

1 A bill to be entitled
2 An act relating to motor vehicle insurance; repealing
3 ss. 627.730, 627.731, 627.7311, 627.732, 627.733,
4 627.734, 627.736, 627.737, 627.739, 627.7401,
5 627.7403, 627.7405, F.S., which comprise the Florida
6 Motor Vehicle No-Fault Law; repealing s. 627.7407,
7 F.S., relating to application of the Florida Motor
8 Vehicle No-Fault Law; amending s. 316.2122, F.S.;
9 conforming a cross-reference; amending s. 316.646,
10 F.S.; revising a requirement for proof of security on
11 a motor vehicle and the applicability of the
12 requirement; amending s. 318.18, F.S.; conforming a
13 provision to changes made by the act; amending s.
14 320.02, F.S.; revising the motor vehicle insurance
15 coverages that an applicant must show to register
16 certain vehicles with the Department of Highway Safety
17 and Motor Vehicles; conforming a provision to changes
18 made by the act; revising construction; amending s.
19 320.0609, F.S.; conforming a provision to changes made
20 by the act; amending s. 320.27, F.S.; defining the
21 term "garage liability insurance"; revising garage
22 liability insurance requirements for motor vehicle
23 dealer applicants; conforming a provision to changes
24 made by the act; amending s. 320.771, F.S.; revising
25 garage liability insurance requirements for

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

51 registrations may be reinstated as provided in a
52 specified section; amending s. 324.023, F.S.;
53 conforming cross-references; amending s. 324.031,
54 F.S.; specifying a method of proving financial
55 responsibility by owners or operators of motor
56 vehicles other than for-hire passenger transportation
57 vehicles; revising the amount of a certificate of
58 deposit required to elect a certain method of proof of
59 financial responsibility; revising liability coverage
60 requirements for a person electing to use such method;
61 amending s. 324.032, F.S.; revising financial
62 responsibility requirements for owners or lessees of
63 for-hire passenger transportation vehicles; amending
64 s. 324.051, F.S.; making technical changes; specifying
65 that motor vehicles include motorcycles for purposes
66 of the section; amending ss. 324.071 and 324.091,
67 F.S.; making technical changes; amending s. 324.151,
68 F.S.; revising requirements for motor vehicle
69 liability insurance policies relating to coverage, and
70 exclusion from coverage, for certain drivers and
71 vehicles; conforming provisions to changes made by the
72 act; making technical changes; providing definitions;
73 amending s. 324.161, F.S.; revising requirements for a
74 certificate of deposit that is required if a person
75 elects a certain method of proving financial

76 responsibility; amending s. 324.171, F.S.; revising
77 the minimum net worth requirements to qualify certain
78 persons as self-insurers; conforming provisions to
79 changes made by the act; amending s. 324.251, F.S.;
80 revising the short title and an effective date;
81 amending s. 400.9905, F.S.; revising the definition of
82 the term "clinic"; amending ss. 400.991 and 400.9935,
83 F.S.; conforming provisions to changes made by the
84 act; amending s. 409.901, F.S.; revising the
85 definition of the term "third-party benefit"; amending
86 s. 409.910, F.S.; revising the definition of the term
87 "medical coverage"; amending s. 456.057, F.S.;
88 conforming a provision to changes made by the act;
89 amending s. 456.072, F.S.; revising specified grounds
90 for discipline for certain health professions;
91 defining the term "upcode"; amending s. 626.9541,
92 F.S.; conforming a provision to changes made by the
93 act; revising certain prohibited act related to
94 specified insurance coverage payment requirements;
95 amending s. 626.989, F.S.; revising the definition of
96 the term "fraudulent insurance act"; amending s.
97 627.06501, F.S.; revising coverages that may provide
98 for a reduction in motor vehicle insurance policy
99 premium charges under certain circumstances; amending
100 s. 627.0651, F.S.; specifying requirements for rate

101 filings for motor vehicle liability policies that
102 implement requirements in effect on a specified date;
103 requiring such filings to be approved through a
104 certain process; amending s. 627.0652, F.S.; revising
105 coverages that must provide a premium charge reduction
106 under certain circumstances; amending s. 627.0653,
107 F.S.; revising coverages that are subject to premium
108 discounts for specified motor vehicle equipment;
109 amending s. 627.4132, F.S.; revising coverages that
110 are subject to a stacking prohibition; amending s.
111 627.4137, F.S.; requiring that insurers disclose
112 certain information at the request of a claimant's
113 attorney; authorizing a claimant to file an action
114 under certain circumstances; providing for the award
115 of reasonable attorney fees and costs under certain
116 circumstances; amending s. 627.7263, F.S.; revising
117 coverages that are deemed primary, except under
118 certain circumstances, for the lessor of a motor
119 vehicle for lease or rent; revising a notice that is
120 required if the lessee's coverage is to be primary;
121 creating s. 627.7265, F.S.; specifying persons whom
122 medical payments coverage must protect; specifying the
123 minimum medical expense limits; specifying coverage
124 options that an insurer is required and authorized to
125 offer; providing construction relating to limits on

126 certain other coverages; requiring insurers, upon
127 receiving certain notice of an accident, to hold a
128 specified reserve for certain purposes for a certain
129 timeframe; providing that the reserve requirement does
130 not require insurers to establish a claim reserve for
131 accounting purposes; specifying that an insurer
132 providing medical payments coverage benefits may not
133 seek a lien on a certain recovery and may not bring a
134 certain cause of action; authorizing insurers to
135 include policy provisions allowing for subrogation,
136 under certain circumstances, for medical payments
137 benefits paid; providing construction; specifying a
138 requirement for an insured for repayment of medical
139 payments benefits under certain circumstances;
140 prohibiting insurers from including policy provisions
141 allowing for subrogation for death benefits paid;
142 amending s. 627.727, F.S.; conforming provisions to
143 changes made by the act; revising the legal liability
144 of an uninsured motorist coverage insurer; amending s.
145 627.7275, F.S.; revising required coverages for a
146 motor vehicle insurance policy; conforming provisions
147 to changes made by the act; creating s. 627.72761,
148 F.S.; requiring motor vehicle insurance policies to
149 provide death benefits; specifying requirements for
150 such benefits; specifying persons to whom such

151 benefits may and may not be paid; creating s.
152 627.7278, F.S.; defining the term "minimum security
153 requirements"; providing a prohibition, requirements,
154 applicability, and construction relating to motor
155 vehicle insurance policies as of a certain date;
156 requiring insurers to allow certain insureds to make
157 certain coverage changes, subject to certain
158 conditions; requiring an insurer to provide, by a
159 specified date, a specified notice to policyholders
160 relating to requirements under the act; amending s.
161 627.728, F.S.; conforming a provision to changes made
162 by the act; amending s. 627.7295, F.S.; revising the
163 definitions of the terms "policy" and "binder";
164 revising the coverages of a motor vehicle insurance
165 policy for which a licensed general lines agent may
166 charge a specified fee; conforming provisions to
167 changes made by the act; amending s. 627.7415, F.S.;
168 revising additional liability insurance requirements
169 for commercial motor vehicles; amending s. 627.747,
170 F.S.; conforming provisions to changes made by the
171 act; amending s. 627.748, F.S.; revising insurance
172 requirements for transportation network company
173 drivers; conforming provisions to changes made by the
174 act; conforming cross-references; amending s.
175 627.7483, F.S.; conforming cross-references;

176 conforming provisions to changes made by the act;
 177 amending s. 627.749, F.S.; conforming a provision to
 178 changes made by the act; amending s. 627.8405, F.S.;
 179 revising coverages in a policy sold in combination
 180 with an accidental death and dismemberment policy
 181 which a premium finance company may not finance;
 182 revising rulemaking authority of the Financial
 183 Services Commission; amending ss. 627.915, 628.909,
 184 705.184, and 713.78, F.S.; conforming provisions to
 185 changes made by the act; creating s. 768.852, F.S.;
 186 providing for a setoff on certain damages that may be
 187 recovered by a person operating certain motor vehicles
 188 who is not in compliance with financial responsibility
 189 laws; providing exceptions; amending s. 817.234, F.S.;
 190 revising coverages that are the basis of specified
 191 prohibited false and fraudulent insurance claims;
 192 conforming provisions to changes made by the act;
 193 deleting provisions relating to prohibited changes in
 194 certain mental or physical reports; providing an
 195 appropriation; providing effective dates.

196
 197 Be It Enacted by the Legislature of the State of Florida:

198
 199 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,
 200 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,

201 and 627.7405, Florida Statutes, are repealed.

202 Section 2. Section 627.7407, Florida Statutes, is
 203 repealed.

204 Section 3. Paragraph (e) of subsection (2) of section
 205 316.2122, Florida Statutes, is amended to read:

206 316.2122 Operation of a low-speed vehicle, mini truck, or
 207 low-speed autonomous delivery vehicle on certain roadways.—

208 (2) The operation of a low-speed autonomous delivery
 209 vehicle on any road is authorized with the following
 210 restrictions:

211 (e) A low-speed autonomous delivery vehicle must be
 212 covered by a policy of automobile insurance which provides the
 213 coverage required by s. 627.749(2)(a)1. and ~~2.~~ ~~and 3.~~ The
 214 coverage requirements of this paragraph may be satisfied by
 215 automobile insurance maintained by the owner of a low-speed
 216 autonomous delivery vehicle, the owner of the teleoperation
 217 system, the remote human operator, or a combination thereof.

218 Section 4. Subsection (1) of section 316.646, Florida
 219 Statutes, is amended to read:

220 316.646 Security required; proof of security and display
 221 thereof.—

222 (1) Any person required by s. 324.022 to maintain
 223 liability security for property damage, ~~liability security,~~
 224 ~~required by s. 324.023 to maintain liability security for bodily~~
 225 ~~injury,~~ or death, ~~or required by s. 627.733 to maintain personal~~

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226 ~~injury protection security on a motor vehicle~~ shall have in his
227 or her immediate possession at all times while operating a ~~such~~
228 motor vehicle proper proof of maintenance of the ~~required~~
229 security required under s. 324.021(7).

230 (a) Such proof must ~~shall~~ be in a uniform paper or
231 electronic format, as prescribed by the department, a valid
232 insurance policy, an insurance policy binder, a certificate of
233 insurance, or such other proof as may be prescribed by the
234 department.

235 (b)1. The act of presenting to a law enforcement officer
236 an electronic device displaying proof of insurance in an
237 electronic format does not constitute consent for the officer to
238 access any information on the device other than the displayed
239 proof of insurance.

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

242 Section 5. Paragraph (b) of subsection (2) of section
243 318.18, Florida Statutes, is amended to read:

244 318.18 Amount of penalties.—The penalties required for a
245 noncriminal disposition pursuant to s. 318.14 or a criminal
246 offense listed in s. 318.17 are as follows:

247 (2) Thirty dollars for all nonmoving traffic violations
248 and:

249 (b) For all violations of ss. 320.0605, 320.07(1),
250 322.065, and 322.15(1). A ~~Any~~ person who is cited for a

251 violation of s. 320.07(1) shall be charged a delinquent fee
252 pursuant to s. 320.07(4).

253 1. If a person who is cited for a violation of s. 320.0605
254 or s. 320.07 can show proof of having a valid registration at
255 the time of arrest, the clerk of the court may dismiss the case
256 and may assess a dismissal fee of up to \$10, from which the
257 clerk shall remit \$2.50 to the Department of Revenue for deposit
258 into the General Revenue Fund. A person who finds it impossible
259 or impractical to obtain a valid registration certificate must
260 submit an affidavit detailing the reasons for the impossibility
261 or impracticality. The reasons may include, but are not limited
262 to, the fact that the vehicle was sold, stolen, or destroyed;
263 that the state in which the vehicle is registered does not issue
264 a certificate of registration; or that the vehicle is owned by
265 another person.

266 2. If a person who is cited for a violation of s. 322.03,
267 s. 322.065, or s. 322.15 can show a driver license issued to him
268 or her and valid at the time of arrest, the clerk of the court
269 may dismiss the case and may assess a dismissal fee of up to
270 \$10, from which the clerk shall remit \$2.50 to the Department of
271 Revenue for deposit into the General Revenue Fund.

272 3. If a person who is cited for a violation of s. 316.646
273 can show proof of security as required by s. 324.021(7) ~~s.~~
274 ~~627.733~~, issued to the person and valid at the time of arrest,
275 the clerk of the court may dismiss the case and may assess a

276 dismissal fee of up to \$10, from which the clerk shall remit
 277 \$2.50 to the Department of Revenue for deposit into the General
 278 Revenue Fund. A person who finds it impossible or impractical to
 279 obtain proof of security must submit an affidavit detailing the
 280 reasons for the impracticality. The reasons may include, but are
 281 not limited to, the fact that the vehicle has since been sold,
 282 stolen, or destroyed; ~~that the owner or registrant of the~~
 283 ~~vehicle is not required by s. 627.733 to maintain personal-~~
 284 ~~injury protection insurance;~~ or that the vehicle is owned by
 285 another person.

286 Section 6. Paragraphs (a) and (d) of subsection (5) of
 287 section 320.02, Florida Statutes, are amended to read:

288 320.02 Registration required; application for
 289 registration; forms.—

290 (5) (a) Proof that bodily injury liability coverage and
 291 property damage liability coverage ~~personal injury protection~~
 292 ~~benefits~~ have been purchased if required under s. 324.022, s.
 293 324.032, or s. 627.742 ~~s. 627.733, that property damage~~
 294 ~~liability coverage has been purchased as required under s.~~
 295 ~~324.022,~~ that bodily injury liability ~~or death~~ coverage has been
 296 purchased if required under s. 324.023, and that combined bodily
 297 liability insurance and property damage liability insurance have
 298 been purchased if required under s. 627.7415 must ~~shall~~ be
 299 provided in the manner prescribed by law by the applicant at the
 300 time of application for registration of any motor vehicle that

301 is subject to such requirements. The issuing agent may not ~~shall~~
 302 ~~refuse to~~ issue registration if such proof of purchase is not
 303 provided. Insurers shall furnish uniform proof-of-purchase cards
 304 in a paper or electronic format in a form prescribed by the
 305 department and include the name of the insured's insurance
 306 company, the coverage identification number, and the make, year,
 307 and vehicle identification number of the vehicle insured. The
 308 card must contain a statement notifying the applicant of the
 309 penalty specified under s. 316.646(4). The card or insurance
 310 policy, insurance policy binder, or certificate of insurance or
 311 a photocopy of any of these; an affidavit containing the name of
 312 the insured's insurance company, the insured's policy number,
 313 and the make and year of the vehicle insured; or such other
 314 proof as may be prescribed by the department constitutes ~~shall~~
 315 ~~constitute~~ sufficient proof of purchase. If an affidavit is
 316 provided as proof, it must be in substantially the following
 317 form:

318
 319 Under penalty of perjury, I ...(Name of insured)... do hereby
 320 certify that I have ... (bodily injury liability and Personal
 321 ~~Injury Protection~~, property damage liability, ~~and, if required,~~
 322 ~~Bodily Injury Liability~~)... insurance currently in effect with
 323 ...(Name of insurance company)... under ...(policy number)...
 324 covering ...(make, year, and vehicle identification number of
 325 vehicle).... ...(Signature of Insured)...

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326
327 Such affidavit must include the following warning:
328

329 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
330 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
331 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
332 SUBJECT TO PROSECUTION.
333

334 If an application is made through a licensed motor vehicle
335 dealer as required under s. 319.23, the original or a photocopy
336 ~~photostatic copy~~ of such card, insurance policy, insurance
337 policy binder, or certificate of insurance or the original
338 affidavit from the insured must ~~shall~~ be forwarded by the dealer
339 to the tax collector of the county or the Department of Highway
340 Safety and Motor Vehicles for processing. By executing the
341 ~~aforesaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not
342 ~~will be~~ liable in damages for any inadequacy, insufficiency, or
343 falsification of any statement contained therein. ~~A card must~~
344 ~~also indicate the existence of any bodily injury liability~~
345 ~~insurance voluntarily purchased.~~

346 (d) The verifying of ~~proof of personal injury protection~~
347 ~~insurance, proof of property damage liability insurance, proof~~
348 ~~of combined bodily liability insurance and property damage~~
349 ~~liability insurance, or proof of financial responsibility~~
350 ~~insurance~~ and the issuance or failure to issue the motor vehicle

351 registration under ~~the provisions of~~ this chapter may not be
 352 construed in any court as a warranty of the reliability or
 353 accuracy of the evidence of such proof or as meaning that the
 354 provisions of any insurance policy furnished as proof of
 355 financial responsibility comply with state law. Neither the
 356 department nor any tax collector is liable in damages for any
 357 inadequacy, insufficiency, falsification, or unauthorized
 358 modification of any item of ~~the proof of personal injury~~
 359 ~~protection insurance, proof of property damage liability~~
 360 ~~insurance, proof of combined bodily liability insurance and~~
 361 ~~property damage liability insurance, or proof of financial~~
 362 responsibility before ~~insurance prior to,~~ during, or subsequent
 363 to the verification of the proof. The issuance of a motor
 364 vehicle registration does not constitute prima facie evidence or
 365 a presumption of insurance coverage.

366 Section 7. Paragraph (b) of subsection (1) of section
 367 320.0609, Florida Statutes, is amended to read:

368 320.0609 Transfer and exchange of registration license
 369 plates; transfer fee.—

370 (1)

371 (b) The transfer of a license plate from a vehicle
 372 disposed of to a newly acquired vehicle does not constitute a
 373 new registration. The application for transfer must ~~shall~~ be
 374 accepted without requiring proof of ~~personal injury protection~~
 375 ~~or~~ liability insurance.

376 Section 8. Subsection (3) of section 320.27, Florida
 377 Statutes, is amended, and paragraph (g) is added to subsection
 378 (1) of that section, to read:

379 320.27 Motor vehicle dealers.—

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

384 (g) "Garage liability insurance" means, beginning July 1,
 385 2023, combined single-limit liability coverage, including
 386 property damage and bodily injury liability coverage, in the
 387 amount of at least \$60,000.

388 (3) APPLICATION AND FEE.—The ~~application for the~~ license
 389 application must ~~shall~~ be in such form as may be prescribed by
 390 the department and is ~~shall be~~ subject to such rules ~~with~~
 391 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.
 392 Such application must ~~shall~~ be verified by oath or affirmation
 393 and must ~~shall~~ contain a full statement of the name and birth
 394 date of the person or persons applying for the license ~~therefor~~;
 395 the name of the firm or copartnership, with the names and places
 396 of residence of all members ~~thereof~~, if such applicant is a firm
 397 or copartnership; the names and places of residence of the
 398 principal officers, if the applicant is a body corporate or
 399 other artificial body; the name of the state under whose laws
 400 the corporation is organized; the present and former place or

401 places of residence of the applicant; and the prior business in
402 which the applicant has been engaged and its ~~the~~ location
403 ~~thereof~~. ~~The~~ ~~Such~~ application must ~~shall~~ describe the exact
404 location of the place of business and must ~~shall~~ state whether
405 the place of business is owned by the applicant and when
406 acquired, or, if leased, a true copy of the lease must ~~shall~~ be
407 attached to the application. The applicant shall certify that
408 the location provides an adequately equipped office and is not a
409 residence; that the location affords sufficient unoccupied space
410 upon and within which adequately to store all motor vehicles
411 offered and displayed for sale; and that the location is a
412 suitable place where the applicant can in good faith carry on
413 such business and keep and maintain books, records, and files
414 necessary to conduct such business, which must ~~shall~~ be
415 available at all reasonable hours to inspection by the
416 department or any of its inspectors or other employees. The
417 applicant shall certify that the business of a motor vehicle
418 dealer is the principal business that will ~~which shall~~ be
419 conducted at that location. The application must ~~shall~~ contain a
420 statement that the applicant is either franchised by a
421 manufacturer of motor vehicles, in which case the name of each
422 motor vehicle that the applicant is franchised to sell must
423 ~~shall~~ be included, or an independent (nonfranchised) motor
424 vehicle dealer. The application must ~~shall~~ contain other
425 relevant information as may be required by the department. The

426 applicant shall furnish, including evidence, in a form approved
427 by the department, that the applicant is insured under a garage
428 liability insurance policy or a general liability insurance
429 policy coupled with a business automobile policy having the
430 coverages and limits of the garage liability insurance coverage
431 in accordance with paragraph (1) (g), which shall include, at a
432 minimum, \$25,000 combined single-limit liability coverage
433 including bodily injury and property damage protection and
434 \$10,000 personal injury protection. However, a salvage motor
435 vehicle dealer as defined in subparagraph (1) (c) 5. is exempt
436 from the requirements for garage liability insurance ~~and~~
437 ~~personal injury protection insurance~~ on those vehicles that
438 cannot be legally operated on roads, highways, or streets in
439 this state. Franchise dealers must submit a garage liability
440 insurance policy, and all other dealers must submit a garage
441 liability insurance policy or a general liability insurance
442 policy coupled with a business automobile policy. Such policy
443 must shall be for the license period, and evidence of a new or
444 continued policy must shall be delivered to the department at
445 the beginning of each license period. A licensee shall deliver
446 to the department, in the manner prescribed by the department,
447 within 10 calendar days after any renewal or continuation of or
448 change in such policy or within 10 calendar days after any
449 issuance of a new policy, a copy of the renewed, continued,
450 changed, or new policy. Upon making an initial application, the

451 applicant shall pay to the department a fee of \$300 in addition
452 to any other fees required by law. Applicants may choose to
453 extend the licensure period for 1 additional year for a total of
454 2 years. An initial applicant shall pay to the department a fee
455 of \$300 for the first year and \$75 for the second year, in
456 addition to any other fees required by law. An applicant for
457 renewal shall pay to the department \$75 for a 1-year renewal or
458 \$150 for a 2-year renewal, in addition to any other fees
459 required by law. Upon making an application for a change of
460 location, the applicant ~~person~~ shall pay a fee of \$50 in
461 addition to any other fees now required by law. The department
462 shall, in the case of every application for initial licensure,
463 verify whether certain facts set forth in the application are
464 true. Each applicant, general partner in the case of a
465 partnership, or corporate officer and director in the case of a
466 corporate applicant shall, ~~must~~ file a set of fingerprints with
467 the department for the purpose of determining any prior criminal
468 record or any outstanding warrants. The department shall submit
469 the fingerprints to the Department of Law Enforcement for state
470 processing and forwarding to the Federal Bureau of Investigation
471 for federal processing. The actual cost of state and federal
472 processing must ~~shall~~ be borne by the applicant and is in
473 addition to the fee for licensure. The department may issue a
474 license to an applicant pending the results of the fingerprint
475 investigation, which license is fully revocable if the

476 department subsequently determines that any facts set forth in
 477 the application are not true or correctly represented.

478 Section 9. Paragraph (j) of subsection (3) of section
 479 320.771, Florida Statutes, is amended to read:

480 320.771 License required of recreational vehicle dealers.—

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

485 (j) A statement that the applicant is insured under a
 486 garage liability insurance policy in accordance with s.
 487 320.27(1)(g), ~~which shall include, at a minimum, \$25,000~~
 488 ~~combined single-limit liability coverage, including bodily~~
 489 ~~injury and property damage protection, and \$10,000 personal~~
 490 ~~injury protection,~~ if the applicant is to be licensed as a
 491 dealer in, or intends to sell, recreational vehicles. However, a
 492 garage liability policy is not required for the licensure of a
 493 mobile home dealer who sells only park trailers.

494
 495 The department shall, if it deems necessary, cause an
 496 investigation to be made to ascertain if the facts set forth in
 497 the application are true and may ~~shall~~ not issue a license to
 498 the applicant until it is satisfied that the facts set forth in
 499 the application are true.

500 Section 10. Subsections (1) and (2) of section 322.251,

501 Florida Statutes, are amended to read:

502 322.251 Notice of cancellation, suspension, revocation, or
503 disqualification of license.—

504 (1) All orders of cancellation, suspension, revocation, or
505 disqualification issued under ~~the provisions of~~ this chapter,
506 chapter 318, or chapter 324 must, ~~or ss. 627.732–627.734 shall~~
507 be given either by personal delivery thereof to the licensee
508 whose license is being canceled, suspended, revoked, or
509 disqualified or by deposit in the United States mail in an
510 envelope, first class, postage prepaid, addressed to the
511 licensee at his or her last known mailing address furnished to
512 the department. Such mailing by the department constitutes
513 notification, and any failure by the person to receive the
514 mailed order will not affect or stay the effective date or term
515 of the cancellation, suspension, revocation, or disqualification
516 of the licensee's driving privilege.

517 (2) The giving of notice and an order of cancellation,
518 suspension, revocation, or disqualification by mail is complete
519 upon expiration of 20 days after deposit in the United States
520 mail for all notices except those issued under chapter 324 ~~or~~
521 ~~ss. 627.732–627.734~~, which are complete 15 days after deposit in
522 the United States mail. Proof of the giving of notice and an
523 order of cancellation, suspension, revocation, or
524 disqualification in either manner must ~~shall~~ be made by entry in
525 the records of the department that such notice was given. The

526 entry is admissible in the courts of this state and constitutes
 527 sufficient proof that such notice was given.

528 Section 11. Paragraph (a) of subsection (8) of section
 529 322.34, Florida Statutes, is amended to read:

530 322.34 Driving while license suspended, revoked, canceled,
 531 or disqualified.—

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

535 1. Whether the person's driver license is suspended or
 536 revoked, or the person is under suspension or revocation
 537 equivalent status.

538 2. Whether the person's driver license has remained
 539 suspended or revoked, or the person has been under suspension or
 540 revocation equivalent status, since a conviction for the offense
 541 of driving with a suspended or revoked license.

542 3. Whether the suspension, revocation, or suspension or
 543 revocation equivalent status was made under s. 316.646 ~~or s.~~
 544 ~~627.733~~, relating to failure to maintain required security, or
 545 under s. 322.264, relating to habitual traffic offenders.

546 4. Whether the driver is the registered owner or co-owner
 547 of the vehicle.

548 Section 12. Section 324.011, Florida Statutes, is amended
 549 to read:

550 324.011 Legislative intent; purpose of chapter.—

551 (1) It is the intent of the Legislature that this chapter:

552 (a) Ensure that the privilege of owning or operating a
 553 motor vehicle in the state is exercised ~~to recognize the~~
 554 ~~existing privilege to own or operate a motor vehicle on the~~
 555 ~~public streets and highways of this state when such vehicles are~~
 556 ~~used~~ with due consideration for the safety of others and ~~their~~
 557 ~~property.~~ and to

558 (b) Promote safety. ~~and~~

559 (c) Provide financial security requirements for such
 560 owners and ~~or~~ operators whose responsibility it is to recompense
 561 others for injury to person or property caused by the operation
 562 of a motor vehicle.

563 (2) The purpose of this chapter is to require that every
 564 owner or operator of a motor vehicle required to be registered
 565 in the state establish, maintain, and ~~Therefore, it is required~~
 566 ~~herein that the operator of a motor vehicle involved in a crash~~
 567 ~~or convicted of certain traffic offenses meeting the operative~~
 568 ~~provisions of s. 324.051(2) shall respond for such damages and~~
 569 ~~show proof of financial ability to respond for damages~~ arising
 570 out of the ownership, maintenance, or use of a motor vehicle in
 571 ~~future accidents~~ as a requisite to owning or operating a motor
 572 vehicle in the state ~~his or her future exercise of such~~
 573 ~~privileges.~~

574 Section 13. Subsections (1) and (7) and paragraph (c) of
 575 subsection (9) of section 324.021, Florida Statutes, are

576 amended, and subsection (12) is added to that section, to read:

577 324.021 Definitions; minimum insurance required.—The
 578 following words and phrases when used in this chapter shall, for
 579 the purpose of this chapter, have the meanings respectively
 580 ascribed to them in this section, except in those instances
 581 where the context clearly indicates a different meaning:

582 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
 583 designed and required to be licensed for use upon a highway,
 584 including trailers and semitrailers designed for use with such
 585 vehicles, except traction engines, road rollers, farm tractors,
 586 power shovels, and well drillers, and every vehicle that is
 587 propelled by electric power obtained from overhead wires but not
 588 operated upon rails, but not including any personal delivery
 589 device or mobile carrier as defined in s. 316.003, bicycle,
 590 electric bicycle, or moped. ~~However, the term "motor vehicle"~~
 591 ~~does not include a motor vehicle as defined in s. 627.732(3)~~
 592 ~~when the owner of such vehicle has complied with the~~
 593 ~~requirements of ss. 627.730–627.7405, inclusive, unless the~~
 594 ~~provisions of s. 324.051 apply; and, in such case, the~~
 595 ~~applicable proof of insurance provisions of s. 320.02 apply.~~

596 (7) PROOF OF FINANCIAL RESPONSIBILITY.—Beginning July 1,
 597 2023, ~~That~~ proof of ability to respond in damages for liability
 598 on account of crashes arising out of the ownership, maintenance,
 599 or use of a motor vehicle:

600 (a) With respect to a motor vehicle other than a

601 commercial motor vehicle, nonpublic sector bus, or for-hire
 602 passenger transportation vehicle, in the amounts specified in s.
 603 324.022(1). ~~in the amount of \$10,000 because of bodily injury~~
 604 ~~to, or death of, one person in any one crash;~~

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

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

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

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

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

617 (9) OWNER; OWNER/LESSOR.—

618 (c) Application.—

619 1. The limits on liability in subparagraphs (b)2. and 3.
 620 do not apply to an owner of motor vehicles that are used for
 621 commercial activity in the owner's ordinary course of business,
 622 other than a rental company that rents or leases motor vehicles.
 623 For purposes of this paragraph, the term "rental company"
 624 includes only an entity that is engaged in the business of
 625 renting or leasing motor vehicles to the general public and that

626 rents or leases a majority of its motor vehicles to persons with
 627 no direct or indirect affiliation with the rental company. The
 628 term "rental company" also includes:

629 a. A related rental or leasing company that is a
 630 subsidiary of the same parent company as that of the renting or
 631 leasing company that rented or leased the vehicle.

632 b. The holder of a motor vehicle title or an equity
 633 interest in a motor vehicle title if the title or equity
 634 interest is held pursuant to or to facilitate an asset-backed
 635 securitization of a fleet of motor vehicles used solely in the
 636 business of renting or leasing motor vehicles to the general
 637 public and under the dominion and control of a rental company,
 638 as described in this subparagraph, in the operation of such
 639 rental company's business.

640 2. Furthermore, with respect to commercial motor vehicles
 641 as defined in s. 207.002 or s. 320.01(25) ~~s. 627.732~~, the limits
 642 on liability in subparagraphs (b)2. and 3. do not apply if, at
 643 the time of the incident, the commercial motor vehicle is being
 644 used in the transportation of materials found to be hazardous
 645 for the purposes of the Hazardous Materials Transportation
 646 Authorization Act of 1994, as amended, 49 U.S.C. ss. 5101 et
 647 seq., and that is required pursuant to such act to carry
 648 placards warning others of the hazardous cargo, unless at the
 649 time of lease or rental either:

650 a. The lessee indicates in writing that the vehicle will

651 not be used to transport materials found to be hazardous for the
 652 purposes of the Hazardous Materials Transportation Authorization
 653 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

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

658 3.a. A motor vehicle dealer, or a motor vehicle dealer's
 659 leasing or rental affiliate, that provides a temporary
 660 replacement vehicle at no charge or at a reasonable daily charge
 661 to a service customer whose vehicle is being held for repair,
 662 service, or adjustment by the motor vehicle dealer is immune
 663 from any cause of action and is not liable, vicariously or
 664 directly, under general law solely by reason of being the owner
 665 of the temporary replacement vehicle for harm to persons or
 666 property that arises out of the use, or operation, of the
 667 temporary replacement vehicle by any person during the period
 668 the temporary replacement vehicle has been entrusted to the
 669 motor vehicle dealer's service customer if there is no
 670 negligence or criminal wrongdoing on the part of the motor
 671 vehicle owner, or its leasing or rental affiliate.

672 b. For purposes of this section, and notwithstanding any
 673 other provision of general law, a motor vehicle dealer, or a
 674 motor vehicle dealer's leasing or rental affiliate, that gives
 675 possession, control, or use of a temporary replacement vehicle

676 to a motor vehicle dealer's service customer may not be adjudged
677 liable in a civil proceeding absent negligence or criminal
678 wrongdoing on the part of the motor vehicle dealer, or the motor
679 vehicle dealer's leasing or rental affiliate, if the motor
680 vehicle dealer or the motor vehicle dealer's leasing or rental
681 affiliate executes a written rental or use agreement and obtains
682 from the person receiving the temporary replacement vehicle a
683 copy of the person's driver license and insurance information
684 reflecting at least the minimum motor vehicle insurance coverage
685 required in the state. Any subsequent determination that the
686 driver license or insurance information provided to the motor
687 vehicle dealer, or the motor vehicle dealer's leasing or rental
688 affiliate, was in any way false, fraudulent, misleading,
689 nonexistent, canceled, not in effect, or invalid does not alter
690 or diminish the protections provided by this section, unless the
691 motor vehicle dealer, or the motor vehicle dealer's leasing or
692 rental affiliate, had actual knowledge thereof at the time
693 possession of the temporary replacement vehicle was provided.

694 c. For purposes of this subparagraph, the term "service
695 customer" does not include an agent or a principal of a motor
696 vehicle dealer or a motor vehicle dealer's leasing or rental
697 affiliate, and does not include an employee of a motor vehicle
698 dealer or a motor vehicle dealer's leasing or rental affiliate
699 unless the employee was provided a temporary replacement
700 vehicle:

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

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

706 (III) The employee was not acting within the course and
707 scope of his or her employment.

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

712 Section 14. Section 324.022, Florida Statutes, is amended
713 to read:

714 324.022 Financial responsibility requirements ~~for property~~
715 ~~damage.—~~

716 (1)(a) Beginning July 1, 2023, every owner or operator of
717 a motor vehicle required to be registered in this state shall
718 establish and continuously maintain the ability to respond in
719 damages for liability on account of accidents arising out of the
720 use of the motor vehicle in the amount of:

721 1. Twenty-five thousand dollars for bodily injury to, or
722 the death of, one person in any one crash and, subject to such
723 limits for one person, in the amount of \$50,000 for bodily
724 injury to, or the death of, two or more persons in any one
725 crash; and

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

728 **(b)** The requirements of paragraph (a) ~~this section~~ may be
729 met by one of the methods established in s. 324.031; by self-
730 insuring as authorized by s. 768.28(16); or by maintaining a
731 motor vehicle liability insurance policy that ~~an insurance~~
732 ~~policy providing coverage for property damage liability in the~~
733 ~~amount of at least \$10,000 because of damage to, or destruction~~
734 ~~of, property of others in any one accident arising out of the~~
735 ~~use of the motor vehicle. The requirements of this section may~~
736 ~~also be met by having a policy which provides~~ combined property
737 damage liability and bodily injury liability coverage for any
738 one crash arising out of the ownership, maintenance, or use of a
739 motor vehicle and that conforms to the requirements of s.
740 324.151 in the amount of at least \$60,000 for every owner or
741 operator subject to the financial responsibility required in
742 paragraph (a) ~~\$30,000 for combined property damage liability and~~
743 ~~bodily injury liability for any one crash arising out of the use~~
744 ~~of the motor vehicle. The policy, with respect to coverage for~~
745 ~~property damage liability, must meet the applicable requirements~~
746 ~~of s. 324.151, subject to the usual policy exclusions that have~~
747 ~~been approved in policy forms by the Office of Insurance~~
748 ~~Regulation. No insurer shall have any duty to defend uncovered~~
749 ~~claims irrespective of their joinder with covered claims.~~

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

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

756 1. A mobile home as defined in s. 320.01(2)(a).

757 2. A motor vehicle that is used in mass transit and
758 designed to transport more than five passengers, exclusive of
759 the operator of the motor vehicle, and that is owned by a
760 municipality, transit authority, or political subdivision of the
761 state.

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

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

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

769 ~~6.4. A vehicle providing for-hire passenger transportation~~
770 ~~vehicle, which must that is subject to the provisions of s.~~
771 ~~324.031. A taxicab shall maintain security as required under s.~~
772 ~~324.032 s. 324.032(1).~~

773 ~~7.5.~~ A personal delivery device as defined in s. 316.003.

774 (b) "Owner" means the person who holds legal title to a
775 motor vehicle or the debtor or lessee who has the right to

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776 possession of a motor vehicle that is the subject of a security
777 agreement or lease with an option to purchase.

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

785 (4) An ~~The~~ owner or registrant of a motor vehicle who is
786 ~~exempt from the requirements of this section if she or he is a~~
787 member of the United States Armed Forces and is called to or on
788 active duty outside the United States in an emergency situation
789 is exempt from this section while he or she. ~~The exemption~~
790 ~~provided by this subsection applies only as long as the member~~
791 ~~of the Armed Forces is on such active duty.~~ This exemption
792 ~~outside the United States and applies only while the vehicle~~
793 covered by the security is not operated by any person. Upon
794 receipt of a written request by the insured to whom the
795 exemption provided in this subsection applies, the insurer shall
796 cancel the coverages and return any unearned premium or suspend
797 the security required by this section. Notwithstanding s.
798 324.0221(2) ~~s. 324.0221(3)~~, the department may not suspend the
799 registration or operator's license of an ~~any~~ owner or registrant
800 of a motor vehicle during the time she or he qualifies for the

801 ~~an~~ exemption under this subsection. An ~~Any~~ owner or registrant
 802 of a motor vehicle who qualifies for the ~~an~~ exemption under this
 803 subsection shall immediately notify the department before ~~prior~~
 804 ~~to~~ and at the end of the expiration of the exemption.

805 Section 15. Subsections (1) and (2) of section 324.0221,
 806 Florida Statutes, are amended to read:

807 324.0221 Reports by insurers to the department; suspension
 808 of driver license and vehicle registrations; reinstatement.—

809 (1)(a) Each insurer that has issued a policy providing
 810 ~~personal injury protection coverage or property damage~~ liability
 811 coverage shall report the cancellation or nonrenewal thereof to
 812 the department within 10 days after the processing date or
 813 effective date of each cancellation or nonrenewal. Upon the
 814 issuance of a policy providing ~~personal injury protection~~
 815 ~~coverage or property damage~~ liability coverage to a named
 816 insured not previously insured by the insurer during that
 817 calendar year, the insurer shall report the issuance of the new
 818 policy to the department within 10 days. The report must ~~shall~~
 819 be in the form ~~and format~~ and contain any information required
 820 by the department and must be provided in a format that is
 821 compatible with the data processing capabilities of the
 822 department. Failure by an insurer to file proper reports with
 823 the department as required by this subsection constitutes a
 824 violation of the Florida Insurance Code. These records may ~~shall~~
 825 be used by the department only for enforcement and regulatory

826 | purposes, including the generation by the department of data
 827 | regarding compliance by owners of motor vehicles with the
 828 | requirements for financial responsibility coverage.

829 | (b) With respect to an insurance policy providing ~~personal~~
 830 | ~~injury protection coverage or property damage~~ liability
 831 | coverage, each insurer shall notify the named insured, or the
 832 | first-named insured in the case of a commercial fleet policy, in
 833 | writing that any cancellation or nonrenewal of the policy will
 834 | be reported by the insurer to the department. The notice must
 835 | also inform the named insured that failure to maintain bodily
 836 | injury liability ~~personal injury protection~~ coverage and
 837 | property damage liability coverage on a motor vehicle when
 838 | required by law may result in the loss of registration and
 839 | driving privileges in this state and inform the named insured of
 840 | the amount of the reinstatement fees required by this section.
 841 | This notice is for informational purposes only, and an insurer
 842 | is not civilly liable for failing to provide this notice.

843 | (2) The department shall suspend, after due notice and an
 844 | opportunity to be heard, the registration and driver license of
 845 | any owner or registrant of a motor vehicle for ~~with respect to~~
 846 | which security is required under s. 324.022, s. 324.023, s.
 847 | 324.032, s. 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~
 848 | upon:

849 | (a) The department's records showing that the owner or
 850 | registrant of such motor vehicle does ~~did~~ not have the ~~in full~~

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

854 (b) Notification by the insurer to the department, in a
855 form approved by the department, of cancellation or termination
856 of the required security.

857 Section 16. Section 324.0222, Florida Statutes, is created
858 to read:

859 324.0222 Application of driver license and registration
860 suspensions for failure to maintain security; reinstatement.—All
861 suspensions of driver licenses or motor vehicle registrations
862 for failure to maintain required security as required by law in
863 effect before July 1, 2023, remain in full force and effect
864 after July 1, 2023. A driver may reinstate a suspended driver
865 license or registration as provided under s. 324.0221.

866 Section 17. Section 324.023, Florida Statutes, is amended
867 to read:

868 324.023 Financial responsibility for bodily injury or
869 death.—In addition to any other financial responsibility
870 required by law, every owner or operator of a motor vehicle that
871 is required to be registered in this state, or that is located
872 within this state, and who, regardless of adjudication of guilt,
873 has been found guilty of or entered a plea of guilty or nolo
874 contendere to a charge of driving under the influence under s.
875 316.193 after October 1, 2007, shall, by one of the methods

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876 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,
877 establish and maintain the ability to respond in damages for
878 liability on account of accidents arising out of the use of a
879 motor vehicle in the amount of \$100,000 because of bodily injury
880 to, or death of, one person in any one crash and, subject to
881 such limits for one person, in the amount of \$300,000 because of
882 bodily injury to, or death of, two or more persons in any one
883 crash and in the amount of \$50,000 because of property damage in
884 any one crash. If the owner or operator chooses to establish and
885 maintain such ability by furnishing a certificate of deposit
886 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
887 deposit must be at least \$350,000. Such higher limits must be
888 carried for a minimum period of 3 years. If the owner or
889 operator has not been convicted of driving under the influence
890 or a felony traffic offense for a period of 3 years from the
891 date of reinstatement of driving privileges for a violation of
892 s. 316.193, the owner or operator is ~~shall be~~ exempt from this
893 section.

894 Section 18. Section 324.031, Florida Statutes, is amended
895 to read:

896 324.031 Manner of proving financial responsibility.—

897 (1) ~~The owner or operator of a taxicab, limousine, jitney,~~
898 ~~or any other for-hire passenger transportation vehicle may prove~~
899 ~~financial responsibility by providing satisfactory evidence of~~
900 ~~holding a motor vehicle liability policy as defined in s.~~

901 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~
 902 ~~carrier which is a member of the Florida Insurance Guaranty~~
 903 ~~Association.~~ The operator or owner of a motor vehicle other than
 904 a for-hire passenger transportation vehicle ~~any other vehicle~~
 905 may prove his or her financial responsibility by:

906 (a)(1) Furnishing satisfactory evidence of holding a motor
 907 vehicle liability policy as defined in ss. 324.021(8) and
 908 324.151 which provides liability coverage for the motor vehicle
 909 being operated;

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

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

914 (2) Beginning July 1, 2023, any person, ~~including any~~
 915 ~~firm, partnership, association, corporation, or other person,~~
 916 ~~other than a natural person,~~ electing to use the method of proof
 917 specified in paragraph (1)(b) subsection (2) shall do both of
 918 the following:

919 (a) Furnish a certificate of deposit equal to the number
 920 of vehicles owned times \$60,000 ~~\$30,000~~, up to a maximum of
 921 \$240,000. ~~\$120,000;~~

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

925 1. At least \$125,000 for bodily injury to, or the death

926 of, one person in any one crash and, subject to such limits for
 927 one person, in the amount of \$250,000 for bodily injury to, or
 928 the death of, two or more persons in any one crash; and \$50,000
 929 for damage to, or destruction of, property of others in any one
 930 crash; or

931 2. At least \$300,000 for combined bodily injury liability
 932 and property damage liability for any one crash
 933 ~~\$10,000/20,000/10,000 or \$30,000 combined single limits, and~~
 934 ~~such excess insurance shall provide minimum limits of~~
 935 ~~\$125,000/250,000/50,000 or \$300,000 combined single limits.~~
 936 ~~These increased limits shall not affect the requirements for~~
 937 ~~proving financial responsibility under s. 324.032(1).~~

938 Section 19. Section 324.032, Florida Statutes, is amended
 939 to read:

940 324.032 ~~Manner of proving~~ Financial responsibility for
 941 for-hire passenger transportation vehicles. ~~Notwithstanding the~~
 942 ~~provisions of s. 324.031:~~

943 (1) An owner or a lessee of a for-hire passenger
 944 transportation vehicle that is required to be registered in the
 945 state shall establish and continuously maintain the ability to
 946 respond in damages for liability on account of accidents arising
 947 out of the ownership, maintenance, or use of the for-hire
 948 passenger transportation vehicle, in the amount of:

949 (a) One hundred twenty-five thousand dollars for bodily
 950 injury to, or the death of, one person in any one crash and,

951 subject to such limits for one person, in the amount of \$250,000
952 for bodily injury to, or the death of, two or more persons in
953 any one crash; and ~~A person who is either the owner or a lessee~~
954 ~~required to maintain insurance under s. 627.733(1)(b) and who~~
955 ~~operates one or more taxicabs, limousines, jitneys, or any other~~
956 ~~for-hire passenger transportation vehicles may prove financial~~
957 ~~responsibility by furnishing satisfactory evidence of holding a~~
958 ~~motor vehicle liability policy, but with minimum limits of~~
959 ~~\$125,000/250,000/50,000.~~

960 (b) Fifty thousand dollars for damage to, or destruction
961 of, property of others in any one crash ~~A person who is either~~
962 ~~the owner or a lessee required to maintain insurance under s.~~
963 ~~324.021(9)(b) and who operates limousines, jitneys, or any other~~
964 ~~for-hire passenger vehicles, other than taxicabs, may prove~~
965 ~~financial responsibility by furnishing satisfactory evidence of~~
966 ~~holding a motor vehicle liability policy as defined in s.~~
967 ~~324.031.~~

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

974 (3)~~(2)~~ ~~An owner or a lessee who is required to maintain~~
975 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~

976 ~~taxicabs, limousines, jitneys, or any other~~ for-hire passenger
 977 transportation vehicles may provide financial responsibility by
 978 complying with ~~the provisions of~~ s. 324.171, which must ~~such~~
 979 ~~compliance~~ to be demonstrated by maintaining at its principal
 980 place of business an audited financial statement, prepared in
 981 accordance with generally accepted accounting principles, and
 982 providing to the department a certification issued by a
 983 certified public accountant that the applicant's net worth is at
 984 least equal to the requirements of s. 324.171 as determined by
 985 the Office of Insurance Regulation of the Financial Services
 986 Commission, including claims liabilities in an amount certified
 987 as adequate by a Fellow of the Casualty Actuarial Society.
 988
 989 Upon request by the department, the applicant shall ~~must~~ provide
 990 the department at the applicant's principal place of business in
 991 this state access to the applicant's underlying financial
 992 information and financial statements that provide the basis of
 993 the certified public accountant's certification. The applicant
 994 shall reimburse the requesting department for all reasonable
 995 costs incurred by it in reviewing the supporting information.
 996 The maximum amount of self-insurance permissible under this
 997 subsection is \$300,000 and must be stated on a per-occurrence
 998 basis, and the applicant shall maintain adequate excess
 999 insurance issued by an authorized or eligible insurer licensed
 1000 or approved by the Office of Insurance Regulation. All risks

1001 self-insured shall remain with the owner or lessee providing it,
 1002 and the risks are not transferable to any other person, unless a
 1003 policy complying with subsections (1) and (2) ~~subsection (1)~~ is
 1004 obtained.

1005 Section 20. Subsection (2) of section 324.051, Florida
 1006 Statutes, is amended, and subsection (4) is added to that
 1007 section, to read:

1008 324.051 Reports of crashes; suspensions of licenses and
 1009 registrations.—

1010 (2)(a) Thirty days after receipt of notice of any accident
 1011 described in paragraph (1)(a) involving a motor vehicle within
 1012 this state, the department shall suspend, after due notice and
 1013 opportunity to be heard, the license of each operator and all
 1014 registrations of the owner of the vehicles operated by such
 1015 operator whether or not involved in such crash and, in the case
 1016 of a nonresident owner or operator, shall suspend such
 1017 nonresident's operating privilege in this state, unless such
 1018 operator or owner shall, prior to the expiration of such 30
 1019 days, be found by the department to be exempt from the operation
 1020 of this chapter, based upon evidence satisfactory to the
 1021 department that:

1022 1. The motor vehicle was legally parked at the time of
 1023 such crash.

1024 2. The motor vehicle was owned by the United States
 1025 Government, this state, or any political subdivision of this

1026 state or any municipality therein.

1027 3. Such operator or owner has secured a duly acknowledged
1028 written agreement providing for release from liability by all
1029 parties injured as the result of said crash and has complied
1030 with one of the provisions of s. 324.031.

1031 4. Such operator or owner has deposited with the
1032 department security to conform with s. 324.061 when applicable
1033 and has complied with one of the provisions of s. 324.031.

1034 5. One year has elapsed since such owner or operator was
1035 suspended pursuant to subsection (3), the owner or operator has
1036 complied with one of the provisions of s. 324.031, and no bill
1037 of complaint of which the department has notice has been filed
1038 in a court of competent jurisdiction.

1039 (b) This subsection does ~~shall~~ not apply:

1040 1. To such operator or owner if such operator or owner had
1041 in effect at the time of such crash or traffic conviction a
1042 motor vehicle ~~an automobile~~ liability policy with respect to all
1043 of the registered motor vehicles owned by such operator or
1044 owner.

1045 2. To such operator, if not the owner of such motor
1046 vehicle, if there was in effect at the time of such crash or
1047 traffic conviction a motor vehicle ~~an automobile~~ liability
1048 policy or bond with respect to his or her operation of motor
1049 vehicles not owned by him or her.

1050 3. To such operator or owner if the liability of such

1051 operator or owner for damages resulting from such crash is, in
 1052 the judgment of the department, covered by any other form of
 1053 liability insurance or bond.

1054 4. To any person who has obtained from the department a
 1055 certificate of self-insurance, in accordance with s. 324.171, or
 1056 to any person operating a motor vehicle for such self-insurer.

1057
 1058 No such policy or bond shall be effective under this subsection
 1059 unless it contains limits of not less than those specified in s.
 1060 324.021(7).

1061 (4) As used in this section, the term "motor vehicle"
 1062 includes a motorcycle as defined in s. 320.01(26).

1063 Section 21. Section 324.071, Florida Statutes, is amended
 1064 to read:

1065 324.071 Reinstatement; renewal of license; reinstatement
 1066 fee.—~~An~~ Any operator or owner whose license or registration has
 1067 been suspended pursuant to s. 324.051(2), s. 324.072, s.
 1068 324.081, or s. 324.121 may effect its reinstatement upon
 1069 compliance with ~~the provisions of~~ s. 324.051(2) (a)3. or 4., or
 1070 s. 324.081(2) and (3), as the case may be, and with one of the
 1071 provisions of s. 324.031 and upon payment to the department of a
 1072 nonrefundable reinstatement fee of \$15. Only one such fee may
 1073 ~~shall~~ be paid by any one person regardless ~~irrespective~~ of the
 1074 number of licenses and registrations to be then reinstated or
 1075 issued to such person. ~~All~~ Such fees must ~~shall~~ be deposited to

1076 a department trust fund. If ~~When~~ the reinstatement of any
 1077 license or registration is effected by compliance with s.
 1078 324.051(2)(a)3. or 4., the department may ~~shall~~ not renew the
 1079 license or registration within ~~a period of~~ 3 years after ~~from~~
 1080 such reinstatement, nor may ~~shall~~ any other license or
 1081 registration be issued in the name of such person, unless the
 1082 operator continues ~~is continuing~~ to comply with ~~one of the~~
 1083 ~~provisions of~~ s. 324.031.

1084 Section 22. Subsection (1) of section 324.091, Florida
 1085 Statutes, is amended to read:

1086 324.091 Notice to department; notice to insurer.-

1087 (1) Each owner and operator involved in a crash or
 1088 conviction case within the purview of this chapter shall furnish
 1089 evidence of ~~automobile liability insurance or~~ motor vehicle
 1090 liability insurance within 14 days after the date of the mailing
 1091 of notice of crash by the department in the form and manner as
 1092 it may designate. Upon receipt of evidence that a ~~an automobile~~
 1093 ~~liability policy or~~ motor vehicle liability policy was in effect
 1094 at the time of the crash or conviction case, the department
 1095 shall forward to the insurer such information for verification
 1096 in a method as determined by the department. The insurer shall
 1097 respond to the department within 20 days after the notice as to
 1098 whether ~~or not~~ such information is valid. If the department
 1099 determines that a ~~an automobile liability policy or~~ motor
 1100 vehicle liability policy was not in effect and did not provide

1101 coverage for both the owner and the operator, it must ~~shall~~ take
 1102 action as it is authorized to do under this chapter.

1103 Section 23. Section 324.151, Florida Statutes, is amended
 1104 to read:

1105 324.151 Motor vehicle liability policies; required
 1106 provisions.—

1107 (1) A motor vehicle liability policy that serves as ~~to be~~
 1108 proof of financial responsibility under s. 324.031(1)(a) must ~~s.~~
 1109 ~~324.031(1) shall~~ be issued to owners or operators of motor
 1110 vehicles under the following provisions:

1111 (a) A motor vehicle ~~An owner's~~ liability insurance policy
 1112 issued to an owner of a motor vehicle required to be registered
 1113 in the state must designate by explicit description or by
 1114 appropriate reference all motor vehicles for ~~with respect to~~
 1115 which coverage is thereby granted. The policy, must insure the
 1116 person or persons ~~owner~~ named therein, and, unless ~~except for a~~
 1117 ~~named driver~~ excluded under s. 627.747, ~~must insure~~ any resident
 1118 relative of a named insured ~~other person as operator using such~~
 1119 ~~motor vehicle or motor vehicles with the express or implied~~
 1120 ~~permission of such owner against loss~~ from the liability imposed
 1121 by law for damage arising out of the ownership, maintenance, or
 1122 use of any ~~such motor vehicle or motor vehicles within the~~
 1123 ~~United States or the Dominion of Canada, subject to limits,~~
 1124 ~~exclusive of interest and costs with respect to each such motor~~
 1125 ~~vehicle as is provided for under s. 324.021(7).~~ The policy must

1126 also insure any person operating an insured motor vehicle with
 1127 the express or implied permission of a named insured against
 1128 loss from the liability imposed by law for damage arising out of
 1129 the use of any vehicle, unless that person was excluded under s.
 1130 627.747. However, the insurer may include provisions in its
 1131 policy excluding liability coverage for a motor vehicle not
 1132 designated as an insured vehicle on the policy if such motor
 1133 vehicle does not qualify as a newly acquired vehicle or as a
 1134 temporary substitute vehicle and was owned by the insured or was
 1135 furnished for an insured's regular use for more than 30
 1136 consecutive days before the event giving rise to the claim.
 1137 Insurers may make available, with respect to property damage
 1138 liability coverage, a deductible amount not to exceed \$500. In
 1139 the event of a property damage loss covered by a policy
 1140 containing a property damage deductible provision, the insurer
 1141 shall pay to the third-party claimant the amount of any property
 1142 damage liability settlement or judgment, subject to policy
 1143 limits, as if no deductible existed.

1144 (b) A motor vehicle liability insurance policy issued to a
 1145 person who does not own a ~~An operator's~~ motor vehicle must
 1146 ~~liability policy of insurance shall~~ insure the person or persons
 1147 named therein against loss from the liability imposed ~~upon him~~
 1148 ~~or her~~ by law for damages arising out of the use ~~by the person~~
 1149 of any motor vehicle not owned by him or her, ~~with the same~~
 1150 ~~territorial limits and subject to the same limits of liability~~

1151 ~~as referred to above with respect to an owner's policy of~~
1152 ~~liability insurance.~~

1153 (c) All such motor vehicle liability policies must provide
1154 liability coverage with limits, exclusive of interest and costs,
1155 as specified under s. 324.021(7) for accidents occurring within
1156 the United States and Canada. The policies must ~~shall~~ state the
1157 name and address of the named insured, the coverage afforded by
1158 the policy, the premium charged therefor, the policy period, and
1159 the limits of liability, and must ~~shall~~ contain an agreement or
1160 be endorsed that insurance is provided in accordance with the
1161 coverage defined in this chapter ~~as respects bodily injury and~~
1162 ~~death or property damage or both~~ and is subject to all
1163 ~~provisions of~~ this chapter. The ~~Said~~ policies must ~~shall~~ also
1164 contain a provision that the satisfaction by an insured of a
1165 judgment for such injury or damage may ~~shall~~ not be a condition
1166 precedent to the right or duty of the insurance carrier to make
1167 payment on account of such injury or damage, and must ~~shall~~ also
1168 contain a provision that bankruptcy or insolvency of the insured
1169 or of the insured's estate does ~~shall~~ not relieve the insurance
1170 carrier of any of its obligations under the ~~said~~ policy.

1171 (2) ~~The provisions of~~ This section is ~~shall~~ not be
1172 applicable to any motor vehicle ~~automobile~~ liability policy
1173 unless and until it is furnished as proof of financial
1174 responsibility for the future pursuant to s. 324.031, and then
1175 applies only from and after the date the ~~said~~ policy is so

1176 | furnished.

1177 | (3) As used in this section, the term:

1178 | (a) "Newly acquired vehicle" means a vehicle owned by a
 1179 | named insured or resident relative of the named insured which
 1180 | was acquired no more than 30 days before an accident.

1181 | (b) "Resident relative" means a person related to a named
 1182 | insured by any degree by blood, marriage, or adoption, including
 1183 | a ward or foster child, who makes his or her home in the same
 1184 | family unit or residence as the named insured, regardless of
 1185 | whether he or she temporarily lives elsewhere.

1186 | (c) "Temporary substitute vehicle" means any motor vehicle
 1187 | that is not owned by the named insured and that is temporarily
 1188 | used with the permission of the owner as a substitute for the
 1189 | owned motor vehicle designated on the policy when the owned
 1190 | vehicle is withdrawn from normal use because of breakdown,
 1191 | repair, servicing, loss, or destruction.

1192 | Section 24. Section 324.161, Florida Statutes, is amended
 1193 | to read:

1194 | 324.161 Proof of financial responsibility; deposit.—If a
 1195 | person elects to prove his or her financial responsibility under
 1196 | the method of proof specified in s. 324.031(1)(b), he or she
 1197 | annually must obtain and submit to the department proof of a
 1198 | certificate of deposit in the amount required under s.
 1199 | 324.031(2) from a financial institution insured by the Federal
 1200 | Deposit Insurance Corporation or the National Credit Union

1201 Administration ~~Annually, before any certificate of insurance may~~
 1202 ~~be issued to a person, including any firm, partnership,~~
 1203 ~~association, corporation, or other person, other than a natural-~~
 1204 ~~person, proof of a certificate of deposit of \$30,000 issued and~~
 1205 ~~held by a financial institution must be submitted to the~~
 1206 ~~department.~~ A power of attorney will be issued to and held by
 1207 the department and may be executed upon a judgment issued
 1208 against such person making the deposit, for damages for ~~because~~
 1209 ~~of~~ bodily injury to or death of any person or for damages for
 1210 ~~because of~~ injury to or destruction of property resulting from
 1211 the use or operation of any motor vehicle occurring after such
 1212 deposit was made. Money so deposited is ~~shall~~ not be subject to
 1213 attachment or execution unless such attachment or execution
 1214 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as
 1215 aforesaid.

1216 Section 25. Subsections (1) and (2) of section 324.171,
 1217 Florida Statutes, are amended to read:

1218 324.171 Self-insurer.—

1219 (1) A ~~Any~~ person may qualify as a self-insurer by
 1220 obtaining a certificate of self-insurance from the department,
 1221 ~~which may, in its discretion and~~ Upon application of such a
 1222 person, the department may issue a ~~said~~ certificate of self-
 1223 insurance to an applicant who satisfies ~~when such person has~~
 1224 ~~satisfied~~ the requirements of this section. Effective July 1,
 1225 2023 ~~to qualify as a self-insurer under this section:~~

1226 (a) A private individual with private passenger vehicles
 1227 shall possess a net unencumbered worth of at least \$100,000
 1228 ~~\$40,000~~.

1229 (b) A person, including any firm, partnership,
 1230 association, corporation, or other person, other than a natural
 1231 person, shall:

1232 1. Possess a net unencumbered worth of at least \$100,000
 1233 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each
 1234 additional motor vehicle; or

1235 2. Maintain sufficient net worth, in an amount determined
 1236 by the department, to be financially responsible for potential
 1237 losses. The department annually shall determine the minimum net
 1238 worth sufficient to satisfy this subparagraph as determined
 1239 ~~annually by the department,~~ pursuant to rules adopted
 1240 ~~promulgated~~ by the department, with the assistance of the Office
 1241 of Insurance Regulation of the Financial Services Commission, ~~to~~
 1242 ~~be financially responsible for potential losses.~~ The rules must
 1243 consider any ~~shall take into consideration~~ excess insurance
 1244 carried by the applicant. The department's determination must
 1245 ~~shall~~ be based upon reasonable actuarial principles considering
 1246 the frequency, severity, and loss development of claims incurred
 1247 by casualty insurers writing coverage on the type of motor
 1248 vehicles for which a certificate of self-insurance is desired.

1249 (c) The owner of a commercial motor vehicle, as defined in
 1250 s. 207.002 or s. 320.01, may qualify as a self-insurer subject

1251 to the standards provided ~~for~~ in subparagraph (b)2.

1252 (2) The self-insurance certificate must ~~shall~~ provide
 1253 limits of liability insurance in the amounts specified under s.
 1254 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~
 1255 ~~protection coverage under s. 627.733(3)(b).~~

1256 Section 26. Section 324.251, Florida Statutes, is amended
 1257 to read:

1258 324.251 Short title.—This chapter may be cited as the
 1259 "Financial Responsibility Law of 2022 ~~1955~~" and is ~~shall become~~
 1260 effective at 12:01 a.m., July 1, 2023 ~~October 1, 1955~~.

1261 Section 27. Subsection (4) of section 400.9905, Florida
 1262 Statutes, is amended to read:

1263 400.9905 Definitions.—

1264 (4) (a) "Clinic" means an entity where health care services
 1265 are provided to individuals and which tenders charges for
 1266 reimbursement for such services, including a mobile clinic and a
 1267 portable equipment provider. As used in this part, the term does
 1268 not include and the licensure requirements of this part do not
 1269 apply to:

1270 1.(a) Entities licensed or registered by the state under
 1271 chapter 395; entities licensed or registered by the state and
 1272 providing only health care services within the scope of services
 1273 authorized under their respective licenses under ss. 383.30-
 1274 383.332, chapter 390, chapter 394, chapter 397, this chapter
 1275 except part X, chapter 429, chapter 463, chapter 465, chapter

1276 466, chapter 478, chapter 484, or chapter 651; end-stage renal
 1277 disease providers authorized under 42 C.F.R. part 494; providers
 1278 certified and providing only health care services within the
 1279 scope of services authorized under their respective
 1280 certifications under 42 C.F.R. part 485, subpart B, subpart H,
 1281 or subpart J; providers certified and providing only health care
 1282 services within the scope of services authorized under their
 1283 respective certifications under 42 C.F.R. part 486, subpart C;
 1284 providers certified and providing only health care services
 1285 within the scope of services authorized under their respective
 1286 certifications under 42 C.F.R. part 491, subpart A; providers
 1287 certified by the Centers for Medicare and Medicaid Services
 1288 under the federal Clinical Laboratory Improvement Amendments and
 1289 the federal rules adopted thereunder; or any entity that
 1290 provides neonatal or pediatric hospital-based health care
 1291 services or other health care services by licensed practitioners
 1292 solely within a hospital licensed under chapter 395.

1293 2.~~(b)~~ Entities that own, directly or indirectly, entities
 1294 licensed or registered by the state pursuant to chapter 395;
 1295 entities that own, directly or indirectly, entities licensed or
 1296 registered by the state and providing only health care services
 1297 within the scope of services authorized pursuant to their
 1298 respective licenses under ss. 383.30-383.332, chapter 390,
 1299 chapter 394, chapter 397, this chapter except part X, chapter
 1300 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter

1301 484, or chapter 651; end-stage renal disease providers
 1302 authorized under 42 C.F.R. part 494; providers certified and
 1303 providing only health care services within the scope of services
 1304 authorized under their respective certifications under 42 C.F.R.
 1305 part 485, subpart B, subpart H, or subpart J; providers
 1306 certified and providing only health care services within the
 1307 scope of services authorized under their respective
 1308 certifications under 42 C.F.R. part 486, subpart C; providers
 1309 certified and providing only health care services within the
 1310 scope of services authorized under their respective
 1311 certifications under 42 C.F.R. part 491, subpart A; providers
 1312 certified by the Centers for Medicare and Medicaid Services
 1313 under the federal Clinical Laboratory Improvement Amendments and
 1314 the federal rules adopted thereunder; or any entity that
 1315 provides neonatal or pediatric hospital-based health care
 1316 services by licensed practitioners solely within a hospital
 1317 licensed under chapter 395.

1318 3.(e) Entities that are owned, directly or indirectly, by
 1319 an entity licensed or registered by the state pursuant to
 1320 chapter 395; entities that are owned, directly or indirectly, by
 1321 an entity licensed or registered by the state and providing only
 1322 health care services within the scope of services authorized
 1323 pursuant to their respective licenses under ss. 383.30-383.332,
 1324 chapter 390, chapter 394, chapter 397, this chapter except part
 1325 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter

1326 478, chapter 484, or chapter 651; end-stage renal disease
1327 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 by licensed practitioners solely within a hospital
1342 under chapter 395.

1343 4.(d) Entities that are under common ownership, directly
1344 or indirectly, with an entity licensed or registered by the
1345 state pursuant to chapter 395; entities that are under common
1346 ownership, directly or indirectly, with an entity licensed or
1347 registered by the state and providing only health care services
1348 within the scope of services authorized pursuant to their
1349 respective licenses under ss. 383.30-383.332, chapter 390,
1350 chapter 394, chapter 397, this chapter except part X, chapter

1351 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter
 1352 484, or chapter 651; end-stage renal disease providers
 1353 authorized under 42 C.F.R. part 494; providers certified and
 1354 providing only health care services within the scope of services
 1355 authorized under their respective certifications under 42 C.F.R.
 1356 part 485, subpart B, subpart H, or subpart J; providers
 1357 certified and providing only health care services within the
 1358 scope of services authorized under their respective
 1359 certifications under 42 C.F.R. part 486, subpart C; providers
 1360 certified and providing only health care services within the
 1361 scope of services authorized under their respective
 1362 certifications under 42 C.F.R. part 491, subpart A; providers
 1363 certified by the Centers for Medicare and Medicaid Services
 1364 under the federal Clinical Laboratory Improvement Amendments and
 1365 the federal rules adopted thereunder; or any entity that
 1366 provides neonatal or pediatric hospital-based health care
 1367 services by licensed practitioners solely within a hospital
 1368 licensed under chapter 395.

1369 5.~~(e)~~ An entity that is exempt from federal taxation under
 1370 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan
 1371 under 26 U.S.C. s. 409 that has a board of trustees at least
 1372 two-thirds of which are Florida-licensed health care
 1373 practitioners and provides only physical therapy services under
 1374 physician orders, any community college or university clinic,
 1375 and any entity owned or operated by the federal or state

1376 government, including agencies, subdivisions, or municipalities
 1377 thereof.

1378 6.~~(f)~~ A sole proprietorship, group practice, partnership,
 1379 or corporation that provides health care services by physicians
 1380 covered by s. 627.419, that is directly supervised by one or
 1381 more of such physicians, and that is wholly owned by one or more
 1382 of those physicians or by a physician and the spouse, parent,
 1383 child, or sibling of that physician.

1384 7.~~(g)~~ A sole proprietorship, group practice, partnership,
 1385 or corporation that provides health care services by licensed
 1386 health care practitioners under chapter 457, chapter 458,
 1387 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
 1388 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
 1389 chapter 490, chapter 491, or part I, part III, part X, part
 1390 XIII, or part XIV of chapter 468, or s. 464.012, and that is
 1391 wholly owned by one or more licensed health care practitioners,
 1392 or the licensed health care practitioners set forth in this
 1393 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling
 1394 of a licensed health care practitioner if one of the owners who
 1395 is a licensed health care practitioner is supervising the
 1396 business activities and is legally responsible for the entity's
 1397 compliance with all federal and state laws. However, a health
 1398 care practitioner may not supervise services beyond the scope of
 1399 the practitioner's license, except that, for the purposes of
 1400 this part, a clinic owned by a licensee in s. 456.053(3)(b)

1401 which provides only services authorized pursuant to s.
 1402 456.053(3)(b) may be supervised by a licensee specified in s.
 1403 456.053(3)(b).

1404 8.~~(h)~~ Clinical facilities affiliated with an accredited
 1405 medical school at which training is provided for medical
 1406 students, residents, or fellows.

1407 9.~~(i)~~ Entities that provide only oncology or radiation
 1408 therapy services by physicians licensed under chapter 458 or
 1409 chapter 459 or entities that provide oncology or radiation
 1410 therapy services by physicians licensed under chapter 458 or
 1411 chapter 459 which are owned by a corporation whose shares are
 1412 publicly traded on a recognized stock exchange.

1413 10.~~(j)~~ Clinical facilities affiliated with a college of
 1414 chiropractic accredited by the Council on Chiropractic Education
 1415 at which training is provided for chiropractic students.

1416 11.~~(k)~~ Entities that provide licensed practitioners to
 1417 staff emergency departments or to deliver anesthesia services in
 1418 facilities licensed under chapter 395 and that derive at least
 1419 90 percent of their gross annual revenues from the provision of
 1420 such services. Entities claiming an exemption from licensure
 1421 under this subparagraph ~~paragraph~~ must provide documentation
 1422 demonstrating compliance.

1423 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or
 1424 perinatology clinical facilities or anesthesia clinical
 1425 facilities that are not otherwise exempt under subparagraph 1.

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1426 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are
1427 a publicly traded corporation or are wholly owned, directly or
1428 indirectly, by a publicly traded corporation. As used in this
1429 subparagraph ~~paragraph~~, a publicly traded corporation is a
1430 corporation that issues securities traded on an exchange
1431 registered with the United States Securities and Exchange
1432 Commission as a national securities exchange.

1433 13.(m) Entities that are owned by a corporation that has
1434 \$250 million or more in total annual sales of health care
1435 services provided by licensed health care practitioners where
1436 one or more of the persons responsible for the operations of the
1437 entity is a health care practitioner who is licensed in this
1438 state and who is responsible for supervising the business
1439 activities of the entity and is responsible for the entity's
1440 compliance with state law for purposes of this part.

1441 14.(n) Entities that employ 50 or more licensed health
1442 care practitioners licensed under chapter 458 or chapter 459
1443 where the billing for medical services is under a single tax
1444 identification number. The application for exemption under this
1445 subsection must include ~~shall contain information that includes:~~
1446 the name, residence, and business address and telephone ~~phone~~
1447 number of the entity that owns the practice; a complete list of
1448 the names and contact information of all the officers and
1449 directors of the corporation; the name, residence address,
1450 business address, and medical license number of each licensed

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1451 Florida health care practitioner employed by the entity; the
1452 corporate tax identification number of the entity seeking an
1453 exemption; a listing of health care services to be provided by
1454 the entity at the health care clinics owned or operated by the
1455 entity; and a certified statement prepared by an independent
1456 certified public accountant which states that the entity and the
1457 health care clinics owned or operated by the entity have not
1458 received payment for health care services under medical payments
1459 ~~personal injury protection insurance~~ coverage for the preceding
1460 year. If the agency determines that an entity that ~~which~~ is
1461 exempt under this subsection has received payments for medical
1462 services under medical payments ~~personal injury protection~~
1463 ~~insurance~~ coverage, the agency may deny or revoke the exemption
1464 from licensure under this subsection.

1465 15. ~~(e)~~ Entities that are, directly or indirectly, under
1466 the common ownership of or that are subject to common control by
1467 a mutual insurance holding company, as defined in s. 628.703,
1468 with an entity issued a certificate of authority under chapter
1469 624 or chapter 641 which has \$1 billion or more in total annual
1470 sales in this state.

1471 16. ~~(p)~~ Entities that are owned by an entity that is a
1472 behavioral health care service provider in at least five other
1473 states; that, together with its affiliates, have \$90 million or
1474 more in total annual revenues associated with the provision of
1475 behavioral health care services; and wherein one or more of the

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1476 persons responsible for the operations of the entity is a health
1477 care practitioner who is licensed in this state, who is
1478 responsible for supervising the business activities of the
1479 entity, and who is responsible for the entity's compliance with
1480 state law for purposes of this part.

1481 17. ~~(a)~~ Medicaid providers.

1482 (b) Notwithstanding paragraph (a) ~~this subsection~~, an
1483 entity is ~~shall be~~ deemed a clinic and must be licensed under
1484 this part in order to receive medical payments coverage
1485 reimbursement under s. 627.7265 unless the entity is:

1486 1. Wholly owned by a physician licensed under chapter 458
1487 or chapter 459 or by the physician and the spouse, parent,
1488 child, or sibling of the physician;

1489 2. Wholly owned by a dentist licensed under chapter 466 or
1490 by the dentist and the spouse, parent, child, or sibling of the
1491 dentist;

1492 3. Wholly owned by a chiropractic physician licensed under
1493 chapter 460 or by the chiropractic physician and the spouse,
1494 parent, child, or sibling of the chiropractic physician;

1495 4. A hospital or ambulatory surgical center licensed under
1496 chapter 395;

1497 5. An entity that wholly owns or is wholly owned, directly
1498 or indirectly, by a hospital or hospitals licensed under chapter
1499 395;

1500 6. A clinical facility affiliated with an accredited

1501 medical school at which training is provided for medical
 1502 students, residents, or fellows;
 1503 7. Certified under 42 C.F.R. part 485, subpart H; or
 1504 8. Owned by a publicly traded corporation, either directly
 1505 or indirectly through its subsidiaries, which has \$250 million
 1506 or more in total annual sales of health care services provided
 1507 by licensed health care practitioners, if one or more of the
 1508 persons responsible for the operations of the entity are health
 1509 care practitioners who are licensed in the state and who are
 1510 responsible for supervising the business activities of the
 1511 entity and the entity's compliance with state law for purposes
 1512 of this subsection ~~the Florida Motor Vehicle No-Fault Law, ss.~~
 1513 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~
 1514 Section 28. Subsection (5) of section 400.991, Florida
 1515 Statutes, is amended to read:
 1516 400.991 License requirements; background screenings;
 1517 prohibitions.—
 1518 (5) All agency forms for licensure application or
 1519 exemption from licensure under this part must contain the
 1520 following statement:
 1521
 1522 INSURANCE FRAUD NOTICE.—A person commits a fraudulent
 1523 insurance act, as defined in s. 626.989, Florida
 1524 Statutes, if the person ~~who~~ knowingly submits a false,
 1525 misleading, or fraudulent application or other

1526 document when applying for licensure as a health care
 1527 clinic, seeking an exemption from licensure as a
 1528 health care clinic, or demonstrating compliance with
 1529 part X of chapter 400, Florida Statutes, with the
 1530 intent to use the license, exemption from licensure,
 1531 or demonstration of compliance to provide services or
 1532 seek reimbursement under a motor vehicle liability
 1533 insurance policy's medical payments coverage ~~the~~
 1534 ~~Florida Motor Vehicle No-Fault Law, commits a~~
 1535 ~~fraudulent insurance act, as defined in s. 626.989,~~
 1536 ~~Florida Statutes.~~ A person who presents a claim for
 1537 benefits under medical payments coverage ~~personal~~
 1538 ~~injury protection benefits~~ knowing that the payee
 1539 knowingly submitted such health care clinic
 1540 application or document commits insurance fraud, as
 1541 defined in s. 817.234, Florida Statutes.

1542 Section 29. Paragraph (g) of subsection (1) of section
 1543 400.9935, Florida Statutes, is amended to read:

1544 400.9935 Clinic responsibilities.—

1545 (1) Each clinic shall appoint a medical director or clinic
 1546 director who shall agree in writing to accept legal
 1547 responsibility for the following activities on behalf of the
 1548 clinic. The medical director or the clinic director shall:

1549 (g) Conduct systematic reviews of clinic billings to
 1550 ensure that the billings are not fraudulent or unlawful. Upon

1551 discovery of an unlawful charge, the medical director or clinic
 1552 director shall take immediate corrective action. If the clinic
 1553 performs only the technical component of magnetic resonance
 1554 imaging, static radiographs, computed tomography, or positron
 1555 emission tomography, and provides the professional
 1556 interpretation of such services, in a fixed facility that is
 1557 accredited by a national accrediting organization that is
 1558 approved by the Centers for Medicare and Medicaid Services for
 1559 magnetic resonance imaging and advanced diagnostic imaging
 1560 services and if, in the preceding quarter, the percentage of
 1561 scans performed by that clinic which was billed to motor vehicle
 1562 ~~all personal injury protection~~ insurance carriers under medical
 1563 payments coverage was less than 15 percent, the chief financial
 1564 officer of the clinic may, in a written acknowledgment provided
 1565 to the agency, assume the responsibility for the conduct of the
 1566 systematic reviews of clinic billings to ensure that the
 1567 billings are not fraudulent or unlawful.

1568 Section 30. Subsection (28) of section 409.901, Florida
 1569 Statutes, is amended to read:

1570 409.901 Definitions; ss. 409.901-409.920.—As used in ss.
 1571 409.901-409.920, except as otherwise specifically provided, the
 1572 term:

1573 (28) "Third-party benefit" means any benefit that is or
 1574 may be available at any time through contract, court award,
 1575 judgment, settlement, agreement, or any arrangement between a

1576 | third party and any person or entity, including, without
 1577 | limitation, a Medicaid recipient, a provider, another third
 1578 | party, an insurer, or the agency, for any Medicaid-covered
 1579 | injury, illness, goods, or services, including costs of medical
 1580 | services related thereto, for bodily ~~personal~~ injury or for
 1581 | death of the recipient, but specifically excluding ~~policies of~~
 1582 | life insurance policies on the recipient, unless available under
 1583 | terms of the policy to pay medical expenses before ~~prior to~~
 1584 | death. The term includes, without limitation, collateral, as
 1585 | defined in this section; health insurance; any benefit under a
 1586 | health maintenance organization, a preferred provider
 1587 | arrangement, a prepaid health clinic, liability insurance,
 1588 | uninsured motorist insurance, or medical payments coverage; ~~or~~
 1589 | ~~personal injury protection coverage~~, medical benefits under
 1590 | workers' compensation; and any obligation under law or equity
 1591 | to provide medical support.

1592 | Section 31. Paragraph (f) of subsection (11) of section
 1593 | 409.910, Florida Statutes, is amended to read:

1594 | 409.910 Responsibility for payments on behalf of Medicaid-
 1595 | eligible persons when other parties are liable.—

1596 | (11) The agency may, as a matter of right, in order to
 1597 | enforce its rights under this section, institute, intervene in,
 1598 | or join any legal or administrative proceeding in its own name
 1599 | in one or more of the following capacities: individually, as
 1600 | subrogee of the recipient, as assignee of the recipient, or as

1601 | lienholder of the collateral.

1602 | (f) Notwithstanding any provision in this section to the
1603 | contrary, in the event of an action in tort against a third
1604 | party in which the recipient or his or her legal representative
1605 | is a party which results in a judgment, award, or settlement
1606 | from a third party, the amount recovered shall be distributed as
1607 | follows:

1608 | 1. After attorney ~~attorney's~~ fees and taxable costs as
1609 | defined by the Florida Rules of Civil Procedure, one-half of the
1610 | remaining recovery shall be paid to the agency up to the total
1611 | amount of medical assistance provided by Medicaid.

1612 | 2. The remaining amount of the recovery shall be paid to
1613 | the recipient.

1614 | 3. For purposes of calculating the agency's recovery of
1615 | medical assistance benefits paid, the fee for services of an
1616 | attorney retained by the recipient or his or her legal
1617 | representative shall be calculated at 25 percent of the
1618 | judgment, award, or settlement.

1619 | 4. Notwithstanding any other provision of this section to
1620 | the contrary, the agency shall be entitled to all medical
1621 | coverage benefits up to the total amount of medical assistance
1622 | provided by Medicaid. For purposes of this paragraph, the term
1623 | "medical coverage" means any benefits under health insurance, a
1624 | health maintenance organization, a preferred provider
1625 | arrangement, or a prepaid health clinic, and the portion of

1626 | benefits designated for medical payments under ~~coverage for~~
 1627 | workers' compensation coverage, motor vehicle insurance
 1628 | coverage, ~~personal injury protection~~, and casualty coverage.

1629 | Section 32. Paragraph (k) of subsection (2) of section
 1630 | 456.057, Florida Statutes, is amended to read:

1631 | 456.057 Ownership and control of patient records; report
 1632 | or copies of records to be furnished; disclosure of
 1633 | information.—

1634 | (2) As used in this section, the terms "records owner,"
 1635 | "health care practitioner," and "health care practitioner's
 1636 | employer" do not include any of the following persons or
 1637 | entities; furthermore, the following persons or entities are not
 1638 | authorized to acquire or own medical records, but are authorized
 1639 | under the confidentiality and disclosure requirements of this
 1640 | section to maintain those documents required by the part or
 1641 | chapter under which they are licensed or regulated:

1642 | ~~(k) Persons or entities practicing under s. 627.736(7).~~

1643 | Section 33. Paragraphs (ee) and (ff) of subsection (1) of
 1644 | section 456.072, Florida Statutes, are amended to read:

1645 | 456.072 Grounds for discipline; penalties; enforcement.—

1646 | (1) The following acts shall constitute grounds for which
 1647 | the disciplinary actions specified in subsection (2) may be
 1648 | taken:

1649 | (ee) With respect to making a medical payments coverage
 1650 | ~~personal injury protection~~ claim under s. 627.7265 ~~as required~~

1651 ~~by s. 627.736,~~ intentionally submitting a claim, statement, or
 1652 bill that has been upcoded. As used in this paragraph, the term
 1653 "upcode" means to submit a billing code that would result in a
 1654 greater payment amount than would be paid using a billing code
 1655 that accurately describes the services performed. The term does
 1656 not include an otherwise lawful bill by a magnetic resonance
 1657 imaging facility which globally combines both technical and
 1658 professional components, if the amount of the global bill is not
 1659 more than the components if billed separately; however, payment
 1660 of such a bill constitutes payment in full for all components of
 1661 such service "upcoded" as defined in s. 627.732.

1662 (ff) With respect to making a medical payments coverage
 1663 ~~personal injury protection~~ claim under s. 627.7265 as required
 1664 ~~by s. 627.736,~~ intentionally submitting a claim, statement, or
 1665 bill for payment of services that were not rendered.

1666 Section 34. Paragraphs (i) and (o) of subsection (1) of
 1667 section 626.9541, Florida Statutes, are amended to read:

1668 626.9541 Unfair methods of competition and unfair or
 1669 deceptive acts or practices defined.—

1670 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 1671 ACTS.—The following are defined as unfair methods of competition
 1672 and unfair or deceptive acts or practices:

1673 (i) Unfair claim settlement practices.—

1674 1. Attempting to settle claims on the basis of an
 1675 application, when serving as a binder or intended to become a

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1676 part of the policy, or any other material document which was
1677 altered without notice to, or knowledge or consent of, the
1678 insured;

1679 2. Making a material misrepresentation ~~made~~ to an insured
1680 or any other person having an interest in the proceeds payable
1681 under such contract or policy, for the purpose and with the
1682 intent of effecting settlement of such claims, loss, or damage
1683 under such contract or policy on less favorable terms than those
1684 provided in, and contemplated by, such contract or policy; ~~or~~

1685 3. Committing or performing with such frequency as to
1686 indicate a general business practice any of the following:

1687 a. Failing to adopt and implement standards for the proper
1688 investigation of claims;

1689 b. Misrepresenting pertinent facts or insurance policy
1690 provisions relating to coverages at issue;

1691 c. Failing to acknowledge and act promptly upon
1692 communications with respect to claims;

1693 d. Denying claims without conducting reasonable
1694 investigations based upon available information;

1695 e. Failing to affirm or deny full or partial coverage of
1696 claims, and, as to partial coverage, the dollar amount or extent
1697 of coverage, or failing to provide a written statement that the
1698 claim is being investigated, upon the written request of the
1699 insured within 30 days after proof-of-loss statements have been
1700 completed;

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1701 f. Failing to promptly provide a reasonable explanation in
1702 writing to the insured of the basis in the insurance policy, in
1703 relation to the facts or applicable law, for denial of a claim
1704 or for the offer of a compromise settlement;

1705 g. Failing to promptly notify the insured of any
1706 additional information necessary for the processing of a claim;
1707 or

1708 h. Failing to clearly explain the nature of the requested
1709 information and the reasons why such information is necessary.

1710 ~~i. Failing to pay personal injury protection insurance~~
1711 ~~claims within the time periods required by s. 627.736(4)(b). The~~
1712 ~~office may order the insurer to pay restitution to a~~
1713 ~~policyholder, medical provider, or other claimant, including~~
1714 ~~interest at a rate consistent with the amount set forth in s.~~
1715 ~~55.03(1), for the time period within which an insurer fails to~~
1716 ~~pay claims as required by law. Restitution is in addition to any~~
1717 ~~other penalties allowed by law, including, but not limited to,~~
1718 ~~the suspension of the insurer's certificate of authority.~~

1719 4. Failing to pay undisputed amounts of partial or full
1720 benefits owed under first-party property insurance policies
1721 within 90 days after an insurer receives notice of a residential
1722 property insurance claim, determines the amounts of partial or
1723 full benefits, and agrees to coverage, unless payment of the
1724 undisputed benefits is prevented by an act of God, prevented by
1725 the impossibility of performance, or due to actions by the

1726 insured or claimant that constitute fraud, lack of cooperation,
 1727 or intentional misrepresentation regarding the claim for which
 1728 benefits are owed.

1729 (o) Illegal dealings in premiums; excess or reduced
 1730 charges for insurance.-

1731 1. Knowingly collecting any sum as a premium or charge for
 1732 insurance, which is not then provided, or is not in due course
 1733 to be provided, subject to acceptance of the risk by the
 1734 insurer, by an insurance policy issued by an insurer as
 1735 permitted by this code.

1736 2. Knowingly collecting as a premium or charge for
 1737 insurance any sum in excess of or less than the premium or
 1738 charge applicable to such insurance, in accordance with the
 1739 applicable classifications and rates as filed with and approved
 1740 by the office, and as specified in the policy; or, in cases when
 1741 classifications, premiums, or rates are not required by this
 1742 code to be so filed and approved, premiums and charges collected
 1743 from a Florida resident in excess of or less than those
 1744 specified in the policy and as fixed by the insurer.

1745 Notwithstanding any other provision of law, this provision shall
 1746 not be deemed to prohibit the charging and collection, by
 1747 surplus lines agents licensed under part VIII of this chapter,
 1748 of the amount of applicable state and federal taxes, or fees as
 1749 authorized by s. 626.916(4), in addition to the premium required
 1750 by the insurer or the charging and collection, by licensed

1751 agents, of the exact amount of any discount or other such fee
 1752 charged by a credit card facility in connection with the use of
 1753 a credit card, as authorized by subparagraph (q)3., in addition
 1754 to the premium required by the insurer. This subparagraph shall
 1755 not be construed to prohibit collection of a premium for a
 1756 universal life or a variable or indeterminate value insurance
 1757 policy made in accordance with the terms of the contract.

1758 3.a. Imposing or requesting an additional premium for
 1759 death benefit coverage, bodily injury liability coverage,
 1760 property damage liability coverage ~~a policy of motor vehicle~~
 1761 ~~liability, personal injury protection,~~ medical payments coverage
 1762 ~~payment,~~ or collision coverage in a motor vehicle liability
 1763 insurance policy ~~insurance or any combination thereof~~ or
 1764 refusing to renew the policy solely because the insured was
 1765 involved in a motor vehicle accident unless the insurer's file
 1766 contains information from which the insurer in good faith
 1767 determines that the insured was substantially at fault in the
 1768 accident.

1769 b. An insurer which imposes and collects such a surcharge
 1770 or which refuses to renew such policy shall, in conjunction with
 1771 the notice of premium due or notice of nonrenewal, notify the
 1772 named insured that he or she is entitled to reimbursement of
 1773 such amount or renewal of the policy under the conditions listed
 1774 below and will subsequently reimburse him or her or renew the
 1775 policy, if the named insured demonstrates that the operator

1776 | involved in the accident was:
 1777 | (I) Lawfully parked;
 1778 | (II) Reimbursed by, or on behalf of, a person responsible
 1779 | for the accident or has a judgment against such person;
 1780 | (III) Struck in the rear by another vehicle headed in the
 1781 | same direction and was not convicted of a moving traffic
 1782 | violation in connection with the accident;
 1783 | (IV) Hit by a "hit-and-run" driver, if the accident was
 1784 | reported to the proper authorities within 24 hours after
 1785 | discovering the accident;
 1786 | (V) Not convicted of a moving traffic violation in
 1787 | connection with the accident, but the operator of the other
 1788 | automobile involved in such accident was convicted of a moving
 1789 | traffic violation;
 1790 | (VI) Finally adjudicated not to be liable by a court of
 1791 | competent jurisdiction;
 1792 | (VII) In receipt of a traffic citation which was dismissed
 1793 | or nolle prossed; or
 1794 | (VIII) Not at fault as evidenced by a written statement
 1795 | from the insured establishing facts demonstrating lack of fault
 1796 | which are not rebutted by information in the insurer's file from
 1797 | which the insurer in good faith determines that the insured was
 1798 | substantially at fault.
 1799 | c. In addition to the other provisions of this
 1800 | subparagraph, an insurer may not fail to renew a policy if the

1801 insured has had only one accident in which he or she was at
1802 fault within the current 3-year period. However, an insurer may
1803 nonrenew a policy for reasons other than accidents in accordance
1804 with s. 627.728. This subparagraph does not prohibit nonrenewal
1805 of a policy under which the insured has had three or more
1806 accidents, regardless of fault, during the most recent 3-year
1807 period.

1808 4. Imposing or requesting an additional premium for, or
1809 refusing to renew, a policy for motor vehicle insurance solely
1810 because the insured committed a noncriminal traffic infraction
1811 as described in s. 318.14 unless the infraction is:

1812 a. A second infraction committed within an 18-month
1813 period, or a third or subsequent infraction committed within a
1814 36-month period.

1815 b. A violation of s. 316.183, when such violation is a
1816 result of exceeding the lawful speed limit by more than 15 miles
1817 per hour.

1818 5. Upon the request of the insured, the insurer and
1819 licensed agent shall supply to the insured the complete proof of
1820 fault or other criteria which justifies the additional charge or
1821 cancellation.

1822 6. No insurer shall impose or request an additional
1823 premium for motor vehicle insurance, cancel or refuse to issue a
1824 policy, or refuse to renew a policy because the insured or the
1825 applicant is a handicapped or physically disabled person, so

1826 long as such handicap or physical disability does not
1827 substantially impair such person's mechanically assisted driving
1828 ability.

1829 7. No insurer may cancel or otherwise terminate any
1830 insurance contract or coverage, or require execution of a
1831 consent to rate endorsement, during the stated policy term for
1832 the purpose of offering to issue, or issuing, a similar or
1833 identical contract or coverage to the same insured with the same
1834 exposure at a higher premium rate or continuing an existing
1835 contract or coverage with the same exposure at an increased
1836 premium.

1837 8. No insurer may issue a nonrenewal notice on any
1838 insurance contract or coverage, or require execution of a
1839 consent to rate endorsement, for the purpose of offering to
1840 issue, or issuing, a similar or identical contract or coverage
1841 to the same insured at a higher premium rate or continuing an
1842 existing contract or coverage at an increased premium without
1843 meeting any applicable notice requirements.

1844 9. No insurer shall, with respect to premiums charged for
1845 motor vehicle insurance, unfairly discriminate solely on the
1846 basis of age, sex, marital status, or scholastic achievement.

1847 10. Imposing or requesting an additional premium for motor
1848 vehicle comprehensive or uninsured motorist coverage solely
1849 because the insured was involved in a motor vehicle accident or
1850 was convicted of a moving traffic violation.

1851 11. No insurer shall cancel or issue a nonrenewal notice
 1852 on any insurance policy or contract without complying with any
 1853 applicable cancellation or nonrenewal provision required under
 1854 the Florida Insurance Code.

1855 12. No insurer shall impose or request an additional
 1856 premium, cancel a policy, or issue a nonrenewal notice on any
 1857 insurance policy or contract because of any traffic infraction
 1858 when adjudication has been withheld and no points have been
 1859 assessed pursuant to s. 318.14(9) and (10). However, this
 1860 subparagraph does not apply to traffic infractions involving
 1861 accidents in which the insurer has incurred a loss due to the
 1862 fault of the insured.

1863 Section 35. Paragraph (a) of subsection (1) of section
 1864 626.989, Florida Statutes, is amended to read:

1865 626.989 Investigation by department or Division of
 1866 Investigative and Forensic Services; compliance; immunity;
 1867 confidential information; reports to division; division
 1868 investigator's power of arrest.-

1869 (1) For the purposes of this section:

1870 (a) A person commits a "fraudulent insurance act" if the
 1871 person:

1872 1. Knowingly and with intent to defraud presents, causes
 1873 to be presented, or prepares with knowledge or belief that it
 1874 will be presented, to or by an insurer, self-insurer, self-
 1875 insurance fund, servicing corporation, purported insurer,

1876 broker, or any agent thereof, any written statement as part of,
 1877 or in support of, an application for the issuance of, or the
 1878 rating of, any insurance policy, or a claim for payment or other
 1879 benefit pursuant to any insurance policy, which the person knows
 1880 to contain materially false information concerning any fact
 1881 material thereto or if the person conceals, for the purpose of
 1882 misleading another, information concerning any fact material
 1883 thereto.

1884 2. Knowingly submits:

1885 a. A false, misleading, or fraudulent application or other
 1886 document when applying for licensure as a health care clinic,
 1887 seeking an exemption from licensure as a health care clinic, or
 1888 demonstrating compliance with part X of chapter 400 with an
 1889 intent to use the license, exemption from licensure, or
 1890 demonstration of compliance to provide services or seek
 1891 reimbursement under a motor vehicle liability insurance policy's
 1892 medical payments coverage ~~the Florida Motor Vehicle No-Fault~~
 1893 ~~Law.~~

1894 b. A claim for payment or other benefit under a motor
 1895 vehicle liability insurance policy's medical payments coverage,
 1896 ~~pursuant to a personal injury protection insurance policy under~~
 1897 ~~the Florida Motor Vehicle No-Fault Law~~ if the person knows that
 1898 the payee knowingly submitted a false, misleading, or fraudulent
 1899 application or other document when applying for licensure as a
 1900 health care clinic, seeking an exemption from licensure as a

1901 health care clinic, or demonstrating compliance with part X of
 1902 chapter 400.

1903 Section 36. Subsection (1) of section 627.06501, Florida
 1904 Statutes, is amended to read:

1905 627.06501 Insurance discounts for certain persons
 1906 completing driver improvement course.—

1907 (1) Any rate, rating schedule, or rating manual for the
 1908 liability, medical payments, death benefit ~~personal injury~~
 1909 ~~protection~~, and collision coverages of a motor vehicle insurance
 1910 policy filed with the office may provide for an appropriate
 1911 reduction in premium charges as to such coverages if when the
 1912 principal operator on the covered vehicle has successfully
 1913 completed a driver improvement course approved and certified by
 1914 the Department of Highway Safety and Motor Vehicles which is
 1915 effective in reducing crash or violation rates, or both, as
 1916 determined pursuant to s. 318.1451(5). Any discount, not to
 1917 exceed 10 percent, used by an insurer is presumed to be
 1918 appropriate unless credible data demonstrates otherwise.

1919 Section 37. Subsection (15) is added to section 627.0651,
 1920 Florida Statutes, to read:

1921 627.0651 Making and use of rates for motor vehicle
 1922 insurance.—

1923 (15) Rate filings for motor vehicle liability policies
 1924 that implement the financial responsibility requirements of s.
 1925 324.022 in effect July 1, 2023, except for commercial motor

1926 vehicle insurance policies exempt under paragraph (14)(a), must
 1927 reflect such financial responsibility requirements and may be
 1928 approved only through the file and use process under paragraph
 1929 (1)(a).

1930 Section 38. Subsection (1) of section 627.0652, Florida
 1931 Statutes, is amended to read:

1932 627.0652 Insurance discounts for certain persons
 1933 completing safety course.—

1934 (1) Any rates, rating schedules, or rating manuals for the
 1935 liability, medical payments, death benefit ~~personal injury~~
 1936 ~~protection~~, and collision coverages of a motor vehicle insurance
 1937 policy filed with the office must ~~shall~~ provide for an
 1938 appropriate reduction in premium charges as to such coverages if
 1939 ~~when~~ the principal operator on the covered vehicle is an insured
 1940 55 years of age or older who has successfully completed a motor
 1941 vehicle accident prevention course approved by the Department of
 1942 Highway Safety and Motor Vehicles. Any discount used by an
 1943 insurer is presumed to be appropriate unless credible data
 1944 demonstrates otherwise.

1945 Section 39. Subsections (1), (3), and (6) of section
 1946 627.0653, Florida Statutes, are amended to read:

1947 627.0653 Insurance discounts for specified motor vehicle
 1948 equipment.—

1949 (1) Any rates, rating schedules, or rating manuals for the
 1950 liability, medical payments, death benefit ~~personal injury~~

1951 ~~protection~~, and collision coverages of a motor vehicle insurance
 1952 policy filed with the office must ~~shall~~ provide a premium
 1953 discount if the insured vehicle is equipped with factory-
 1954 installed, four-wheel antilock brakes.

1955 (3) Any rates, rating schedules, or rating manuals for
 1956 ~~personal injury protection coverage and~~ medical payments
 1957 coverage, ~~if offered~~, of a motor vehicle insurance policy filed
 1958 with the office must ~~shall~~ provide a premium discount if the
 1959 insured vehicle is equipped with one or more air bags that ~~which~~
 1960 are factory installed.

1961 (6) The Office of Insurance Regulation may approve a
 1962 premium discount to any rates, rating schedules, or rating
 1963 manuals for the liability, medical payments, death benefit
 1964 ~~personal injury protection~~, and collision coverages of a motor
 1965 vehicle insurance policy filed with the office if the insured
 1966 vehicle is equipped with an automated driving system or
 1967 electronic vehicle collision avoidance technology that is
 1968 factory installed or a retrofitted system and that complies with
 1969 National Highway Traffic Safety Administration standards.

1970 Section 40. Section 627.4132, Florida Statutes, is amended
 1971 to read:

1972 627.4132 Stacking of coverages prohibited.—If an insured
 1973 or named insured is protected by any type of motor vehicle
 1974 insurance policy for bodily injury and property damage
 1975 liability, ~~personal injury protection, or other coverage~~, the

1976 | policy must ~~shall~~ provide that the insured or named insured is
 1977 | protected only to the extent of the coverage she or he has on
 1978 | the vehicle involved in the accident. However, if none of the
 1979 | insured's or named insured's vehicles are ~~is~~ involved in the
 1980 | accident, coverage is available only to the extent of coverage
 1981 | on any one of the vehicles with applicable coverage. Coverage on
 1982 | any other vehicles may ~~shall~~ not be added to or stacked upon
 1983 | that coverage. This section does not ~~apply~~:

1984 | (1) Apply to uninsured motorist coverage that ~~which~~ is
 1985 | separately governed by s. 627.727.

1986 | (2) ~~To~~ Reduce the coverage available by reason of
 1987 | insurance policies insuring different named insureds.

1988 | Section 41. Subsection (1) of section 627.4137, Florida
 1989 | Statutes, is amended to read:

1990 | 627.4137 Disclosure of certain information required.—

1991 | (1) Each insurer which does or may provide liability
 1992 | insurance coverage to pay all or a portion of any claim which
 1993 | might be made shall provide, within 30 days of the written
 1994 | request of the claimant or the claimant's attorney, a statement,
 1995 | under oath, of a corporate officer or the insurer's claims
 1996 | manager or superintendent setting forth the following
 1997 | information with regard to each known policy of insurance,
 1998 | including excess or umbrella insurance:

1999 | (a) The name of the insurer.

2000 | (b) The name of each insured.

- 2001 (c) The limits of the liability coverage.
- 2002 (d) A statement of any policy or coverage defense which
- 2003 such insurer reasonably believes is available to such insurer at
- 2004 the time of filing such statement.
- 2005 (e) A copy of the policy.

2006

2007 In addition, the insured, or her or his insurance agent, upon

2008 written request of the claimant or the claimant's attorney,

2009 shall disclose the name and coverage of each known insurer to

2010 the claimant and shall forward such request for information as

2011 required by this subsection to all affected insurers. The

2012 insurer shall then supply the information required in this

2013 subsection to the claimant within 30 days after ~~of~~ receipt of

2014 such request. If an insurer fails to timely comply with this

2015 section, the claimant may file an action in a court of competent

2016 jurisdiction to enforce this section. If the court determines

2017 that the insurer violated this section, the claimant is entitled

2018 to an award of reasonable attorney fees and costs to be paid by

2019 the insurer.

2020 Section 42. Section 627.7263, Florida Statutes, is amended

2021 to read:

2022 627.7263 Rental and leasing driver's insurance to be

2023 primary; exception.—

- 2024 (1) The valid and collectible liability insurance, death
- 2025 benefit coverage, and medical payments coverage ~~or personal~~

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2026 ~~injury protection insurance providing coverage~~ for the lessor of
2027 a motor vehicle for rent or lease are ~~is~~ primary unless
2028 otherwise stated in at least 10-point type on the face of the
2029 rental or lease agreement. Such insurance is primary for the
2030 limits of liability ~~and personal injury protection~~ coverage as
2031 required under s. 324.021(7), the death benefit coverage limit
2032 required under s. 627.72761, and the medical payments coverage
2033 limit required under s. 627.7265 ~~by ss. 324.021(7) and 627.736.~~

2034 (2) If the lessee's coverage is to be primary, the rental
2035 or lease agreement must contain the following language, in at
2036 least 10-point type:

2037
2038 "The valid and collectible liability insurance, death
2039 benefit coverage, and medical payments coverage
2040 ~~personal injury protection insurance~~ of an ~~any~~
2041 authorized rental or leasing driver are ~~is~~ primary for
2042 the limits of liability ~~and personal injury protection~~
2043 coverage required under s. 324.021(7), Florida
2044 Statutes, the limit of the death benefit coverage
2045 required under s. 627.72761, Florida Statutes, and the
2046 medical payments coverage limit required under s.
2047 627.7265 ~~by ss. 324.021(7) and 627.736, Florida~~
2048 Statutes."

2049 Section 43. Section 627.7265, Florida Statutes, is created
2050 to read:

2051 627.7265 Motor vehicle insurance; medical payments
 2052 coverage.—

2053 (1) Medical payments coverage must protect the named
 2054 insured, resident relatives, persons operating the insured motor
 2055 vehicle, passengers in the insured motor vehicle, and persons
 2056 who are struck by the insured motor vehicle and suffer bodily
 2057 injury while not an occupant of a self-propelled motor vehicle
 2058 at a limit of at least \$5,000 for medical expenses incurred due
 2059 to bodily injury, sickness, or disease arising out of the
 2060 ownership, maintenance, or use of a motor vehicle.

2061 (a) Before issuing a motor vehicle liability insurance
 2062 policy that is furnished as proof of financial responsibility
 2063 under s. 324.031, the insurer must offer medical payments
 2064 coverage at limits of \$5,000 and \$10,000. The insurer may also
 2065 offer medical payments coverage at any limit greater than
 2066 \$5,000.

2067 (b) The insurer must offer medical payments coverage with
 2068 no deductible. The insurer may also offer medical payments
 2069 coverage with a deductible not to exceed \$500.

2070 (c) This section may not be construed to limit any other
 2071 coverage made available by an insurer.

2072 (2) Upon receiving notice of an accident that is
 2073 potentially covered by medical payments coverage benefits, the
 2074 insurer must reserve \$5,000 of medical payments coverage
 2075 benefits for payment to physicians licensed under chapter 458 or

2076 chapter 459 or dentists licensed under chapter 466 who provide
2077 emergency services and care, as defined in s. 395.002, or who
2078 provide hospital inpatient care. The amount required to be held
2079 in reserve may be used only to pay claims from such physicians
2080 or dentists until 30 days after the date the insurer receives
2081 notice of the accident. After the 30-day period, any amount of
2082 the reserve for which the insurer has not received notice of
2083 such claims may be used by the insurer to pay other claims. This
2084 subsection does not require an insurer to establish a claim
2085 reserve for insurance accounting purposes.

2086 (3) An insurer providing medical payments coverage
2087 benefits may not:

2088 (a) Seek a lien on any recovery in tort by judgment,
2089 settlement, or otherwise for medical payments coverage benefits,
2090 regardless of whether suit has been filed or settlement has been
2091 reached without suit; or

2092 (b) Bring a cause of action against a person to whom or
2093 for whom medical payments coverage benefits were paid, except
2094 when medical payments coverage benefits were paid by reason of
2095 fraud committed by that person.

2096 (4) An insurer providing medical payments coverage may
2097 include provisions in its policy allowing for subrogation for
2098 medical payments coverage benefits paid if the expenses giving
2099 rise to the payments were caused by the wrongful act or omission
2100 of another who is not also an insured under the policy paying

2101 the medical payments coverage benefits. However, this
 2102 subrogation right is inferior to the rights of the injured
 2103 insured and is available only after all the insured's damages
 2104 are recovered and the insured is made whole. An insured who
 2105 obtains a recovery from a third party of the full amount of the
 2106 damages sustained and delivers a release or satisfaction that
 2107 impairs a medical payments insurer's subrogation right is liable
 2108 to the insurer for repayment of medical payments coverage
 2109 benefits less any expenses of acquiring the recovery, including
 2110 a prorated share of attorney fees and costs, and shall hold that
 2111 net recovery in trust to be delivered to the medical payments
 2112 insurer. The insurer may not include any provision in its policy
 2113 allowing for subrogation for any death benefit paid.

2114 Section 44. Subsections (1) and (7) of section 627.727,
 2115 Florida Statutes, are amended to read:

2116 627.727 Motor vehicle insurance; uninsured and
 2117 underinsured vehicle coverage; insolvent insurer protection.—

2118 (1) A ~~No~~ motor vehicle liability insurance policy that
 2119 ~~which~~ provides bodily injury liability coverage may not ~~shall~~ be
 2120 delivered or issued for delivery in this state with respect to
 2121 any specifically insured or identified motor vehicle registered
 2122 or principally garaged in this state, unless uninsured motor
 2123 vehicle coverage is provided therein or supplemental thereto for
 2124 the protection of persons insured thereunder who are legally
 2125 entitled to recover damages from owners or operators of

2126 | uninsured motor vehicles because of bodily injury, sickness, or
 2127 | disease, including death, resulting therefrom. However, the
 2128 | coverage required under this section is not applicable ~~if when,~~
 2129 | or to the extent that, an insured named in the policy makes a
 2130 | written rejection of the coverage on behalf of all insureds
 2131 | under the policy. ~~If When~~ a motor vehicle is leased for ~~a period~~
 2132 | ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms
 2133 | of the lease contract, provides liability coverage on the leased
 2134 | vehicle, the lessee of such vehicle has ~~shall have~~ the sole
 2135 | privilege to reject uninsured motorist coverage or to select
 2136 | lower limits than the bodily injury liability limits, regardless
 2137 | of whether the lessor is qualified as a self-insurer pursuant to
 2138 | s. 324.171. Unless an insured, or a lessee having the privilege
 2139 | of rejecting uninsured motorist coverage, requests such coverage
 2140 | or requests higher uninsured motorist limits in writing, the
 2141 | coverage or such higher uninsured motorist limits need not be
 2142 | provided in or supplemental to any other policy that ~~which~~
 2143 | renews, extends, changes, supersedes, or replaces an existing
 2144 | policy with the same bodily injury liability limits when an
 2145 | insured or lessee had rejected the coverage. When an insured or
 2146 | lessee has initially selected limits of uninsured motorist
 2147 | coverage lower than her or his bodily injury liability limits,
 2148 | higher limits of uninsured motorist coverage need not be
 2149 | provided in or supplemental to any other policy that ~~which~~
 2150 | renews, extends, changes, supersedes, or replaces an existing

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2151 policy with the same bodily injury liability limits unless an
2152 insured requests higher uninsured motorist coverage in writing.
2153 The rejection or selection of lower limits must ~~shall~~ be made on
2154 a form approved by the office. The form must ~~shall~~ fully advise
2155 the applicant of the nature of the coverage and must ~~shall~~ state
2156 that the coverage is equal to bodily injury liability limits
2157 unless lower limits are requested or the coverage is rejected.
2158 The heading of the form must ~~shall~~ be in 12-point bold type and
2159 must ~~shall~~ state: "You are electing not to purchase certain
2160 valuable coverage that ~~which~~ protects you and your family or you
2161 are purchasing uninsured motorist limits less than your bodily
2162 injury liability limits when you sign this form. Please read
2163 carefully." If this form is signed by a named insured, it will
2164 be conclusively presumed that there was an informed, knowing
2165 rejection of coverage or election of lower limits on behalf of
2166 all insureds. The insurer shall notify the named insured at
2167 least annually of her or his options as to the coverage required
2168 by this section. Such notice must ~~shall~~ be part of, and attached
2169 to, the notice of premium, must ~~shall~~ provide for a means to
2170 allow the insured to request such coverage, and must ~~shall~~ be
2171 given in a manner approved by the office. Receipt of this notice
2172 does not constitute an affirmative waiver of the insured's right
2173 to uninsured motorist coverage if ~~where~~ the insured has not
2174 signed a selection or rejection form. The coverage described
2175 under this section must ~~shall~~ be over and above, but may ~~shall~~

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2176 not duplicate, the benefits available to an insured under any
 2177 workers' compensation law, ~~personal injury protection benefits,~~
 2178 disability benefits law, or similar law; under any automobile
 2179 medical payments ~~expense~~ coverage; under any motor vehicle
 2180 liability insurance coverage; or from the owner or operator of
 2181 the uninsured motor vehicle or any other person or organization
 2182 jointly or severally liable together with such owner or operator
 2183 for the accident,~~r~~ and such coverage must ~~shall~~ cover the
 2184 difference, if any, between the sum of such benefits and the
 2185 damages sustained, up to the maximum amount of such coverage
 2186 provided under this section. The amount of coverage available
 2187 under this section may ~~shall~~ not be reduced by a setoff against
 2188 any coverage, including liability insurance. Such coverage does
 2189 ~~shall~~ not inure directly or indirectly to the benefit of any
 2190 workers' compensation or disability benefits carrier or any
 2191 person or organization qualifying as a self-insurer under any
 2192 workers' compensation or disability benefits law or similar law.

2193 (7) The legal liability of an uninsured motorist coverage
 2194 insurer includes ~~does not include~~ damages in tort for pain,
 2195 suffering, disability, physical impairment, disfigurement,
 2196 mental anguish, ~~and inconvenience,~~ and the loss of capacity for
 2197 the enjoyment of life experienced in the past and to be
 2198 experienced in the future unless the injury or disease is
 2199 ~~described in one or more of paragraphs (a) - (d) of s. 627.737(2).~~

2200 Section 45. Section 627.7275, Florida Statutes, is amended

2201 to read:

2202 627.7275 Required coverages in motor vehicle insurance
 2203 policies; availability to certain applicants liability.-

2204 (1) A motor vehicle insurance policy ~~providing personal~~
 2205 ~~injury protection as set forth in s. 627.736 may not be~~
 2206 delivered or issued for delivery in this state for a ~~with~~
 2207 ~~respect to any~~ specifically insured or identified motor vehicle
 2208 registered or principally garaged in this state must provide
 2209 bodily injury liability coverage and ~~unless the policy also~~
 2210 ~~provides coverage for~~ property damage liability coverage as
 2211 required under ss. 324.022 and 324.151 and the death benefit
 2212 coverage as required under s. 627.72761 ~~by s. 324.022.~~

2213 (2)(a) Insurers writing motor vehicle insurance in this
 2214 state shall make available, subject to the insurers' usual
 2215 underwriting restrictions:

2216 1. Coverage under policies as described in subsection (1)
 2217 to an applicant for private passenger motor vehicle insurance
 2218 coverage who is seeking the coverage in order to reinstate the
 2219 applicant's driving privileges in this state if the driving
 2220 privileges were revoked or suspended pursuant to s. 316.646 or
 2221 s. 324.0221 due to the failure of the applicant to maintain
 2222 required security.

2223 2. Coverage under policies as described in subsection (1),
 2224 which includes bodily injury ~~also provides~~ liability coverage
 2225 and property damage liability coverage, ~~for bodily injury,~~

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2226 ~~death, and property damage arising out of the ownership,~~
2227 ~~maintenance, or use of the motor vehicle~~ in an amount not less
2228 than the minimum limits required under ~~described in~~ s.
2229 324.021(7) or s. 324.023 and which conforms to the requirements
2230 of s. 324.151, to an applicant for private passenger motor
2231 vehicle insurance coverage who is seeking the coverage in order
2232 to reinstate the applicant's driving privileges in this state
2233 after such privileges were revoked or suspended under s. 316.193
2234 or s. 322.26(2) for driving under the influence.

2235 (b) The policies described in paragraph (a) must ~~shall~~ be
2236 issued for at least 6 months and, as to the minimum coverages
2237 required under this section, may not be canceled by the insured
2238 for any reason or by the insurer after 60 days, during which
2239 period the insurer is completing the underwriting of the policy.
2240 After the insurer has completed underwriting the policy, the
2241 insurer shall notify the Department of Highway Safety and Motor
2242 Vehicles that the policy is in full force and effect and is not
2243 cancelable for the remainder of the policy period. A premium
2244 must ~~shall~~ be collected and the coverage is in effect for the
2245 60-day period during which the insurer is completing the
2246 underwriting of the policy, whether or not the person's driver
2247 license, motor vehicle tag, and motor vehicle registration are
2248 in effect. Once the noncancelable provisions of the policy
2249 become effective, the bodily injury liability and property
2250 damage liability coverages ~~for bodily injury, property damage,~~

2251 ~~and personal injury protection~~ may not be reduced below the
 2252 minimum limits required under s. 324.021 or s. 324.023 during
 2253 the policy period.

2254 (c) This subsection controls to the extent of any conflict
 2255 with any other section.

2256 (d) An insurer issuing a policy subject to this section
 2257 may cancel the policy if, during the policy term, the named
 2258 insured, or any other operator who resides in the same household
 2259 or customarily operates an automobile insured under the policy,
 2260 has his or her driver license suspended or revoked.

2261 (e) This subsection does not require an insurer to offer a
 2262 policy of insurance to an applicant if such offer would be
 2263 inconsistent with the insurer's underwriting guidelines and
 2264 procedures.

2265 Section 46. Section 627.72761, Florida Statutes, is
 2266 created to read:

2267 627.72761 Required motor vehicle death benefit coverage.-
 2268 An insurance policy complying with the financial responsibility
 2269 requirements of s. 324.022 must provide a death benefit of
 2270 \$5,000 for each deceased person upon the death of the named
 2271 insured, relatives residing in the same household, persons
 2272 operating the insured motor vehicle, passengers in the motor
 2273 vehicle, and other persons struck by the motor vehicle and
 2274 suffering bodily injury while not an occupant of a self-
 2275 propelled motor vehicle when such death arises out of the

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2276 ownership, maintenance, or use of a motor vehicle. The insurer
2277 may pay death benefits to the executor or administrator of the
2278 deceased person; to any of the deceased person's relatives by
2279 blood, legal adoption, or marriage; or to any person appearing
2280 to the insurer to be equitably entitled to such benefits. The
2281 benefit may not be paid if the deceased person died as a result
2282 of causing injury or death to himself or herself intentionally,
2283 or because of injuries or death incurred while committing a
2284 felony.

2285 Section 47. Effective upon this act becoming a law,
2286 section 627.7278, Florida Statutes, is created to read:

2287 627.7278 Applicability and construction; notice to
2288 policyholders.—

2289 (1) As used in this section, the term "minimum security
2290 requirements" means security that enables a person to respond in
2291 damages for liability on account of crashes arising out of the
2292 ownership, maintenance, or use of a motor vehicle, in the
2293 amounts required by s. 324.021(7).

2294 (2) Effective July 1, 2023:

2295 (a) Motor vehicle insurance policies issued or renewed on
2296 or after July 1, 2023, may not include personal injury
2297 protection.

2298 (b) All persons subject to s. 324.022, s. 324.032, s.
2299 627.7415, or s. 627.742 must maintain at least minimum security
2300 requirements.

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2301 (c) Any new or renewal motor vehicle insurance policy
2302 delivered or issued for delivery in the state must provide
2303 coverage that complies with minimum security requirements and
2304 provides the death benefit set forth in s. 627.72761.

2305 (d) An existing motor vehicle insurance policy issued
2306 before July 1, 2023, which provides personal injury protection
2307 and property damage liability coverage that meets the
2308 requirements of s. 324.022 on June 30, 2023, but that does not
2309 meet minimum security requirements on or after July 1, 2023, is
2310 deemed to meet minimum security requirements until such policy
2311 is renewed, nonrenewed, or canceled on or after July 1, 2023.
2312 Sections 400.9905, 400.991, 456.057, 456.072, 626.9541(1)(i),
2313 627.7263, 627.727, 627.730-627.7405, 627.748, and 817.234,
2314 Florida Statutes 2020, remain in full force and effect for motor
2315 vehicle accidents covered under a policy issued under the
2316 Florida Motor Vehicle No-Fault Law before July 1, 2023, until
2317 the policy is renewed, nonrenewed, or canceled on or after July
2318 1, 2023.

2319 (3) Each insurer shall allow each insured who has a new or
2320 renewal policy providing personal injury protection which
2321 becomes effective before July 1, 2023, and whose policy does not
2322 meet minimum security requirements on or after July 1, 2023, to
2323 change coverages so as to eliminate personal injury protection
2324 and obtain coverage providing minimum security requirements and
2325 the death benefit set forth in s. 627.72761, which shall be

2326 effective on or after July 1, 2023. The insurer is not required
2327 to provide coverage complying with minimum security requirements
2328 and the death benefit set forth in s. 627.72761 in such policies
2329 if the insured does not pay the required premium, if any, by
2330 July 1, 2023, or such later date as the insurer may allow. The
2331 insurer shall also offer each insured medical payments coverage
2332 under s. 627.7265. Any reduction in the premium must be refunded
2333 by the insurer. The insurer may not impose on the insured an
2334 additional fee or charge that applies solely to a change in
2335 coverage; however, the insurer may charge an additional required
2336 premium that is actuarially indicated.

2337 (4) By April 1, 2023, each motor vehicle insurer shall
2338 provide notice of this section to each motor vehicle
2339 policyholder who is subject to this section. The notice is
2340 subject to approval by the office and must clearly inform the
2341 policyholder that:

2342 (a) The Florida Motor Vehicle No-Fault Law is repealed
2343 effective July 1, 2023, and that on or after that date, the
2344 insured is no longer required to maintain personal injury
2345 protection insurance coverage, that personal injury protection
2346 coverage is no longer available for purchase in the state, and
2347 that all new or renewal policies issued on or after that date
2348 will not contain that coverage.

2349 (b) Effective July 1, 2023, a person subject to the
2350 financial responsibility requirements of s. 324.022 must:

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2351 1. Maintain minimum security requirements that enable the
2352 person to respond to damages for liability on account of
2353 accidents arising out of the use of a motor vehicle in the
2354 following amounts:

2355 a. Twenty-five thousand dollars for bodily injury to, or
2356 the death of, one person in any one crash and, subject to such
2357 limits for one person, in the amount of \$50,000 for bodily
2358 injury to, or the death of, two or more persons in any one
2359 crash; and

2360 b. Ten thousand dollars for damage to, or destruction of,
2361 the property of others in any one crash.

2362 2. Purchase a death benefit under s. 627.72761 providing
2363 coverage in the amount of \$5,000 per deceased individual upon
2364 the death of the named insured, relatives residing in the same
2365 household, persons operating the insured motor vehicle,
2366 passengers in the motor vehicle, and other persons struck by the
2367 motor vehicle and suffering bodily injury while not an occupant
2368 of a self-propelled motor vehicle, when such death arises out of
2369 the ownership, maintenance, or use of a motor vehicle.

2370 (c) Bodily injury liability coverage protects the insured,
2371 up to the coverage limits, against loss if the insured is
2372 legally responsible for the death of or bodily injury to others
2373 in a motor vehicle accident.

2374 (d) Effective July 1, 2023, each policyholder of motor
2375 vehicle liability insurance purchased as proof of financial

2376 responsibility must be offered medical payments coverage
 2377 benefits that comply with s. 627.7265. The insurer must offer
 2378 medical payments coverage at limits of \$5,000 and \$10,000
 2379 without a deductible. The insurer may also offer medical
 2380 payments coverage at other limits greater than \$5,000 and may
 2381 offer coverage with a deductible of up to \$500. Medical payments
 2382 coverage pays covered medical expenses incurred due to bodily
 2383 injury, sickness, or disease arising out of the ownership,
 2384 maintenance, or use of the motor vehicle, up to the limits of
 2385 such coverage, for injuries sustained in a motor vehicle crash
 2386 by the named insured, resident relatives, any persons operating
 2387 the insured motor vehicle, passengers in the insured motor
 2388 vehicle, and persons who are struck by the insured motor vehicle
 2389 and suffer bodily injury while not an occupant of a self-
 2390 propelled motor vehicle as provided in s. 627.7265.

2391 (e) The policyholder may obtain uninsured and underinsured
 2392 motorist coverage that provides benefits, up to the limits of
 2393 such coverage, to a policyholder or other insured entitled to
 2394 recover damages for bodily injury, sickness, disease, or death
 2395 resulting from a motor vehicle accident with an uninsured or
 2396 underinsured owner or operator of a motor vehicle.

2397 (f) If the policyholder's new or renewal motor vehicle
 2398 insurance policy is effective before July 1, 2023, and contains
 2399 personal injury protection and property damage liability
 2400 coverage as required by state law before July 1, 2023, but does

2401 not meet minimum security requirements on or after July 1, 2023,
 2402 the policy is deemed to meet minimum security requirements and
 2403 need not provide the death benefit set forth in s. 627.72761
 2404 until it is renewed, nonrenewed, or canceled on or after July 1,
 2405 2023.

2406 (g) A policyholder whose new or renewal policy becomes
 2407 effective before July 1, 2023, but does not meet minimum
 2408 security requirements on or after July 1, 2023, may change
 2409 coverages under the policy so as to eliminate personal injury
 2410 protection and to obtain coverage providing minimum security
 2411 requirements, including bodily injury liability coverage and the
 2412 death benefit set forth in s. 627.72761, which are effective on
 2413 or after July 1, 2023.

2414 (h) If the policyholder has any questions, he or she
 2415 should contact the person named at the telephone number provided
 2416 in the notice.

2417 Section 48. Paragraph (a) of subsection (1) of section
 2418 627.728, Florida Statutes, is amended to read:

2419 627.728 Cancellations; nonrenewals.—

2420 (1) As used in this section, the term:

2421 (a) "Policy" means the bodily injury and property damage
 2422 liability, ~~personal injury protection,~~ medical payments, death
 2423 benefit, comprehensive, collision, and uninsured motorist
 2424 coverage portions of a policy of motor vehicle insurance
 2425 delivered or issued for delivery in this state:

2426 1. Insuring a natural person as named insured or one or
 2427 more related individuals who are residents ~~resident~~ of the same
 2428 household; and

2429 2. Insuring only a motor vehicle of the private passenger
 2430 type or station wagon type which is not used as a public or
 2431 livery conveyance for passengers or rented to others; or
 2432 insuring any other four-wheel motor vehicle having a load
 2433 capacity of 1,500 pounds or less which is not used in the
 2434 occupation, profession, or business of the insured other than
 2435 farming; other than any policy issued under an automobile
 2436 insurance assigned risk plan or covering garage, automobile
 2437 sales agency, repair shop, service station, or public parking
 2438 place operation hazards.

2439
 2440 The term "policy" does not include a binder as defined in s.
 2441 627.420 unless the duration of the binder period exceeds 60
 2442 days.

2443 Section 49. Subsection (1), paragraph (a) of subsection
 2444 (5), and subsections (6) and (7) of section 627.7295, Florida
 2445 Statutes, are amended to read:

2446 627.7295 Motor vehicle insurance contracts.—

2447 (1) As used in this section, the term:

2448 (a) "Policy" means a motor vehicle insurance policy that
 2449 provides death benefit coverage under s. 627.72761, bodily
 2450 injury liability ~~personal injury protection~~ coverage, and

2451 property damage liability coverage, ~~or both.~~

2452 (b) "Binder" means a binder that provides motor vehicle
 2453 death benefit coverage under s. 627.72761, bodily injury
 2454 liability coverage, ~~personal injury protection~~ and property
 2455 damage liability coverage.

2456 (5)(a) A licensed general lines agent may charge a per-
 2457 policy fee of up to ~~not to exceed~~ \$10 to cover the
 2458 administrative costs of the agent associated with selling the
 2459 motor vehicle insurance policy if the policy provides ~~covers~~
 2460 only the death benefit coverage under s. 627.72761, bodily
 2461 injury liability coverage, ~~personal injury protection coverage~~
 2462 ~~as provided by s. 627.736~~ and property damage liability coverage
 2463 under ~~as provided by~~ s. 627.7275 and if no other insurance is
 2464 sold or issued in conjunction with or collateral to the policy.
 2465 The fee is not ~~considered~~ part of the premium.

2466 (6) If a motor vehicle owner's driver license, license
 2467 plate, and registration have previously been suspended pursuant
 2468 to s. 316.646 ~~or s. 627.733,~~ an insurer may cancel a new policy
 2469 only as provided in s. 627.7275.

2470 (7) A policy of private passenger motor vehicle insurance
 2471 or a binder for such a policy may be initially issued in this
 2472 state only if, before the effective date of such binder or
 2473 policy, the insurer or agent has collected from the insured an
 2474 amount equal to at least 1 month's premium. An insurer, agent,
 2475 or premium finance company may not, directly or indirectly, take

2476 any action that results ~~resulting~~ in the insured paying ~~having~~
 2477 ~~paid~~ from the insured's own funds an amount less than the 1
 2478 month's premium required by this subsection. This subsection
 2479 applies without regard to whether the premium is financed by a
 2480 premium finance company or is paid pursuant to a periodic
 2481 payment plan of an insurer or an insurance agent.

2482 (a) This subsection does not apply:

2483 1. If an insured or member of the insured's family is
 2484 renewing or replacing a policy or a binder for such policy
 2485 written by the same insurer or a member of the same insurer
 2486 group. ~~This subsection does not apply~~

2487 2. To an insurer that issues private passenger motor
 2488 vehicle coverage primarily to active duty or former military
 2489 personnel or their dependents. ~~This subsection does not apply~~

2490 3. If all policy payments are paid pursuant to a payroll
 2491 deduction plan, an automatic electronic funds transfer payment
 2492 plan from the policyholder, or a recurring credit card or debit
 2493 card agreement with the insurer.

2494 (b) This subsection and subsection (4) do not apply if:

2495 1. All policy payments to an insurer are paid pursuant to
 2496 an automatic electronic funds transfer payment plan from an
 2497 agent, a managing general agent, or a premium finance company
 2498 and if the policy includes, at a minimum, the death benefit
 2499 coverage under s. 627.72761, bodily injury liability coverage,
 2500 and personal injury protection pursuant to ss. 627.730-627.7405;

2501 ~~motor vehicle property damage liability coverage under pursuant~~
 2502 ~~to s. 627.7275; or and bodily injury liability in at least the~~
 2503 ~~amount of \$10,000 because of bodily injury to, or death of, one~~
 2504 ~~person in any one accident and in the amount of \$20,000 because~~
 2505 ~~of bodily injury to, or death of, two or more persons in any one~~
 2506 ~~accident. This subsection and subsection (4) do not apply if~~

2507 2. An insured has had a policy in effect for at least 6
 2508 months, the insured's agent is terminated by the insurer that
 2509 issued the policy, and the insured obtains coverage on the
 2510 policy's renewal date with a new company through the terminated
 2511 agent.

2512 Section 50. Section 627.7415, Florida Statutes, is amended
 2513 to read:

2514 627.7415 Commercial motor vehicles; additional liability
 2515 insurance coverage.—Beginning July 1, 2023, commercial motor
 2516 vehicles, as defined in s. 207.002 or s. 320.01, operated upon
 2517 the roads and highways of this state must ~~shall~~ be insured with
 2518 the following minimum levels of combined bodily liability
 2519 insurance and property damage liability insurance in addition to
 2520 any other insurance requirements:

2521 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a
 2522 commercial motor vehicle with a gross vehicle weight of 26,000
 2523 pounds or more, but less than 35,000 pounds.

2524 (2) One hundred twenty thousand dollars per occurrence for
 2525 a commercial motor vehicle with a gross vehicle weight of 35,000

2526 pounds or more, but less than 44,000 pounds.

2527 (3) Three hundred thousand dollars per occurrence for a
 2528 commercial motor vehicle with a gross vehicle weight of 44,000
 2529 pounds or more.

2530 (4) All commercial motor vehicles subject to regulations
 2531 of the United States Department of Transportation, 49 C.F.R.
 2532 part 387, subpart A, and as may be hereinafter amended, shall be
 2533 insured in an amount equivalent to the minimum levels of
 2534 financial responsibility as set forth in such regulations.

2535
 2536 A violation of this section is a noncriminal traffic infraction,
 2537 punishable as a nonmoving violation as provided in chapter 318.

2538 Section 51. Paragraphs (b) through (e) of subsection (1)
 2539 of section 627.747, Florida Statutes, are redesignated as
 2540 paragraphs (a) through (d), respectively, and present paragraph
 2541 (a) of subsection (1) and subsection (3) of that section are
 2542 amended, to read:

2543 627.747 Named driver exclusion.—

2544 (1) A private passenger motor vehicle policy may exclude
 2545 the following coverages for all claims or suits resulting from
 2546 the operation of a motor vehicle by an identified individual who
 2547 is not a named insured, provided the identified individual is
 2548 named on the declarations page or by endorsement and the named
 2549 insured consents in writing to such exclusion:

2550 ~~(a) Notwithstanding the Florida Motor Vehicle No-Fault~~

2551 ~~Law, the personal injury protection coverage specifically~~
 2552 ~~applicable to the identified individual's injuries, lost wages,~~
 2553 ~~and death benefits.~~

2554 (3) A driver excluded pursuant to this section must:
 2555 ~~(a)~~ establish, maintain, and show proof of financial
 2556 ability to respond for damages arising out of the ownership,
 2557 maintenance, or use of a motor vehicle as required by chapter
 2558 324; ~~and~~

2559 ~~(b) Maintain security as required by s. 627.733.~~

2560 Section 52. Paragraphs (b), (c), and (g) of subsection
 2561 (7), paragraphs (a) and (b) of subsection (8), and paragraph (b)
 2562 of subsection (16) of section 627.748, Florida Statutes, are
 2563 amended to read:

2564 627.748 Transportation network companies.—

2565 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
 2566 INSURANCE REQUIREMENTS.—

2567 (b) The following automobile insurance requirements apply
 2568 while a participating TNC driver is logged on to the digital
 2569 network but is not engaged in a prearranged ride:

2570 1. Automobile insurance that provides:

2571 a. A primary automobile liability coverage of at least
 2572 \$50,000 for death and bodily injury per person, \$100,000 for
 2573 death and bodily injury per incident, and \$25,000 for property
 2574 damage; and

2575 ~~b. Personal injury protection benefits that meet the~~

2576 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~
 2577 ~~and~~

2578 ~~b.e.~~ Uninsured and underinsured vehicle coverage as
 2579 required by s. 627.727.

2580 2. The coverage requirements of this paragraph may be
 2581 satisfied by any of the following:

2582 a. Automobile insurance maintained by the TNC driver or
 2583 the TNC vehicle owner;

2584 b. Automobile insurance maintained by the TNC; or

2585 c. A combination of sub-subparagraphs a. and b.

2586 (c) The following automobile insurance requirements apply
 2587 while a TNC driver is engaged in a prearranged ride:

2588 1. Automobile insurance that provides:

2589 a. A primary automobile liability coverage of at least \$1
 2590 million for death, bodily injury, and property damage; and

2591 ~~b. Personal injury protection benefits that meet the~~
 2592 ~~minimum coverage amounts required of a limousine under ss.~~
 2593 ~~627.730-627.7405; and~~

2594 ~~b.e.~~ Uninsured and underinsured vehicle coverage as
 2595 required by s. 627.727.

2596 2. The coverage requirements of this paragraph may be
 2597 satisfied by any of the following:

2598 a. Automobile insurance maintained by the TNC driver or
 2599 the TNC vehicle owner;

2600 b. Automobile insurance maintained by the TNC; or

2601 c. A combination of sub-subparagraphs a. and b.

2602 (g) Insurance satisfying the requirements under this
2603 subsection is deemed to satisfy the financial responsibility
2604 requirement for a motor vehicle under chapter 324 ~~and the~~
2605 ~~security required under s. 627.733~~ for any period when the TNC
2606 driver is logged onto the digital network or engaged in a
2607 prearranged ride.

2608 (8) TRANSPORTATION NETWORK COMPANY AND INSURER;
2609 DISCLOSURE; EXCLUSIONS.—

2610 (a) Before a TNC driver is allowed to accept a request for
2611 a prearranged ride on the digital network, the TNC must disclose
2612 in writing to the TNC driver:

2613 1. The insurance coverage, including the types of coverage
2614 and the limits for each coverage, which the TNC provides while
2615 the TNC driver uses a TNC vehicle in connection with the TNC's
2616 digital network.

2617 2. That the TNC driver's own automobile insurance policy
2618 might not provide any coverage while the TNC driver is logged on
2619 to the digital network or is engaged in a prearranged ride,
2620 depending on the terms of the TNC driver's own automobile
2621 insurance policy.

2622 3. That the provision of rides for compensation which are
2623 not prearranged rides subjects the driver to the coverage
2624 requirements imposed under s. 324.032(1) and (2) and that
2625 failure to meet such coverage requirements subjects the TNC

2626 driver to penalties provided in s. 324.221, up to and including
 2627 a misdemeanor of the second degree.

2628 (b)1. An insurer that provides an automobile liability
 2629 insurance policy under this part may exclude any and all
 2630 coverage afforded under the policy issued to an owner or
 2631 operator of a TNC vehicle while driving that vehicle for any
 2632 loss or injury that occurs while a TNC driver is logged on to a
 2633 digital network or while a TNC driver provides a prearranged
 2634 ride. Exclusions imposed under this subsection are limited to
 2635 coverage while a TNC driver is logged on to a digital network or
 2636 while a TNC driver provides a prearranged ride. This right to
 2637 exclude all coverage may apply to any coverage included in an
 2638 automobile insurance policy, including, but not limited to:

- 2639 a. Liability coverage for bodily injury and property
 2640 damage;
- 2641 b. Uninsured and underinsured motorist coverage;
- 2642 c. Medical payments coverage;
- 2643 d. Comprehensive physical damage coverage;
- 2644 e. Collision physical damage coverage; and
- 2645 f. Death benefit coverage under s. 627.72761 ~~Personal~~
 2646 ~~injury protection.~~

2647 2. The exclusions described in subparagraph 1. apply
 2648 notwithstanding any requirement under chapter 324. These
 2649 exclusions do not affect or diminish coverage otherwise
 2650 available for permissive drivers or resident relatives under the

2651 personal automobile insurance policy of the TNC driver or owner
2652 of the TNC vehicle who are not occupying the TNC vehicle at the
2653 time of loss. This section does not require that a personal
2654 automobile insurance policy provide coverage while the TNC
2655 driver is logged on to a digital network, while the TNC driver
2656 is engaged in a prearranged ride, or while the TNC driver
2657 otherwise uses a vehicle to transport riders for compensation.

2658 3. This section must not be construed to require an
2659 insurer to use any particular policy language or reference to
2660 this section in order to exclude any and all coverage for any
2661 loss or injury that occurs while a TNC driver is logged on to a
2662 digital network or while a TNC driver provides a prearranged
2663 ride.

2664 4. This section does not preclude an insurer from
2665 providing primary or excess coverage for the TNC driver's
2666 vehicle by contract or endorsement.

2667 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

2668 (b) An entity may elect, upon written notification to the
2669 department, to be regulated as a luxury ground TNC. A luxury
2670 ground TNC must:

2671 1. Comply with all of the requirements of this section
2672 applicable to a TNC, including subsection (17), which do not
2673 conflict with subparagraph 2. or which do not prohibit the
2674 company from connecting riders to drivers who operate for-hire
2675 vehicles as defined in s. 320.01(15), including limousines and

2676 luxury sedans and excluding taxicabs.

2677 2. Maintain insurance coverage as required by subsection
 2678 (7). However, if a prospective luxury ground TNC satisfies
 2679 minimum financial responsibility through compliance with s.
 2680 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives
 2681 the department written notification of its election to be
 2682 regulated as a luxury ground TNC, the luxury ground TNC may use
 2683 self-insurance to meet the insurance requirements of subsection
 2684 (7), so long as such self-insurance complies with s. 324.032(3)
 2685 ~~s. 324.032(2)~~ and provides the limits of liability required by
 2686 subsection (7).

2687 Section 53. Paragraphs (a) and (b) of subsection (2) and
 2688 paragraphs (a) and (c) of subsection (3) of section 627.7483,
 2689 Florida Statutes, are amended to read:

2690 627.7483 Peer-to-peer car sharing; insurance
 2691 requirements.—

2692 (2) INSURANCE COVERAGE REQUIREMENTS.—

2693 (a)1. A peer-to-peer car-sharing program shall ensure
 2694 that, during each car-sharing period, the shared vehicle owner
 2695 and the shared vehicle driver are insured under a motor vehicle
 2696 insurance policy that provides all of the following:

2697 a. Property damage liability coverage and bodily injury
 2698 liability coverage that meet or exceed ~~meets~~ the minimum
 2699 coverage amounts required under s. 324.022.

2700 ~~b. Bodily injury liability coverage limits as described in~~

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2701 ~~s. 324.021(7)(a) and (b).~~

2702 ~~e. Personal injury protection benefits that meet the~~
2703 ~~minimum coverage amounts required under s. 627.736.~~

2704 ~~b.d.~~ Uninsured and underinsured vehicle coverage as
2705 required under s. 627.727.

2706 2. The peer-to-peer car-sharing program shall also ensure
2707 that the motor vehicle insurance policy under subparagraph 1.:

2708 a. Recognizes that the shared vehicle insured under the
2709 policy is made available and used through a peer-to-peer car-
2710 sharing program; or

2711 b. Does not exclude the use of a shared vehicle by a
2712 shared vehicle driver.

2713 (b)1. The insurance described under paragraph (a) may be
2714 satisfied by a motor vehicle insurance policy maintained by:

2715 a. A shared vehicle owner;

2716 b. A shared vehicle driver;

2717 c. A peer-to-peer car-sharing program; or

2718 d. A combination of a shared vehicle owner, a shared
2719 vehicle driver, and a peer-to-peer car-sharing program.

2720 2. The insurance policy maintained in subparagraph 1.
2721 which satisfies the insurance requirements under paragraph (a)
2722 is primary during each car-sharing period. If a claim occurs
2723 during the car-sharing period in another state with minimum
2724 financial responsibility limits higher than those limits
2725 required under chapter 324, the coverage maintained under

2726 paragraph (a) satisfies the difference in minimum coverage
2727 amounts up to the applicable policy limits.

2728 3.a. If the insurance maintained by a shared vehicle owner
2729 or shared vehicle driver in accordance with subparagraph 1. has
2730 lapsed or does not provide the coverage required under paragraph
2731 (a), the insurance maintained by the peer-to-peer car-sharing
2732 program must provide the coverage required under paragraph (a),
2733 beginning with the first dollar of a claim, and must defend such
2734 claim, except under circumstances as set forth in subparagraph
2735 (3)(a)2.

2736 b. Coverage under a motor vehicle insurance policy
2737 maintained by the peer-to-peer car-sharing program must not be
2738 dependent on another motor vehicle insurer first denying a
2739 claim, and another motor vehicle insurance policy is not
2740 required to first deny a claim.

2741 c. Notwithstanding any other law, statute, rule, or
2742 regulation to the contrary, a peer-to-peer car-sharing program
2743 has an insurable interest in a shared vehicle during the car-
2744 sharing period. This sub-subparagraph does not create liability
2745 for a peer-to-peer car-sharing program for maintaining the
2746 coverage required under paragraph (a) and under this paragraph,
2747 if applicable.

2748 d. A peer-to-peer car-sharing program may own and maintain
2749 as the named insured one or more policies of motor vehicle
2750 insurance which provide coverage for:

2751 (I) Liabilities assumed by the peer-to-peer car-sharing
 2752 program under a peer-to-peer car-sharing program agreement;
 2753 (II) Liability of the shared vehicle owner;
 2754 (III) Liability of the shared vehicle driver;
 2755 (IV) Damage or loss to the shared motor vehicle; or
 2756 (V) Damage, loss, or injury to persons or property to
 2757 satisfy the ~~personal injury protection and~~ uninsured and
 2758 underinsured motorist coverage requirements of this section.

2759 e. Insurance required under paragraph (a), when maintained
 2760 by a peer-to-peer car-sharing program, may be provided by an
 2761 insurer authorized to do business in this state which is a
 2762 member of the Florida Insurance Guaranty Association or an
 2763 eligible surplus lines insurer that has a superior, excellent,
 2764 exceptional, or equivalent financial strength rating by a rating
 2765 agency acceptable to the office. A peer-to-peer car-sharing
 2766 program is not transacting in insurance when it maintains the
 2767 insurance required under this section.

2768 (3) LIABILITIES AND INSURANCE EXCLUSIONS.—

2769 (a) Liability.—

2770 1. A peer-to-peer car-sharing program shall assume
 2771 liability, except as provided in subparagraph 2., of a shared
 2772 vehicle owner for bodily injury or property damage to third
 2773 parties or uninsured and underinsured motorist ~~or personal~~
 2774 ~~injury protection~~ losses during the car-sharing period in an
 2775 amount stated in the peer-to-peer car-sharing program agreement,

2776 | which amount may not be less than those set forth in ss. 324.022
 2777 | and ~~ss. 324.021(7)(a) and (b), 324.022, 627.727, and 627.736,~~
 2778 | respectively.

2779 | 2. The assumption of liability under subparagraph 1. does
 2780 | not apply if a shared vehicle owner:

2781 | a. Makes an intentional or fraudulent material
 2782 | misrepresentation or omission to the peer-to-peer car-sharing
 2783 | program before the car-sharing period in which the loss occurs;
 2784 | or

2785 | b. Acts in concert with a shared vehicle driver who fails
 2786 | to return the shared vehicle pursuant to the terms of the peer-
 2787 | to-peer car-sharing program agreement.

2788 | 3. The insurer, insurers, or peer-to-peer car-sharing
 2789 | program providing coverage under paragraph (2)(a) shall assume
 2790 | primary liability for a claim when:

2791 | a. A dispute exists over who was in control of the shared
 2792 | motor vehicle at the time of the loss, and the peer-to-peer car-
 2793 | sharing program does not have available, did not retain, or
 2794 | fails to provide the information required under subsection (5);
 2795 | or

2796 | b. A dispute exists over whether the shared vehicle was
 2797 | returned to the alternatively agreed-upon location as required
 2798 | under subparagraph (1)(d)2.

2799 | (c) Exclusions in motor vehicle insurance policies.—An
 2800 | authorized insurer that writes motor vehicle liability insurance

2801 in this state may exclude any coverage and the duty to defend or
 2802 indemnify for any claim under a shared vehicle owner's motor
 2803 vehicle insurance policy, including, but not limited to:

- 2804 1. Liability coverage for bodily injury and property
 2805 damage;
- 2806 ~~2. Personal injury protection coverage;~~
- 2807 2.3. Uninsured and underinsured motorist coverage;
- 2808 3.4. Medical payments coverage;
- 2809 ~~4.5.~~ Comprehensive physical damage coverage; and
- 2810 5.6. Collision physical damage coverage.

2811
 2812 This paragraph does not invalidate or limit any exclusion
 2813 contained in a motor vehicle insurance policy, including any
 2814 insurance policy in use or approved for use which excludes
 2815 coverage for motor vehicles made available for rent, sharing, or
 2816 hire or for any business use. This paragraph does not
 2817 invalidate, limit, or restrict an insurer's ability under
 2818 existing law to underwrite, cancel, or nonrenew any insurance
 2819 policy.

2820 Section 54. Paragraph (a) of subsection (2) of section
 2821 627.749, Florida Statutes, is amended to read:

2822 627.749 Autonomous vehicles; insurance requirements.—

2823 (2) INSURANCE REQUIREMENTS.—

2824 (a) A fully autonomous vehicle with the automated driving
 2825 system engaged while logged on to an on-demand autonomous

2826 | vehicle network or engaged in a prearranged ride must be covered
 2827 | by a policy of automobile insurance which provides:

2828 | 1. Primary liability coverage of at least \$1 million for
 2829 | death, bodily injury, and property damage.

2830 | ~~2. Personal injury protection benefits that meet the~~
 2831 | ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

2832 | 2.3. Uninsured and underinsured vehicle coverage as
 2833 | required by s. 627.727.

2834 | Section 55. Section 627.8405, Florida Statutes, is amended
 2835 | to read:

2836 | 627.8405 Prohibited acts; financing companies.—A ~~No~~
 2837 | premium finance company ~~shall~~, in a premium finance agreement or
 2838 | other agreement, may not finance the cost of or otherwise
 2839 | provide for the collection or remittance of dues, assessments,
 2840 | fees, or other periodic payments of money for the cost of:

2841 | (1) A membership in an automobile club. The term
 2842 | "automobile club" means a legal entity that ~~which~~, in
 2843 | consideration of dues, assessments, or periodic payments of
 2844 | money, promises its members or subscribers to assist them in
 2845 | matters relating to the ownership, operation, use, or
 2846 | maintenance of a motor vehicle; however, the term ~~this~~
 2847 | ~~definition of "automobile club"~~ does not include persons,
 2848 | associations, or corporations ~~which are~~ organized and operated
 2849 | solely for the purpose of conducting, sponsoring, or sanctioning
 2850 | motor vehicle races, exhibitions, or contests upon racetracks,

2851 or upon racecourses established and marked as such for the
 2852 duration of such particular events. As used in this subsection,
 2853 the term ~~words~~ "motor vehicle" has ~~used herein have~~ the same
 2854 meaning as ~~defined~~ in chapter 320.

2855 (2) An accidental death and dismemberment policy sold in
 2856 combination with a policy providing only death benefit coverage
 2857 under s. 627.72761, bodily injury liability coverage, ~~personal~~
 2858 ~~injury protection~~ and property damage liability coverage ~~only~~
 2859 ~~policy.~~

2860 (3) Any product not regulated under ~~the provisions of~~ this
 2861 insurance code.

2862
 2863 This section also applies to premium financing by any insurance
 2864 agent or insurance company under part XVI. The commission shall
 2865 adopt rules to assure disclosure, at the time of sale, of
 2866 coverages financed ~~with personal injury protection~~ and shall
 2867 prescribe the form of such disclosure.

2868 Section 56. Subsection (1) of section 627.915, Florida
 2869 Statutes, is amended to read:

2870 627.915 Insurer experience reporting.—

2871 (1) Each insurer transacting private passenger automobile
 2872 insurance in this state shall report certain information
 2873 annually to the office. The information will be due on or before
 2874 July 1 of each year. The information must ~~shall~~ be divided into
 2875 the following categories: bodily injury liability; property

2876 | damage liability; uninsured motorist; death benefit coverage
 2877 | under s. 627.72761 ~~personal injury protection benefits~~; medical
 2878 | payments; and comprehensive and collision. The information given
 2879 | must ~~shall~~ be on direct insurance writings in the state alone
 2880 | and ~~shall~~ represent total limits data. The information set forth
 2881 | in paragraphs (a)-(f) is applicable to voluntary private
 2882 | passenger and Joint Underwriting Association private passenger
 2883 | writings and must ~~shall~~ be reported for each of the latest 3
 2884 | calendar-accident years, with an evaluation date of March 31 of
 2885 | the current year. The information set forth in paragraphs (g) -
 2886 | (j) is applicable to voluntary private passenger writings and
 2887 | must ~~shall~~ be reported on a calendar-accident year basis
 2888 | ultimately seven times at seven different stages of development.
 2889 | (a) Premiums earned for the latest 3 calendar-accident
 2890 | years.
 2891 | (b) Loss development factors and the historic development
 2892 | of those factors.
 2893 | (c) Policyholder dividends incurred.
 2894 | (d) Expenses for other acquisition and general expense.
 2895 | (e) Expenses for agents' commissions and taxes, licenses,
 2896 | and fees.
 2897 | (f) Profit and contingency factors as utilized in the
 2898 | insurer's automobile rate filings for the applicable years.
 2899 | (g) Losses paid.
 2900 | (h) Losses unpaid.

2901 (i) Loss adjustment expenses paid.
 2902 (j) Loss adjustment expenses unpaid.
 2903 Section 57. Subsections (2) and (3) of section 628.909,
 2904 Florida Statutes, are amended to read:
 2905 628.909 Applicability of other laws.—
 2906 (2) The following provisions of the Florida Insurance Code
 2907 apply to captive insurance companies that ~~who~~ are not industrial
 2908 insured captive insurance companies to the extent that such
 2909 provisions are not inconsistent with this part:
 2910 (a) Chapter 624, except for ss. 624.407, 624.408,
 2911 624.4085, 624.40851, 624.4095, 624.411, 624.425, and 624.426.
 2912 (b) Chapter 625, part II.
 2913 (c) Chapter 626, part IX.
 2914 ~~(d) Sections 627.730-627.7405, when no-fault coverage is~~
 2915 ~~provided.~~
 2916 (d) ~~(e)~~ Chapter 628.
 2917 (3) The following provisions of the Florida Insurance Code
 2918 ~~shall~~ apply to industrial insured captive insurance companies to
 2919 the extent that such provisions are not inconsistent with this
 2920 part:
 2921 (a) Chapter 624, except for ss. 624.407, 624.408,
 2922 624.4085, 624.40851, 624.4095, 624.411, 624.425, 624.426, and
 2923 624.609(1).
 2924 (b) Chapter 625, part II, if the industrial insured
 2925 captive insurance company is incorporated in this state.

2926 (c) Chapter 626, part IX.

2927 ~~(d) Sections 627.730-627.7405 when no-fault coverage is~~

2928 ~~provided.~~

2929 (d)~~(e)~~ Chapter 628, except for ss. 628.341, 628.351, and

2930 628.6018.

2931 Section 58. Subsections (2), (6), and (7) of section

2932 705.184, Florida Statutes, are amended to read:

2933 705.184 Derelict or abandoned motor vehicles on the

2934 premises of public-use airports.—

2935 (2) The airport director or the director's designee shall

2936 contact the Department of Highway Safety and Motor Vehicles to

2937 notify that department that the airport has possession of the

2938 abandoned or derelict motor vehicle and to determine the name

2939 and address of the owner of the motor vehicle, the insurance

2940 company insuring the motor vehicle, ~~notwithstanding the~~

2941 ~~provisions of s. 627.736,~~ and any person who has filed a lien on

2942 the motor vehicle. Within 7 business days after receipt of the

2943 information, the director or the director's designee shall send

2944 notice by certified mail, return receipt requested, to the owner

2945 of the motor vehicle, the insurance company insuring the motor

2946 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all

2947 persons of record claiming a lien against the motor vehicle. The

2948 notice must ~~shall~~ state the fact of possession of the motor

2949 vehicle, that charges for reasonable towing, storage, and

2950 parking fees, if any, have accrued and the amount thereof, that

2951 a lien as provided in subsection (6) will be claimed, that the
 2952 lien is subject to enforcement pursuant to law, that the owner
 2953 or lienholder, if any, has the right to a hearing as set forth
 2954 in subsection (4), and that any motor vehicle which, at the end
 2955 of 30 calendar days after receipt of the notice, has not been
 2956 removed from the airport upon payment in full of all accrued
 2957 charges for reasonable towing, storage, and parking fees, if
 2958 any, may be disposed of as provided in s. 705.182(2)(a), (b),
 2959 (d), or (e), including, but not limited to, the motor vehicle
 2960 being sold free of all prior liens after 35 calendar days after
 2961 the time the motor vehicle is stored if any prior liens on the
 2962 motor vehicle are more than 5 years of age or after 50 calendar
 2963 days after the time the motor vehicle is stored if any prior
 2964 liens on the motor vehicle are 5 years of age or less.

2965 (6) The airport pursuant to this section or, if used, a
 2966 licensed independent wrecker company pursuant to s. 713.78 shall
 2967 have a lien on an abandoned or derelict motor vehicle for all
 2968 reasonable towing, storage, and accrued parking fees, if any,
 2969 except that no storage fee may ~~shall~~ be charged if the motor
 2970 vehicle is stored less than 6 hours. As a prerequisite to
 2971 perfecting a lien under this section, the airport director or
 2972 the director's designee must serve a notice in accordance with
 2973 subsection (2) on the owner of the motor vehicle, the insurance
 2974 company insuring the motor vehicle, ~~notwithstanding the~~
 2975 ~~provisions of s. 627.736,~~ and all persons of record claiming a

2976 | lien against the motor vehicle. If attempts to notify the owner,
 2977 | the insurance company insuring the motor vehicle,
 2978 | ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are
 2979 | not successful, the requirement of notice by mail shall be
 2980 | considered met. Serving of the notice does not dispense with
 2981 | recording the claim of lien.

2982 | (7) (a) For the purpose of perfecting its lien under this
 2983 | section, the airport shall record a claim of lien which states
 2984 | ~~shall state:~~

- 2985 | 1. The name and address of the airport.
- 2986 | 2. The name of the owner of the motor vehicle, the
 2987 | insurance company insuring the motor vehicle, ~~notwithstanding~~
 2988 | ~~the provisions of s. 627.736,~~ and all persons of record claiming
 2989 | a lien against the motor vehicle.
- 2990 | 3. The costs incurred from reasonable towing, storage, and
 2991 | parking fees, if any.
- 2992 | 4. A description of the motor vehicle sufficient for
 2993 | identification.

2994 | (b) The claim of lien must ~~shall~~ be signed and sworn to or
 2995 | affirmed by the airport director or the director's designee.

2996 | (c) The claim of lien is ~~shall be~~ sufficient if it is in
 2997 | substantially the following form:

2998 |
 2999 | CLAIM OF LIEN

3000 | State of

3001 County of

3002 Before me, the undersigned notary public, personally appeared

3003, who was duly sworn and says that he/she is the

3004 of, whose address is.....; and that the

3005 following described motor vehicle:

3006 ...(Description of motor vehicle)...

3007 owned by, whose address is, has accrued

3008 \$..... in fees for a reasonable tow, for storage, and for

3009 parking, if applicable; that the lienor served its notice to the

3010 owner, the insurance company insuring the motor vehicle

3011 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~

3012 and all persons of record claiming a lien against the motor

3013 vehicle on, ...(year)...., by.....

3014 ...(Signature)...

3015 Sworn to (or affirmed) and subscribed before me this day of

3016, ...(year)...., by ...(name of person making statement)....

3017 ...(Signature of Notary Public).....(Print, Type, or Stamp

3018 Commissioned name of Notary Public)...

3019 Personally Known....OR Produced....as identification.

3020

3021 However, the negligent inclusion or omission of any information

3022 in this claim of lien which does not prejudice the owner does

3023 not constitute a default that operates to defeat an otherwise

3024 valid lien.

3025 (d) The claim of lien must ~~shall~~ be served on the owner of

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3026 the motor vehicle, the insurance company insuring the motor
3027 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all
3028 persons of record claiming a lien against the motor vehicle. If
3029 attempts to notify the owner, the insurance company insuring the
3030 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or
3031 lienholders are not successful, the requirement of notice by
3032 mail shall be considered met. The claim of lien must ~~shall~~ be so
3033 served before recordation.

3034 (e) The claim of lien must ~~shall~~ be recorded with the
3035 clerk of court in the county where the airport is located. The
3036 recording of the claim of lien shall be constructive notice to
3037 all persons of the contents and effect of such claim. The lien
3038 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~
3039 ~~take~~ priority as of that time.

3040 Section 59. Paragraphs (a), (b), and (c) of subsection (4)
3041 of section 713.78, Florida Statutes, are amended to read:

3042 713.78 Liens for recovering, towing, or storing vehicles
3043 and vessels.—

3044 (4)(a) A person regularly engaged in the business of
3045 recovering, towing, or storing vehicles or vessels who comes
3046 into possession of a vehicle or vessel pursuant to subsection
3047 (2), and who claims a lien for recovery, towing, or storage
3048 services, shall give notice, by certified mail, to the
3049 registered owner, the insurance company insuring the vehicle
3050 ~~notwithstanding s. 627.736,~~ and all persons claiming a lien

3051 thereon, as disclosed by the records in the Department of
3052 Highway Safety and Motor Vehicles or as disclosed by the records
3053 of any corresponding agency in any other state in which the
3054 vehicle is identified through a records check of the National
3055 Motor Vehicle Title Information System or an equivalent
3056 commercially available system as being titled or registered.

3057 (b) Whenever a law enforcement agency authorizes the
3058 removal of a vehicle or vessel or whenever a towing service,
3059 garage, repair shop, or automotive service, storage, or parking
3060 place notifies the law enforcement agency of possession of a
3061 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law
3062 enforcement agency of the jurisdiction where the vehicle or
3063 vessel is stored shall contact the Department of Highway Safety
3064 and Motor Vehicles, or the appropriate agency of the state of
3065 registration, if known, within 24 hours through the medium of
3066 electronic communications, giving the full description of the
3067 vehicle or vessel. Upon receipt of the full description of the
3068 vehicle or vessel, the department shall search its files to
3069 determine the owner's name, the insurance company insuring the
3070 vehicle or vessel, and whether any person has filed a lien upon
3071 the vehicle or vessel as provided in s. 319.27(2) and (3) and
3072 notify the applicable law enforcement agency within 72 hours.
3073 The person in charge of the towing service, garage, repair shop,
3074 or automotive service, storage, or parking place shall obtain
3075 such information from the applicable law enforcement agency

3076 within 5 days after the date of storage and shall give notice
 3077 pursuant to paragraph (a). The department may release the
 3078 insurance company information to the requestor ~~notwithstanding~~
 3079 ~~s. 627.736.~~

3080 (c) The notice of lien must be sent by certified mail to
 3081 the registered owner, the insurance company insuring the vehicle
 3082 ~~notwithstanding s. 627.736,~~ and all other persons claiming a
 3083 lien thereon within 7 business days, excluding Saturday and
 3084 Sunday, after the date of storage of the vehicle or vessel.
 3085 However, in no event shall the notice of lien be sent less than
 3086 30 days before the sale of the vehicle or vessel. The notice
 3087 must state:

3088 1. If the claim of lien is for a vehicle, the last 8
 3089 digits of the vehicle identification number of the vehicle
 3090 subject to the lien, or, if the claim of lien is for a vessel,
 3091 the hull identification number of the vessel subject to the
 3092 lien, clearly printed in the delivery address box and on the
 3093 outside of the envelope sent to the registered owner and all
 3094 other persons claiming an interest therein or lien thereon.

3095 2. The name, physical address, and telephone number of the
 3096 lienor, and the entity name, as registered with the Division of
 3097 Corporations, of the business where the towing and storage
 3098 occurred, which must also appear on the outside of the envelope
 3099 sent to the registered owner and all other persons claiming an
 3100 interest in or lien on the vehicle or vessel.

- 3101 3. The fact of possession of the vehicle or vessel.
- 3102 4. The name of the person or entity that authorized the
3103 lienor to take possession of the vehicle or vessel.
- 3104 5. That a lien as provided in subsection (2) is claimed.
- 3105 6. That charges have accrued and include an itemized
3106 statement of the amount thereof.
- 3107 7. That the lien is subject to enforcement under law and
3108 that the owner or lienholder, if any, has the right to a hearing
3109 as set forth in subsection (5).
- 3110 8. That any vehicle or vessel that remains unclaimed, or
3111 for which the charges for recovery, towing, or storage services
3112 remain unpaid, may be sold free of all prior liens 35 days after
3113 the vehicle or vessel is stored by the lienor if the vehicle or
3114 vessel is more than 3 years of age or 50 days after the vehicle
3115 or vessel is stored by the lienor if the vehicle or vessel is 3
3116 years of age or less.
- 3117 9. The address at which the vehicle or vessel is
3118 physically located.
- 3119 Section 60. Section 768.852, Florida Statutes, is created
3120 to read:
- 3121 768.852 Setoff on damages as a result of a motor vehicle
3122 crash while uninsured.-
- 3123 (1) Except as provided in subsection (2), for any award of
3124 noneconomic damages, a defendant is entitled to a setoff equal
3125 to \$10,000 if a person suffers injury while operating a motor

3126 vehicle as defined in s. 324.022(2) which lacked the coverage
3127 required by s. 324.022(1) and the person was not in compliance
3128 with s. 324.022(1) for more than 30 days immediately preceding
3129 the crash.

3130 (2) The setoff on noneconomic damages in subsection (1)
3131 does not apply if the person who is liable for the injury:

3132 (a) Was driving while under the influence of an alcoholic
3133 beverage, an inhalant, or a controlled substance;

3134 (b) Acted intentionally, recklessly, or with gross
3135 negligence;

3136 (c) Fled from the scene of the crash; or

3137 (d) Was acting in furtherance of an offense or in
3138 immediate flight from an offense that constituted a felony at
3139 the time of the crash.

3140 (3) This section does not apply to any wrongful death
3141 claim.

3142 Section 61. Paragraph (d) of subsection (7) of section
3143 817.234, Florida Statutes, is redesignated as paragraph (c), and
3144 paragraph (a) of subsection (1), paragraph (c) of subsection
3145 (7), paragraphs (a), (b), and (c) of subsection (8), and
3146 subsections (9) and (10) of that section are amended, to read:

3147 817.234 False and fraudulent insurance claims.—

3148 (1)(a) A person commits insurance fraud punishable as
3149 provided in subsection (11) if that person, with the intent to
3150 injure, defraud, or deceive any insurer:

3151 1. Presents or causes to be presented any written or oral
3152 statement as part of, or in support of, a claim for payment or
3153 other benefit pursuant to an insurance policy or a health
3154 maintenance organization subscriber or provider contract,
3155 knowing that such statement contains ~~any~~ false, incomplete, or
3156 misleading information concerning any fact or thing material to
3157 such claim;

3158 2. Prepares or makes any written or oral statement that is
3159 intended to be presented to an ~~any~~ insurer in connection with,
3160 or in support of, any claim for payment or other benefit
3161 pursuant to an insurance policy or a health maintenance
3162 organization subscriber or provider contract, knowing that such
3163 statement contains ~~any~~ false, incomplete, or misleading
3164 information concerning any fact or thing material to such claim;

3165 3.a. Knowingly presents, causes to be presented, or
3166 prepares or makes with knowledge or belief that it will be
3167 presented to an ~~any~~ insurer, purported insurer, servicing
3168 corporation, insurance broker, or insurance agent, or any
3169 employee or agent thereof, ~~any~~ false, incomplete, or misleading
3170 information or a written or oral statement as part of, or in
3171 support of, an application for the issuance of, or the rating
3172 of, any insurance policy, or a health maintenance organization
3173 subscriber or provider contract; or

3174 b. Knowingly conceals information concerning any fact
3175 material to such application; or

3176 4. Knowingly presents, causes to be presented, or prepares
 3177 or makes with knowledge or belief that it will be presented to
 3178 any insurer a claim for payment or other benefit under medical
 3179 payments coverage in a motor vehicle ~~a personal injury~~
 3180 ~~protection~~ insurance policy if the person knows that the payee
 3181 knowingly submitted a false, misleading, or fraudulent
 3182 application or other document when applying for licensure as a
 3183 health care clinic, seeking an exemption from licensure as a
 3184 health care clinic, or demonstrating compliance with part X of
 3185 chapter 400.

3186 (7)

3187 ~~(c) An insurer, or any person acting at the direction of~~
 3188 ~~or on behalf of an insurer, may not change an opinion in a~~
 3189 ~~mental or physical report prepared under s. 627.736(7) or direct~~
 3190 ~~the physician preparing the report to change such opinion;~~
 3191 ~~however, this provision does not preclude the insurer from~~
 3192 ~~calling to the attention of the physician errors of fact in the~~
 3193 ~~report based upon information in the claim file. Any person who~~
 3194 ~~violates this paragraph commits a felony of the third degree,~~
 3195 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

3196 (8) (a) It is unlawful for any person intending to defraud
 3197 any other person to solicit or cause to be solicited any
 3198 business from a person involved in a motor vehicle accident for
 3199 the purpose of making, adjusting, or settling motor vehicle tort
 3200 claims or claims for benefits under medical payments coverage in

3201 a motor vehicle insurance policy ~~personal injury protection~~
 3202 ~~benefits required by s. 627.736.~~ Any person who violates ~~the~~
 3203 ~~provisions of~~ this paragraph commits a felony of the second
 3204 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 3205 775.084. A person who is convicted of a violation of this
 3206 subsection shall be sentenced to a minimum term of imprisonment
 3207 of 2 years.

3208 (b) A person may not solicit or cause to be solicited any
 3209 business from a person involved in a motor vehicle accident by
 3210 any means of communication other than advertising directed to
 3211 the public for the purpose of making motor vehicle tort claims
 3212 or claims for benefits under medical payments coverage in a
 3213 motor vehicle insurance policy ~~personal injury protection~~
 3214 ~~benefits required by s. 627.736,~~ within 60 days after the
 3215 occurrence of the motor vehicle accident. Any person who
 3216 violates this paragraph commits a felony of the third degree,
 3217 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3218 (c) A lawyer, health care practitioner as defined in s.
 3219 456.001, or owner or medical director of a clinic required to be
 3220 licensed pursuant to s. 400.9905 may not, at any time after 60
 3221 days have elapsed from the occurrence of a motor vehicle
 3222 accident, solicit or cause to be solicited any business from a
 3223 person involved in a motor vehicle accident by means of in
 3224 person or telephone contact at the person's residence, for the
 3225 purpose of making motor vehicle tort claims or claims for

3226 benefits under medical payments coverage in a motor vehicle
 3227 insurance policy ~~personal injury protection benefits required by~~
 3228 ~~s. 627.736~~. Any person who violates this paragraph commits a
 3229 felony of the third degree, punishable as provided in s.
 3230 775.082, s. 775.083, or s. 775.084.

3231 (9) A person may not organize, plan, or knowingly
 3232 participate in an intentional motor vehicle crash or a scheme to
 3233 create documentation of a motor vehicle crash that did not occur
 3234 for the purpose of making motor vehicle tort claims or claims
 3235 for benefits under medical payments coverage in a motor vehicle
 3236 insurance policy ~~personal injury protection benefits as required~~
 3237 ~~by s. 627.736~~. Any person who violates this subsection commits a
 3238 felony of the second degree, punishable as provided in s.
 3239 775.082, s. 775.083, or s. 775.084. A person who is convicted of
 3240 a violation of this subsection shall be sentenced to a minimum
 3241 term of imprisonment of 2 years.

3242 (10) A licensed health care practitioner who is found
 3243 guilty of insurance fraud under this section for an act relating
 3244 to a motor vehicle ~~personal injury protection~~ insurance policy
 3245 loses his or her license to practice for 5 years and may not
 3246 receive reimbursement under medical payments coverage in a motor
 3247 vehicle insurance policy ~~for personal injury protection benefits~~
 3248 for 10 years.

3249 Section 62. For the 2022-2023 fiscal year, the sum of
 3250 \$83,651 in nonrecurring funds is appropriated from the Insurance

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3251 Regulatory Trust Fund to the Office of Insurance Regulation for
3252 the purpose of implementing this act.

3253 Section 63. Except as otherwise expressly provided in this
3254 act and except for this section, which shall take effect upon
3255 this act becoming a law, this act shall take effect July 1,
3256 2023.