

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

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

76 vehicles; defining terms; conforming provisions to
77 changes made by the act; making technical changes;
78 amending s. 324.161, F.S.; revising requirements for a
79 certificate of deposit that is required if a person
80 elects a certain method of proving financial
81 responsibility; amending s. 324.171, F.S.; revising
82 the minimum net worth requirements to qualify certain
83 persons as self-insurers; conforming provisions to
84 changes made by the act; amending s. 324.251, F.S.;
85 revising the short title and an effective date;
86 amending s. 400.9905, F.S.; revising the definition of
87 the term "clinic"; amending ss. 400.991 and 400.9935,
88 F.S.; conforming provisions to changes made by the
89 act; amending s. 409.901, F.S.; revising the
90 definition of the term "third-party benefit"; amending
91 s. 409.910, F.S.; revising the definition of the term
92 "medical coverage"; amending s. 456.057, F.S.;
93 conforming a provision to changes made by the act;
94 amending s. 456.072, F.S.; revising specified grounds
95 for discipline for certain health professions;
96 defining the term "upcoded"; amending s. 624.155,
97 F.S.; providing an exception to the circumstances
98 under which a person who is damaged may bring a civil
99 action against an insurer; adding a cause of action
100 against insurers in certain circumstances; providing

101 that a person is not entitled to judgments under
102 multiple bad faith remedies; creating s. 624.156,
103 F.S.; providing that the section applies to bad faith
104 failure to settle third-party claim actions against
105 any insurer for a loss arising out of the ownership,
106 maintenance, or use of a motor vehicle under specified
107 circumstances; providing construction; providing that
108 insurers have a duty of good faith; providing
109 construction; defining the term "bad faith failure to
110 settle"; providing circumstances under which a notice
111 is not effective; providing that the burden is on the
112 party bringing the bad faith claim; specifying best
113 practices standards for insurers upon receiving actual
114 notice of certain incidents or losses; specifying
115 certain requirements for insurer communications to an
116 insured; requiring an insurer to initiate settlement
117 negotiations under certain circumstances; specifying
118 requirements for the insurer when multiple claims
119 arise out of a single occurrence under certain
120 conditions; providing construction; requiring an
121 insurer to attempt to settle a claim on behalf of
122 certain insureds under certain circumstances;
123 providing for a defense to bad faith actions;
124 providing that insureds have a duty to cooperate;
125 requiring an insured to take certain reasonable

126 actions necessary to settle covered claims; providing
127 requirements for disclosures by insureds; requiring
128 insurers to provide certain notice to insureds within
129 a specified timeframe; providing that insurers may
130 terminate certain defenses under certain
131 circumstances; providing construction; providing that
132 a trier of fact may not attribute an insurer's failure
133 to settle certain claims to specified causes under
134 certain circumstances; providing construction;
135 specifying conditions precedent for claimants filing
136 bad faith failure to settle third-party claim actions;
137 providing that an insurer is entitled to a reasonable
138 opportunity to investigate and evaluate claims under
139 certain circumstances; providing construction;
140 providing that insurers may not be held liable for the
141 failure to accept a settlement offer within a certain
142 timeframe if certain conditions are met; providing
143 that an insurer is not required to automatically
144 tender policy limits within a certain timeframe in
145 every case; requiring the party bringing a bad faith
146 failure to settle action to prove every element by the
147 greater weight of the evidence; specifying burdens of
148 proof for insurers relying on specified defenses;
149 limiting damages under certain circumstances; amending
150 s. 626.9541, F.S.; conforming a provision to changes

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

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

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

226 by the act; making a technical change; amending s.
227 627.7295, F.S.; revising the definitions of the terms
228 "policy" and "binder"; revising the coverages of a
229 motor vehicle insurance policy for which a licensed
230 general lines agent may charge a specified fee;
231 conforming provisions to changes made by the act;
232 amending s. 627.7415, F.S.; revising additional
233 liability insurance requirements for commercial motor
234 vehicles; creating s. 627.747, F.S.; providing that
235 private passenger motor vehicle policies may exclude
236 specified coverages for all claims or suits resulting
237 from the operation of a motor vehicle by an identified
238 individual under certain circumstances; providing that
239 such policies may not exclude coverage under certain
240 circumstances; providing that an excluded driver must
241 establish, maintain, and show proof of financial
242 ability to respond for damages arising out the
243 ownership, maintenance, or use of a motor vehicle as
244 required by law; providing that a valid named driver
245 exclusion will not be invalidated if the excluded
246 driver fails to show such proof; amending s. 627.748,
247 F.S.; revising insurance requirements for
248 transportation network company drivers; conforming
249 provisions to changes made by the act; amending s.
250 627.749, F.S.; conforming a provision to changes made

251 by the act; amending s. 627.8405, F.S.; revising
 252 coverages in a policy sold in combination with an
 253 accidental death and dismemberment policy which a
 254 premium finance company may not finance; revising
 255 rulemaking authority of the Financial Services
 256 Commission; amending ss. 627.915, 628.909, 705.184,
 257 and 713.78, F.S.; conforming provisions to changes
 258 made by the act; making technical changes; creating s.
 259 768.852, F.S.; providing for a setoff on certain
 260 damages that may be recovered by a person operating
 261 certain motor vehicles who is not in compliance with
 262 financial responsibility laws; providing exceptions;
 263 amending s. 817.234, F.S.; revising coverages that are
 264 the basis of specified prohibited false and fraudulent
 265 insurance claims; conforming provisions to changes
 266 made by the act; providing an appropriation; providing
 267 effective dates.

268
 269 Be It Enacted by the Legislature of the State of Florida:

270
 271 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
 272 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,
 273 and 627.7405, Florida Statutes, are repealed.

274 Section 2. Section 627.7407, Florida Statutes, is
 275 repealed.

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

278 316.646 Security required; proof of security and display
 279 thereof.—

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

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

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

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

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

301 318.18, Florida Statutes, is amended to read:

302 318.18 Amount of penalties.—The penalties required for a
 303 noncriminal disposition pursuant to s. 318.14 or a criminal
 304 offense listed in s. 318.17 are as follows:

305 (2) Thirty dollars for all nonmoving traffic violations
 306 and:

307 (b) For all violations of ss. 320.0605, 320.07(1),
 308 322.065, and 322.15(1). A ~~Any~~ person who is cited for a
 309 violation of s. 320.07(1) shall be charged a delinquent fee
 310 pursuant to s. 320.07(4).

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

324 2. If a person who is cited for a violation of s. 322.03,
 325 s. 322.065, or s. 322.15 can show a driver license issued to him

326 or her and valid at the time of arrest, the clerk of the court
 327 may dismiss the case and may assess a dismissal fee of up to
 328 \$10, from which the clerk shall remit \$2.50 to the Department of
 329 Revenue for deposit into the General Revenue Fund.

330 3. If a person who is cited for a violation of s. 316.646
 331 can show proof of security as required by s. 324.021(7) ~~s.~~
 332 ~~627.733~~, issued to the person and valid at the time of arrest,
 333 the clerk of the court may dismiss the case and may assess a
 334 dismissal fee of up to \$10, from which the clerk shall remit
 335 \$2.50 to the Department of Revenue for deposit into the General
 336 Revenue Fund. A person who finds it impossible or impractical to
 337 obtain proof of security must submit an affidavit detailing the
 338 reasons for the impracticality. The reasons may include, but are
 339 not limited to, the fact that the vehicle has since been sold,
 340 stolen, or destroyed; ~~that the owner or registrant of the~~
 341 ~~vehicle is not required by s. 627.733 to maintain personal~~
 342 ~~injury protection insurance;~~ or that the vehicle is owned by
 343 another person.

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

346 320.02 Registration required; application for
 347 registration; forms.—

348 (5) (a) Proof that bodily injury liability coverage and
 349 property damage liability coverage ~~personal injury protection~~
 350 ~~benefits~~ have been purchased if required under s. 324.022, s.

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

376
 377 Under penalty of perjury, I ...(Name of insured)... do hereby
 378 certify that I have ...(bodily injury liability and ~~Personal~~
 379 ~~Injury Protection~~, property damage liability, ~~and, if required,~~
 380 ~~Bodily Injury Liability~~)... insurance currently in effect with
 381 ...(Name of insurance company)... under ...(policy number)...
 382 covering ...(make, year, and vehicle identification number of
 383 vehicle).... ...(Signature of Insured)...

384
 385 Such affidavit must include the following warning:

386
 387 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 388 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 389 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
 390 SUBJECT TO PROSECUTION.

391
 392 If an application is made through a licensed motor vehicle
 393 dealer as required under s. 319.23, the original or a photocopy
 394 ~~photostatic copy~~ of such card, insurance policy, insurance
 395 policy binder, or certificate of insurance or the original
 396 affidavit from the insured must ~~shall~~ be forwarded by the dealer
 397 to the tax collector of the county or the Department of Highway
 398 Safety and Motor Vehicles for processing. By executing the
 399 ~~aforsaid~~ affidavit, a ~~ne~~ licensed motor vehicle dealer is not
 400 ~~will be~~ liable in damages for any inadequacy, insufficiency, or

401 falsification of any statement contained therein. ~~A card must~~
402 ~~also indicate the existence of any bodily injury liability~~
403 ~~insurance voluntarily purchased.~~

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

424 Section 6. Paragraph (b) of subsection (1) of section
425 320.0609, Florida Statutes, is amended to read:

426 320.0609 Transfer and exchange of registration license
427 plates; transfer fee.—

428 (1)

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

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

437 320.27 Motor vehicle dealers.—

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

442 (g) "Garage liability insurance" means, beginning January
443 1, 2022, combined single-limit liability coverage, including
444 property damage and bodily injury liability coverage, in the
445 amount of at least \$60,000.

446 (3) APPLICATION AND FEE.—The ~~application for the~~ license
447 application must ~~shall~~ be in such form as may be prescribed by
448 the department and is ~~shall be~~ subject to such rules ~~with~~
449 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.
450 Such application must ~~shall~~ be verified by oath or affirmation

451 and must ~~shall~~ contain a full statement of the name and birth
452 date of the person or persons applying for the license ~~therefor~~;
453 the name of the firm or copartnership, with the names and places
454 of residence of all members ~~thereof~~, if such applicant is a firm
455 or copartnership; the names and places of residence of the
456 principal officers, if the applicant is a body corporate or
457 other artificial body; the name of the state under whose laws
458 the corporation is organized; the present and former place or
459 places of residence of the applicant; and the prior business in
460 which the applicant has been engaged and its ~~the~~ location
461 ~~thereof~~. The ~~Such~~ application must ~~shall~~ describe the exact
462 location of the place of business and must ~~shall~~ state whether
463 the place of business is owned by the applicant and when
464 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
465 attached to the application. The applicant shall certify that
466 the location provides an adequately equipped office and is not a
467 residence; that the location affords sufficient unoccupied space
468 upon and within which adequately to store all motor vehicles
469 offered and displayed for sale; and that the location is a
470 suitable place where the applicant can in good faith carry on
471 such business and keep and maintain books, records, and files
472 necessary to conduct such business, which must ~~shall~~ be
473 available at all reasonable hours to inspection by the
474 department or any of its inspectors or other employees. The
475 applicant shall certify that the business of a motor vehicle

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

501 must ~~shall~~ be for the license period, and evidence of a new or
502 continued policy must ~~shall~~ be delivered to the department at
503 the beginning of each license period. Upon making an initial
504 application, the applicant shall pay to the department a fee of
505 \$300 in addition to any other fees required by law. Applicants
506 may choose to extend the licensure period for 1 additional year
507 for a total of 2 years. An initial applicant shall pay to the
508 department a fee of \$300 for the first year and \$75 for the
509 second year, in addition to any other fees required by law. An
510 applicant for renewal shall pay to the department \$75 for a 1-
511 year renewal or \$150 for a 2-year renewal, in addition to any
512 other fees required by law. Upon making an application for a
513 change of location, the applicant ~~person~~ shall pay a fee of \$50
514 in addition to any other fees now required by law. The
515 department shall, in the case of every application for initial
516 licensure, verify whether certain facts set forth in the
517 application are true. Each applicant, general partner in the
518 case of a partnership, or corporate officer and director in the
519 case of a corporate applicant shall, ~~must~~ file a set of
520 fingerprints with the department for the purpose of determining
521 any prior criminal record or any outstanding warrants. The
522 department shall submit the fingerprints to the Department of
523 Law Enforcement for state processing and forwarding to the
524 Federal Bureau of Investigation for federal processing. The
525 actual cost of state and federal processing must ~~shall~~ be borne

526 by the applicant and is in addition to the fee for licensure.
527 The department may issue a license to an applicant pending the
528 results of the fingerprint investigation, which license is fully
529 revocable if the department subsequently determines that any
530 facts set forth in the application are not true or correctly
531 represented.

532 Section 8. Paragraph (j) of subsection (3) of section
533 320.771, Florida Statutes, is amended to read:

534 320.771 License required of recreational vehicle dealers.—

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

539 (j) A statement that the applicant is insured under a
540 garage liability insurance policy in accordance with s.
541 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
542 ~~combined single-limit liability coverage, including bodily~~
543 ~~injury and property damage protection, and \$10,000 personal~~
544 ~~injury protection~~, if the applicant is to be licensed as a
545 dealer in, or intends to sell, recreational vehicles. However, a
546 garage liability policy is not required for the licensure of a
547 mobile home dealer who sells only park trailers.

548
549 The department shall, if it deems necessary, cause an
550 investigation to be made to ascertain if the facts set forth in

551 the application are true and may ~~shall~~ not issue a license to
552 the applicant until it is satisfied that the facts set forth in
553 the application are true.

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

556 322.251 Notice of cancellation, suspension, revocation, or
557 disqualification of license.—

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

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

576 the United States mail. Proof of the giving of notice and an
577 order of cancellation, suspension, revocation, or
578 disqualification in either manner must ~~shall~~ be made by entry in
579 the records of the department that such notice was given. The
580 entry is admissible in the courts of this state and constitutes
581 sufficient proof that such notice was given.

582 Section 10. Paragraph (a) of subsection (8) of section
583 322.34, Florida Statutes, is amended to read:

584 322.34 Driving while license suspended, revoked, canceled,
585 or disqualified.—

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

589 1. Whether the person's driver license is suspended or
590 revoked, or the person is under suspension or revocation
591 equivalent status.

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

596 3. Whether the suspension, revocation, or suspension or
597 revocation equivalent status was made under s. 316.646 ~~or s.~~
598 ~~627.733~~, relating to failure to maintain required security, or
599 under s. 322.264, relating to habitual traffic offenders.

600 4. Whether the driver is the registered owner or co-owner

601 of the vehicle.

602 Section 11. Section 324.011, Florida Statutes, is amended
603 to read:

604 324.011 Legislative intent; purpose of chapter.—It is the
605 intent of the Legislature that this chapter ensure that the
606 privilege of owning or operating a motor vehicle in this state
607 is exercised ~~to recognize the existing privilege to own or~~
608 ~~operate a motor vehicle on the public streets and highways of~~
609 ~~this state when such vehicles are used~~ with due consideration
610 for others' safety ~~others~~ and ~~their~~ property, promoting ~~and to~~
611 ~~promote~~ safety, and providing ~~provide~~ financial security
612 requirements for ~~such~~ owners and ~~or~~ operators whose
613 responsibility it is to recompense others for injury to person
614 or property caused by the operation of a motor vehicle.
615 Therefore, the purpose of this chapter is to require that every
616 owner or operator of a motor vehicle required to be registered
617 in this state establish, maintain, and ~~it is required herein~~
618 ~~that the operator of a motor vehicle involved in a crash or~~
619 ~~convicted of certain traffic offenses meeting the operative~~
620 ~~provisions of s. 324.051(2) shall respond for such damages and~~
621 show proof of financial ability to respond for damages arising
622 out of the ownership, maintenance, or use of a motor vehicle in
623 ~~future accidents~~ as a requisite to owning or operating a motor
624 vehicle in this state ~~his or her future exercise of such~~
625 privileges.

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

629 324.021 Definitions; minimum insurance required.—The
630 following words and phrases when used in this chapter shall, for
631 the purpose of this chapter, have the meanings respectively
632 ascribed to them in this section, except in those instances
633 where the context clearly indicates a different meaning:

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

648 (7) PROOF OF FINANCIAL RESPONSIBILITY.—Beginning January
649 1, 2022, ~~That~~ proof of ability to respond in damages for
650 liability on account of crashes arising out of the ownership,

651 maintenance, or use of a motor vehicle:

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

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

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

662 (b)-(d) With respect to commercial motor vehicles and
663 nonpublic sector buses, in the amounts specified in s. 627.7415
664 ss. 627.7415 and 627.742, respectively.

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

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

669 (9) OWNER; OWNER/LESSOR.—

670 (c) Application.—

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

676 includes only an entity that is engaged in the business of
677 renting or leasing motor vehicles to the general public and that
678 rents or leases a majority of its motor vehicles to persons with
679 no direct or indirect affiliation with the rental company. The
680 term "rental company" also includes:

681 a. A related rental or leasing company that is a
682 subsidiary of the same parent company as that of the renting or
683 leasing company that rented or leased the vehicle.

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

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

701 either:

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

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

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

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

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

746 c. For purposes of this subparagraph, the term "service
747 customer" does not include an agent or a principal of a motor
748 vehicle dealer or a motor vehicle dealer's leasing or rental
749 affiliate, and does not include an employee of a motor vehicle
750 dealer or a motor vehicle dealer's leasing or rental affiliate

751 unless the employee was provided a temporary replacement
752 vehicle:

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

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

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

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

764 Section 13. Section 324.022, Florida Statutes, is amended
765 to read:

766 324.022 Financial responsibility requirements ~~for property~~
767 ~~damage.~~—

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

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

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

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

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

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

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

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

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

809 2. A motor vehicle that is used in mass transit and
810 designed to transport more than five passengers, exclusive of
811 the operator of the motor vehicle, and that is owned by a
812 municipality, transit authority, or political subdivision of the
813 state.

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

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

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

821 ~~6.4. A vehicle providing for-hire passenger transportation~~
822 ~~vehicle, which must that is subject to the provisions of s.~~
823 ~~324.031. A taxicab shall maintain security as required under s.~~
824 ~~324.032 s. 324.032(1).~~

825 ~~7.5.~~ A personal delivery device as defined in s. 316.003.

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

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

837 (4) An ~~The~~ owner or registrant of a motor vehicle who is
838 ~~exempt from the requirements of this section if she or he is a~~
839 member of the United States Armed Forces and is called to or on
840 active duty outside the United States in an emergency situation
841 is exempt from this section while he or she. ~~The exemption~~
842 ~~provided by this subsection applies only as long as the member~~
843 ~~of the Armed Forces is on such active duty.~~ This exemption
844 ~~outside the United States and~~ applies only while the vehicle
845 covered by the security is not operated by any person. Upon
846 receipt of a written request by the insured to whom the
847 exemption provided in this subsection applies, the insurer shall
848 cancel the coverages and return any unearned premium or suspend
849 the security required by this section. Notwithstanding s.
850 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the

851 registration or operator's license of an ~~any~~ owner or registrant
 852 of a motor vehicle during the time she or he qualifies for the
 853 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
 854 of a motor vehicle who qualifies for the ~~an~~ exemption under this
 855 subsection shall immediately notify the department before ~~prior~~
 856 ~~to~~ and at the end of the expiration of the exemption.

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

859 324.0221 Reports by insurers to the department; suspension
 860 of driver license and vehicle registrations; reinstatement.—

861 (1) (a) Each insurer that has issued a policy providing
 862 ~~personal injury protection coverage or property damage liability~~
 863 coverage shall report the cancellation or nonrenewal thereof to
 864 the department within 10 days after the processing date or
 865 effective date of each cancellation or nonrenewal. Upon the
 866 issuance of a policy providing ~~personal injury protection~~
 867 ~~coverage or property damage liability~~ coverage to a named
 868 insured not previously insured by the insurer during that
 869 calendar year, the insurer shall report the issuance of the new
 870 policy to the department within 10 days. The report must ~~shall~~
 871 be in the form ~~and format~~ and contain any information required
 872 by the department and must be provided in a format that is
 873 compatible with the data processing capabilities of the
 874 department. Failure by an insurer to file proper reports with
 875 the department as required by this subsection constitutes a

876 violation of the Florida Insurance Code. These records may ~~shall~~
 877 be used by the department only for enforcement and regulatory
 878 purposes, including the generation by the department of data
 879 regarding compliance by owners of motor vehicles with the
 880 requirements for financial responsibility coverage.

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

895 (2) The department shall suspend, after due notice and an
 896 opportunity to be heard, the registration and driver license of
 897 any owner or registrant of a motor vehicle for ~~with respect to~~
 898 which security is required under s. 324.022, s. 322.023, s.
 899 324.032, s. 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~
 900 upon:

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

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

909 Section 15. Section 324.0222, Florida Statutes, is created
910 to read:

911 324.0222 Application of suspensions for failure to
912 maintain security; reinstatement.—All suspensions for failure to
913 maintain required security as required by law in effect before
914 January 1, 2022, remain in full force and effect after January
915 1, 2022. A driver may reinstate a suspended driver license or
916 registration as provided under s. 324.0221.

917 Section 16. Section 324.023, Florida Statutes, is amended
918 to read:

919 324.023 Financial responsibility for bodily injury or
920 death.—In addition to any other financial responsibility
921 required by law, every owner or operator of a motor vehicle that
922 is required to be registered in this state, or that is located
923 within this state, and who, regardless of adjudication of guilt,
924 has been found guilty of or entered a plea of guilty or nolo
925 contendere to a charge of driving under the influence under s.

926 316.193 after October 1, 2007, shall, by one of the methods
927 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
928 establish and maintain the ability to respond in damages for
929 liability on account of accidents arising out of the use of a
930 motor vehicle in the amount of \$100,000 because of bodily injury
931 to, or death of, one person in any one crash and, subject to
932 such limits for one person, in the amount of \$300,000 because of
933 bodily injury to, or death of, two or more persons in any one
934 crash and in the amount of \$50,000 because of property damage in
935 any one crash. If the owner or operator chooses to establish and
936 maintain such ability by furnishing a certificate of deposit
937 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
938 deposit must be at least \$350,000. Such higher limits must be
939 carried for a minimum period of 3 years. If the owner or
940 operator has not been convicted of driving under the influence
941 or a felony traffic offense for a period of 3 years from the
942 date of reinstatement of driving privileges for a violation of
943 s. 316.193, the owner or operator is ~~shall be~~ exempt from this
944 section.

945 Section 17. Section 324.031, Florida Statutes, is amended
946 to read:

947 324.031 Manner of proving financial responsibility.—

948 (1) ~~The owner or operator of a taxicab, limousine, jitney,~~
949 ~~or any other for-hire passenger transportation vehicle may prove~~
950 ~~financial responsibility by providing satisfactory evidence of~~

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

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

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

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

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

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

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

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

982 2. At least \$300,000 for combined bodily injury liability
983 and property damage liability for any one crash
984 ~~\$10,000/20,000/10,000 or \$30,000 combined single limits, and~~
985 ~~such excess insurance shall provide minimum limits of~~
986 ~~\$125,000/250,000/50,000 or \$300,000 combined single limits.~~
987 ~~These increased limits shall not affect the requirements for~~
988 ~~proving financial responsibility under s. 324.032(1).~~

989 Section 18. Section 324.032, Florida Statutes, is amended
990 to read:

991 324.032 ~~Manner of proving~~ Financial responsibility for
992 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
993 ~~provisions of s. 324.031:~~

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

1000 (a) One hundred twenty-five thousand dollars for bodily

1001 injury to, or the death of, one person in any one crash and,
1002 subject to such limits for one person, in the amount of \$250,000
1003 for bodily injury to, or the death of, two or more persons in
1004 any one crash; and ~~A person who is either the owner or a lessee~~
1005 ~~required to maintain insurance under s. 627.733(1) (b) and who~~
1006 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
1007 ~~for-hire passenger transportation vehicles may prove financial~~
1008 ~~responsibility by furnishing satisfactory evidence of holding a~~
1009 ~~motor vehicle liability policy, but with minimum limits of~~
1010 ~~\$125,000/250,000/50,000.~~

1011 (b) Fifty thousand dollars for damage to, or destruction
1012 of, property of others in any one crash ~~A person who is either~~
1013 ~~the owner or a lessee required to maintain insurance under s.~~
1014 ~~324.021(9) (b) and who operates limousines, jitneys, or any other~~
1015 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
1016 ~~financial responsibility by furnishing satisfactory evidence of~~
1017 ~~holding a motor vehicle liability policy as defined in s.~~
1018 ~~324.031.~~

1019 (2) Except as provided in subsection (3), the requirements
1020 of this section must be met by the owner or lessee providing
1021 satisfactory evidence of holding a motor vehicle liability
1022 policy conforming to the requirements of s. 324.151 which is
1023 issued by an insurance carrier that is a member of the Florida
1024 Insurance Guaranty Association.

1025 (3)(2) ~~An owner or a lessee who is required to maintain~~

1026 ~~insurance under s. 324.021(9)(b) and who~~ operates at least 300
1027 ~~taxicabs, limousines, jitneys, or any other~~ for-hire passenger
1028 transportation vehicles may provide financial responsibility by
1029 complying with ~~the provisions of~~ s. 324.171, which must ~~such~~
1030 ~~compliance~~ to be demonstrated by maintaining at its principal
1031 place of business an audited financial statement, prepared in
1032 accordance with generally accepted accounting principles, and
1033 providing to the department a certification issued by a
1034 certified public accountant that the applicant's net worth is at
1035 least equal to the requirements of s. 324.171 as determined by
1036 the Office of Insurance Regulation of the Financial Services
1037 Commission, including claims liabilities in an amount certified
1038 as adequate by a Fellow of the Casualty Actuarial Society.

1039
1040 Upon request by the department, the applicant shall ~~must~~ provide
1041 the department at the applicant's principal place of business in
1042 this state access to the applicant's underlying financial
1043 information and financial statements that provide the basis of
1044 the certified public accountant's certification. The applicant
1045 shall reimburse the requesting department for all reasonable
1046 costs incurred by it in reviewing the supporting information.
1047 The maximum amount of self-insurance permissible under this
1048 subsection is \$300,000 and must be stated on a per-occurrence
1049 basis, and the applicant shall maintain adequate excess
1050 insurance issued by an authorized or eligible insurer licensed

1051 or approved by the Office of Insurance Regulation. All risks
1052 self-insured shall remain with the owner or lessee providing it,
1053 and the risks are not transferable to any other person, unless a
1054 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
1055 obtained.

1056 Section 19. Subsection (2) of section 324.051, Florida
1057 Statutes, is amended, and subsection (4) is added to that
1058 section, to read:

1059 324.051 Reports of crashes; suspensions of licenses and
1060 registrations.—

1061 (2) (a) Thirty days after receipt of notice of any accident
1062 described in paragraph (1) (a) involving a motor vehicle within
1063 this state, the department shall suspend, after due notice and
1064 opportunity to be heard, the license of each operator and all
1065 registrations of the owner of the vehicles operated by such
1066 operator whether or not involved in such crash and, in the case
1067 of a nonresident owner or operator, shall suspend such
1068 nonresident's operating privilege in this state, unless such
1069 operator or owner shall, prior to the expiration of such 30
1070 days, be found by the department to be exempt from the operation
1071 of this chapter, based upon evidence satisfactory to the
1072 department that:

1073 1. The motor vehicle was legally parked at the time of
1074 such crash.

1075 2. The motor vehicle was owned by the United States

1076 Government, this state, or any political subdivision of this
 1077 state or any municipality therein.

1078 3. Such operator or owner has secured a duly acknowledged
 1079 written agreement providing for release from liability by all
 1080 parties injured as the result of said crash and has complied
 1081 with one of the provisions of s. 324.031.

1082 4. Such operator or owner has deposited with the
 1083 department security to conform with s. 324.061 when applicable
 1084 and has complied with one of the provisions of s. 324.031.

1085 5. One year has elapsed since such owner or operator was
 1086 suspended pursuant to subsection (3), the owner or operator has
 1087 complied with one of the provisions of s. 324.031, and no bill
 1088 of complaint of which the department has notice has been filed
 1089 in a court of competent jurisdiction.

1090 (b) This subsection does ~~shall~~ not apply:

1091 1. To such operator or owner if such operator or owner had
 1092 in effect at the time of such crash or traffic conviction a
 1093 motor vehicle ~~an automobile~~ liability policy with respect to all
 1094 of the registered motor vehicles owned by such operator or
 1095 owner.

1096 2. To such operator, if not the owner of such motor
 1097 vehicle, if there was in effect at the time of such crash or
 1098 traffic conviction a motor vehicle ~~an automobile~~ liability
 1099 policy or bond with respect to his or her operation of motor
 1100 vehicles not owned by him or her.

1101 3. To such operator or owner if the liability of such
 1102 operator or owner for damages resulting from such crash is, in
 1103 the judgment of the department, covered by any other form of
 1104 liability insurance or bond.

1105 4. To any person who has obtained from the department a
 1106 certificate of self-insurance, in accordance with s. 324.171, or
 1107 to any person operating a motor vehicle for such self-insurer.

1108
 1109 No such policy or bond shall be effective under this subsection
 1110 unless it contains limits of not less than those specified in s.
 1111 324.021(7).

1112 (4) As used in this section, the term "motor vehicle"
 1113 includes a motorcycle as defined in s. 320.01(26).

1114 Section 20. Section 324.071, Florida Statutes, is amended
 1115 to read:

1116 324.071 Reinstatement; renewal of license; reinstatement
 1117 fee.—An ~~Any~~ operator or owner whose license or registration has
 1118 been suspended pursuant to s. 324.051(2), s. 324.072, s.
 1119 324.081, or s. 324.121 may effect its reinstatement upon
 1120 compliance with ~~the provisions of~~ s. 324.051(2)(a)3. or 4., or
 1121 s. 324.081(2) and (3), as the case may be, and with one of the
 1122 provisions of s. 324.031 and upon payment to the department of a
 1123 nonrefundable reinstatement fee of \$15. Only one such fee may
 1124 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
 1125 number of licenses and registrations to be then reinstated or

1126 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to
1127 a department trust fund. If ~~When~~ the reinstatement of any
1128 license or registration is effected by compliance with s.
1129 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
1130 license or registration within ~~a period of~~ 3 years after ~~from~~
1131 such reinstatement, nor may ~~shall~~ any other license or
1132 registration be issued in the name of such person, unless the
1133 operator continues ~~is continuing~~ to comply with ~~one of the~~
1134 ~~provisions of~~ s. 324.031.

1135 Section 21. Subsection (1) of section 324.091, Florida
1136 Statutes, is amended to read:

1137 324.091 Notice to department; notice to insurer.—

1138 (1) Each owner and operator involved in a crash or
1139 conviction case within the purview of this chapter shall furnish
1140 evidence of ~~automobile liability insurance or~~ motor vehicle
1141 liability insurance within 14 days after the date of the mailing
1142 of notice of crash by the department in the form and manner as
1143 it may designate. Upon receipt of evidence that a ~~an automobile~~
1144 ~~liability policy or~~ motor vehicle liability policy was in effect
1145 at the time of the crash or conviction case, the department
1146 shall forward to the insurer such information for verification
1147 in a method as determined by the department. The insurer shall
1148 respond to the department within 20 days after the notice as to
1149 ~~or not~~ such information is valid. If the department
1150 determines that a ~~an automobile liability policy or~~ motor

1151 vehicle liability policy was not in effect and did not provide
1152 coverage for both the owner and the operator, it must ~~shall~~ take
1153 action as it is authorized to do under this chapter.

1154 Section 22. Section 324.151, Florida Statutes, is amended
1155 to read:

1156 324.151 Motor vehicle liability policies; required
1157 provisions.—

1158 (1) A motor vehicle liability policy that serves as to be
1159 proof of financial responsibility under s. 324.031(1) (a) must s.
1160 ~~324.031(1), shall~~ be issued to owners or operators of motor
1161 vehicles under the following provisions:

1162 (a) A motor vehicle ~~An owner's~~ liability insurance policy
1163 issued to an owner of a motor vehicle required to be registered
1164 in this state must shall designate by explicit description or by
1165 appropriate reference all motor vehicles for ~~with respect to~~
1166 which coverage is thereby granted. The policy must and shall
1167 insure the person or persons ~~owner~~ named therein and, unless
1168 excluded pursuant to s. 627.747, any resident relative of a
1169 named insured ~~any other person as operator using such motor~~
1170 ~~vehicle or motor vehicles with the express or implied permission~~
1171 ~~of such owner against loss~~ from the liability imposed by law for
1172 damage arising out of the ownership, maintenance, or use of any
1173 ~~such motor vehicle or motor vehicles within the United States or~~
1174 ~~the Dominion of Canada, subject to limits, exclusive of interest~~
1175 ~~and costs with respect to each such motor vehicle as is provided~~

1176 ~~for under s. 324.021(7).~~ The policy must also insure any person
1177 operating an insured motor vehicle with the express or implied
1178 permission of a named insured against loss from the liability
1179 imposed by law for damage arising out of the use of any vehicle,
1180 unless that person was excluded pursuant to s. 627.747. However,
1181 the insurer may include provisions in its policy excluding
1182 liability coverage for a motor vehicle not designated as an
1183 insured vehicle on the policy if such motor vehicle does not
1184 qualify as a newly acquired vehicle or as a temporary substitute
1185 vehicle and was owned by the insured or was furnished for an
1186 insured's regular use for more than 30 consecutive days before
1187 the event giving rise to the claim. Insurers may make available,
1188 with respect to property damage liability coverage, a deductible
1189 amount not to exceed \$500. In the event of a property damage
1190 loss covered by a policy containing a property damage deductible
1191 provision, the insurer shall pay to the third-party claimant the
1192 amount of any property damage liability settlement or judgment,
1193 subject to policy limits, as if no deductible existed.

1194 (b) A motor vehicle liability insurance policy issued to a
1195 person who does not own a motor vehicle must ~~An operator's motor~~
1196 ~~vehicle liability policy of insurance shall~~ insure the person or
1197 persons named therein against loss from the liability imposed
1198 ~~upon him or her~~ by law for damages arising out of the use ~~by the~~
1199 ~~person~~ of any motor vehicle not owned by him or her, ~~with the~~
1200 ~~same territorial limits and subject to the same limits of~~

1201 ~~liability as referred to above with respect to an owner's policy~~
1202 ~~of liability insurance.~~

1203 (c) All such motor vehicle liability policies must provide
1204 liability coverage with limits, exclusive of interest and costs,
1205 as specified under s. 324.021(7) for accidents occurring within
1206 the United States and Canada. The policies must ~~shall~~ state the
1207 name and address of the named insured, the coverage afforded by
1208 the policy, the premium charged therefor, the policy period, and
1209 the limits of liability, and must ~~shall~~ contain an agreement or
1210 be endorsed that insurance is provided in accordance with the
1211 coverage defined in this chapter ~~as respects bodily injury and~~
1212 ~~death or property damage or both~~ and is subject to all
1213 ~~provisions of this chapter. The said policies must ~~shall~~ also~~
1214 contain a provision that the satisfaction by an insured of a
1215 judgment for such injury or damage may ~~shall~~ not be a condition
1216 precedent to the right or duty of the insurance carrier to make
1217 payment on account of such injury or damage, and must ~~shall~~ also
1218 contain a provision that bankruptcy or insolvency of the insured
1219 or of the insured's estate does ~~shall~~ not relieve the insurance
1220 carrier of any of its obligations under the ~~said~~ policy.

1221 (2) ~~The provisions of~~ This section is ~~shall~~ not ~~be~~
1222 applicable to any motor vehicle ~~automobile~~ liability policy
1223 unless and until it is furnished as proof of financial
1224 responsibility for the future pursuant to s. 324.031, and then
1225 applies only from ~~and after~~ the date the ~~said~~ policy is ~~se~~

1226 furnished.

1227 (3) As used in this section, the term:

1228 (a) "Newly acquired vehicle" means a vehicle owned by a
1229 named insured or resident relative of the named insured which
1230 was acquired no more than 30 days before an accident.

1231 (b) "Resident relative" means a person related to a named
1232 insured by any degree by blood, marriage, or adoption, including
1233 a ward or foster child, who usually makes his or her home in the
1234 same family unit or residence as the named insured, regardless
1235 of whether he or she temporarily lives elsewhere.

1236 (c) "Temporary substitute vehicle" means any motor vehicle
1237 as defined in s. 320.01(1) which is not owned by the named
1238 insured and which is temporarily used with the permission of the
1239 owner as a substitute for the owned motor vehicle designated on
1240 the policy when the owned vehicle is withdrawn from normal use
1241 because of breakdown, repair, servicing, loss, or destruction.

1242 Section 23. Section 324.161, Florida Statutes, is amended
1243 to read:

1244 324.161 Proof of financial responsibility; deposit.—If a
1245 person elects to prove his or her financial responsibility under
1246 the method of proof specified in s. 324.031(1)(b), he or she
1247 annually must obtain and submit to the department proof of a
1248 certificate of deposit in the amount required under s.
1249 324.031(2) from a financial institution insured by the Federal
1250 Deposit Insurance Corporation or the National Credit Union

1251 ~~Administration~~ Annually, ~~before any certificate of insurance may~~
1252 ~~be issued to a person, including any firm, partnership,~~
1253 ~~association, corporation, or other person, other than a natural~~
1254 ~~person, proof of a certificate of deposit of \$30,000 issued and~~
1255 ~~held by a financial institution must be submitted to the~~
1256 ~~department.~~ A power of attorney will be issued to and held by
1257 the department and may be executed upon a judgment issued
1258 against such person making the deposit, for damages for ~~because~~
1259 ~~of~~ bodily injury to or death of any person or for damages for
1260 ~~because of~~ injury to or destruction of property resulting from
1261 the use or operation of any motor vehicle occurring after such
1262 deposit was made. Money so deposited is ~~shall~~ not be subject to
1263 attachment or execution unless such attachment or execution
1264 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as
1265 aforesaid.

1266 Section 24. Subsections (1) and (2) of section 324.171,
1267 Florida Statutes, are amended to read:

1268 324.171 Self-insurer.—

1269 (1) A ~~Any~~ person may qualify as a self-insurer by
1270 obtaining a certificate of self-insurance from the department.
1271 ~~which may, in its discretion and~~ Upon application of such a
1272 person, the department may issue a ~~said~~ certificate of self-
1273 insurance to an applicant who satisfies ~~when such person has~~
1274 ~~satisfied~~ the requirements of this section. Effective January 1,
1275 2022 ~~to qualify as a self-insurer under this section:~~

1276 (a) A private individual with private passenger vehicles
 1277 shall possess a net unencumbered worth of at least \$100,000
 1278 ~~\$40,000~~.

1279 (b) A person, including any firm, partnership,
 1280 association, corporation, or other person, other than a natural
 1281 person, shall:

1282 1. Possess a net unencumbered worth of at least \$100,000
 1283 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
 1284 additional motor vehicle; or

1285 2. Maintain sufficient net worth, in an amount determined
 1286 by the department, to be financially responsible for potential
 1287 losses. The department annually shall determine the minimum net
 1288 worth sufficient to satisfy this subparagraph ~~as determined~~
 1289 ~~annually by the department,~~ pursuant to rules adopted
 1290 ~~promulgated~~ by the department, with the assistance of the Office
 1291 of Insurance Regulation of the Financial Services Commission, ~~to~~
 1292 ~~be financially responsible for potential losses.~~ The rules must
 1293 consider any ~~shall take into consideration~~ excess insurance
 1294 carried by the applicant. The department's determination must
 1295 ~~shall~~ be based upon reasonable actuarial principles considering
 1296 the frequency, severity, and loss development of claims incurred
 1297 by casualty insurers writing coverage on the type of motor
 1298 vehicles for which a certificate of self-insurance is desired.

1299 (c) The owner of a commercial motor vehicle, as defined in
 1300 s. 207.002 or s. 320.01, may qualify as a self-insurer subject

1301 to the standards provided ~~for~~ in subparagraph (b)2.

1302 (2) The self-insurance certificate must ~~shall~~ provide
 1303 limits of liability insurance in the amounts specified under s.
 1304 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
 1305 ~~protection coverage under s. 627.733(3)(b).~~

1306 Section 25. Section 324.251, Florida Statutes, is amended
 1307 to read:

1308 324.251 Short title.—This chapter may be cited as the
 1309 "Financial Responsibility Law of 2021 ~~1955~~" and is ~~shall become~~
 1310 effective at 12:01 a.m., January 1, 2022 ~~October 1, 1955~~.

1311 Section 26. Subsection (4) of section 400.9905, Florida
 1312 Statutes, is amended to read:

1313 400.9905 Definitions.—

1314 (4) (a) "Clinic" means an entity where health care services
 1315 are provided to individuals and which tenders charges for
 1316 reimbursement for such services, including a mobile clinic and a
 1317 portable equipment provider. As used in this part, the term does
 1318 not include and the licensure requirements of this part do not
 1319 apply to:

1320 1.(a) Entities licensed or registered by the state under
 1321 chapter 395; entities licensed or registered by the state and
 1322 providing only health care services within the scope of services
 1323 authorized under their respective licenses under ss. 383.30-
 1324 383.332, chapter 390, chapter 394, chapter 397, this chapter
 1325 except part X, chapter 429, chapter 463, chapter 465, chapter

1326 466, chapter 478, chapter 484, or chapter 651; end-stage renal
 1327 disease providers authorized under 42 C.F.R. part 494; providers
 1328 certified and providing only health care services within the
 1329 scope of services authorized under their respective
 1330 certifications under 42 C.F.R. part 485, subpart B, subpart H,
 1331 or subpart J; providers certified and providing only health care
 1332 services within the scope of services authorized under their
 1333 respective certifications under 42 C.F.R. part 486, subpart C;
 1334 providers certified and providing only health care services
 1335 within the scope of services authorized under their respective
 1336 certifications under 42 C.F.R. part 491, subpart A; providers
 1337 certified by the Centers for Medicare and Medicaid Services
 1338 under the federal Clinical Laboratory Improvement Amendments and
 1339 the federal rules adopted thereunder; or any entity that
 1340 provides neonatal or pediatric hospital-based health care
 1341 services or other health care services by licensed practitioners
 1342 solely within a hospital licensed under chapter 395.

1343 2.~~(b)~~ Entities that own, directly or indirectly, entities
 1344 licensed or registered by the state pursuant to chapter 395;
 1345 entities that own, directly or indirectly, entities licensed or
 1346 registered by the state and providing only health care services
 1347 within the scope of services authorized pursuant to their
 1348 respective licenses under ss. 383.30-383.332, chapter 390,
 1349 chapter 394, chapter 397, this chapter except part X, chapter
 1350 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter

1351 484, or chapter 651; end-stage renal disease providers
1352 authorized under 42 C.F.R. part 494; providers certified and
1353 providing only health care services within the scope of services
1354 authorized under their respective certifications under 42 C.F.R.
1355 part 485, subpart B, subpart H, or subpart J; providers
1356 certified and providing only health care services within the
1357 scope of services authorized under their respective
1358 certifications under 42 C.F.R. part 486, subpart C; providers
1359 certified and providing only health care services within the
1360 scope of services authorized under their respective
1361 certifications under 42 C.F.R. part 491, subpart A; providers
1362 certified by the Centers for Medicare and Medicaid Services
1363 under the federal Clinical Laboratory Improvement Amendments and
1364 the federal rules adopted thereunder; or any entity that
1365 provides neonatal or pediatric hospital-based health care
1366 services by licensed practitioners solely within a hospital
1367 licensed under chapter 395.

1368 3.(e) Entities that are owned, directly or indirectly, by
1369 an entity licensed or registered by the state pursuant to
1370 chapter 395; entities that are owned, directly or indirectly, by
1371 an entity licensed or registered by the state and providing only
1372 health care services within the scope of services authorized
1373 pursuant to their respective licenses under ss. 383.30-383.332,
1374 chapter 390, chapter 394, chapter 397, this chapter except part
1375 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter

1376 478, chapter 484, or chapter 651; end-stage renal disease
1377 providers authorized under 42 C.F.R. part 494; providers
1378 certified and providing only health care services within the
1379 scope of services authorized under their respective
1380 certifications under 42 C.F.R. part 485, subpart B, subpart H,
1381 or subpart J; providers certified and providing only health care
1382 services within the scope of services authorized under their
1383 respective certifications under 42 C.F.R. part 486, subpart C;
1384 providers certified and providing only health care services
1385 within the scope of services authorized under their respective
1386 certifications under 42 C.F.R. part 491, subpart A; providers
1387 certified by the Centers for Medicare and Medicaid Services
1388 under the federal Clinical Laboratory Improvement Amendments and
1389 the federal rules adopted thereunder; or any entity that
1390 provides neonatal or pediatric hospital-based health care
1391 services by licensed practitioners solely within a hospital
1392 under chapter 395.

1393 4.~~(d)~~ Entities that are under common ownership, directly
1394 or indirectly, with an entity licensed or registered by the
1395 state pursuant to chapter 395; entities that are under common
1396 ownership, directly or indirectly, with an entity licensed or
1397 registered by the state and providing only health care services
1398 within the scope of services authorized pursuant to their
1399 respective licenses under ss. 383.30-383.332, chapter 390,
1400 chapter 394, chapter 397, this chapter except part X, chapter

1401 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
 1402 484, or chapter 651; end-stage renal disease providers
 1403 authorized under 42 C.F.R. part 494; providers certified and
 1404 providing only health care services within the scope of services
 1405 authorized under their respective certifications under 42 C.F.R.
 1406 part 485, subpart B, subpart H, or subpart J; providers
 1407 certified and providing only health care services within the
 1408 scope of services authorized under their respective
 1409 certifications under 42 C.F.R. part 486, subpart C; providers
 1410 certified and providing only health care services within the
 1411 scope of services authorized under their respective
 1412 certifications under 42 C.F.R. part 491, subpart A; providers
 1413 certified by the Centers for Medicare and Medicaid Services
 1414 under the federal Clinical Laboratory Improvement Amendments and
 1415 the federal rules adopted thereunder; or any entity that
 1416 provides neonatal or pediatric hospital-based health care
 1417 services by licensed practitioners solely within a hospital
 1418 licensed under chapter 395.

1419 5.~~(e)~~ An entity that is exempt from federal taxation under
 1420 26 U.S.C. s. 501(c) (3) or (4), an employee stock ownership plan
 1421 under 26 U.S.C. s. 409 that has a board of trustees at least
 1422 two-thirds of which are Florida-licensed health care
 1423 practitioners and provides only physical therapy services under
 1424 physician orders, any community college or university clinic,
 1425 and any entity owned or operated by the federal or state

1426 government, including agencies, subdivisions, or municipalities
1427 thereof.

1428 6.~~(f)~~ A sole proprietorship, group practice, partnership,
1429 or corporation that provides health care services by physicians
1430 covered by s. 627.419, that is directly supervised by one or
1431 more of such physicians, and that is wholly owned by one or more
1432 of those physicians or by a physician and the spouse, parent,
1433 child, or sibling of that physician.

1434 7.~~(g)~~ A sole proprietorship, group practice, partnership,
1435 or corporation that provides health care services by licensed
1436 health care practitioners under chapter 457, chapter 458,
1437 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
1438 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
1439 chapter 490, chapter 491, or part I, part III, part X, part
1440 XIII, or part XIV of chapter 468, or s. 464.012, and that is
1441 wholly owned by one or more licensed health care practitioners,
1442 or the licensed health care practitioners set forth in this
1443 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling
1444 of a licensed health care practitioner if one of the owners who
1445 is a licensed health care practitioner is supervising the
1446 business activities and is legally responsible for the entity's
1447 compliance with all federal and state laws. However, a health
1448 care practitioner may not supervise services beyond the scope of
1449 the practitioner's license, except that, for the purposes of
1450 this part, a clinic owned by a licensee in s. 456.053(3)(b)

1451 which provides only services authorized pursuant to s.
 1452 456.053(3)(b) may be supervised by a licensee specified in s.
 1453 456.053(3)(b).

1454 8.~~(h)~~ Clinical facilities affiliated with an accredited
 1455 medical school at which training is provided for medical
 1456 students, residents, or fellows.

1457 9.~~(i)~~ Entities that provide only oncology or radiation
 1458 therapy services by physicians licensed under chapter 458 or
 1459 chapter 459 or entities that provide oncology or radiation
 1460 therapy services by physicians licensed under chapter 458 or
 1461 chapter 459 which are owned by a corporation whose shares are
 1462 publicly traded on a recognized stock exchange.

1463 10.~~(j)~~ Clinical facilities affiliated with a college of
 1464 chiropractic accredited by the Council on Chiropractic Education
 1465 at which training is provided for chiropractic students.

1466 11.~~(k)~~ Entities that provide licensed practitioners to
 1467 staff emergency departments or to deliver anesthesia services in
 1468 facilities licensed under chapter 395 and that derive at least
 1469 90 percent of their gross annual revenues from the provision of
 1470 such services. Entities claiming an exemption from licensure
 1471 under this subparagraph ~~paragraph~~ must provide documentation
 1472 demonstrating compliance.

1473 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
 1474 perinatology clinical facilities or anesthesia clinical
 1475 facilities that are not otherwise exempt under subparagraph 1.

1476 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are
1477 a publicly traded corporation or are wholly owned, directly or
1478 indirectly, by a publicly traded corporation. As used in this
1479 subparagraph ~~paragraph~~, a publicly traded corporation is a
1480 corporation that issues securities traded on an exchange
1481 registered with the United States Securities and Exchange
1482 Commission as a national securities exchange.

1483 13. ~~(m)~~ Entities that are owned by a corporation that has
1484 \$250 million or more in total annual sales of health care
1485 services provided by licensed health care practitioners where
1486 one or more of the persons responsible for the operations of the
1487 entity is a health care practitioner who is licensed in this
1488 state and who is responsible for supervising the business
1489 activities of the entity and is responsible for the entity's
1490 compliance with state law for purposes of this part.

1491 14. ~~(n)~~ Entities that employ 50 or more licensed health
1492 care practitioners licensed under chapter 458 or chapter 459
1493 where the billing for medical services is under a single tax
1494 identification number. The application for exemption under this
1495 subsection must include ~~shall contain information that includes:~~
1496 the name, residence, and business address and telephone ~~phone~~
1497 number of the entity that owns the practice; a complete list of
1498 the names and contact information of all the officers and
1499 directors of the corporation; the name, residence address,
1500 business address, and medical license number of each licensed

1501 Florida health care practitioner employed by the entity; the
1502 corporate tax identification number of the entity seeking an
1503 exemption; a listing of health care services to be provided by
1504 the entity at the health care clinics owned or operated by the
1505 entity; and a certified statement prepared by an independent
1506 certified public accountant which states that the entity and the
1507 health care clinics owned or operated by the entity have not
1508 received payment for health care services under medical payments
1509 ~~personal injury protection insurance~~ coverage for the preceding
1510 year. If the agency determines that an entity that ~~which~~ is
1511 exempt under this subsection has received payments for medical
1512 services under medical payments ~~personal injury protection~~
1513 ~~insurance~~ coverage, the agency may deny or revoke the exemption
1514 from licensure under this subsection.

1515 15.(e) Entities that are, directly or indirectly, under
1516 the common ownership of or that are subject to common control by
1517 a mutual insurance holding company, as defined in s. 628.703,
1518 with an entity issued a certificate of authority under chapter
1519 624 or chapter 641 which has \$1 billion or more in total annual
1520 sales in this state.

1521 16.(p) Entities that are owned by an entity that is a
1522 behavioral health care service provider in at least five other
1523 states; that, together with its affiliates, have \$90 million or
1524 more in total annual revenues associated with the provision of
1525 behavioral health care services; and wherein one or more of the

1526 persons responsible for the operations of the entity is a health
 1527 care practitioner who is licensed in this state, who is
 1528 responsible for supervising the business activities of the
 1529 entity, and who is responsible for the entity's compliance with
 1530 state law for purposes of this part.

1531 17.~~(a)~~ Medicaid providers.

1532 (b) Notwithstanding paragraph (a) ~~this subsection~~, an
 1533 entity is ~~shall be~~ deemed a clinic and must be licensed under
 1534 this part in order to receive medical payments coverage
 1535 reimbursement under s. 627.7265 unless the entity is:

1536 1. Wholly owned by a physician licensed under chapter 458
 1537 or chapter 459 or by the physician and the spouse, parent,
 1538 child, or sibling of the physician;

1539 2. Wholly owned by a dentist licensed under chapter 466 or
 1540 by the dentist and the spouse, parent, child, or sibling of the
 1541 dentist;

1542 3. Wholly owned by a chiropractic physician licensed under
 1543 chapter 460 or by the chiropractic physician and the spouse,
 1544 parent, child, or sibling of the chiropractic physician;

1545 4. A hospital or ambulatory surgical center licensed under
 1546 chapter 395;

1547 5. An entity that wholly owns or is wholly owned, directly
 1548 or indirectly, by a hospital or hospitals licensed under chapter
 1549 395;

1550 6. A clinical facility affiliated with an accredited

1551 medical school at which training is provided for medical
 1552 students, residents, or fellows;
 1553 7. Certified under 42 C.F.R. part 485, subpart H; or
 1554 8. Owned by a publicly traded corporation, either directly
 1555 or indirectly through its subsidiaries, which has \$250 million
 1556 or more in total annual sales of health care services provided
 1557 by licensed health care practitioners, if one or more of the
 1558 persons responsible for the operations of the entity are health
 1559 care practitioners who are licensed in this state and are
 1560 responsible for supervising the business activities of the
 1561 entity and the entity's compliance with state law for purposes
 1562 of this subsection ~~the Florida Motor Vehicle No-Fault Law, ss.~~
 1563 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~
 1564 Section 27. Subsection (5) of section 400.991, Florida
 1565 Statutes, is amended to read:
 1566 400.991 License requirements; background screenings;
 1567 prohibitions.—
 1568 (5) All agency forms for licensure application or
 1569 exemption from licensure under this part must contain the
 1570 following statement:
 1571
 1572 INSURANCE FRAUD NOTICE.—A person commits a fraudulent
 1573 insurance act, as defined in s. 626.989, Florida
 1574 Statutes, if the person ~~who~~ knowingly submits a false,
 1575 misleading, or fraudulent application or other

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

1592 Section 28. Paragraph (g) of subsection (1) of section
 1593 400.9935, Florida Statutes, is amended to read:

1594 400.9935 Clinic responsibilities.—

1595 (1) Each clinic shall appoint a medical director or clinic
 1596 director who shall agree in writing to accept legal
 1597 responsibility for the following activities on behalf of the
 1598 clinic. The medical director or the clinic director shall:

1599 (g) Conduct systematic reviews of clinic billings to
 1600 ensure that the billings are not fraudulent or unlawful. Upon

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

1618 Section 29. Subsection (28) of section 409.901, Florida
1619 Statutes, is amended to read:

1620 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
1621 409.901-409.920, except as otherwise specifically provided, the
1622 term:

1623 (28) "Third-party benefit" means any benefit that is or
1624 may be available at any time through contract, court award,
1625 judgment, settlement, agreement, or any arrangement between a

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

1642 Section 30. Paragraph (f) of subsection (11) of section
 1643 409.910, Florida Statutes, is amended to read:

1644 409.910 Responsibility for payments on behalf of Medicaid-
 1645 eligible persons when other parties are liable.—

1646 (11) The agency may, as a matter of right, in order to
 1647 enforce its rights under this section, institute, intervene in,
 1648 or join any legal or administrative proceeding in its own name
 1649 in one or more of the following capacities: individually, as
 1650 subrogee of the recipient, as assignee of the recipient, or as

1651 lienholder of the collateral.

1652 (f) Notwithstanding any provision in this section to the
1653 contrary, in the event of an action in tort against a third
1654 party in which the recipient or his or her legal representative
1655 is a party which results in a judgment, award, or settlement
1656 from a third party, the amount recovered shall be distributed as
1657 follows:

1658 1. After attorney ~~attorney's~~ fees and taxable costs as
1659 defined by the Florida Rules of Civil Procedure, one-half of the
1660 remaining recovery shall be paid to the agency up to the total
1661 amount of medical assistance provided by Medicaid.

1662 2. The remaining amount of the recovery shall be paid to
1663 the recipient.

1664 3. For purposes of calculating the agency's recovery of
1665 medical assistance benefits paid, the fee for services of an
1666 attorney retained by the recipient or his or her legal
1667 representative shall be calculated at 25 percent of the
1668 judgment, award, or settlement.

1669 4. Notwithstanding any other provision of this section to
1670 the contrary, the agency shall be entitled to all medical
1671 coverage benefits up to the total amount of medical assistance
1672 provided by Medicaid. For purposes of this paragraph, the term
1673 "medical coverage" means any benefits under health insurance, a
1674 health maintenance organization, a preferred provider
1675 arrangement, or a prepaid health clinic, and the portion of

1676 benefits designated for medical payments under ~~coverage for~~
1677 workers' compensation coverage, motor vehicle insurance
1678 coverage, ~~personal injury protection~~, and casualty coverage.

1679 Section 31. Paragraph (k) of subsection (2) of section
1680 456.057, Florida Statutes, is amended to read:

1681 456.057 Ownership and control of patient records; report
1682 or copies of records to be furnished; disclosure of
1683 information.—

1684 (2) As used in this section, the terms "records owner,"
1685 "health care practitioner," and "health care practitioner's
1686 employer" do not include any of the following persons or
1687 entities; furthermore, the following persons or entities are not
1688 authorized to acquire or own medical records, but are authorized
1689 under the confidentiality and disclosure requirements of this
1690 section to maintain those documents required by the part or
1691 chapter under which they are licensed or regulated:

1692 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1693 Section 32. Paragraphs (ee) and (ff) of subsection (1) of
1694 section 456.072, Florida Statutes, are amended to read:

1695 456.072 Grounds for discipline; penalties; enforcement.—

1696 (1) The following acts shall constitute grounds for which
1697 the disciplinary actions specified in subsection (2) may be
1698 taken:

1699 (ee) With respect to making a medical payments coverage
1700 ~~personal injury protection~~ claim under s. 627.7265 ~~as required~~

1701 ~~by s. 627.736~~, intentionally submitting a claim, statement, or
1702 bill that has been upcoded. As used in this paragraph, the term
1703 "upcoded" means an action that submits a billing code that would
1704 result in a greater payment amount than would be paid using a
1705 billing code that accurately describes the services performed.
1706 The term does not include an otherwise lawful bill by a magnetic
1707 resonance imaging facility which globally combines both
1708 technical and professional components, if the amount of the
1709 global bill is not more than the components if billed
1710 separately; however, payment of such a bill constitutes payment
1711 in full for all components of such service ~~"upcoded" as defined~~
1712 ~~in s. 627.732~~.

1713 (ff) With respect to making a medical payments coverage
1714 ~~personal injury protection~~ claim pursuant to s. 627.7265 as
1715 ~~required by s. 627.736~~, intentionally submitting a claim,
1716 statement, or bill for payment of services that were not
1717 rendered.

1718 Section 33. Paragraph (b) of subsection (1) and subsection
1719 (8) of section 624.155, Florida Statutes, are amended to read:

1720 624.155 Civil remedy.—

1721 (1) Any person may bring a civil action against an insurer
1722 when such person is damaged:

1723 (b) By the commission of any of the following acts by the
1724 insurer:

1725 1. Except for a civil action for bad faith failure to

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

1731 2. Making claims payments to insureds or beneficiaries not
1732 accompanied by a statement setting forth the coverage under
1733 which payments are being made; ~~or~~

1734 3. Except as to liability coverages, failing to promptly
1735 settle claims, when the obligation to settle a claim has become
1736 reasonably clear, under one portion of the insurance policy
1737 coverage in order to influence settlements under other portions
1738 of the insurance policy coverage; or

1739 4. When handling a first-party claim under a motor vehicle
1740 insurance policy, not attempting in good faith to settle such
1741 claim pursuant to subparagraph 1. when such failure is caused by
1742 a failure to communicate to an insured:

1743 a. The name, telephone number, e-mail address, and mailing
1744 address of the person who is adjusting the claim;

1745 b. Any issues that may impair the insured's coverage;

1746 c. Information that might resolve the coverage issue in a
1747 prompt manner;

1748 d. Any basis for the insurer's rejection or nonacceptance
1749 of any settlement demand or offer; or

1750 e. Any needed extensions to respond to a time-limited

1751 settlement offer.

1752

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

1757 (8) The civil remedy specified in this section does not
1758 preempt any other remedy or cause of action provided for
1759 pursuant to any other statute or pursuant to the common law of
1760 this state. A ~~Any person is~~ may obtain a judgment under either
1761 ~~the common-law remedy of bad faith or this statutory remedy, but~~
1762 ~~shall not be~~ entitled to a judgment under multiple bad faith
1763 ~~both~~ remedies. This section shall not be construed to create a
1764 common-law cause of action. The damages recoverable pursuant to
1765 this section shall include those damages which are a reasonably
1766 foreseeable result of a specified violation of this section by
1767 the authorized insurer and may include an award or judgment in
1768 an amount that exceeds the policy limits.

1769 Section 34. Section 624.156, Florida Statutes, is created
1770 to read:

1771 624.156 Actions against motor vehicle insurers for bad
1772 faith failure to settle third-party claims.—

1773 (1) SCOPE.—This section applies in all actions against any
1774 insurer for bad faith failure to settle a third-party claim for
1775 a loss arising out of the ownership, maintenance, or use of a

1776 motor vehicle operated or principally garaged in this state at
1777 the time of an incident or a loss, regardless of whether the
1778 insurer is authorized to do business in this state or issued a
1779 policy in this state. This section governs in any conflict with
1780 common law or any other statute.

1781 (2) DUTY OF GOOD FAITH.—In handling claims, an insurer has
1782 a duty to its insured to handle claims in good faith by
1783 complying with the best practices standards of subsection (4).
1784 An insurer's negligence does not constitute bad faith. However,
1785 negligence is relevant to whether an insurer acted in bad faith.

1786 (3) BAD FAITH FAILURE TO SETTLE.—The term "bad faith
1787 failure to settle" means an insurer's failure to meet its duty
1788 of good faith, as described in subsection (2), which is a
1789 proximate cause of the insurer not settling a third-party claim
1790 when, under all the circumstances, the insurer could and should
1791 have done so, had it acted fairly and honestly toward its
1792 insured and with due regard for the insured's interests.

1793 (4) BEST PRACTICES STANDARDS.—An insurer must meet the
1794 best practices standards of this subsection. The insurer's duty
1795 begins upon receiving actual notice of an incident or a loss
1796 that could give rise to a covered liability claim and continues
1797 until the claim is resolved. Notice may be communicated to the
1798 insurer or an agent of the insurer by any means. However, if
1799 actual notice is communicated by means other than through any
1800 manner permitted by the policy or other documents provided to

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

1810 (a) Must assign a duly licensed and appointed insurance
1811 adjuster to investigate the extent of the insured's probable
1812 exposure and diligently attempt to resolve any questions
1813 concerning the existence or extent of the insured's coverage.

1814 (b) Based on available information, must ethically
1815 evaluate every claim fairly, honestly, and with due regard for
1816 the interests of the insured; consider the extent of the
1817 claimant's recoverable damages; and consider the information in
1818 a reasonable and prudent manner.

1819 (c) Must request from the insured or claimant additional
1820 relevant information the insurer reasonably deems necessary to
1821 evaluate whether to settle a claim.

1822 (d) Must conduct all oral and written communications with
1823 the insured with the utmost honesty and complete candor.

1824 (e) Must make reasonable efforts to explain to persons not
1825 represented by counsel matters requiring expertise beyond the

1826 level normally expected of a layperson with no training in
1827 insurance or claims-handling issues.

1828 (f) Must retain all written communications and note and
1829 retain a summary of all verbal communications in a reasonable
1830 manner for a period of not less than 5 years after the later of:

1831 1. The entry of a judgment against the insured in excess
1832 of policy limits becomes final; or

1833 2. The conclusion of the extracontractual claim, if any,
1834 including any related appeals.

1835 (g) Must provide the insured, upon request, with all
1836 communications related to the insurer's handling of the claim
1837 which are not privileged as to the insured.

1838 (h) Must provide, at the insurer's expense, reasonable
1839 accommodations necessary to communicate effectively with an
1840 insured covered under the Americans with Disabilities Act.

1841 (i) In handling third-party claims, must communicate to an
1842 insured all of the following:

1843 1. The identity of any other person or entity the insurer
1844 has reason to believe may be liable.

1845 2. The insurer's evaluation of the claim.

1846 3. The likelihood and possible extent of an excess
1847 judgment.

1848 4. Steps the insured can take to avoid exposure to an
1849 excess judgment, including the right to secure personal counsel
1850 at the insured's expense.

1851 5. The insured's duty to cooperate with the insurer,
1852 including any specific requests required because of a settlement
1853 opportunity or by the insurer for the insured's cooperation
1854 under subsection (5), the purpose of the required cooperation,
1855 and the consequences of refusing to cooperate.

1856 6. Any settlement demands or offers.

1857 (j) If, after the expiration of the safe harbor periods in
1858 subsection (8), the facts available to the insurer indicate that
1859 the insured's liability is likely to exceed the policy limits,
1860 must initiate settlement negotiations by tendering its policy
1861 limits to the claimant in exchange for a general release of the
1862 insured.

1863 (k)1. Must give fair consideration to a settlement offer
1864 that is not unreasonable under the facts available to the
1865 insurer and settle, if possible, when a reasonably prudent
1866 person, faced with the prospect of paying the total probable
1867 exposure of the insured, would do so. The insurer shall provide
1868 reasonable assistance to the insured to comply with the
1869 insured's obligations to cooperate and shall act reasonably to
1870 attempt to satisfy any conditions of a claimant's settlement
1871 offer. If it is not possible to settle a liability claim within
1872 the available policy limits, the insurer shall act reasonably to
1873 attempt to minimize the excess exposure to the insured.

1874 2. When multiple claims arise out of a single occurrence,
1875 the combined value of all claims exceeds the total of all

1876 applicable policy limits, and the claimants are unwilling to
1877 globally settle within the policy limits, thereafter, must
1878 attempt to minimize the magnitude of possible excess judgments
1879 against the insured. The insurer is entitled to great discretion
1880 to decide how much to offer each respective claimant in its
1881 attempt to protect the insured. The insurer may, in its effort
1882 to minimize the excess liability of the insured, use its
1883 discretion to offer the full available policy limits to one or
1884 more claimants to the exclusion of other claimants and may leave
1885 the insured exposed to some liability after all the policy
1886 limits are paid. An insurer does not act in bad faith simply
1887 because it is unable to settle all claims in a multiple claimant
1888 case. It is a defense to a bad faith action if the insurer
1889 establishes that it used its discretion for the benefit of its
1890 insureds and complied with the other best practices standards of
1891 this subsection.

1892 (l) When a loss creates the potential for a third-party
1893 claim against more than one insured, must attempt to settle the
1894 claim on behalf of all insureds against whom a claim may be
1895 presented. If it is not possible to settle on behalf of all
1896 insureds, the insurer may, in consultation with the insureds,
1897 enter into reasonable settlements of claims against certain
1898 insureds to the exclusion of other insureds.

1899 (m) Must respond to any request for insurance information
1900 in compliance with s. 626.9372 or s. 627.4137, as applicable.

1901 (n) Where it appears the insured's probable exposure is
 1902 greater than policy limits, must take reasonable measures to
 1903 preserve evidence, for a reasonable period of time, which is
 1904 needed for the defense of the liability claim.

1905 (o) Must comply with s. 627.426, if applicable.

1906 (p) May not commit or perform with such frequency as to
 1907 indicate a general business practice, any of the following:

1908 1. Failing to adopt and implement standards for the proper
 1909 investigation of claims.

1910 2. Misrepresenting pertinent facts or insurance policy
 1911 provisions relating to coverages at issue.

1912 3. Failing to acknowledge and act promptly upon
 1913 communications with respect to claims.

1914 4. Denying claims without conducting reasonable
 1915 investigations based upon available information.

1916 (5) INSURED'S DUTY TO COOPERATE.—

1917 (a) Insureds have a duty to cooperate with their insurer
 1918 in the defense of the claim and in making settlements.
 1919 Accordingly, the insured must take any reasonable action
 1920 requested by the injured claimant or provided in the policy
 1921 which is necessary to assist the insurer in settling a covered
 1922 claim, including:

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

1925 2. Providing documents, including those requested pursuant

1926 to paragraph (b).

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

1932 1. The insured's assets at the time of the loss,
1933 including:

1934 a. Cash, stocks, bonds, and nonretirement-based mutual
1935 funds;

1936 b. Nonhomestead real property;

1937 c. All registered vehicles;

1938 d. All bank accounts;

1939 e. An estimated net accounting of all other assets; and

1940 f. Any additional information included by the department.

1941 2. The insured's liabilities, including:

1942 a. Mortgage debt;

1943 b. Credit card debt;

1944 c. Child support and alimony payments;

1945 d. Other liabilities; and

1946 e. Any additional information included by the department.

1947 3. For a corporate entity, information on its balance
1948 sheet, including the corporate entity's:

1949 a. Cash, property, equipment, and inventory;

1950 b. Liabilities, including obligations, rent, money owed to

1951 vendors, payroll, and taxes;
 1952 c. Other information relevant to understanding the
 1953 entity's capital and net worth; and
 1954 d. Any additional information included by the department.
 1955 4. A list of all insurance policies that may provide
 1956 coverage for the claim, stating the name of the insurer and
 1957 policy number of each policy.
 1958 5. For natural persons, a statement of whether the insured
 1959 was acting in the course and scope of employment at the time of
 1960 the incident or loss giving rise to the claim and, if so,
 1961 providing the name and contact information for the insured's
 1962 employer.
 1963 (c) No later than 14 days following actual notice of an
 1964 incident or a loss that could give rise to a covered liability
 1965 claim, the insurer must notify the insured of the insured's
 1966 duties under this subsection. The burden is on the insurer to
 1967 prove that it provided notice to the insured of the insured's
 1968 duty to cooperate; otherwise, a presumption arises that the
 1969 insured met its duty to cooperate under this subsection.
 1970 (d) An insurer may terminate the defense as to any insured
 1971 who unreasonably fails to meet its duties under this subsection
 1972 when:
 1973 1. The insurer exercised diligence and met its duties
 1974 under subparagraph (4) (i) 5.;
 1975 2. The insurer provided reasonable assistance to the

1976 | insured to comply with the obligations of this subsection;
 1977 | 3. The insurer gave the insured written notice of any
 1978 | failure to cooperate and a reasonable opportunity for the
 1979 | insured to cure the lack of cooperation, consistent with any
 1980 | deadlines imposed by settlement negotiations;
 1981 | 4. The insured's failure to cooperate causes the insurer
 1982 | to be unable to settle the claim; and
 1983 | 5. The insurer unconditionally tenders its available
 1984 | coverage policy limits directly to the claimant or the
 1985 | claimant's attorney.
 1986 | (e) When an insured's defense is terminated in compliance
 1987 | with this subsection, the insurer is not liable for any damages
 1988 | caused by a failure to settle or defend the liability claim
 1989 | against that insured.
 1990 | (6) CLAIMANT COMMUNICATIONS.—The trier of fact may not
 1991 | attribute the insurer's failure to settle a covered third-party
 1992 | claim to a claimant's lack of communication with the insurer
 1993 | when the claimant truthfully complies with all applicable
 1994 | standards of this subsection by:
 1995 | (a) Contemporaneously with or before making a claim with
 1996 | the insurer, communicating in writing to the insurer:
 1997 | 1. The date and location of loss;
 1998 | 2. The name, address, and date of birth of the claimant;
 1999 | and
 2000 | 3. A physical address, an e-mail address, and a facsimile

2001 number for further communications, including, but not limited
 2002 to, responses to any settlement demand.

2003 (b) Presenting the following in writing:

2004 1. The legal and factual basis of the claim; and

2005 2. A reasonably detailed description of the claimant's:

2006 a. Known injuries caused or aggravated by the incident or
 2007 loss on which the claim is based;

2008 b. Medical treatment causally related to the incident or
 2009 loss on which the claim is based;

2010 c. Relevant pre-accident medical conditions, if known; and

2011 d. Type and amount of known damages incurred and, if any,
 2012 the damages the claimant reasonably anticipates incurring in the
 2013 future.

2014 (c) Providing any settlement demand in writing and stating
 2015 within such demand:

2016 1. The name of each insured to whom the demand for
 2017 settlement is directed;

2018 2. The amount of the demand for settlement; and

2019 3. Any conditions the claimant is placing on acceptance of
 2020 the demand for settlement.

2021

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

2026 claimant's attorney do not have a duty to comply with this
2027 subsection.

2028 (7) CONDITIONS PRECEDENT.—It is a condition precedent to
2029 filing an action against an insurer for bad faith failure to
2030 settle a third-party claim that:

2031 (a) A third-party claimant obtained a final judgment in
2032 excess of the policy limits against the insured or the insured's
2033 estate, bankruptcy trustee, or successor in interest, unless the
2034 insurer expressly waived the requirement of a final excess
2035 judgment or wrongfully breached its duty to defend the insured;
2036 and

2037 (b) The insurer or an agent of the insurer received actual
2038 notice effective under subsection (4).

2039 (8) SAFE HARBORS.—

2040 (a) After an insurer receives actual notice of an incident
2041 or a loss that could give rise to a covered liability claim, the
2042 insurer is entitled to a reasonable opportunity to investigate
2043 and evaluate the claim. The amount of time required for the
2044 insurer's investigation and evaluation will vary depending on
2045 the circumstances of the claim. The safe harbors provided in
2046 this subsection are available to an insurer that complies with
2047 the best practices standards of subsection (4).

2048 (b) When one claim arises out of a single occurrence, and
2049 an insurer initiates settlement negotiations by tendering the
2050 applicable policy limits in exchange for a general release of

2051 the insured within 45 days after receiving actual notice of the
2052 loss, the failure to tender the policy limits sooner does not
2053 constitute bad faith.

2054 (c) When multiple claims arise out of a single occurrence,
2055 the combined value of all claims exceeds the total of all
2056 applicable policy limits, and an insurer initiates settlement
2057 negotiations by globally tendering the applicable policy limits
2058 in exchange for a general release of the insured within 45 days
2059 after receiving actual notice of the loss, the failure to tender
2060 policy limits sooner does not constitute bad faith.

2061 (d) An insurer is not under any circumstances liable for
2062 the failure to accept a settlement offer within 45 days after
2063 receiving actual notice of the loss if:

2064 1. The settlement offer provides the insurer fewer than 15
2065 days for acceptance; or

2066 2. The settlement offer provides the insurer fewer than 30
2067 days for acceptance where the offer contains conditions for
2068 acceptance other than the insurer's disclosure of its policy
2069 limits.

2070 (e) This subsection does not require that an insurer
2071 automatically tender policy limits within 45 days in every case.

2072 (9) BURDEN OF PROOF.—In any action for bad faith failure
2073 to settle:

2074 (a) The party bringing the bad faith claim must prove
2075 every element of the claim by the greater weight of the

2076 evidence, taking into account the totality of the circumstances.

2077 (b) An insurer that relies upon paragraph (5) (d) as a
 2078 defense to a claim for bad faith failure to settle must prove
 2079 the elements of that paragraph by the greater weight of the
 2080 evidence.

2081 (c) An insurer that relies upon a safe harbor provision of
 2082 subsection (8) must prove the elements of the safe harbor by the
 2083 greater weight of the evidence.

2084 (10) DAMAGES.—If the trier of fact finds that the party
 2085 bringing the bad faith claim has met its burden of proof, the
 2086 insurer is liable for the amount of any excess judgment,
 2087 together with court costs and, if the party bringing the bad
 2088 faith claim is the insured or an assignee of the insured, the
 2089 reasonable attorney fees incurred by the party bringing the bad
 2090 faith claim. Punitive damages may not be awarded.

2091 Section 35. Paragraphs (i) and (o) of subsection (1) of
 2092 section 626.9541, Florida Statutes, are amended to read:

2093 626.9541 Unfair methods of competition and unfair or
 2094 deceptive acts or practices defined.—

2095 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 2096 ACTS.—The following are defined as unfair methods of competition
 2097 and unfair or deceptive acts or practices:

2098 (i) Unfair claim settlement practices.—

2099 1. Attempting to settle claims on the basis of an
 2100 application, when serving as a binder or intended to become a

2101 part of the policy, or any other material document which was
2102 altered without notice to, or knowledge or consent of, the
2103 insured;

2104 2. Making a material misrepresentation ~~made~~ to an insured
2105 or any other person having an interest in the proceeds payable
2106 under such contract or policy, for the purpose and with the
2107 intent of effecting settlement of such claims, loss, or damage
2108 under such contract or policy on less favorable terms than those
2109 provided in, and contemplated by, such contract or policy; ~~or~~

2110 3. Committing or performing with such frequency as to
2111 indicate a general business practice any of the following:

2112 a. Failing to adopt and implement standards for the proper
2113 investigation of claims;

2114 b. Misrepresenting pertinent facts or insurance policy
2115 provisions relating to coverages at issue;

2116 c. Failing to acknowledge and act promptly upon
2117 communications with respect to claims;

2118 d. Denying claims without conducting reasonable
2119 investigations based upon available information;

2120 e. Failing to affirm or deny full or partial coverage of
2121 claims, and, as to partial coverage, the dollar amount or extent
2122 of coverage, or failing to provide a written statement that the
2123 claim is being investigated, upon the written request of the
2124 insured within 30 days after proof-of-loss statements have been
2125 completed;

2126 f. Failing to promptly provide a reasonable explanation in
2127 writing to the insured of the basis in the insurance policy, in
2128 relation to the facts or applicable law, for denial of a claim
2129 or for the offer of a compromise settlement;

2130 g. Failing to promptly notify the insured of any
2131 additional information necessary for the processing of a claim;
2132 or

2133 h. Failing to clearly explain the nature of the requested
2134 information and the reasons why such information is necessary.

2135 ~~i. Failing to pay personal injury protection insurance~~
2136 ~~claims within the time periods required by s. 627.736(4)(b). The~~
2137 ~~office may order the insurer to pay restitution to a~~
2138 ~~policyholder, medical provider, or other claimant, including~~
2139 ~~interest at a rate consistent with the amount set forth in s.~~
2140 ~~55.03(1), for the time period within which an insurer fails to~~
2141 ~~pay claims as required by law. Restitution is in addition to any~~
2142 ~~other penalties allowed by law, including, but not limited to,~~
2143 ~~the suspension of the insurer's certificate of authority.~~

2144 4. Failing to pay undisputed amounts of partial or full
2145 benefits owed under first-party property insurance policies
2146 within 90 days after an insurer receives notice of a residential
2147 property insurance claim, determines the amounts of partial or
2148 full benefits, and agrees to coverage, unless payment of the
2149 undisputed benefits is prevented by an act of God, prevented by
2150 the impossibility of performance, or due to actions by the

2151 insured or claimant that constitute fraud, lack of cooperation,
 2152 or intentional misrepresentation regarding the claim for which
 2153 benefits are owed.

2154 (o) Illegal dealings in premiums; excess or reduced
 2155 charges for insurance.—

2156 1. Knowingly collecting any sum as a premium or charge for
 2157 insurance, which is not then provided, or is not in due course
 2158 to be provided, subject to acceptance of the risk by the
 2159 insurer, by an insurance policy issued by an insurer as
 2160 permitted by this code.

2161 2. Knowingly collecting as a premium or charge for
 2162 insurance any sum in excess of or less than the premium or
 2163 charge applicable to such insurance, in accordance with the
 2164 applicable classifications and rates as filed with and approved
 2165 by the office, and as specified in the policy; or, in cases when
 2166 classifications, premiums, or rates are not required by this
 2167 code to be so filed and approved, premiums and charges collected
 2168 from a Florida resident in excess of or less than those
 2169 specified in the policy and as fixed by the insurer.

2170 Notwithstanding any other provision of law, this provision shall
 2171 not be deemed to prohibit the charging and collection, by
 2172 surplus lines agents licensed under part VIII of this chapter,
 2173 of the amount of applicable state and federal taxes, or fees as
 2174 authorized by s. 626.916(4), in addition to the premium required
 2175 by the insurer or the charging and collection, by licensed

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

2183 3.a. Imposing or requesting an additional premium for
2184 bodily injury liability coverage, property damage liability
2185 coverage ~~a policy of motor vehicle liability, personal injury~~
2186 ~~protection,~~ medical payments coverage payment, or collision
2187 coverage in a motor vehicle liability insurance policy insurance
2188 ~~or any combination thereof~~ or refusing to renew the policy
2189 solely because the insured was involved in a motor vehicle
2190 accident unless the insurer's file contains information from
2191 which the insurer in good faith determines that the insured was
2192 substantially at fault in the accident.

2193 b. An insurer which imposes and collects such a surcharge
2194 or which refuses to renew such policy shall, in conjunction with
2195 the notice of premium due or notice of nonrenewal, notify the
2196 named insured that he or she is entitled to reimbursement of
2197 such amount or renewal of the policy under the conditions listed
2198 below and will subsequently reimburse him or her or renew the
2199 policy, if the named insured demonstrates that the operator
2200 involved in the accident was:

2201 (I) Lawfully parked;

2202 (II) Reimbursed by, or on behalf of, a person responsible
 2203 for the accident or has a judgment against such person;

2204 (III) Struck in the rear by another vehicle headed in the
 2205 same direction and was not convicted of a moving traffic
 2206 violation in connection with the accident;

2207 (IV) Hit by a "hit-and-run" driver, if the accident was
 2208 reported to the proper authorities within 24 hours after
 2209 discovering the accident;

2210 (V) Not convicted of a moving traffic violation in
 2211 connection with the accident, but the operator of the other
 2212 automobile involved in such accident was convicted of a moving
 2213 traffic violation;

2214 (VI) Finally adjudicated not to be liable by a court of
 2215 competent jurisdiction;

2216 (VII) In receipt of a traffic citation which was dismissed
 2217 or nolle prossed; or

2218 (VIII) Not at fault as evidenced by a written statement
 2219 from the insured establishing facts demonstrating lack of fault
 2220 which are not rebutted by information in the insurer's file from
 2221 which the insurer in good faith determines that the insured was
 2222 substantially at fault.

2223 c. In addition to the other provisions of this
 2224 subparagraph, an insurer may not fail to renew a policy if the
 2225 insured has had only one accident in which he or she was at

2226 fault within the current 3-year period. However, an insurer may
2227 nonrenew a policy for reasons other than accidents in accordance
2228 with s. 627.728. This subparagraph does not prohibit nonrenewal
2229 of a policy under which the insured has had three or more
2230 accidents, regardless of fault, during the most recent 3-year
2231 period.

2232 4. Imposing or requesting an additional premium for, or
2233 refusing to renew, a policy for motor vehicle insurance solely
2234 because the insured committed a noncriminal traffic infraction
2235 as described in s. 318.14 unless the infraction is:

2236 a. A second infraction committed within an 18-month
2237 period, or a third or subsequent infraction committed within a
2238 36-month period.

2239 b. A violation of s. 316.183, when such violation is a
2240 result of exceeding the lawful speed limit by more than 15 miles
2241 per hour.

2242 5. Upon the request of the insured, the insurer and
2243 licensed agent shall supply to the insured the complete proof of
2244 fault or other criteria which justifies the additional charge or
2245 cancellation.

2246 6. No insurer shall impose or request an additional
2247 premium for motor vehicle insurance, cancel or refuse to issue a
2248 policy, or refuse to renew a policy because the insured or the
2249 applicant is a handicapped or physically disabled person, so
2250 long as such handicap or physical disability does not

2251 substantially impair such person's mechanically assisted driving
 2252 ability.

2253 7. No insurer may cancel or otherwise terminate any
 2254 insurance contract or coverage, or require execution of a
 2255 consent to rate endorsement, during the stated policy term for
 2256 the purpose of offering to issue, or issuing, a similar or
 2257 identical contract or coverage to the same insured with the same
 2258 exposure at a higher premium rate or continuing an existing
 2259 contract or coverage with the same exposure at an increased
 2260 premium.

2261 8. No insurer may issue a nonrenewal notice on any
 2262 insurance contract or coverage, or require execution of a
 2263 consent to rate endorsement, for the purpose of offering to
 2264 issue, or issuing, a similar or identical contract or coverage
 2265 to the same insured at a higher premium rate or continuing an
 2266 existing contract or coverage at an increased premium without
 2267 meeting any applicable notice requirements.

2268 9. No insurer shall, with respect to premiums charged for
 2269 motor vehicle insurance, unfairly discriminate solely on the
 2270 basis of age, sex, marital status, or scholastic achievement.

2271 10. Imposing or requesting an additional premium for motor
 2272 vehicle comprehensive or uninsured motorist coverage solely
 2273 because the insured was involved in a motor vehicle accident or
 2274 was convicted of a moving traffic violation.

2275 11. No insurer shall cancel or issue a nonrenewal notice

2276 on any insurance policy or contract without complying with any
 2277 applicable cancellation or nonrenewal provision required under
 2278 the Florida Insurance Code.

2279 12. No insurer shall impose or request an additional
 2280 premium, cancel a policy, or issue a nonrenewal notice on any
 2281 insurance policy or contract because of any traffic infraction
 2282 when adjudication has been withheld and no points have been
 2283 assessed pursuant to s. 318.14(9) and (10). However, this
 2284 subparagraph does not apply to traffic infractions involving
 2285 accidents in which the insurer has incurred a loss due to the
 2286 fault of the insured.

2287 Section 36. Paragraph (a) of subsection (1) of section
 2288 626.989, Florida Statutes, is amended to read:

2289 626.989 Investigation by department or Division of
 2290 Investigative and Forensic Services; compliance; immunity;
 2291 confidential information; reports to division; division
 2292 investigator's power of arrest.—

2293 (1) For the purposes of this section:

2294 (a) A person commits a "fraudulent insurance act" if the
 2295 person:

2296 1. Knowingly and with intent to defraud presents, causes
 2297 to be presented, or prepares with knowledge or belief that it
 2298 will be presented, to or by an insurer, self-insurer, self-
 2299 insurance fund, servicing corporation, purported insurer,
 2300 broker, or any agent thereof, any written statement as part of,

2301 or in support of, an application for the issuance of, or the
 2302 rating of, any insurance policy, or a claim for payment or other
 2303 benefit pursuant to any insurance policy, which the person knows
 2304 to contain materially false information concerning any fact
 2305 material thereto or if the person conceals, for the purpose of
 2306 misleading another, information concerning any fact material
 2307 thereto.

2308 2. Knowingly submits:

2309 a. A false, misleading, or fraudulent application or other
 2310 document when applying for licensure as a health care clinic,
 2311 seeking an exemption from licensure as a health care clinic, or
 2312 demonstrating compliance with part X of chapter 400 with an
 2313 intent to use the license, exemption from licensure, or
 2314 demonstration of compliance to provide services or seek
 2315 reimbursement under a motor vehicle liability insurance policy's
 2316 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
 2317 ~~Law.~~

2318 b. A claim for payment or other benefit under medical
 2319 payments coverage, ~~pursuant to a personal injury protection~~
 2320 ~~insurance policy under the Florida Motor Vehicle No-Fault Law~~ if
 2321 the person knows that the payee knowingly submitted a false,
 2322 misleading, or fraudulent application or other document when
 2323 applying for licensure as a health care clinic, seeking an
 2324 exemption from licensure as a health care clinic, or
 2325 demonstrating compliance with part X of chapter 400.

2326 Section 37. Subsection (1) of section 627.06501, Florida
 2327 Statutes, is amended to read:

2328 627.06501 Insurance discounts for certain persons
 2329 completing driver improvement course.—

2330 (1) Any rate, rating schedule, or rating manual for the
 2331 liability, medical payments ~~personal injury protection~~, and
 2332 collision coverages of a motor vehicle insurance policy filed
 2333 with the office may provide for an appropriate reduction in
 2334 premium charges as to such coverages if ~~when~~ the principal
 2335 operator on the covered vehicle has successfully completed a
 2336 driver improvement course approved and certified by the
 2337 Department of Highway Safety and Motor Vehicles which is
 2338 effective in reducing crash or violation rates, or both, as
 2339 determined pursuant to s. 318.1451(5). Any discount, not to
 2340 exceed 10 percent, used by an insurer is presumed to be
 2341 appropriate unless credible data demonstrates otherwise.

2342 Section 38. Subsection (15) is added to section 627.0651,
 2343 Florida Statutes, to read:

2344 627.0651 Making and use of rates for motor vehicle
 2345 insurance.—

2346 (15) Rate filings for motor vehicle liability policies
 2347 that implement the financial responsibility requirements of s.
 2348 324.022 in effect January 1, 2022, except for commercial motor
 2349 vehicle insurance policies exempt under paragraph (14)(a), must
 2350 reflect such financial responsibility requirements and may be

2351 approved only through the file and use process under paragraph
 2352 (1) (a).

2353 Section 39. Subsection (1) of section 627.0652, Florida
 2354 Statutes, is amended to read:

2355 627.0652 Insurance discounts for certain persons
 2356 completing safety course.—

2357 (1) Any rates, rating schedules, or rating manuals for the
 2358 liability, medical payments ~~personal injury protection~~, and
 2359 collision coverages of a motor vehicle insurance policy filed
 2360 with the office must ~~shall~~ provide for an appropriate reduction
 2361 in premium charges as to such coverages if ~~when~~ the principal
 2362 operator on the covered vehicle is an insured 55 years of age or
 2363 older who has successfully completed a motor vehicle accident
 2364 prevention course approved by the Department of Highway Safety
 2365 and Motor Vehicles. Any discount used by an insurer is presumed
 2366 to be appropriate unless credible data demonstrates otherwise.

2367 Section 40. Subsections (1), (3), and (6) of section
 2368 627.0653, Florida Statutes, are amended to read:

2369 627.0653 Insurance discounts for specified motor vehicle
 2370 equipment.—

2371 (1) Any rates, rating schedules, or rating manuals for the
 2372 liability, medical payments ~~personal injury protection~~, and
 2373 collision coverages of a motor vehicle insurance policy filed
 2374 with the office must ~~shall~~ provide a premium discount if the
 2375 insured vehicle is equipped with factory-installed, four-wheel

2376 antilock brakes.

2377 (3) Any rates, rating schedules, or rating manuals for
 2378 ~~personal injury protection coverage and~~ medical payments
 2379 coverage, ~~if offered,~~ of a motor vehicle insurance policy filed
 2380 with the office must ~~shall~~ provide a premium discount if the
 2381 insured vehicle is equipped with one or more air bags that ~~which~~
 2382 are factory installed.

2383 (6) The Office of Insurance Regulation may approve a
 2384 premium discount to any rates, rating schedules, or rating
 2385 manuals for the liability, medical payments ~~personal injury~~
 2386 ~~protection,~~ and collision coverages of a motor vehicle insurance
 2387 policy filed with the office if the insured vehicle is equipped
 2388 with an automated driving system or electronic vehicle collision
 2389 avoidance technology that is factory installed or a retrofitted
 2390 system and that complies with National Highway Traffic Safety
 2391 Administration standards.

2392 Section 41. Section 627.4132, Florida Statutes, is amended
 2393 to read:

2394 627.4132 Stacking of coverages prohibited.—If an insured
 2395 or named insured is protected by any type of motor vehicle
 2396 insurance policy for bodily injury and property damage
 2397 liability, ~~personal injury protection, or other coverage,~~ the
 2398 policy must ~~shall~~ provide that the insured or named insured is
 2399 protected only to the extent of the coverage she or he has on
 2400 the vehicle involved in the accident. However, if none of the

2401 insured's or named insured's vehicles are ~~is~~ involved in the
 2402 accident, coverage is available only to the extent of coverage
 2403 on any one of the vehicles with applicable coverage. Coverage on
 2404 any other vehicles may ~~shall~~ not be added to or stacked upon
 2405 that coverage. This section does not ~~apply~~:

2406 (1) Apply to uninsured motorist coverage that ~~which~~ is
 2407 separately governed by s. 627.727.

2408 (2) ~~To~~ Reduce the coverage available by reason of
 2409 insurance policies insuring different named insureds.

2410 Section 42. Subsection (1) of section 627.4137, Florida
 2411 Statutes, is amended to read:

2412 627.4137 Disclosure of certain information required.—

2413 (1) Each insurer which does or may provide liability
 2414 insurance coverage to pay all or a portion of any claim which
 2415 might be made shall provide, within 30 days of the written
 2416 request of the claimant or the claimant's attorney, a statement,
 2417 under oath, of a corporate officer or the insurer's claims
 2418 manager or superintendent setting forth the following
 2419 information with regard to each known policy of insurance,
 2420 including excess or umbrella insurance:

2421 (a) The name of the insurer.

2422 (b) The name of each insured.

2423 (c) The limits of the liability coverage.

2424 (d) A statement of any policy or coverage defense which
 2425 such insurer reasonably believes is available to such insurer at

2426 | the time of filing such statement.

2427 | (e) A copy of the policy.

2428 |

2429 | In addition, the insured, or her or his insurance agent, upon
 2430 | written request of the claimant or the claimant's attorney,
 2431 | shall disclose the name and coverage of each known insurer to
 2432 | the claimant and shall forward such request for information as
 2433 | required by this subsection to all affected insurers. The
 2434 | insurer shall then supply the information required in this
 2435 | subsection to the claimant within 30 days of receipt of such
 2436 | request. If an insurer fails to timely comply with this section,
 2437 | the claimant may file an action in a court of competent
 2438 | jurisdiction to enforce this section. If the court determines
 2439 | that the insurer violated this section, the claimant is entitled
 2440 | to an award of reasonable attorney fees and costs to be paid by
 2441 | the insurer.

2442 | Section 43. Section 627.7263, Florida Statutes, is amended
 2443 | to read:

2444 | 627.7263 Rental and leasing driver's insurance to be
 2445 | primary; exception.—

2446 | (1) The valid and collectible liability insurance and
 2447 | medical payments coverage ~~or personal injury protection~~
 2448 | ~~insurance providing coverage~~ for the lessor of a motor vehicle
 2449 | for rent or lease is primary unless otherwise stated in at least
 2450 | 10-point type on the face of the rental or lease agreement. Such

2451 insurance is primary for the limits of liability ~~and personal~~
 2452 ~~injury protection~~ coverage as required by s. 324.021(7) and the
 2453 medical payments coverage limit specified under s. 627.7265 ~~ss.~~
 2454 ~~324.021(7) and 627.736.~~

2455 (2) If the lessee's coverage is to be primary, the rental
 2456 or lease agreement must contain the following language, in at
 2457 least 10-point type:

2458
 2459 "The valid and collectible liability insurance and
 2460 medical payments coverage ~~personal injury protection~~
 2461 ~~insurance~~ of an ~~any~~ authorized rental or leasing
 2462 driver is primary for the limits of liability ~~and~~
 2463 ~~personal injury protection~~ coverage required under
 2464 section 324.021(7), Florida Statutes, and the medical
 2465 payments coverage limit specified under section
 2466 627.7265 ~~by ss. 324.021(7) and 627.736,~~ Florida
 2467 Statutes."

2468 Section 44. Section 627.7265, Florida Statutes, is created
 2469 to read:

2470 627.7265 Motor vehicle insurance; medical payments
 2471 coverage.-

2472 (1) Medical payments coverage must protect the named
 2473 insured, resident relatives, persons operating the insured motor
 2474 vehicle, passengers in the insured motor vehicle, and persons
 2475 who are struck by the insured motor vehicle and suffer bodily

2476 injury while not an occupant of a self-propelled motor vehicle
2477 at a limit of at least \$5,000 for medical expenses incurred due
2478 to bodily injury, sickness, or disease arising out of the
2479 ownership, maintenance, or use of a motor vehicle. The coverage
2480 must provide an additional death benefit of at least \$5,000.

2481 (a) Before issuing a motor vehicle liability insurance
2482 policy that is furnished as proof of financial responsibility
2483 under s. 324.031, the insurer must offer medical payments
2484 coverage at limits of \$5,000 and \$10,000. The insurer may also
2485 offer medical payments coverage at any limit greater than
2486 \$5,000.

2487 (b) The insurer must offer medical payments coverage with
2488 no deductible. The insurer may also offer medical payments
2489 coverage with a deductible not to exceed \$500.

2490 (c) Each motor vehicle liability insurance policy
2491 furnished as proof of financial responsibility under s. 324.031
2492 is deemed to have:

2493 1. Medical payments coverage to a limit of \$10,000, unless
2494 the insurer obtains a named insured's written refusal of medical
2495 payments coverage or written selection of medical payments
2496 coverage at a limit other than \$10,000. The rejection or
2497 selection of coverage at a limit other than \$10,000 must be made
2498 on a form approved by the office.

2499 2. No medical payments coverage deductible, unless the
2500 insurer obtains a named insured's written selection of a

2501 deductible up to \$500. The selection of a deductible must be
2502 made on a form approved by the office.

2503 (d)1. The forms referenced in subparagraphs (c)1. and 2.
2504 must fully advise the applicant of the nature of the coverage
2505 being rejected or the policy limit or deductible being selected.
2506 If the form is signed by a named insured, it is conclusively
2507 presumed that there was an informed, knowing rejection of the
2508 coverage or election of the policy limit or deductible.

2509 2. Unless a named insured requests in writing the coverage
2510 specified in this section, it need not be provided in or
2511 supplemental to any other policy that renews, insures, extends,
2512 changes, supersedes, or replaces an existing policy if a named
2513 insured has rejected the coverage specified in this section or
2514 has selected an alternative coverage limit or deductible. At
2515 least annually, the insurer shall provide to the named insured a
2516 notice of the availability of such coverage in a form approved
2517 by the office. The notice must be part of, and attached to, the
2518 notice of premium and must provide for a means to allow a named
2519 insured to request medical payments coverage at the limits and
2520 deductibles required to be offered under this section. The
2521 notice must be given in a manner approved by the office. Receipt
2522 of this notice does not constitute an affirmative waiver of the
2523 insured's right to medical payments coverage if a named insured
2524 has not signed a selection or rejection form.

2525 (e) This section may not be construed to limit any other

2526 coverage made available by an insurer.

2527 (2) Upon receiving notice of an accident that is
2528 potentially covered by medical payments coverage benefits, the
2529 insurer must reserve \$5,000 of medical payments coverage
2530 benefits for payment to physicians licensed under chapter 458 or
2531 chapter 459 or dentists licensed under chapter 466 who provide
2532 emergency services and care, as defined in s. 395.002, or who
2533 provide hospital inpatient care. The amount required to be held
2534 in reserve may be used only to pay claims from such physicians
2535 or dentists until 30 days after the date the insurer receives
2536 notice of the accident. After the 30-day period, any amount of
2537 the reserve for which the insurer has not received notice of
2538 such claims may be used by the insurer to pay other claims. This
2539 subsection does not require an insurer to establish a claim
2540 reserve for insurance accounting purposes.

2541 (3) An insurer providing medical payments coverage
2542 benefits may not:

2543 (a) Seek a lien on any recovery in tort by judgment,
2544 settlement, or otherwise for medical payments coverage benefits,
2545 regardless of whether suit has been filed or settlement has been
2546 reached without suit; or

2547 (b) Bring a cause of action against a person to whom or
2548 for whom medical payments coverage benefits were paid, except
2549 when medical payments coverage benefits were paid by reason of
2550 fraud committed by that person.

2551 (4) An insurer providing medical payments coverage may
2552 include provisions in its policy allowing for subrogation for
2553 medical payments coverage benefits paid if the expenses giving
2554 rise to the payments were caused by the wrongful act or omission
2555 of another who is not also an insured under the policy paying
2556 the medical payments coverage benefits. However, this
2557 subrogation right is inferior to the rights of the injured
2558 insured and is available only after all the insured's damages
2559 are recovered and the insured is made whole. An insured who
2560 obtains a recovery from a third party of the full amount of the
2561 damages sustained and delivers a release or satisfaction that
2562 impairs a medical payments insurer's subrogation right is liable
2563 to the insurer for repayment of medical payments coverage
2564 benefits less any expenses of acquiring the recovery, including
2565 a prorated share of attorney fees and costs, and shall hold that
2566 net recovery in trust to be delivered to the medical payments
2567 insurer. The insurer may not include any provision in its policy
2568 allowing for subrogation for any death benefit paid.

2569 Section 45. Subsections (1) and (7) of section 627.727,
2570 Florida Statutes, are amended to read:

2571 627.727 Motor vehicle insurance; uninsured and
2572 underinsured vehicle coverage; insolvent insurer protection.—

2573 (1) A ~~No~~ motor vehicle liability insurance policy that
2574 ~~which~~ provides bodily injury liability coverage may not shall be
2575 delivered or issued for delivery in this state with respect to

2576 any specifically insured or identified motor vehicle registered
 2577 or principally garaged in this state, unless uninsured motor
 2578 vehicle coverage is provided therein or supplemental thereto for
 2579 the protection of persons insured thereunder who are legally
 2580 entitled to recover damages from owners or operators of
 2581 uninsured motor vehicles because of bodily injury, sickness, or
 2582 disease, including death, resulting therefrom. However, the
 2583 coverage required under this section is not applicable if ~~when~~,
 2584 or to the extent that, an insured named in the policy makes a
 2585 written rejection of the coverage on behalf of all insureds
 2586 under the policy. If ~~When~~ a motor vehicle is leased for ~~a period~~
 2587 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
 2588 of the lease contract, provides liability coverage on the leased
 2589 vehicle, the lessee of such vehicle has ~~shall have~~ the sole
 2590 privilege to reject uninsured motorist coverage or to select
 2591 lower limits than the bodily injury liability limits, regardless
 2592 of whether the lessor is qualified as a self-insurer pursuant to
 2593 s. 324.171. Unless an insured, or a lessee having the privilege
 2594 of rejecting uninsured motorist coverage, requests such coverage
 2595 or requests higher uninsured motorist limits in writing, the
 2596 coverage or such higher uninsured motorist limits need not be
 2597 provided in or supplemental to any other policy that ~~which~~
 2598 renews, extends, changes, supersedes, or replaces an existing
 2599 policy with the same bodily injury liability limits when an
 2600 insured or lessee had rejected the coverage. When an insured or

2601 lessee has initially selected limits of uninsured motorist
2602 coverage lower than her or his bodily injury liability limits,
2603 higher limits of uninsured motorist coverage need not be
2604 provided in or supplemental to any other policy that ~~which~~
2605 renews, extends, changes, supersedes, or replaces an existing
2606 policy with the same bodily injury liability limits unless an
2607 insured requests higher uninsured motorist coverage in writing.
2608 The rejection or selection of lower limits must ~~shall~~ be made on
2609 a form approved by the office. The form must ~~shall~~ fully advise
2610 the applicant of the nature of the coverage and must ~~shall~~ state
2611 that the coverage is equal to bodily injury liability limits
2612 unless lower limits are requested or the coverage is rejected.
2613 The heading of the form must ~~shall~~ be in 12-point bold type and
2614 must ~~shall~~ state: "You are electing not to purchase certain
2615 valuable coverage that ~~which~~ protects you and your family or you
2616 are purchasing uninsured motorist limits less than your bodily
2617 injury liability limits when you sign this form. Please read
2618 carefully." If this form is signed by a named insured, it will
2619 be conclusively presumed that there was an informed, knowing
2620 rejection of coverage or election of lower limits on behalf of
2621 all insureds. The insurer shall notify the named insured at
2622 least annually of her or his options as to the coverage required
2623 by this section. Such notice must ~~shall~~ be part of, and attached
2624 to, the notice of premium, must ~~shall~~ provide for a means to
2625 allow the insured to request such coverage, and must ~~shall~~ be

2626 given in a manner approved by the office. Receipt of this notice
 2627 does not constitute an affirmative waiver of the insured's right
 2628 to uninsured motorist coverage if ~~where~~ the insured has not
 2629 signed a selection or rejection form. The coverage described
 2630 under this section must ~~shall~~ be over and above, but may ~~shall~~
 2631 not duplicate, the benefits available to an insured under any
 2632 workers' compensation law, ~~personal injury protection benefits,~~
 2633 disability benefits law, or similar law; under any automobile
 2634 medical payments ~~expense~~ coverage; under any motor vehicle
 2635 liability insurance coverage; or from the owner or operator of
 2636 the uninsured motor vehicle or any other person or organization
 2637 jointly or severally liable together with such owner or operator
 2638 for the accident, ~~+~~ and such coverage must ~~shall~~ cover the
 2639 difference, if any, between the sum of such benefits and the
 2640 damages sustained, up to the maximum amount of such coverage
 2641 provided under this section. The amount of coverage available
 2642 under this section may ~~shall~~ not be reduced by a setoff against
 2643 any coverage, including liability insurance. Such coverage does
 2644 ~~shall~~ not inure directly or indirectly to the benefit of any
 2645 workers' compensation or disability benefits carrier or any
 2646 person or organization qualifying as a self-insurer under any
 2647 workers' compensation or disability benefits law or similar law.
 2648 (7) The legal liability of an uninsured motorist coverage
 2649 insurer includes ~~does not include~~ damages in tort for pain,
 2650 suffering, disability or physical impairment, disfigurement,

2651 mental anguish, ~~and~~ inconvenience, and the loss of capacity for
2652 the enjoyment of life experienced in the past and to be
2653 experienced in the future unless the injury or disease is
2654 described in one or more of paragraphs (a) - (d) of s. 627.737(2).

2655 Section 46. Section 627.7275, Florida Statutes, is amended
2656 to read:

2657 627.7275 Motor vehicle liability.—

2658 (1) A motor vehicle insurance policy ~~providing personal~~
2659 ~~injury protection as set forth in s. 627.736~~ may not be
2660 delivered or issued for delivery in this state for a with
2661 ~~respect to any~~ specifically insured or identified motor vehicle
2662 registered or principally garaged in this state must provide
2663 bodily injury liability coverage and unless the policy also
2664 ~~provides coverage for~~ property damage liability coverage as
2665 required under ~~by~~ s. 324.022 and s. 324.151.

2666 (2) (a) Insurers writing motor vehicle insurance in this
2667 state shall make available, subject to the insurers' usual
2668 underwriting restrictions:

2669 1. Coverage under policies as described in subsection (1)
2670 to an applicant for private passenger motor vehicle insurance
2671 coverage who is seeking the coverage in order to reinstate the
2672 applicant's driving privileges in this state if the driving
2673 privileges were revoked or suspended pursuant to s. 316.646 or
2674 s. 324.0221 due to the failure of the applicant to maintain
2675 required security.

2676 2. Coverage under policies as described in subsection (1),
 2677 which includes bodily injury ~~also provides~~ liability coverage
 2678 and property damage liability coverage, ~~for bodily injury,~~
 2679 ~~death, and property damage arising out of the ownership,~~
 2680 ~~maintenance, or use of the motor vehicle~~ in an amount not less
 2681 than the minimum limits required under ~~described in~~ s.
 2682 324.021(7) or s. 324.023 and which conforms to the requirements
 2683 of s. 324.151, to an applicant for private passenger motor
 2684 vehicle insurance coverage who is seeking the coverage in order
 2685 to reinstate the applicant's driving privileges in this state
 2686 after such privileges were revoked or suspended under s. 316.193
 2687 or s. 322.26(2) for driving under the influence.

2688 (b) The policies described in paragraph (a) must ~~shall~~ be
 2689 issued for at least 6 months and, as to the minimum coverages
 2690 required under this section, may not be canceled by the insured
 2691 for any reason or by the insurer after 60 days, during which
 2692 period the insurer is completing the underwriting of the policy.
 2693 After the insurer has completed underwriting the policy, the
 2694 insurer shall notify the Department of Highway Safety and Motor
 2695 Vehicles that the policy is in full force and effect and is not
 2696 cancelable for the remainder of the policy period. A premium
 2697 must ~~shall~~ be collected and the coverage is in effect for the
 2698 60-day period during which the insurer is completing the
 2699 underwriting of the policy, whether or not the person's driver
 2700 license, motor vehicle tag, and motor vehicle registration are

2701 in effect. Once the noncancelable provisions of the policy
2702 become effective, the bodily injury liability and property
2703 damage liability coverages ~~for bodily injury, property damage,~~
2704 ~~and personal injury protection~~ may not be reduced below the
2705 minimum limits required under s. 324.021 or s. 324.023 during
2706 the policy period.

2707 (c) This subsection controls to the extent of any conflict
2708 with any other section.

2709 (d) An insurer issuing a policy subject to this section
2710 may cancel the policy if, during the policy term, the named
2711 insured, or any other operator who resides in the same household
2712 or customarily operates an automobile insured under the policy,
2713 has his or her driver license suspended or revoked.

2714 (e) This subsection does not require an insurer to offer a
2715 policy of insurance to an applicant if such offer would be
2716 inconsistent with the insurer's underwriting guidelines and
2717 procedures.

2718 Section 47. Effective upon this act becoming a law,
2719 section 627.7278, Florida Statutes, is created to read:

2720 627.7278 Applicability and construction; notice to
2721 policyholders.-

2722 (1) As used in this section, the term "minimum security
2723 requirements" means security that enables a person to respond in
2724 damages for liability on account of crashes arising out of the
2725 ownership, maintenance, or use of a motor vehicle, in the

2726 amounts required by s. 324.022(1), as amended by this act.

2727 (2) Effective January 1, 2022:

2728 (a) Motor vehicle insurance policies issued or renewed on
2729 or after that date may not include personal injury protection.

2730 (b) All persons subject to s. 324.022, s. 324.032, s.
2731 627.7415, or s. 627.742 must maintain at least minimum security
2732 requirements.

2733 (c) Any new or renewal motor vehicle insurance policy
2734 delivered or issued for delivery in this state must provide
2735 coverage that complies with minimum security requirements.

2736 (d) An existing motor vehicle insurance policy issued
2737 before that date which provides personal injury protection and
2738 property damage liability coverage that meets the requirements
2739 of s. 324.022 on December 31, 2021, but which does not meet
2740 minimum security requirements on or after January 1, 2022, is
2741 deemed to meet minimum security requirements until such policy
2742 is renewed, nonrenewed, or canceled on or after January 1, 2022.
2743 Sections 400.9905, 400.991, 456.057, 456.072, 626.9541(1)(i),
2744 627.7263, 627.727, 627.730-627.7405, 627.748, and 817.234,
2745 Florida Statutes 2020, remain in full force and effect for motor
2746 vehicle accidents covered under a policy issued under the
2747 Florida Motor Vehicle No-Fault Law before January 1, 2022, until
2748 the policy is renewed, nonrenewed, or canceled on or after
2749 January 1, 2022.

2750 (3) Each insurer shall allow each insured who has a new or

2751 renewal policy providing personal injury protection which
2752 becomes effective before January 1, 2022, and whose policy does
2753 not meet minimum security requirements on or after January 1,
2754 2022, to change coverages so as to eliminate personal injury
2755 protection and obtain coverage providing minimum security
2756 requirements, which shall be effective on or after January 1,
2757 2022. The insurer is not required to provide coverage complying
2758 with minimum security requirements in such policies if the
2759 insured does not pay the required premium, if any, by January 1,
2760 2022, or such later date as the insurer may allow. The insurer
2761 also shall offer each insured medical payments coverage pursuant
2762 to s. 627.7265. Any reduction in the premium must be refunded by
2763 the insurer. The insurer may not impose on the insured an
2764 additional fee or charge that applies solely to a change in
2765 coverage; however, the insurer may charge an additional required
2766 premium that is actuarially indicated.

2767 (4) By September 1, 2021, each motor vehicle insurer shall
2768 provide notice of this section to each motor vehicle
2769 policyholder who is subject to this section. The notice is
2770 subject to approval by the office and must clearly inform the
2771 policyholder that:

2772 (a) The Florida Motor Vehicle No-Fault Law is repealed
2773 effective January 1, 2022, and that on or after that date, the
2774 insured is no longer required to maintain personal injury
2775 protection insurance coverage, that personal injury protection

2776 coverage is no longer available for purchase in this state, and
2777 that all new or renewal policies issued on or after that date
2778 will not contain that coverage.

2779 (b) Effective January 1, 2022, a person subject to the
2780 financial responsibility requirements of s. 324.022 must
2781 maintain minimum security requirements that enable the person to
2782 respond to damages for liability on account of accidents arising
2783 out of the use of a motor vehicle in the following amounts:

2784 1. Twenty-five thousand dollars for bodily injury to, or
2785 the death of, one person in any one crash and, subject to such
2786 limits for one person, in the amount of \$50,000 for bodily
2787 injury to, or the death of, two or more persons in any one
2788 crash; and

2789 2. Ten thousand dollars for damage to, or destruction of,
2790 the property of others in any one crash.

2791 (c) Bodily injury liability coverage protects the insured,
2792 up to the coverage limits, against loss if the insured is
2793 legally responsible for the death of or bodily injury to others
2794 in a motor vehicle accident.

2795 (d) Effective January 1, 2022, each policyholder of motor
2796 vehicle liability insurance purchased as proof of financial
2797 responsibility must be offered medical payments coverage
2798 benefits that comply with s. 627.7265. The insurer must offer
2799 medical payments coverage at limits of \$5,000 and \$10,000
2800 without a deductible. The insurer may also offer medical

2801 payments coverage at other limits greater than \$5,000 and may
2802 offer coverage with a deductible of up to \$500. Medical payments
2803 coverage pays covered medical expenses incurred due to bodily
2804 injury, sickness, or disease arising out of the ownership,
2805 maintenance, or use of the motor vehicle, up to the limits of
2806 such coverage, for injuries sustained in a motor vehicle crash
2807 by the named insured, resident relatives, any persons operating
2808 the insured motor vehicle, passengers in the insured motor
2809 vehicle, and persons who are struck by the insured motor vehicle
2810 and suffer bodily injury while not an occupant of a self-
2811 propelled motor vehicle as provided in s. 627.7265. Medical
2812 payments coverage also provides a death benefit of at least
2813 \$5,000.

2814 (e) The policyholder may obtain uninsured and underinsured
2815 motorist coverage that provides benefits, up to the limits of
2816 such coverage, to a policyholder or other insured entitled to
2817 recover damages for bodily injury, sickness, disease, or death
2818 resulting from a motor vehicle accident with an uninsured or
2819 underinsured owner or operator of a motor vehicle.

2820 (f) If the policyholder's new or renewal motor vehicle
2821 insurance policy is effective before January 1, 2022, and
2822 contains personal injury protection and property damage
2823 liability coverage as required by state law before January 1,
2824 2022, but does not meet minimum security requirements on or
2825 after January 1, 2022, the policy is deemed to meet minimum

2826 security requirements until it is renewed, nonrenewed, or
 2827 canceled on or after January 1, 2022.

2828 (g) A policyholder whose new or renewal policy becomes
 2829 effective before January 1, 2022, but does not meet minimum
 2830 security requirements on or after January 1, 2022, may change
 2831 coverages under the policy so as to eliminate personal injury
 2832 protection and to obtain coverage providing minimum security
 2833 requirements, including bodily injury liability coverage, which
 2834 are effective on or after January 1, 2022.

2835 (h) If the policyholder has any questions, he or she
 2836 should contact the person named at the telephone number provided
 2837 in the notice.

2838 Section 48. Paragraph (a) of subsection (1) of section
 2839 627.728, Florida Statutes, is amended to read:

2840 627.728 Cancellations; nonrenewals.—

2841 (1) As used in this section, the term:

2842 (a) "Policy" means the bodily injury and property damage
 2843 liability, ~~personal injury protection~~, medical payments,
 2844 comprehensive, collision, and uninsured motorist coverage
 2845 portions of a policy of motor vehicle insurance delivered or
 2846 issued for delivery in this state:

2847 1. Insuring a natural person as named insured or one or
 2848 more related individuals who are residents ~~resident~~ of the same
 2849 household; and

2850 2. Insuring only a motor vehicle of the private passenger

2851 type or station wagon type which is not used as a public or
 2852 livery conveyance for passengers or rented to others; or
 2853 insuring any other four-wheel motor vehicle having a load
 2854 capacity of 1,500 pounds or less which is not used in the
 2855 occupation, profession, or business of the insured other than
 2856 farming; other than any policy issued under an automobile
 2857 insurance assigned risk plan or covering garage, automobile
 2858 sales agency, repair shop, service station, or public parking
 2859 place operation hazards.

2860
 2861 The term "policy" does not include a binder as defined in s.
 2862 627.420 unless the duration of the binder period exceeds 60
 2863 days.

2864 Section 49. Subsection (1), paragraph (a) of subsection
 2865 (5), and subsections (6) and (7) of section 627.7295, Florida
 2866 Statutes, are amended to read:

2867 627.7295 Motor vehicle insurance contracts.—

2868 (1) As used in this section, the term:

2869 (a) "Policy" means a motor vehicle insurance policy that
 2870 provides bodily injury liability ~~personal injury protection~~
 2871 coverage and ~~property damage liability coverage, or both.~~

2872 (b) "Binder" means a binder that provides motor vehicle
 2873 bodily injury liability coverage ~~personal injury protection~~ and
 2874 property damage liability coverage.

2875 (5) (a) A licensed general lines agent may charge a per-

2876 | policy fee of up to ~~not to exceed~~ \$10 to cover the
2877 | administrative costs of the agent associated with selling the
2878 | motor vehicle insurance policy if the policy covers only bodily
2879 | injury liability coverage ~~personal injury protection coverage as~~
2880 | ~~provided by s. 627.736~~ and property damage liability coverage as
2881 | provided by s. 627.7275 and if no other insurance is sold or
2882 | issued in conjunction with or collateral to the policy. The fee
2883 | is not ~~considered~~ part of the premium.

2884 | (6) If a motor vehicle owner's driver license, license
2885 | plate, and registration have previously been suspended pursuant
2886 | to s. 316.646 ~~or s. 627.733~~, an insurer may cancel a new policy
2887 | only as provided in s. 627.7275.

2888 | (7) A policy of private passenger motor vehicle insurance
2889 | or a binder for such a policy may be initially issued in this
2890 | state only if, before the effective date of such binder or
2891 | policy, the insurer or agent has collected from the insured an
2892 | amount equal to at least 1 month's premium. An insurer, agent,
2893 | or premium finance company may not, directly or indirectly, take
2894 | any action that results ~~resulting~~ in the insured paying ~~having~~
2895 | ~~paid~~ from the insured's own funds an amount less than the 1
2896 | month's premium required by this subsection. This subsection
2897 | applies without regard to whether the premium is financed by a
2898 | premium finance company or is paid pursuant to a periodic
2899 | payment plan of an insurer or an insurance agent.

2900 | (a) This subsection does not apply:

2901 1. If an insured or member of the insured's family is
 2902 renewing or replacing a policy or a binder for such policy
 2903 written by the same insurer or a member of the same insurer
 2904 group. ~~This subsection does not apply~~

2905 2. To an insurer that issues private passenger motor
 2906 vehicle coverage primarily to active duty or former military
 2907 personnel or their dependents. ~~This subsection does not apply~~

2908 3. If all policy payments are paid pursuant to a payroll
 2909 deduction plan, an automatic electronic funds transfer payment
 2910 plan from the policyholder, or a recurring credit card or debit
 2911 card agreement with the insurer.

2912 **(b)** This subsection and subsection (4) do not apply if:

2913 1. All policy payments to an insurer are paid pursuant to
 2914 an automatic electronic funds transfer payment plan from an
 2915 agent, a managing general agent, or a premium finance company
 2916 and if the policy includes, at a minimum, bodily injury
 2917 liability coverage and ~~personal injury protection pursuant to~~
 2918 ~~ss. 627.730-627.7405; motor vehicle property damage liability~~
 2919 coverage pursuant to s. 627.7275; or ~~and bodily injury liability~~
 2920 ~~in at least the amount of \$10,000 because of bodily injury to,~~
 2921 ~~or death of, one person in any one accident and in the amount of~~
 2922 ~~\$20,000 because of bodily injury to, or death of, two or more~~
 2923 ~~persons in any one accident. This subsection and subsection (4)~~
 2924 ~~do not apply if~~

2925 2. An insured has had a policy in effect for at least 6

2926 months, the insured's agent is terminated by the insurer that
2927 issued the policy, and the insured obtains coverage on the
2928 policy's renewal date with a new company through the terminated
2929 agent.

2930 Section 50. Section 627.7415, Florida Statutes, is amended
2931 to read:

2932 627.7415 Commercial motor vehicles; additional liability
2933 insurance coverage.—Beginning January 1, 2022, commercial motor
2934 vehicles, as defined in s. 207.002 or s. 320.01, operated upon
2935 the roads and highways of this state must ~~shall~~ be insured with
2936 the following minimum levels of combined bodily liability
2937 insurance and property damage liability insurance in addition to
2938 any other insurance requirements:

2939 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a
2940 commercial motor vehicle with a gross vehicle weight of 26,000
2941 pounds or more, but less than 35,000 pounds.

2942 (2) One hundred twenty thousand dollars per occurrence for
2943 a commercial motor vehicle with a gross vehicle weight of 35,000
2944 pounds or more, but less than 44,000 pounds.

2945 (3) Three hundred thousand dollars per occurrence for a
2946 commercial motor vehicle with a gross vehicle weight of 44,000
2947 pounds or more.

2948 (4) All commercial motor vehicles subject to regulations
2949 of the United States Department of Transportation, 49 C.F.R.
2950 part 387, subpart A, and as may be hereinafter amended, shall be

2951 | insured in an amount equivalent to the minimum levels of
 2952 | financial responsibility as set forth in such regulations.

2953 |
 2954 | A violation of this section is a noncriminal traffic infraction,
 2955 | punishable as a nonmoving violation as provided in chapter 318.

2956 | Section 51. Section 627.747, Florida Statutes, is created
 2957 | to read:

2958 | 627.747 Named driver exclusion.-

2959 | (1) A private passenger motor vehicle policy may exclude
 2960 | the following coverages for all claims or suits resulting from
 2961 | the operation of a motor vehicle by an identified individual who
 2962 | is not a named insured, provided that the identified individual
 2963 | is specifically excluded by name on the declarations page or by
 2964 | endorsement and the policyholder consents in writing to the
 2965 | exclusion:

2966 | (a) Property damage liability coverage.

2967 | (b) Bodily injury liability coverage.

2968 | (c) Uninsured motorist coverage for any damages sustained
 2969 | by the identified excluded individual, if the policyholder has
 2970 | purchased such coverage.

2971 | (d) Medical payments coverage for any injuries sustained
 2972 | by the identified excluded individual, if the policyholder has
 2973 | purchased such coverage.

2974 | (e) Any coverage the policyholder is not required by law
 2975 | to purchase.

2976 (2) A private passenger motor vehicle policy may not
 2977 exclude coverage when:

2978 (a) The identified excluded individual is injured while
 2979 not operating a motor vehicle;

2980 (b) The exclusion is unfairly discriminatory under the
 2981 Florida Insurance Code, as determined by the office; or

2982 (c) The exclusion is inconsistent with the underwriting
 2983 rules filed by the insurer pursuant to s. 627.0651(13)(a).

2984 (3) A driver excluded pursuant to this section must
 2985 establish, maintain, and show proof of financial ability to
 2986 respond for damages arising out of ownership, maintenance, or
 2987 use of a motor vehicle as required by chapter 324.

2988 (4) Notwithstanding the requirements of subsection (3), an
 2989 exclusion issued in compliance with this section remains valid.

2990 Section 52. Paragraphs (b), (c), and (g) of subsection
 2991 (7), paragraphs (a) and (b) of subsection (8), and paragraph (b)
 2992 of subsection (16) of section 627.748, Florida Statutes, are
 2993 amended to read:

2994 627.748 Transportation network companies.—

2995 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
 2996 INSURANCE REQUIREMENTS.—

2997 (b) The following automobile insurance requirements apply
 2998 while a participating TNC driver is logged on to the digital
 2999 network but is not engaged in a prearranged ride:

3000 1. Automobile insurance that provides:

3001 a. A primary automobile liability coverage of at least
 3002 \$50,000 for death and bodily injury per person, \$100,000 for
 3003 death and bodily injury per incident, and \$25,000 for property
 3004 damage; and

3005 ~~b. Personal injury protection benefits that meet the~~
 3006 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
 3007 ~~and~~

3008 b.e. Uninsured and underinsured vehicle coverage as
 3009 required by s. 627.727.

3010 2. The coverage requirements of this paragraph may be
 3011 satisfied by any of the following:

3012 a. Automobile insurance maintained by the TNC driver or
 3013 the TNC vehicle owner;

3014 b. Automobile insurance maintained by the TNC; or

3015 c. A combination of sub-subparagraphs a. and b.

3016 (c) The following automobile insurance requirements apply
 3017 while a TNC driver is engaged in a prearranged ride:

3018 1. Automobile insurance that provides:

3019 a. A primary automobile liability coverage of at least \$1
 3020 million for death, bodily injury, and property damage; and

3021 ~~b. Personal injury protection benefits that meet the~~
 3022 ~~minimum coverage amounts required of a limousine under ss.~~
 3023 ~~627.730-627.7405; and~~

3024 b. e. Uninsured and underinsured vehicle coverage as
 3025 required by s. 627.727.

3026 2. The coverage requirements of this paragraph may be
3027 satisfied by any of the following:

3028 a. Automobile insurance maintained by the TNC driver or
3029 the TNC vehicle owner;

3030 b. Automobile insurance maintained by the TNC; or

3031 c. A combination of sub-subparagraphs a. and b.

3032 (g) Insurance satisfying the requirements under this
3033 subsection is deemed to satisfy the financial responsibility
3034 requirement for a motor vehicle under chapter 324 ~~and the~~
3035 ~~security required under s. 627.733~~ for any period when the TNC
3036 driver is logged onto the digital network or engaged in a
3037 prearranged ride.

3038 (8) TRANSPORTATION NETWORK COMPANY AND INSURER;
3039 DISCLOSURE; EXCLUSIONS.—

3040 (a) Before a TNC driver is allowed to accept a request for
3041 a prearranged ride on the digital network, the TNC must disclose
3042 in writing to the TNC driver:

3043 1. The insurance coverage, including the types of coverage
3044 and the limits for each coverage, which the TNC provides while
3045 the TNC driver uses a TNC vehicle in connection with the TNC's
3046 digital network.

3047 2. That the TNC driver's own automobile insurance policy
3048 might not provide any coverage while the TNC driver is logged on
3049 to the digital network or is engaged in a prearranged ride,
3050 depending on the terms of the TNC driver's own automobile

3051 insurance policy.

3052 3. That the provision of rides for compensation which are
3053 not prearranged rides subjects the driver to the coverage
3054 requirements imposed under s. 324.032(1) and (2) and that
3055 failure to meet such coverage requirements subjects the TNC
3056 driver to penalties provided in s. 324.221, up to and including
3057 a misdemeanor of the second degree.

3058 (b)1. An insurer that provides an automobile liability
3059 insurance policy under this part may exclude any and all
3060 coverage afforded under the policy issued to an owner or
3061 operator of a TNC vehicle while driving that vehicle for any
3062 loss or injury that occurs while a TNC driver is logged on to a
3063 digital network or while a TNC driver provides a prearranged
3064 ride. Exclusions imposed under this subsection are limited to
3065 coverage while a TNC driver is logged on to a digital network or
3066 while a TNC driver provides a prearranged ride. This right to
3067 exclude all coverage may apply to any coverage included in an
3068 automobile insurance policy, including, but not limited to:

- 3069 a. Liability coverage for bodily injury and property
3070 damage;
- 3071 b. Uninsured and underinsured motorist coverage;
- 3072 c. Medical payments coverage;
- 3073 d. Comprehensive physical damage coverage; and
- 3074 e. Collision physical damage coverage; ~~and~~
- 3075 f. ~~Personal injury protection.~~

3076 2. The exclusions described in subparagraph 1. apply
 3077 notwithstanding any requirement under chapter 324. These
 3078 exclusions do not affect or diminish coverage otherwise
 3079 available for permissive drivers or resident relatives under the
 3080 personal automobile insurance policy of the TNC driver or owner
 3081 of the TNC vehicle who are not occupying the TNC vehicle at the
 3082 time of loss. This section does not require that a personal
 3083 automobile insurance policy provide coverage while the TNC
 3084 driver is logged on to a digital network, while the TNC driver
 3085 is engaged in a prearranged ride, or while the TNC driver
 3086 otherwise uses a vehicle to transport riders for compensation.

3087 3. This section must not be construed to require an
 3088 insurer to use any particular policy language or reference to
 3089 this section in order to exclude any and all coverage for any
 3090 loss or injury that occurs while a TNC driver is logged on to a
 3091 digital network or while a TNC driver provides a prearranged
 3092 ride.

3093 4. This section does not preclude an insurer from
 3094 providing primary or excess coverage for the TNC driver's
 3095 vehicle by contract or endorsement.

3096 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

3097 (b) An entity may elect, upon written notification to the
 3098 department, to be regulated as a luxury ground TNC. A luxury
 3099 ground TNC must:

3100 1. Comply with all of the requirements of this section

3101 applicable to a TNC, including subsection (17), which do not
3102 conflict with subparagraph 2. or which do not prohibit the
3103 company from connecting riders to drivers who operate for-hire
3104 vehicles as defined in s. 320.01(15), including limousines and
3105 luxury sedans and excluding taxicabs.

3106 2. Maintain insurance coverage as required by subsection
3107 (7). However, if a prospective luxury ground TNC satisfies
3108 minimum financial responsibility through compliance with s.
3109 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives
3110 the department written notification of its election to be
3111 regulated as a luxury ground TNC, the luxury ground TNC may use
3112 self-insurance to meet the insurance requirements of subsection
3113 (7), so long as such self-insurance complies with s. 324.032(3)
3114 ~~s. 324.032(2)~~ and provides the limits of liability required by
3115 subsection (7).

3116 Section 53. Paragraph (a) of subsection (2) of section
3117 627.749, Florida Statutes, is amended to read:

3118 627.749 Autonomous vehicles; insurance requirements.—

3119 (2) INSURANCE REQUIREMENTS.—

3120 (a) A fully autonomous vehicle with the automated driving
3121 system engaged while logged on to an on-demand autonomous
3122 vehicle network or engaged in a prearranged ride must be covered
3123 by a policy of automobile insurance which provides:

3124 1. Primary liability coverage of at least \$1 million for
3125 death, bodily injury, and property damage.

3126 ~~2. Personal injury protection benefits that meet the~~
 3127 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

3128 ~~2.3.~~ Uninsured and underinsured vehicle coverage as
 3129 required by s. 627.727.

3130 Section 54. Section 627.8405, Florida Statutes, is amended
 3131 to read:

3132 627.8405 Prohibited acts; financing companies.—A ~~No~~
 3133 premium finance company ~~shall~~, in a premium finance agreement or
 3134 other agreement, may not finance the cost of or otherwise
 3135 provide for the collection or remittance of dues, assessments,
 3136 fees, or other periodic payments of money for the cost of:

3137 (1) A membership in an automobile club. The term
 3138 "automobile club" means a legal entity that ~~which~~, in
 3139 consideration of dues, assessments, or periodic payments of
 3140 money, promises its members or subscribers to assist them in
 3141 matters relating to the ownership, operation, use, or
 3142 maintenance of a motor vehicle; however, the term ~~this~~
 3143 ~~definition of "automobile club"~~ does not include persons,
 3144 associations, or corporations ~~which are~~ organized and operated
 3145 solely for the purpose of conducting, sponsoring, or sanctioning
 3146 motor vehicle races, exhibitions, or contests upon racetracks,
 3147 or upon racecourses established and marked as such for the
 3148 duration of such particular events. As used in this subsection,
 3149 the term ~~words~~ "motor vehicle" has ~~used herein have~~ the same
 3150 meaning as ~~defined~~ in chapter 320.

3151 (2) An accidental death and dismemberment policy sold in
 3152 combination with a policy providing only bodily injury liability
 3153 coverage ~~personal injury protection~~ and property damage
 3154 liability coverage only policy.

3155 (3) Any product not regulated under ~~the provisions of this~~
 3156 insurance code.

3157
 3158 This section also applies to premium financing by any insurance
 3159 agent or insurance company under part XVI. The commission shall
 3160 adopt rules to assure disclosure, at the time of sale, of
 3161 coverages financed ~~with personal injury protection~~ and shall
 3162 prescribe the form of such disclosure.

3163 Section 55. Subsection (1) of section 627.915, Florida
 3164 Statutes, is amended to read:

3165 627.915 Insurer experience reporting.—

3166 (1) Each insurer transacting private passenger automobile
 3167 insurance in this state shall report certain information
 3168 annually to the office. The information will be due on or before
 3169 July 1 of each year. The information must ~~shall~~ be divided into
 3170 the following categories: bodily injury liability; property
 3171 damage liability; uninsured motorist; ~~personal injury protection~~
 3172 ~~benefits~~; medical payments; and comprehensive and collision. The
 3173 information given must ~~shall~~ be on direct insurance writings in
 3174 the state alone and ~~shall~~ represent total limits data. The
 3175 information set forth in paragraphs (a)-(f) is applicable to

3176 voluntary private passenger and Joint Underwriting Association
 3177 private passenger writings and must ~~shall~~ be reported for each
 3178 of the latest 3 calendar-accident years, with an evaluation date
 3179 of March 31 of the current year. The information set forth in
 3180 paragraphs (g)-(j) is applicable to voluntary private passenger
 3181 writings and must ~~shall~~ be reported on a calendar-accident year
 3182 basis ultimately seven times at seven different stages of
 3183 development.

3184 (a) Premiums earned for the latest 3 calendar-accident
 3185 years.

3186 (b) Loss development factors and the historic development
 3187 of those factors.

3188 (c) Policyholder dividends incurred.

3189 (d) Expenses for other acquisition and general expense.

3190 (e) Expenses for agents' commissions and taxes, licenses,
 3191 and fees.

3192 (f) Profit and contingency factors as utilized in the
 3193 insurer's automobile rate filings for the applicable years.

3194 (g) Losses paid.

3195 (h) Losses unpaid.

3196 (i) Loss adjustment expenses paid.

3197 (j) Loss adjustment expenses unpaid.

3198 Section 56. Subsections (2) and (3) of section 628.909,
 3199 Florida Statutes, are amended to read:

3200 628.909 Applicability of other laws.—

3201 (2) The following provisions of the Florida Insurance Code
 3202 apply to captive insurance companies that ~~who~~ are not industrial
 3203 insured captive insurance companies to the extent that such
 3204 provisions are not inconsistent with this part:

3205 (a) Chapter 624, except for ss. 624.407, 624.408,
 3206 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.

3207 (b) Chapter 625, part II.

3208 (c) Chapter 626, part IX.

3209 ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~
 3210 ~~provided.~~

3211 (d) ~~(e)~~ Chapter 628.

3212 (3) The following provisions of the Florida Insurance Code
 3213 ~~shall~~ apply to industrial insured captive insurance companies to
 3214 the extent that such provisions are not inconsistent with this
 3215 part:

3216 (a) Chapter 624, except for ss. 624.407, 624.408,
 3217 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and
 3218 624.609(1).

3219 (b) Chapter 625, part II, if the industrial insured
 3220 captive insurance company is incorporated in this state.

3221 (c) Chapter 626, part IX.

3222 ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~
 3223 ~~provided.~~

3224 (d) ~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and
 3225 628.6018.

3226 Section 57. Subsections (2), (6), and (7) of section
3227 705.184, Florida Statutes, are amended to read:

3228 705.184 Derelict or abandoned motor vehicles on the
3229 premises of public-use airports.—

3230 (2) The airport director or the director's designee shall
3231 contact the Department of Highway Safety and Motor Vehicles to
3232 notify that department that the airport has possession of the
3233 abandoned or derelict motor vehicle and to determine the name
3234 and address of the owner of the motor vehicle, the insurance
3235 company insuring the motor vehicle, ~~notwithstanding the~~
3236 ~~provisions of s. 627.736,~~ and any person who has filed a lien on
3237 the motor vehicle. Within 7 business days after receipt of the
3238 information, the director or the director's designee shall send
3239 notice by certified mail, return receipt requested, to the owner
3240 of the motor vehicle, the insurance company insuring the motor
3241 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
3242 persons of record claiming a lien against the motor vehicle. The
3243 notice must ~~shall~~ state the fact of possession of the motor
3244 vehicle, that charges for reasonable towing, storage, and
3245 parking fees, if any, have accrued and the amount thereof, that
3246 a lien as provided in subsection (6) will be claimed, that the
3247 lien is subject to enforcement pursuant to law, that the owner
3248 or lienholder, if any, has the right to a hearing as set forth
3249 in subsection (4), and that any motor vehicle which, at the end
3250 of 30 calendar days after receipt of the notice, has not been

3251 removed from the airport upon payment in full of all accrued
3252 charges for reasonable towing, storage, and parking fees, if
3253 any, may be disposed of as provided in s. 705.182(2)(a), (b),
3254 (d), or (e), including, but not limited to, the motor vehicle
3255 being sold free of all prior liens after 35 calendar days after
3256 the time the motor vehicle is stored if any prior liens on the
3257 motor vehicle are more than 5 years of age or after 50 calendar
3258 days after the time the motor vehicle is stored if any prior
3259 liens on the motor vehicle are 5 years of age or less.

3260 (6) The airport pursuant to this section or, if used, a
3261 licensed independent wrecker company pursuant to s. 713.78 shall
3262 have a lien on an abandoned or derelict motor vehicle for all
3263 reasonable towing, storage, and accrued parking fees, if any,
3264 except that no storage fee may ~~shall~~ be charged if the motor
3265 vehicle is stored less than 6 hours. As a prerequisite to
3266 perfecting a lien under this section, the airport director or
3267 the director's designee must serve a notice in accordance with
3268 subsection (2) on the owner of the motor vehicle, the insurance
3269 company insuring the motor vehicle, ~~notwithstanding the~~
3270 ~~provisions of s. 627.736,~~ and all persons of record claiming a
3271 lien against the motor vehicle. If attempts to notify the owner,
3272 the insurance company insuring the motor vehicle,
3273 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
3274 not successful, the requirement of notice by mail shall be
3275 considered met. Serving of the notice does not dispense with

3276 recording the claim of lien.

3277 (7) (a) For the purpose of perfecting its lien under this
 3278 section, the airport shall record a claim of lien which states
 3279 ~~shall state~~:

3280 1. The name and address of the airport.

3281 2. The name of the owner of the motor vehicle, the
 3282 insurance company insuring the motor vehicle, ~~notwithstanding~~
 3283 ~~the provisions of s. 627.736,~~ and all persons of record claiming
 3284 a lien against the motor vehicle.

3285 3. The costs incurred from reasonable towing, storage, and
 3286 parking fees, if any.

3287 4. A description of the motor vehicle sufficient for
 3288 identification.

3289 (b) The claim of lien must ~~shall~~ be signed and sworn to or
 3290 affirmed by the airport director or the director's designee.

3291 (c) The claim of lien is ~~shall be~~ sufficient if it is in
 3292 substantially the following form:

3293

3294 CLAIM OF LIEN

3295 State of

3296 County of

3297 Before me, the undersigned notary public, personally appeared
 3298, who was duly sworn and says that he/she is the
 3299 of, whose address is.....; and that the
 3300 following described motor vehicle:

3301 ... (Description of motor vehicle) ...
 3302 owned by, whose address is, has accrued
 3303 \$..... in fees for a reasonable tow, for storage, and for
 3304 parking, if applicable; that the lienor served its notice to the
 3305 owner, the insurance company insuring the motor vehicle
 3306 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~
 3307 and all persons of record claiming a lien against the motor
 3308 vehicle on, ... (year) ..., by.....
 3309 ... (Signature) ...
 3310 Sworn to (or affirmed) and subscribed before me this day of
 3311, ... (year) ..., by ... (name of person making statement)
 3312 ... (Signature of Notary Public) (Print, Type, or Stamp
 3313 Commissioned name of Notary Public) ...
 3314 Personally Known....OR Produced....as identification.
 3315
 3316 However, the negligent inclusion or omission of any information
 3317 in this claim of lien which does not prejudice the owner does
 3318 not constitute a default that operates to defeat an otherwise
 3319 valid lien.
 3320 (d) The claim of lien must ~~shall~~ be served on the owner of
 3321 the motor vehicle, the insurance company insuring the motor
 3322 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
 3323 persons of record claiming a lien against the motor vehicle. If
 3324 attempts to notify the owner, the insurance company insuring the
 3325 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or

3326 | lienholders are not successful, the requirement of notice by
 3327 | mail shall be considered met. The claim of lien must ~~shall~~ be so
 3328 | served before recordation.

3329 | (e) The claim of lien must ~~shall~~ be recorded with the
 3330 | clerk of court in the county where the airport is located. The
 3331 | recording of the claim of lien shall be constructive notice to
 3332 | all persons of the contents and effect of such claim. The lien
 3333 | attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
 3334 | ~~take~~ priority as of that time.

3335 | Section 58. Subsection (4) of section 713.78, Florida
 3336 | Statutes, is amended to read:

3337 | 713.78 Liens for recovering, towing, or storing vehicles
 3338 | and vessels.—

3339 | (4) (a) A person regularly engaged in the business of
 3340 | recovering, towing, or storing vehicles or vessels who comes
 3341 | into possession of a vehicle or vessel pursuant to subsection
 3342 | (2), and who claims a lien for recovery, towing, or storage
 3343 | services, shall give notice, by certified mail, to the
 3344 | registered owner, the insurance company insuring the vehicle
 3345 | ~~notwithstanding s. 627.736~~, and all persons claiming a lien
 3346 | thereon, as disclosed by the records in the Department of
 3347 | Highway Safety and Motor Vehicles or as disclosed by the records
 3348 | of any corresponding agency in any other state in which the
 3349 | vehicle is identified through a records check of the National
 3350 | Motor Vehicle Title Information System or an equivalent

3351 commercially available system as being titled or registered.

3352 (b) Whenever a law enforcement agency authorizes the
3353 removal of a vehicle or vessel or whenever a towing service,
3354 garage, repair shop, or automotive service, storage, or parking
3355 place notifies the law enforcement agency of possession of a
3356 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
3357 enforcement agency of the jurisdiction where the vehicle or
3358 vessel is stored shall contact the Department of Highway Safety
3359 and Motor Vehicles, or the appropriate agency of the state of
3360 registration, if known, within 24 hours through the medium of
3361 electronic communications, giving the full description of the
3362 vehicle or vessel. Upon receipt of the full description of the
3363 vehicle or vessel, the department shall search its files to
3364 determine the owner's name, the insurance company insuring the
3365 vehicle or vessel, and whether any person has filed a lien upon
3366 the vehicle or vessel as provided in s. 319.27(2) and (3) and
3367 notify the applicable law enforcement agency within 72 hours.
3368 The person in charge of the towing service, garage, repair shop,
3369 or automotive service, storage, or parking place shall obtain
3370 such information from the applicable law enforcement agency
3371 within 5 days after the date of storage and shall give notice
3372 pursuant to paragraph (a). The department may release the
3373 insurance company information to the requestor ~~notwithstanding~~
3374 ~~s. 627.736.~~

3375 (c) The notice of lien must be sent by certified mail to

3376 the registered owner, the insurance company insuring the vehicle
 3377 notwithstanding ~~s. 627.736~~, and all other persons claiming a
 3378 lien thereon within 7 business days, excluding Saturday and
 3379 Sunday, after the date of storage of the vehicle or vessel.
 3380 However, in no event shall the notice of lien be sent less than
 3381 30 days before the sale of the vehicle or vessel. The notice
 3382 must state:

3383 1. If the claim of lien is for a vehicle, the last 8
 3384 digits of the vehicle identification number of the vehicle
 3385 subject to the lien, or, if the claim of lien is for a vessel,
 3386 the hull identification number of the vessel subject to the
 3387 lien, clearly printed in the delivery address box and on the
 3388 outside of the envelope sent to the registered owner and all
 3389 other persons claiming an interest therein or lien thereon.

3390 2. The name, physical address, and telephone number of the
 3391 lienor, and the entity name, as registered with the Division of
 3392 Corporations, of the business where the towing and storage
 3393 occurred, which must also appear on the outside of the envelope
 3394 sent to the registered owner and all other persons claiming an
 3395 interest in or lien on the vehicle or vessel.

3396 3. The fact of possession of the vehicle or vessel.

3397 4. The name of the person or entity that authorized the
 3398 lienor to take possession of the vehicle or vessel.

3399 5. That a lien as provided in subsection (2) is claimed.

3400 6. That charges have accrued and include an itemized

3401 statement of the amount thereof.

3402 7. That the lien is subject to enforcement under law and
3403 that the owner or lienholder, if any, has the right to a hearing
3404 as set forth in subsection (5).

3405 8. That any vehicle or vessel that remains unclaimed, or
3406 for which the charges for recovery, towing, or storage services
3407 remain unpaid, may be sold free of all prior liens 35 days after
3408 the vehicle or vessel is stored by the lienor if the vehicle or
3409 vessel is more than 3 years of age or 50 days after the vehicle
3410 or vessel is stored by the lienor if the vehicle or vessel is 3
3411 years of age or less.

3412 9. The address at which the vehicle or vessel is
3413 physically located.

3414 (d) The notice of lien may not be sent to the registered
3415 owner, the insurance company insuring the vehicle or vessel, and
3416 all other persons claiming a lien thereon less than 30 days
3417 before the sale of the vehicle or vessel.

3418 (e) If attempts to locate the name and address of the
3419 owner or lienholder prove unsuccessful, the towing-storage
3420 operator shall, after 7 business days, excluding Saturday and
3421 Sunday, after the initial tow or storage, notify the public
3422 agency of jurisdiction where the vehicle or vessel is stored in
3423 writing by certified mail or acknowledged hand delivery that the
3424 towing-storage company has been unable to locate the name and
3425 address of the owner or lienholder and a physical search of the

3426 vehicle or vessel has disclosed no ownership information and a
 3427 good faith effort has been made, including records checks of the
 3428 Department of Highway Safety and Motor Vehicles database and the
 3429 National Motor Vehicle Title Information System or an equivalent
 3430 commercially available system. For purposes of this paragraph
 3431 and subsection (9), the term "good faith effort" means that the
 3432 following checks have been performed by the company to establish
 3433 the prior state of registration and for title:

3434 1. A check of the department's database for the owner and
 3435 any lienholder.

3436 2. A check of the electronic National Motor Vehicle Title
 3437 Information System or an equivalent commercially available
 3438 system to determine the state of registration when there is not
 3439 a current registration record for the vehicle or vessel on file
 3440 with the department.

3441 3. A check of the vehicle or vessel for any type of tag,
 3442 tag record, temporary tag, or regular tag.

3443 4. A check of the law enforcement report for a tag number
 3444 or other information identifying the vehicle or vessel, if the
 3445 vehicle or vessel was towed at the request of a law enforcement
 3446 officer.

3447 5. A check of the trip sheet or tow ticket of the tow
 3448 truck operator to determine whether a tag was on the vehicle or
 3449 vessel at the beginning of the tow, if a private tow.

3450 6. If there is no address of the owner on the impound

3451 report, a check of the law enforcement report to determine
 3452 whether an out-of-state address is indicated from driver license
 3453 information.

3454 7. A check of the vehicle or vessel for an inspection
 3455 sticker or other stickers and decals that may indicate a state
 3456 of possible registration.

3457 8. A check of the interior of the vehicle or vessel for
 3458 any papers that may be in the glove box, trunk, or other areas
 3459 for a state of registration.

3460 9. A check of the vehicle for a vehicle identification
 3461 number.

3462 10. A check of the vessel for a vessel registration
 3463 number.

3464 11. A check of the vessel hull for a hull identification
 3465 number which should be carved, burned, stamped, embossed, or
 3466 otherwise permanently affixed to the outboard side of the
 3467 transom or, if there is no transom, to the outmost seaboard side
 3468 at the end of the hull that bears the rudder or other steering
 3469 mechanism.

3470 Section 59. Section 768.852, Florida Statutes, is created
 3471 to read:

3472 768.852 Setoff on damages as a result of a motor vehicle
 3473 crash while uninsured.-

3474 (1) Except as provided in subsection (2), for any award of
 3475 noneconomic damages, a defendant is entitled to a setoff equal

3476 to \$10,000 if a person suffers injury while operating a motor
 3477 vehicle as defined in s. 324.022(2) which lacked the coverage
 3478 required by s. 324.022(1) and the person was not in compliance
 3479 with s. 324.022(1) for more than 30 days immediately preceding
 3480 the crash.

3481 (2) The setoff on noneconomic damages in subsection (1)
 3482 does not apply if the person who is liable for the injury:

3483 (a) Was driving while under the influence of an alcoholic
 3484 beverage, an inhalant, or a controlled substance;

3485 (b) Acted intentionally, recklessly, or with gross
 3486 negligence;

3487 (c) Fled from the scene of the crash; or

3488 (d) Was acting in furtherance of an offense or in
 3489 immediate flight from an offense that constituted a felony at
 3490 the time of the crash.

3491 (3) This section does not apply to any wrongful death
 3492 claim.

3493 Section 60. Paragraph (a) of subsection (1), paragraph (c)
 3494 of subsection (7), paragraphs (a), (b), and (c) of subsection
 3495 (8), and subsections (9) and (10) of section 817.234, Florida
 3496 Statutes, are amended to read:

3497 817.234 False and fraudulent insurance claims.—

3498 (1)(a) A person commits insurance fraud punishable as
 3499 provided in subsection (11) if that person, with the intent to
 3500 injure, defraud, or deceive any insurer:

3501 1. Presents or causes to be presented any written or oral
 3502 statement as part of, or in support of, a claim for payment or
 3503 other benefit pursuant to an insurance policy or a health
 3504 maintenance organization subscriber or provider contract,
 3505 knowing that such statement contains ~~any~~ false, incomplete, or
 3506 misleading information concerning any fact or thing material to
 3507 such claim;

3508 2. Prepares or makes any written or oral statement that is
 3509 intended to be presented to an ~~any~~ insurer in connection with,
 3510 or in support of, any claim for payment or other benefit
 3511 pursuant to an insurance policy or a health maintenance
 3512 organization subscriber or provider contract, knowing that such
 3513 statement contains ~~any~~ false, incomplete, or misleading
 3514 information concerning any fact or thing material to such claim;

3515 3.a. Knowingly presents, causes to be presented, or
 3516 prepares or makes with knowledge or belief that it will be
 3517 presented to an ~~any~~ insurer, purported insurer, servicing
 3518 corporation, insurance broker, or insurance agent, or any
 3519 employee or agent thereof, ~~any~~ false, incomplete, or misleading
 3520 information or a written or oral statement as part of, or in
 3521 support of, an application for the issuance of, or the rating
 3522 of, any insurance policy, or a health maintenance organization
 3523 subscriber or provider contract; or

3524 b. Knowingly conceals information concerning any fact
 3525 material to such application; or

3526 4. Knowingly presents, causes to be presented, or prepares
 3527 or makes with knowledge or belief that it will be presented to
 3528 any insurer a claim for payment or other benefit under medical
 3529 payments coverage in a motor vehicle ~~a personal injury~~
 3530 ~~protection~~ insurance policy if the person knows that the payee
 3531 knowingly submitted a false, misleading, or fraudulent
 3532 application or other document when applying for licensure as a
 3533 health care clinic, seeking an exemption from licensure as a
 3534 health care clinic, or demonstrating compliance with part X of
 3535 chapter 400.

3536 (7)

3537 ~~(c) An insurer, or any person acting at the direction of~~
 3538 ~~or on behalf of an insurer, may not change an opinion in a~~
 3539 ~~mental or physical report prepared under s. 627.736(7) or direct~~
 3540 ~~the physician preparing the report to change such opinion;~~
 3541 ~~however, this provision does not preclude the insurer from~~
 3542 ~~calling to the attention of the physician errors of fact in the~~
 3543 ~~report based upon information in the claim file. Any person who~~
 3544 ~~violates this paragraph commits a felony of the third degree,~~
 3545 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

3546 (8) (a) It is unlawful for any person intending to defraud
 3547 any other person to solicit or cause to be solicited any
 3548 business from a person involved in a motor vehicle accident for
 3549 the purpose of making, adjusting, or settling motor vehicle tort
 3550 claims or claims for benefits under medical payments coverage in

3551 a motor vehicle insurance policy ~~personal injury protection~~
3552 ~~benefits required by s. 627.736.~~ Any person who violates ~~the~~
3553 ~~provisions of~~ this paragraph commits a felony of the second
3554 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3555 775.084. A person who is convicted of a violation of this
3556 subsection shall be sentenced to a minimum term of imprisonment
3557 of 2 years.

3558 (b) A person may not solicit or cause to be solicited any
3559 business from a person involved in a motor vehicle accident by
3560 any means of communication other than advertising directed to
3561 the public for the purpose of making motor vehicle tort claims
3562 or claims for benefits under medical payments coverage in a
3563 motor vehicle insurance policy ~~personal injury protection~~
3564 ~~benefits required by s. 627.736,~~ within 60 days after the
3565 occurrence of the motor vehicle accident. Any person who
3566 violates this paragraph commits a felony of the third degree,
3567 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3568 (c) A lawyer, health care practitioner as defined in s.
3569 456.001, or owner or medical director of a clinic required to be
3570 licensed pursuant to s. 400.9905 may not, at any time after 60
3571 days have elapsed from the occurrence of a motor vehicle
3572 accident, solicit or cause to be solicited any business from a
3573 person involved in a motor vehicle accident by means of in
3574 person or telephone contact at the person's residence, for the
3575 purpose of making motor vehicle tort claims or claims for

3576 benefits under medical payments coverage in a motor vehicle
 3577 insurance policy ~~personal injury protection benefits required by~~
 3578 ~~s. 627.736~~. Any person who violates this paragraph commits a
 3579 felony of the third degree, punishable as provided in s.
 3580 775.082, s. 775.083, or s. 775.084.

3581 (9) A person may not organize, plan, or knowingly
 3582 participate in an intentional motor vehicle crash or a scheme to
 3583 create documentation of a motor vehicle crash that did not occur
 3584 for the purpose of making motor vehicle tort claims or claims
 3585 for benefits under medical payments coverage in a motor vehicle
 3586 insurance policy ~~personal injury protection benefits as required~~
 3587 ~~by s. 627.736~~. Any person who violates this subsection commits a
 3588 felony of the second degree, punishable as provided in s.
 3589 775.082, s. 775.083, or s. 775.084. A person who is convicted of
 3590 a violation of this subsection shall be sentenced to a minimum
 3591 term of imprisonment of 2 years.

3592 (10) A licensed health care practitioner who is found
 3593 guilty of insurance fraud under this section for an act relating
 3594 to a motor vehicle ~~personal injury protection~~ insurance policy
 3595 loses his or her license to practice for 5 years and may not
 3596 receive reimbursement under medical payments coverage in a motor
 3597 vehicle insurance policy ~~for personal injury protection benefits~~
 3598 for 10 years.

3599 Section 61. For the 2021-2022 fiscal year, the sum of
 3600 \$83,651 in nonrecurring funds is appropriated from the Insurance

3601 Regulatory Trust Fund to the Office of Insurance Regulation for
3602 the purpose of implementing this act.

3603 Section 62. Except as otherwise expressly provided in this
3604 act and except for this section, which shall take effect upon
3605 this act becoming a law, this act shall take effect January 1,
3606 2022.