more than 15 miles
 1762 per hour.

1763 5. Upon the request of the insured, the insurer and
 1764 licensed agent shall supply to the insured the complete proof of
 1765 fault or other criteria which justifies the additional charge or
 1766 cancellation.

1767 6. No insurer shall impose or request an additional
 1768 premium for motor vehicle insurance, cancel or refuse to issue a
 1769 policy, or refuse to renew a policy because the insured or the
 1770 applicant is a handicapped or physically disabled person, so
 1771 long as such handicap or physical disability does not
 1772 substantially impair such person's mechanically assisted driving
 1773 ability.

1774 7. No insurer may cancel or otherwise terminate any
 1775 insurance contract or coverage, or require execution of a

1776 consent to rate endorsement, during the stated policy term for
 1777 the purpose of offering to issue, or issuing, a similar or
 1778 identical contract or coverage to the same insured with the same
 1779 exposure at a higher premium rate or continuing an existing
 1780 contract or coverage with the same exposure at an increased
 1781 premium.

1782 8. No insurer may issue a nonrenewal notice on any
 1783 insurance contract or coverage, or require execution of a
 1784 consent to rate endorsement, for the purpose of offering to
 1785 issue, or issuing, a similar or identical contract or coverage
 1786 to the same insured at a higher premium rate or continuing an
 1787 existing contract or coverage at an increased premium without
 1788 meeting any applicable notice requirements.

1789 9. No insurer shall, with respect to premiums charged for
 1790 motor vehicle insurance, unfairly discriminate solely on the
 1791 basis of age, sex, marital status, or scholastic achievement.

1792 10. Imposing or requesting an additional premium for motor
 1793 vehicle comprehensive or uninsured motorist coverage solely
 1794 because the insured was involved in a motor vehicle accident or
 1795 was convicted of a moving traffic violation.

1796 11. No insurer shall cancel or issue a nonrenewal notice
 1797 on any insurance policy or contract without complying with any
 1798 applicable cancellation or nonrenewal provision required under
 1799 the Florida Insurance Code.

1800 12. No insurer shall impose or request an additional

1801 premium, cancel a policy, or issue a nonrenewal notice on any
 1802 insurance policy or contract because of any traffic infraction
 1803 when adjudication has been withheld and no points have been
 1804 assessed pursuant to s. 318.14(9) and (10). However, this
 1805 subparagraph does not apply to traffic infractions involving
 1806 accidents in which the insurer has incurred a loss due to the
 1807 fault of the insured.

1808 Section 34. Paragraph (a) of subsection (1) of section
 1809 626.989, Florida Statutes, is amended to read:

1810 626.989 Investigation by department or Division of
 1811 Investigative and Forensic Services; compliance; immunity;
 1812 confidential information; reports to division; division
 1813 investigator's power of arrest.-

1814 (1) For the purposes of this section:

1815 (a) A person commits a "fraudulent insurance act" if the
 1816 person:

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

1826 material thereto or if the person conceals, for the purpose of
 1827 misleading another, information concerning any fact material
 1828 thereto.

1829 2. Knowingly submits:

1830 a. A false, misleading, or fraudulent application or other
 1831 document when applying for licensure as a health care clinic,
 1832 seeking an exemption from licensure as a health care clinic, or
 1833 demonstrating compliance with part X of chapter 400 with an
 1834 intent to use the license, exemption from licensure, or
 1835 demonstration of compliance to provide services or seek
 1836 reimbursement under a motor vehicle liability insurance policy's
 1837 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
 1838 ~~Law~~.

1839 b. A claim for payment or other benefit under medical
 1840 payments coverage ~~pursuant to a personal injury protection~~
 1841 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
 1842 the person knows that the payee knowingly submitted a false,
 1843 misleading, or fraudulent application or other document when
 1844 applying for licensure as a health care clinic, seeking an
 1845 exemption from licensure as a health care clinic, or
 1846 demonstrating compliance with part X of chapter 400.

1847 Section 35. Subsection (1) of section 627.06501, Florida
 1848 Statutes, is amended to read:

1849 627.06501 Insurance discounts for certain persons
 1850 completing driver improvement course.-

1851 (1) Any rate, rating schedule, or rating manual for the
1852 liability, medical payments ~~personal injury protection~~, and
1853 collision coverages of a motor vehicle insurance policy filed
1854 with the office may provide for an appropriate reduction in
1855 premium charges as to such coverages if ~~when~~ the principal
1856 operator on the covered vehicle has successfully completed a
1857 driver improvement course approved and certified by the
1858 Department of Highway Safety and Motor Vehicles which is
1859 effective in reducing crash or violation rates, or both, as
1860 determined pursuant to s. 318.1451(5). Any discount, not to
1861 exceed 10 percent, used by an insurer is presumed to be
1862 appropriate unless credible data demonstrates otherwise.

1863 Section 36. Subsection (15) is added to section 627.0651,
1864 Florida Statutes, to read:

1865 627.0651 Making and use of rates for motor vehicle
1866 insurance.—

1867 (15) Initial rate filings for motor vehicle liability
1868 policies which are submitted to the office on or after January
1869 1, 2022, must reflect the financial responsibility requirements
1870 in s. 324.022, as amended, and may be approved only through the
1871 file and use process under paragraph (1) (a).

1872 Section 37. Subsection (1) of section 627.0652, Florida
1873 Statutes, is amended to read:

1874 627.0652 Insurance discounts for certain persons
1875 completing safety course.—

1876 (1) Any rates, rating schedules, or rating manuals for the
 1877 liability, medical payments ~~personal injury protection~~, and
 1878 collision coverages of a motor vehicle insurance policy filed
 1879 with the office must ~~shall~~ provide for an appropriate reduction
 1880 in premium charges as to such coverages if ~~when~~ the principal
 1881 operator on the covered vehicle is an insured 55 years of age or
 1882 older who has successfully completed a motor vehicle accident
 1883 prevention course approved by the Department of Highway Safety
 1884 and Motor Vehicles. Any discount used by an insurer is presumed
 1885 to be appropriate unless credible data demonstrates otherwise.

1886 Section 38. Subsections (1), (3), and (6) of section
 1887 627.0653, Florida Statutes, are amended to read:

1888 627.0653 Insurance discounts for specified motor vehicle
 1889 equipment.—

1890 (1) Any rates, rating schedules, or rating manuals for the
 1891 liability, medical payments ~~personal injury protection~~, and
 1892 collision coverages of a motor vehicle insurance policy filed
 1893 with the office must ~~shall~~ provide a premium discount if the
 1894 insured vehicle is equipped with factory-installed, four-wheel
 1895 antilock brakes.

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

1901 are factory installed.

1902 (6) The Office of Insurance Regulation may approve a
 1903 premium discount to any rates, rating schedules, or rating
 1904 manuals for the liability, medical payments ~~personal injury~~
 1905 ~~protection~~, and collision coverages of a motor vehicle insurance
 1906 policy filed with the office if the insured vehicle is equipped
 1907 with an automated driving system or electronic vehicle collision
 1908 avoidance technology that is factory installed or a retrofitted
 1909 system and that complies with National Highway Traffic Safety
 1910 Administration standards.

1911 Section 39. Section 627.4132, Florida Statutes, is amended
 1912 to read:

1913 627.4132 Stacking of coverages prohibited.—If an insured
 1914 or named insured is protected by any type of motor vehicle
 1915 insurance policy for bodily injury and property damage
 1916 ~~liability, personal injury protection, or other coverage~~, the
 1917 policy must ~~shall~~ provide that the insured or named insured is
 1918 protected only to the extent of the coverage she or he has on
 1919 the vehicle involved in the accident. However, if none of the
 1920 insured's or named insured's vehicles are ~~is~~ involved in the
 1921 accident, coverage is available only to the extent of coverage
 1922 on any one of the vehicles with applicable coverage. Coverage on
 1923 any other vehicles may ~~shall~~ not be added to or stacked upon
 1924 that coverage. This section does not apply:

1925 (1) To uninsured motorist coverage that ~~which~~ is

1926 separately governed by s. 627.727.

1927 (2) To reduce the coverage available by reason of
 1928 insurance policies insuring different named insureds.

1929 Section 40. Section 627.7263, Florida Statutes, is amended
 1930 to read:

1931 627.7263 Rental and leasing driver's insurance to be
 1932 primary; exception.—

1933 (1) The valid and collectible liability insurance and
 1934 medical payments coverage ~~or personal injury protection~~
 1935 ~~insurance providing coverage~~ for the lessor of a motor vehicle
 1936 for rent or lease is primary unless otherwise stated in at least
 1937 10-point type on the face of the rental or lease agreement. Such
 1938 insurance is primary for the limits of liability ~~and personal~~
 1939 ~~injury protection~~ coverage as required by s. 324.021(7) and the
 1940 medical payments coverage limit specified under s. 627.7265 ~~ss.~~
 1941 ~~324.021(7) and 627.736.~~

1942 (2) If the lessee's coverage is to be primary, the rental
 1943 or lease agreement must contain the following language, in at
 1944 least 10-point type:

1945
 1946 "The valid and collectible liability insurance and
 1947 medical payments coverage ~~personal injury protection~~
 1948 ~~insurance~~ of an ~~any~~ authorized rental or leasing
 1949 driver is primary for the limits of liability ~~and~~
 1950 ~~personal injury protection~~ coverage required under

1951 section 324.021(7), Florida Statutes, and the medical
1952 payments coverage limit specified under section
1953 627.7265 by ss. 324.021(7) and 627.736, Florida
1954 Statutes."

1955 Section 41. Section 627.7265, Florida Statutes, is created
1956 to read:

1957 627.7265 Motor vehicle insurance; medical payments
1958 coverage.—

1959 (1) Medical payments coverage must protect the named
1960 insured, resident relatives, persons operating the insured motor
1961 vehicle, passengers in the insured motor vehicle, and persons
1962 who are struck by the insured motor vehicle and suffer bodily
1963 injury while not an occupant of a self-propelled motor vehicle
1964 at a limit of at least \$5,000 for medical expense incurred due
1965 to bodily injury, sickness, or disease arising out of the
1966 ownership, maintenance, or use of a motor vehicle. The coverage
1967 must provide an additional death benefit of at least \$5,000.

1968 (a) Before issuing a motor vehicle liability insurance
1969 policy that is furnished as proof of financial responsibility
1970 under s. 324.031, the insurer must offer medical payments
1971 coverage at limits of \$5,000 and \$10,000. The insurer may also
1972 offer medical payments coverage at any limit greater than
1973 \$5,000.

1974 (b) The medical payments coverage must be offered with no
1975 deductible. The insurer may also offer medical payments coverage

1976 | with a deductible not to exceed \$500.

1977 | (c) Each motor vehicle liability insurance policy that is
 1978 | furnished as proof of financial responsibility under s. 324.031
 1979 | is deemed to have:

1980 | 1. Medical payments coverage to a limit of \$10,000, unless
 1981 | the insurer obtains the policyholder's written refusal of
 1982 | medical payments coverage or written selection of medical
 1983 | payments coverage at a limit other than \$10,000. The rejection
 1984 | or selection of coverage at a limit other than \$10,000 must be
 1985 | made on a form approved by the office.

1986 | 2. No medical payments coverage deductible, unless the
 1987 | insurer obtains the policyholder's written selection of a
 1988 | deductible of up to \$500. The selection of a deductible must be
 1989 | made on a form approved by the office.

1990 | (d)1. The forms in subparagraphs (c)1. and 2. must fully
 1991 | advise the applicant of the nature of the coverage being
 1992 | rejected or the policy limit or deductible being selected. If
 1993 | the form is signed by a named insured, it is conclusively
 1994 | presumed that there was an informed, knowing rejection of the
 1995 | coverage or election of the policy limit or deductible selected.

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

2001 section or has selected an alternative coverage limit or
2002 deductible. At least annually, the insurer shall provide the
2003 policyholder with a notice of the availability of such coverage
2004 in a form approved by the office. The notice must be part of,
2005 and attached to, the notice of premium and must provide for a
2006 means to allow the insured to request medical payments coverage
2007 at the limits and deductibles required to be offered under this
2008 section. The notice must be given in a manner approved by the
2009 office. Receipt of this notice does not constitute an
2010 affirmative waiver of the insured's right to medical payments
2011 coverage if the insured has not signed a selection or rejection
2012 form.

2013 (e) This section may not be construed to limit any other
2014 coverage made available by an insurer.

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

2026 such claims may be used by the insurer to pay other claims. This
2027 subsection does not require an insurer to establish a claim
2028 reserve for insurance accounting purposes.

2029 (3) An insurer providing medical payments coverage
2030 benefits may not have:

2031 (a) A lien on any recovery in tort by judgment,
2032 settlement, or otherwise for medical payments coverage benefits,
2033 whether suit has been filed or settlement has been reached
2034 without suit; or

2035 (b) A cause of action against a person to whom or for whom
2036 medical payments coverage benefits were paid, except when
2037 medical payments coverage benefits are paid by reason of fraud
2038 the person commits.

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

2051 for repayment of medical payments benefits less any expenses of
 2052 acquiring the recovery, including a prorated share of attorney
 2053 fees and costs, and shall hold that net recovery in trust to be
 2054 delivered to the medical payments insurer. The insurer may not
 2055 include any provision in its policy allowing for subrogation for
 2056 any death benefit paid.

2057 Section 42. Subsections (1) and (7) of section 627.727,
 2058 Florida Statutes, are amended to read:

2059 627.727 Motor vehicle insurance; uninsured and
 2060 underinsured vehicle coverage; insolvent insurer protection.—

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

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

2101 The heading of the form must ~~shall~~ be in 12-point bold type and
2102 must ~~shall~~ state: "You are electing not to purchase certain
2103 valuable coverage that ~~which~~ protects you and your family or you
2104 are purchasing uninsured motorist limits less than your bodily
2105 injury liability limits when you sign this form. Please read
2106 carefully." If this form is signed by a named insured, it will
2107 be conclusively presumed that there was an informed, knowing
2108 rejection of coverage or election of lower limits on behalf of
2109 all insureds. The insurer shall notify the named insured at
2110 least annually of her or his options as to the coverage required
2111 by this section. Such notice must ~~shall~~ be part of, and attached
2112 to, the notice of premium, must ~~shall~~ provide for a means to
2113 allow the insured to request such coverage, and must ~~shall~~ be
2114 given in a manner approved by the office. Receipt of this notice
2115 does not constitute an affirmative waiver of the insured's right
2116 to uninsured motorist coverage if ~~where~~ the insured has not
2117 signed a selection or rejection form. The coverage described
2118 under this section must ~~shall~~ be over and above, but may ~~shall~~
2119 not duplicate, the benefits available to an insured under any
2120 workers' compensation law, ~~personal injury protection benefits,~~
2121 disability benefits law, or similar law; under any automobile
2122 medical payments ~~expense~~ coverage; under any motor vehicle
2123 liability insurance coverage; or from the owner or operator of
2124 the uninsured motor vehicle or any other person or organization
2125 jointly or severally liable together with such owner or operator

2126 | for the accident,~~†~~ and such coverage must ~~shall~~ cover the
 2127 | difference, if any, between the sum of such benefits and the
 2128 | damages sustained, up to the maximum amount of such coverage
 2129 | provided under this section. The amount of coverage available
 2130 | under this section may ~~shall~~ not be reduced by a setoff against
 2131 | any coverage, including liability insurance. Such coverage does
 2132 | ~~shall~~ not inure directly or indirectly to the benefit of any
 2133 | workers' compensation or disability benefits carrier or any
 2134 | person or organization qualifying as a self-insurer under any
 2135 | workers' compensation or disability benefits law or similar law.

2136 | (7) The legal liability of an uninsured motorist coverage
 2137 | insurer includes ~~does not include~~ damages in tort for pain,
 2138 | suffering, disability or physical impairment, disfigurement,
 2139 | mental anguish, and inconvenience, and the loss of capacity for
 2140 | the enjoyment of life experienced in the past and to be
 2141 | experienced in the future unless the injury or disease is
 2142 | described in one or more of paragraphs (a)-(d) of s. 627.737(2).

2143 | Section 43. Subsection (1) and paragraphs (a) and (b) of
 2144 | subsection (2) of section 627.7275, Florida Statutes, are
 2145 | amended to read:

2146 | 627.7275 Motor vehicle liability.—

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

2151 registered or principally garaged in this state must provide
 2152 bodily injury liability coverage and ~~unless the policy also~~
 2153 ~~provides coverage for~~ property damage liability coverage as
 2154 required under ~~by~~ s. 324.022.

2155 (2) (a) Insurers writing motor vehicle insurance in this
 2156 state shall make available, subject to the insurers' usual
 2157 underwriting restrictions:

2158 1. Coverage under policies as described in subsection (1)
 2159 to an applicant for private passenger motor vehicle insurance
 2160 coverage who is seeking the coverage in order to reinstate the
 2161 applicant's driving privileges in this state if the driving
 2162 privileges were revoked or suspended pursuant to s. 316.646 or
 2163 s. 324.0221 due to the failure of the applicant to maintain
 2164 required security.

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

2176 or s. 322.26(2) for driving under the influence.

2177 (b) The policies described in paragraph (a) must ~~shall~~ be
2178 issued for at least 6 months and, as to the minimum coverages
2179 required under this section, may not be canceled by the insured
2180 for any reason or by the insurer after 60 days, during which
2181 period the insurer is completing the underwriting of the policy.
2182 After the insurer has completed underwriting the policy, the
2183 insurer shall notify the Department of Highway Safety and Motor
2184 Vehicles that the policy is in full force and effect and is not
2185 cancelable for the remainder of the policy period. A premium
2186 must ~~shall~~ be collected and the coverage is in effect for the
2187 60-day period during which the insurer is completing the
2188 underwriting of the policy, whether or not the person's driver
2189 license, motor vehicle tag, and motor vehicle registration are
2190 in effect. Once the noncancelable provisions of the policy
2191 become effective, the bodily injury liability and property
2192 damage liability coverages ~~for bodily injury, property damage,~~
2193 ~~and personal injury protection~~ may not be reduced below the
2194 minimum limits required under s. 324.021 or s. 324.023 during
2195 the policy period.

2196 Section 44. Effective upon this act becoming a law,
2197 section 627.7278, Florida Statutes, is created to read:

2198 627.7278 Applicability and construction; notice to
2199 policyholders.-

2200 (1) As used in this section, the term "minimum security

2201 requirements" means security that enables a person to respond in
2202 damages for liability on account of crashes arising out of the
2203 ownership, maintenance, or use of a motor vehicle, in the
2204 amounts required by s. 324.021(7).

2205 (2) Effective January 1, 2022:

2206 (a) Motor vehicle insurance policies issued or renewed on
2207 or after that date may not include personal injury protection.

2208 (b) All persons subject to s. 324.022, s. 324.032, s.
2209 627.7415, or s. 627.742 must maintain at least minimum security
2210 requirements.

2211 (c) Any new or renewal motor vehicle insurance policy
2212 delivered or issued for delivery in this state must provide
2213 coverage that complies with minimum security requirements.

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

2226 before January 1, 2022, until the policy is renewed, nonrenewed,
2227 or canceled on or after January 1, 2022.

2228 (3) Each insurer shall allow each insured who has a new or
2229 renewal policy providing personal injury protection which
2230 becomes effective before January 1, 2022, and whose policy does
2231 not meet minimum security requirements on or after January 1,
2232 2022, to change coverages so as to eliminate personal injury
2233 protection and obtain coverage providing minimum security
2234 requirements, which shall be effective on or after January 1,
2235 2022. The insurer is not required to provide coverage complying
2236 with minimum security requirements in such policies if the
2237 insured does not pay the required premium, if any, by January 1,
2238 2022, or such later date as the insurer may allow. The insurer
2239 must also offer each insured medical payments coverage pursuant
2240 to s. 627.7265. Any reduction in the premium must be refunded by
2241 the insurer. The insurer may not impose on the insured an
2242 additional fee or charge that applies solely to a change in
2243 coverage; however, the insurer may charge an additional required
2244 premium that is actuarially indicated.

2245 (4) By September 1, 2021, each motor vehicle insurer shall
2246 provide notice of this section to each motor vehicle
2247 policyholder who is subject to this section. The notice is
2248 subject to approval by the office and must clearly inform the
2249 policyholder that:

2250 (a) The Florida Motor Vehicle No-Fault Law is repealed

2251 effective January 1, 2022, and that on or after that date, the
2252 insured is no longer required to maintain personal injury
2253 protection insurance coverage, that personal injury protection
2254 coverage is no longer available for purchase in this state, and
2255 that all new or renewal policies issued on or after that date
2256 will not contain that coverage.

2257 (b) Effective January 1, 2022, a person subject to the
2258 financial responsibility requirements of s. 324.022 must
2259 maintain minimum security requirements that enable the person to
2260 respond to damages for liability on account of accidents arising
2261 out of the use of a motor vehicle in the following amounts:

2262 1. Twenty-five thousand dollars for bodily injury to, or
2263 the death of, one person in any one crash and, subject to such
2264 limits for one person, in the amount of \$50,000 for bodily
2265 injury to, or the death of, two or more persons in any one
2266 crash; and

2267 2. Ten thousand dollars for damage to, or destruction of,
2268 the property of others in any one crash.

2269 (c) Bodily injury liability coverage protects the insured,
2270 up to the coverage limits, against loss if the insured is
2271 legally responsible for the death of or bodily injury to others
2272 in a motor vehicle accident.

2273 (d) Effective January 1, 2022, each policyholder of motor
2274 vehicle liability insurance purchased as proof of financial
2275 responsibility must be offered medical payments coverage

2276 benefits that comply with s. 627.7265. The insurer must offer
2277 medical payments coverage at limits of \$5,000 and \$10,000
2278 without a deductible. The insurer may also offer medical
2279 payments coverage at other limits greater than \$5,000, and may
2280 offer coverage with a deductible of up to \$500. Medical payments
2281 coverage pays covered medical expenses incurred due to bodily
2282 injury, sickness, or disease arising out of the ownership,
2283 maintenance, or use of the motor vehicle, up to the limits of
2284 such coverage, for injuries sustained in a motor vehicle crash
2285 by the named insured, resident relatives, persons operating the
2286 insured motor vehicle, passengers in the insured motor vehicle,
2287 and persons who are struck by the insured motor vehicle and
2288 suffer bodily injury while not an occupant of a self-propelled
2289 motor vehicle as provided in s. 627.7265. Medical payments
2290 coverage also provides a death benefit of at least \$5,000.

2291 (e) The policyholder may obtain uninsured and underinsured
2292 motorist coverage, which provides benefits, up to the limits of
2293 such coverage, to a policyholder or other insured entitled to
2294 recover damages for bodily injury, sickness, disease, or death
2295 resulting from a motor vehicle accident with an uninsured or
2296 underinsured owner or operator of a motor vehicle.

2297 (f) If the policyholder's new or renewal motor vehicle
2298 insurance policy is effective before January 1, 2022, and
2299 contains personal injury protection and property damage
2300 liability coverage as required by state law before January 1,

2301 2022, but does not meet minimum security requirements on or
 2302 after January 1, 2022, the policy is deemed to meet minimum
 2303 security requirements until it is renewed, nonrenewed, or
 2304 canceled on or after January 1, 2022.

2305 (g) A policyholder whose new or renewal policy becomes
 2306 effective before January 1, 2022, but does not meet minimum
 2307 security requirements on or after January 1, 2022, may change
 2308 coverages under the policy so as to eliminate personal injury
 2309 protection and to obtain coverage providing minimum security
 2310 requirements, including bodily injury liability coverage, which
 2311 are effective on or after January 1, 2022.

2312 (h) If the policyholder has any questions, he or she
 2313 should contact the person named at the telephone number provided
 2314 in the notice.

2315 Section 45. Paragraph (a) of subsection (1) of section
 2316 627.728, Florida Statutes, is amended to read:

2317 627.728 Cancellations; nonrenewals.—

2318 (1) As used in this section, the term:

2319 (a) "Policy" means the bodily injury and property damage
 2320 liability, ~~personal injury protection,~~ medical payments,
 2321 comprehensive, collision, and uninsured motorist coverage
 2322 portions of a policy of motor vehicle insurance delivered or
 2323 issued for delivery in this state:

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

2326 household; and
 2327 2. Insuring only a motor vehicle of the private passenger
 2328 type or station wagon type which is not used as a public or
 2329 livery conveyance for passengers or rented to others; or
 2330 insuring any other four-wheel motor vehicle having a load
 2331 capacity of 1,500 pounds or less which is not used in the
 2332 occupation, profession, or business of the insured other than
 2333 farming; other than any policy issued under an automobile
 2334 insurance assigned risk plan or covering garage, automobile
 2335 sales agency, repair shop, service station, or public parking
 2336 place operation hazards.

2337
 2338 The term "policy" does not include a binder as defined in s.
 2339 627.420 unless the duration of the binder period exceeds 60
 2340 days.

2341 Section 46. Subsection (1), paragraph (a) of subsection
 2342 (5), and subsections (6) and (7) of section 627.7295, Florida
 2343 Statutes, are amended to read:

2344 627.7295 Motor vehicle insurance contracts.—

2345 (1) As used in this section, the term:

2346 (a) "Policy" means a motor vehicle insurance policy that
 2347 provides bodily injury liability ~~personal injury protection~~
 2348 coverage and ~~property damage liability coverage, or both.~~

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

2351 property damage liability coverage.

2352 (5) (a) A licensed general lines agent may charge a per-
2353 policy fee of up to ~~not to exceed~~ \$10 to cover the
2354 administrative costs of the agent associated with selling the
2355 motor vehicle insurance policy if the policy covers only bodily
2356 injury liability coverage ~~personal injury protection coverage as~~
2357 ~~provided by s. 627.736~~ and property damage liability coverage as
2358 provided by s. 627.7275 and if no other insurance is sold or
2359 issued in conjunction with or collateral to the policy. The fee
2360 is not ~~considered~~ part of the premium.

2361 (6) If a motor vehicle owner's driver license, license
2362 plate, and registration have previously been suspended pursuant
2363 to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2364 only as provided in s. 627.7275.

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

2376 | payment plan of an insurer or an insurance agent.

2377 | (a) This subsection does not apply:

2378 | 1. If an insured or member of the insured's family is
 2379 | renewing or replacing a policy or a binder for such policy
 2380 | written by the same insurer or a member of the same insurer
 2381 | group. ~~This subsection does not apply~~

2382 | 2. To an insurer that issues private passenger motor
 2383 | vehicle coverage primarily to active duty or former military
 2384 | personnel or their dependents. ~~This subsection does not apply~~

2385 | 3. If all policy payments are paid pursuant to a payroll
 2386 | deduction plan, an automatic electronic funds transfer payment
 2387 | plan from the policyholder, or a recurring credit card or debit
 2388 | card agreement with the insurer.

2389 | (b) This subsection and subsection (4) do not apply if:

2390 | 1. All policy payments to an insurer are paid pursuant to
 2391 | an automatic electronic funds transfer payment plan from an
 2392 | agent, a managing general agent, or a premium finance company
 2393 | and if the policy includes, at a minimum, bodily injury
 2394 | liability coverage and ~~personal injury protection pursuant to~~
 2395 | ~~ss. 627.730-627.7405; motor vehicle property damage liability~~
 2396 | coverage pursuant to s. 627.7275; or and ~~bodily injury liability~~
 2397 | ~~in at least the amount of \$10,000 because of bodily injury to,~~
 2398 | ~~or death of, one person in any one accident and in the amount of~~
 2399 | ~~\$20,000 because of bodily injury to, or death of, two or more~~
 2400 | ~~persons in any one accident. This subsection and subsection (4)~~

2401 ~~do not apply if~~

2402 2. An insured has had a policy in effect for at least 6
 2403 months, the insured's agent is terminated by the insurer that
 2404 issued the policy, and the insured obtains coverage on the
 2405 policy's renewal date with a new company through the terminated
 2406 agent.

2407 Section 47. Section 627.7415, Florida Statutes, is amended
 2408 to read:

2409 627.7415 Commercial motor vehicles; additional liability
 2410 insurance coverage.—Beginning January 1, 2022, commercial motor
 2411 vehicles, as defined in s. 207.002 or s. 320.01, operated upon
 2412 the roads and highways of this state must ~~shall~~ be insured with
 2413 the following minimum levels of combined bodily liability
 2414 insurance and property damage liability insurance in addition to
 2415 any other insurance requirements:

2416 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a
 2417 commercial motor vehicle with a gross vehicle weight of 26,000
 2418 pounds or more, but less than 35,000 pounds.

2419 (2) One hundred twenty thousand dollars per occurrence for
 2420 a commercial motor vehicle with a gross vehicle weight of 35,000
 2421 pounds or more, but less than 44,000 pounds.

2422 (3) Three hundred thousand dollars per occurrence for a
 2423 commercial motor vehicle with a gross vehicle weight of 44,000
 2424 pounds or more.

2425 (4) All commercial motor vehicles subject to regulations

2426 of the United States Department of Transportation, 49 C.F.R.
 2427 part 387, subpart A, and as may be hereinafter amended, shall be
 2428 insured in an amount equivalent to the minimum levels of
 2429 financial responsibility as set forth in such regulations.

2430
 2431 A violation of this section is a noncriminal traffic infraction,
 2432 punishable as a nonmoving violation as provided in chapter 318.

2433 Section 48. Section 627.747, Florida Statutes, is created
 2434 to read:

2435 627.747 Named driver exclusion.-

2436 (1) A private passenger motor vehicle policy may exclude
 2437 an identified individual from the following coverages while the
 2438 identified individual is operating a motor vehicle, provided
 2439 that the identified individual is specifically excluded by name
 2440 on the declarations page or by endorsement, and the policyholder
 2441 consents in writing to the exclusion:

2442 (a) Property damage liability coverage.

2443 (b) Bodily injury liability coverage.

2444 (c) Uninsured motorist coverage for any damages sustained
 2445 by the identified excluded individual, if the policyholder has
 2446 purchased such coverage.

2447 (d) Any coverage the policyholder is not required by law
 2448 to purchase.

2449 (2) A private passenger motor vehicle policy may not
 2450 exclude coverage when:

2451 (a) The identified excluded individual is injured while
 2452 not operating a motor vehicle;

2453 (b) The exclusion is unfairly discriminatory under the
 2454 Florida Insurance Code, as determined by the office; or

2455 (c) The exclusion is inconsistent with the underwriting
 2456 rules filed by the insurer pursuant to s. 627.0651(13)(a).

2457 Section 49. Paragraphs (b), (c), and (g) of subsection (7)
 2458 and paragraphs (a) and (b) of subsection (8) of section 627.748,
 2459 Florida Statutes, are amended to read:

2460 627.748 Transportation network companies.—

2461 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
 2462 INSURANCE REQUIREMENTS.—

2463 (b) The following automobile insurance requirements apply
 2464 while a participating TNC driver is logged on to the digital
 2465 network but is not engaged in a prearranged ride:

2466 1. Automobile insurance that provides:

2467 a. A primary automobile liability coverage of at least
 2468 \$50,000 for death and bodily injury per person, \$100,000 for
 2469 death and bodily injury per incident, and \$25,000 for property
 2470 damage; and

2471 ~~b. Personal injury protection benefits that meet the~~
 2472 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
 2473 ~~and~~

2474 b.e. Uninsured and underinsured vehicle coverage as
 2475 required by s. 627.727.

2476 2. The coverage requirements of this paragraph may be
 2477 satisfied by any of the following:

2478 a. Automobile insurance maintained by the TNC driver or
 2479 the TNC vehicle owner;

2480 b. Automobile insurance maintained by the TNC; or

2481 c. A combination of sub-subparagraphs a. and b.

2482 (c) The following automobile insurance requirements apply
 2483 while a TNC driver is engaged in a prearranged ride:

2484 1. Automobile insurance that provides:

2485 a. A primary automobile liability coverage of at least \$1
 2486 million for death, bodily injury, and property damage; and

2487 ~~b. Personal injury protection benefits that meet the~~
 2488 ~~minimum coverage amounts required of a limousine under ss.~~
 2489 ~~627.730-627.7405; and~~

2490 b. ~~e.~~ Uninsured and underinsured vehicle coverage as
 2491 required by s. 627.727.

2492 2. The coverage requirements of this paragraph may be
 2493 satisfied by any of the following:

2494 a. Automobile insurance maintained by the TNC driver or
 2495 the TNC vehicle owner;

2496 b. Automobile insurance maintained by the TNC; or

2497 c. A combination of sub-subparagraphs a. and b.

2498 (g) Insurance satisfying the requirements under this
 2499 subsection is deemed to satisfy the financial responsibility
 2500 requirement for a motor vehicle under chapter 324 ~~and the~~

2501 ~~security required under s. 627.733~~ for any period when the TNC
2502 driver is logged onto the digital network or engaged in a
2503 prearranged ride.

2504 (8) TRANSPORTATION NETWORK COMPANY AND INSURER;
2505 DISCLOSURE; EXCLUSIONS.—

2506 (a) Before a TNC driver is allowed to accept a request for
2507 a prearranged ride on the digital network, the TNC must disclose
2508 in writing to the TNC driver:

2509 1. The insurance coverage, including the types of coverage
2510 and the limits for each coverage, which the TNC provides while
2511 the TNC driver uses a TNC vehicle in connection with the TNC's
2512 digital network.

2513 2. That the TNC driver's own automobile insurance policy
2514 might not provide any coverage while the TNC driver is logged on
2515 to the digital network or is engaged in a prearranged ride,
2516 depending on the terms of the TNC driver's own automobile
2517 insurance policy.

2518 3. That the provision of rides for compensation which are
2519 not prearranged rides subjects the driver to the coverage
2520 requirements imposed under s. 324.032(1) and (2) and that
2521 failure to meet such coverage requirements subjects the TNC
2522 driver to penalties provided in s. 324.221, up to and including
2523 a misdemeanor of the second degree.

2524 (b)1. An insurer that provides an automobile liability
2525 insurance policy under this part may exclude any and all

2526 coverage afforded under the policy issued to an owner or
 2527 operator of a TNC vehicle while driving that vehicle for any
 2528 loss or injury that occurs while a TNC driver is logged on to a
 2529 digital network or while a TNC driver provides a prearranged
 2530 ride. Exclusions imposed under this subsection are limited to
 2531 coverage while a TNC driver is logged on to a digital network or
 2532 while a TNC driver provides a prearranged ride. This right to
 2533 exclude all coverage may apply to any coverage included in an
 2534 automobile insurance policy, including, but not limited to:

- 2535 a. Liability coverage for bodily injury and property
- 2536 damage;
- 2537 b. Uninsured and underinsured motorist coverage;
- 2538 c. Medical payments coverage;
- 2539 d. Comprehensive physical damage coverage; and
- 2540 e. Collision physical damage coverage; ~~and~~
- 2541 ~~f. Personal injury protection.~~

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

2551 is engaged in a prearranged ride, or while the TNC driver
2552 otherwise uses a vehicle to transport riders for compensation.

2553 3. This section must not be construed to require an
2554 insurer to use any particular policy language or reference to
2555 this section in order to exclude any and all coverage for any
2556 loss or injury that occurs while a TNC driver is logged on to a
2557 digital network or while a TNC driver provides a prearranged
2558 ride.

2559 4. This section does not preclude an insurer from
2560 providing primary or excess coverage for the TNC driver's
2561 vehicle by contract or endorsement.

2562 Section 50. Paragraph (a) of subsection (2) of section
2563 627.749, Florida Statutes, is amended to read:

2564 627.749 Autonomous vehicles; insurance requirements.—

2565 (2) INSURANCE REQUIREMENTS.—

2566 (a) A fully autonomous vehicle with the automated driving
2567 system engaged while logged on to an on-demand autonomous
2568 vehicle network or engaged in a prearranged ride must be covered
2569 by a policy of automobile insurance which provides:

2570 1. Primary liability coverage of at least \$1 million for
2571 death, bodily injury, and property damage.

2572 ~~2. Personal injury protection benefits that meet the~~
2573 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

2574 2.3. Uninsured and underinsured vehicle coverage as
2575 required by s. 627.727.

2576 Section 51. Section 627.8405, Florida Statutes, is amended
 2577 to read:

2578 627.8405 Prohibited acts; financing companies.—A ~~No~~
 2579 premium finance company ~~shall~~, in a premium finance agreement or
 2580 other agreement, may not finance the cost of or otherwise
 2581 provide for the collection or remittance of dues, assessments,
 2582 fees, or other periodic payments of money for the cost of:

2583 (1) A membership in an automobile club. The term
 2584 "automobile club" means a legal entity that ~~which~~, in
 2585 consideration of dues, assessments, or periodic payments of
 2586 money, promises its members or subscribers to assist them in
 2587 matters relating to the ownership, operation, use, or
 2588 maintenance of a motor vehicle; however, the term ~~this~~
 2589 ~~definition of "automobile club"~~ does not include persons,
 2590 associations, or corporations ~~which are~~ organized and operated
 2591 solely for the purpose of conducting, sponsoring, or sanctioning
 2592 motor vehicle races, exhibitions, or contests upon racetracks,
 2593 or upon racecourses established and marked as such for the
 2594 duration of such particular events. The term ~~words~~ "motor
 2595 vehicle" used herein has ~~have~~ the same meaning as defined in
 2596 chapter 320.

2597 (2) An accidental death and dismemberment policy sold in
 2598 combination with a policy providing only bodily injury liability
 2599 coverage ~~personal injury protection~~ and property damage
 2600 liability coverage ~~only policy~~.

2601 (3) Any product not regulated under ~~the provisions of~~ this
 2602 insurance code.

2603
 2604 This section also applies to premium financing by any insurance
 2605 agent or insurance company under part XVI. The commission shall
 2606 adopt rules to assure disclosure, at the time of sale, of
 2607 coverages financed ~~with personal injury protection~~ and shall
 2608 prescribe the form of such disclosure.

2609 Section 52. Subsection (1) of section 627.915, Florida
 2610 Statutes, is amended to read:

2611 627.915 Insurer experience reporting.—

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

2626 paragraphs (g)-(j) is applicable to voluntary private passenger
 2627 writings and must ~~shall~~ be reported on a calendar-accident year
 2628 basis ultimately seven times at seven different stages of
 2629 development.

2630 (a) Premiums earned for the latest 3 calendar-accident
 2631 years.

2632 (b) Loss development factors and the historic development
 2633 of those factors.

2634 (c) Policyholder dividends incurred.

2635 (d) Expenses for other acquisition and general expense.

2636 (e) Expenses for agents' commissions and taxes, licenses,
 2637 and fees.

2638 (f) Profit and contingency factors as utilized in the
 2639 insurer's automobile rate filings for the applicable years.

2640 (g) Losses paid.

2641 (h) Losses unpaid.

2642 (i) Loss adjustment expenses paid.

2643 (j) Loss adjustment expenses unpaid.

2644 Section 53. Subsections (2) and (3) of section 628.909,
 2645 Florida Statutes, are amended to read:

2646 628.909 Applicability of other laws.—

2647 (2) The following provisions of the Florida Insurance Code
 2648 apply to captive insurance companies that ~~who~~ are not industrial
 2649 insured captive insurance companies to the extent that such
 2650 provisions are not inconsistent with this part:

2651 (a) Chapter 624, except for ss. 624.407, 624.408,
 2652 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.
 2653 (b) Chapter 625, part II.
 2654 (c) Chapter 626, part IX.
 2655 ~~(d) Sections 627.730-627.7405, when no fault coverage is~~
 2656 ~~provided.~~
 2657 (d)~~(e)~~ Chapter 628.
 2658 (3) The following provisions of the Florida Insurance Code
 2659 ~~shall~~ apply to industrial insured captive insurance companies to
 2660 the extent that such provisions are not inconsistent with this
 2661 part:
 2662 (a) Chapter 624, except for ss. 624.407, 624.408,
 2663 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and
 2664 624.609(1).
 2665 (b) Chapter 625, part II, if the industrial insured
 2666 captive insurance company is incorporated in this state.
 2667 (c) Chapter 626, part IX.
 2668 ~~(d) Sections 627.730-627.7405 when no fault coverage is~~
 2669 ~~provided.~~
 2670 (d)~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
 2671 628.6018.
 2672 Section 54. Subsections (2), (6), and (7) of section
 2673 705.184, Florida Statutes, are amended to read:
 2674 705.184 Derelict or abandoned motor vehicles on the
 2675 premises of public-use airports.-

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

2701 being sold free of all prior liens after 35 calendar days after
 2702 the time the motor vehicle is stored if any prior liens on the
 2703 motor vehicle are more than 5 years of age or after 50 calendar
 2704 days after the time the motor vehicle is stored if any prior
 2705 liens on the motor vehicle are 5 years of age or less.

2706 (6) The airport pursuant to this section or, if used, a
 2707 licensed independent wrecker company pursuant to s. 713.78 shall
 2708 have a lien on an abandoned or derelict motor vehicle for all
 2709 reasonable towing, storage, and accrued parking fees, if any,
 2710 except that no storage fee may ~~shall~~ be charged if the motor
 2711 vehicle is stored less than 6 hours. As a prerequisite to
 2712 perfecting a lien under this section, the airport director or
 2713 the director's designee must serve a notice in accordance with
 2714 subsection (2) on the owner of the motor vehicle, the insurance
 2715 company insuring the motor vehicle, ~~notwithstanding the~~
 2716 ~~provisions of s. 627.736,~~ and all persons of record claiming a
 2717 lien against the motor vehicle. If attempts to notify the owner,
 2718 the insurance company insuring the motor vehicle,
 2719 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
 2720 not successful, the requirement of notice by mail shall be
 2721 considered met. Serving of the notice does not dispense with
 2722 recording the claim of lien.

2723 (7) (a) For the purpose of perfecting its lien under this
 2724 section, the airport shall record a claim of lien which states
 2725 ~~shall state:~~

- 2726 1. The name and address of the airport.
- 2727 2. The name of the owner of the motor vehicle, the
- 2728 insurance company insuring the motor vehicle, ~~notwithstanding~~
- 2729 ~~the provisions of s. 627.736,~~ and all persons of record claiming
- 2730 a lien against the motor vehicle.
- 2731 3. The costs incurred from reasonable towing, storage, and
- 2732 parking fees, if any.
- 2733 4. A description of the motor vehicle sufficient for
- 2734 identification.
- 2735 (b) The claim of lien must ~~shall~~ be signed and sworn to or
- 2736 affirmed by the airport director or the director's designee.
- 2737 (c) The claim of lien is ~~shall be~~ sufficient if it is in
- 2738 substantially the following form:

2740 CLAIM OF LIEN

2741 State of

2742 County of

2743 Before me, the undersigned notary public, personally appeared

2744, who was duly sworn and says that he/she is the

2745 of, whose address is.....; and that the

2746 following described motor vehicle:

2747 ...(Description of motor vehicle)...

2748 owned by, whose address is, has accrued

2749 \$..... in fees for a reasonable tow, for storage, and for

2750 parking, if applicable; that the lienor served its notice to the

2751 owner, the insurance company insuring the motor vehicle
 2752 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
 2753 and all persons of record claiming a lien against the motor
 2754 vehicle on, ...(year)...., by.....
 2755 ...(Signature)...

2756 Sworn to (or affirmed) and subscribed before me this day of
 2757, ...(year)...., by ...(name of person making statement)....
 2758 ...(Signature of Notary Public).....(Print, Type, or Stamp
 2759 Commissioned name of Notary Public)...

2760 Personally Known....OR Produced....as identification.

2761

2762 However, the negligent inclusion or omission of any information
 2763 in this claim of lien which does not prejudice the owner does
 2764 not constitute a default that operates to defeat an otherwise
 2765 valid lien.

2766 (d) The claim of lien must ~~shall~~ be served on the owner of
 2767 the motor vehicle, the insurance company insuring the motor
 2768 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
 2769 persons of record claiming a lien against the motor vehicle. If
 2770 attempts to notify the owner, the insurance company insuring the
 2771 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
 2772 lienholders are not successful, the requirement of notice by
 2773 mail shall be considered met. The claim of lien must ~~shall~~ be so
 2774 served before recordation.

2775 (e) The claim of lien must ~~shall~~ be recorded with the

2776 clerk of court in the county where the airport is located. The
 2777 recording of the claim of lien shall be constructive notice to
 2778 all persons of the contents and effect of such claim. The lien
 2779 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
 2780 ~~take~~ priority as of that time.

2781 Section 55. Subsection (4) of section 713.78, Florida
 2782 Statutes, is amended to read:

2783 713.78 Liens for recovering, towing, or storing vehicles
 2784 and vessels.—

2785 (4) (a) A person regularly engaged in the business of
 2786 recovering, towing, or storing vehicles or vessels who comes
 2787 into possession of a vehicle or vessel pursuant to subsection
 2788 (2), and who claims a lien for recovery, towing, or storage
 2789 services, shall give notice, by certified mail, to the
 2790 registered owner, the insurance company insuring the vehicle
 2791 ~~notwithstanding s. 627.736~~, and all persons claiming a lien
 2792 thereon, as disclosed by the records in the Department of
 2793 Highway Safety and Motor Vehicles or as disclosed by the records
 2794 of any corresponding agency in any other state in which the
 2795 vehicle is identified through a records check of the National
 2796 Motor Vehicle Title Information System or an equivalent
 2797 commercially available system as being titled or registered.

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

2801 place notifies the law enforcement agency of possession of a
2802 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
2803 enforcement agency of the jurisdiction where the vehicle or
2804 vessel is stored shall contact the Department of Highway Safety
2805 and Motor Vehicles, or the appropriate agency of the state of
2806 registration, if known, within 24 hours through the medium of
2807 electronic communications, giving the full description of the
2808 vehicle or vessel. Upon receipt of the full description of the
2809 vehicle or vessel, the department shall search its files to
2810 determine the owner's name, the insurance company insuring the
2811 vehicle or vessel, and whether any person has filed a lien upon
2812 the vehicle or vessel as provided in s. 319.27(2) and (3) and
2813 notify the applicable law enforcement agency within 72 hours.
2814 The person in charge of the towing service, garage, repair shop,
2815 or automotive service, storage, or parking place shall obtain
2816 such information from the applicable law enforcement agency
2817 within 5 days after the date of storage and shall give notice
2818 pursuant to paragraph (a). The department may release the
2819 insurance company information to the requestor ~~notwithstanding~~
2820 ~~s. 627.736.~~

2821 (c) The notice of lien must be sent by certified mail to
2822 the registered owner, the insurance company insuring the vehicle
2823 ~~notwithstanding s. 627.736,~~ and all other persons claiming a
2824 lien thereon within 7 business days, excluding Saturday and
2825 Sunday, after the date of storage of the vehicle or vessel.

2826 | However, in no event shall the notice of lien be sent less than
 2827 | 30 days before the sale of the vehicle or vessel. The notice
 2828 | must state:

2829 | 1. If the claim of lien is for a vehicle, the last 8
 2830 | digits of the vehicle identification number of the vehicle
 2831 | subject to the lien, or, if the claim of lien is for a vessel,
 2832 | the hull identification number of the vessel subject to the
 2833 | lien, clearly printed in the delivery address box and on the
 2834 | outside of the envelope sent to the registered owner and all
 2835 | other persons claiming an interest therein or lien thereon.

2836 | 2. The name, physical address, and telephone number of the
 2837 | lienor, and the entity name, as registered with the Division of
 2838 | Corporations, of the business where the towing and storage
 2839 | occurred, which must also appear on the outside of the envelope
 2840 | sent to the registered owner and all other persons claiming an
 2841 | interest in or lien on the vehicle or vessel.

2842 | 3. The fact of possession of the vehicle or vessel.

2843 | 4. The name of the person or entity that authorized the
 2844 | lienor to take possession of the vehicle or vessel.

2845 | 5. That a lien as provided in subsection (2) is claimed.

2846 | 6. That charges have accrued and include an itemized
 2847 | statement of the amount thereof.

2848 | 7. That the lien is subject to enforcement under law and
 2849 | that the owner or lienholder, if any, has the right to a hearing
 2850 | as set forth in subsection (5).

2851 8. That any vehicle or vessel that remains unclaimed, or
 2852 for which the charges for recovery, towing, or storage services
 2853 remain unpaid, may be sold free of all prior liens 35 days after
 2854 the vehicle or vessel is stored by the lienor if the vehicle or
 2855 vessel is more than 3 years of age or 50 days after the vehicle
 2856 or vessel is stored by the lienor if the vehicle or vessel is 3
 2857 years of age or less.

2858 9. The address at which the vehicle or vessel is
 2859 physically located.

2860 (d) The notice of lien may not be sent to the registered
 2861 owner, the insurance company insuring the vehicle or vessel, and
 2862 all other persons claiming a lien thereon less than 30 days
 2863 before the sale of the vehicle or vessel.

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

2876 | commercially available system. For purposes of this paragraph
2877 | and subsection (9), the term "good faith effort" means that the
2878 | following checks have been performed by the company to establish
2879 | the prior state of registration and for title:

2880 | 1. A check of the department's database for the owner and
2881 | any lienholder.

2882 | 2. A check of the electronic National Motor Vehicle Title
2883 | Information System or an equivalent commercially available
2884 | system to determine the state of registration when there is not
2885 | a current registration record for the vehicle or vessel on file
2886 | with the department.

2887 | 3. A check of the vehicle or vessel for any type of tag,
2888 | tag record, temporary tag, or regular tag.

2889 | 4. A check of the law enforcement report for a tag number
2890 | or other information identifying the vehicle or vessel, if the
2891 | vehicle or vessel was towed at the request of a law enforcement
2892 | officer.

2893 | 5. A check of the trip sheet or tow ticket of the tow
2894 | truck operator to determine whether a tag was on the vehicle or
2895 | vessel at the beginning of the tow, if a private tow.

2896 | 6. If there is no address of the owner on the impound
2897 | report, a check of the law enforcement report to determine
2898 | whether an out-of-state address is indicated from driver license
2899 | information.

2900 | 7. A check of the vehicle or vessel for an inspection

2901 sticker or other stickers and decals that may indicate a state
 2902 of possible registration.

2903 8. A check of the interior of the vehicle or vessel for
 2904 any papers that may be in the glove box, trunk, or other areas
 2905 for a state of registration.

2906 9. A check of the vehicle for a vehicle identification
 2907 number.

2908 10. A check of the vessel for a vessel registration
 2909 number.

2910 11. A check of the vessel hull for a hull identification
 2911 number which should be carved, burned, stamped, embossed, or
 2912 otherwise permanently affixed to the outboard side of the
 2913 transom or, if there is no transom, to the outmost seaboard side
 2914 at the end of the hull that bears the rudder or other steering
 2915 mechanism.

2916 Section 56. Paragraph (a) of subsection (1), paragraph (c)
 2917 of subsection (7), paragraphs (a), (b), and (c) of subsection
 2918 (8), and subsections (9) and (10) of section 817.234, Florida
 2919 Statutes, are amended to read:

2920 817.234 False and fraudulent insurance claims.—

2921 (1) (a) A person commits insurance fraud punishable as
 2922 provided in subsection (11) if that person, with the intent to
 2923 injure, defraud, or deceive any insurer:

2924 1. Presents or causes to be presented any written or oral
 2925 statement as part of, or in support of, a claim for payment or

2926 other benefit pursuant to an insurance policy or a health
2927 maintenance organization subscriber or provider contract,
2928 knowing that such statement contains ~~any~~ false, incomplete, or
2929 misleading information concerning any fact or thing material to
2930 such claim;

2931 2. Prepares or makes any written or oral statement that is
2932 intended to be presented to an ~~any~~ insurer in connection with,
2933 or in support of, any claim for payment or other benefit
2934 pursuant to an insurance policy or a health maintenance
2935 organization subscriber or provider contract, knowing that such
2936 statement contains ~~any~~ false, incomplete, or misleading
2937 information concerning any fact or thing material to such claim;

2938 3.a. Knowingly presents, causes to be presented, or
2939 prepares or makes with knowledge or belief that it will be
2940 presented to an ~~any~~ insurer, purported insurer, servicing
2941 corporation, insurance broker, or insurance agent, or any
2942 employee or agent thereof, ~~any~~ false, incomplete, or misleading
2943 information or a written or oral statement as part of, or in
2944 support of, an application for the issuance of, or the rating
2945 of, any insurance policy, or a health maintenance organization
2946 subscriber or provider contract; or

2947 b. Knowingly conceals information concerning any fact
2948 material to such application; or

2949 4. Knowingly presents, causes to be presented, or prepares
2950 or makes with knowledge or belief that it will be presented to

2951 any insurer a claim for payment or other benefit under medical
2952 payments coverage in a motor vehicle ~~a personal injury~~
2953 ~~protection~~ insurance policy if the person knows that the payee
2954 knowingly submitted a false, misleading, or fraudulent
2955 application or other document when applying for licensure as a
2956 health care clinic, seeking an exemption from licensure as a
2957 health care clinic, or demonstrating compliance with part X of
2958 chapter 400.

2959 (7)

2960 ~~(c) An insurer, or any person acting at the direction of~~
2961 ~~or on behalf of an insurer, may not change an opinion in a~~
2962 ~~mental or physical report prepared under s. 627.736(7) or direct~~
2963 ~~the physician preparing the report to change such opinion;~~
2964 ~~however, this provision does not preclude the insurer from~~
2965 ~~calling to the attention of the physician errors of fact in the~~
2966 ~~report based upon information in the claim file. Any person who~~
2967 ~~violates this paragraph commits a felony of the third degree,~~
2968 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

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

2976 ~~provisions of~~ this paragraph commits a felony of the second
2977 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2978 775.084. A person who is convicted of a violation of this
2979 subsection shall be sentenced to a minimum term of imprisonment
2980 of 2 years.

2981 (b) A person may not solicit or cause to be solicited any
2982 business from a person involved in a motor vehicle accident by
2983 any means of communication other than advertising directed to
2984 the public for the purpose of making motor vehicle tort claims
2985 or claims for benefits under medical payments coverage in a
2986 motor vehicle insurance policy ~~personal injury protection~~
2987 ~~benefits required by s. 627.736,~~ within 60 days after the
2988 occurrence of the motor vehicle accident. Any person who
2989 violates this paragraph commits a felony of the third degree,
2990 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

3001 ~~s. 627.736.~~ Any person who violates this paragraph commits a
 3002 felony of the third degree, punishable as provided in s.
 3003 775.082, s. 775.083, or s. 775.084.

3004 (9) A person may not organize, plan, or knowingly
 3005 participate in an intentional motor vehicle crash or a scheme to
 3006 create documentation of a motor vehicle crash that did not occur
 3007 for the purpose of making motor vehicle tort claims or claims
 3008 for benefits under medical payments coverage in a motor vehicle
 3009 insurance policy ~~personal injury protection benefits as required~~
 3010 ~~by s. 627.736.~~ Any person who violates this subsection commits a
 3011 felony of the second degree, punishable as provided in s.
 3012 775.082, s. 775.083, or s. 775.084. A person who is convicted of
 3013 a violation of this subsection shall be sentenced to a minimum
 3014 term of imprisonment of 2 years.

3015 (10) A licensed health care practitioner who is found
 3016 guilty of insurance fraud under this section for an act relating
 3017 to a motor vehicle ~~personal injury protection~~ insurance policy
 3018 loses his or her license to practice for 5 years and may not
 3019 receive reimbursement under medical payments coverage in a motor
 3020 vehicle insurance policy ~~for personal injury protection benefits~~
 3021 for 10 years.

3022 Section 57. For the 2021-2022 fiscal year, the sum of
 3023 \$83,651 in nonrecurring funds is appropriated from the Insurance
 3024 Regulatory Trust Fund to the Office of Insurance Regulation for
 3025 the purpose of implementing this act.

3026 Section 58. Except as otherwise expressly provided in this
3027 act and except for this section, which shall take effect upon
3028 this act becoming a law, this act shall take effect January 1,
3029 2022.