

By Senator Grall

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1                                   A bill to be entitled  
2       An act relating to motor vehicle insurance; repealing  
3       ss. 627.730, 627.731, 627.7311, 627.732, 627.733,  
4       627.734, 627.736, 627.737, 627.739, 627.7401,  
5       627.7403, and 627.7405, F.S., which comprise the  
6       Florida Motor Vehicle No-Fault Law; repealing s.  
7       627.7407, F.S., relating to application of the Florida  
8       Motor Vehicle No-Fault Law; amending s. 316.2122,  
9       F.S.; conforming a provision to changes made by the  
10      act; amending s. 316.646, F.S.; revising a requirement  
11      for proof of security on a motor vehicle and the  
12      applicability of the requirement; amending s. 318.18,  
13      F.S.; conforming a provision to changes made by the  
14      act; amending s. 320.02, F.S.; revising the motor  
15      vehicle insurance coverages that an applicant must  
16      show to register certain vehicles with the Department  
17      of Highway Safety and Motor Vehicles; conforming a  
18      provision to changes made by the act; revising  
19      construction; amending s. 320.0609, F.S.; conforming a  
20      provision to changes made by the act; amending s.  
21      320.27, F.S.; defining the term "garage liability  
22      insurance"; revising garage liability insurance  
23      requirements for motor vehicle dealer license  
24      applicants; conforming a provision to changes made by  
25      the act; amending s. 320.771, F.S.; revising garage  
26      liability insurance requirements for recreational  
27      vehicle dealer license applicants; amending ss.  
28      322.251 and 322.34, F.S.; conforming provisions to  
29      changes made by the act; amending s. 324.011, F.S.;

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30 revising legislative intent; amending s. 324.021,  
31 F.S.; revising and providing definitions; revising  
32 minimum coverage requirements for proof of financial  
33 responsibility for specified motor vehicles;  
34 conforming provisions to changes made by the act;  
35 amending s. 324.022, F.S.; revising minimum liability  
36 coverage requirements for motor vehicle owners or  
37 operators; revising authorized methods for meeting  
38 such requirements; deleting a provision relating to an  
39 insurer's duty to defend certain claims; revising the  
40 vehicles that are excluded from the definition of the  
41 term "motor vehicle"; providing security requirements  
42 for certain excluded vehicles; conforming provisions  
43 to changes made by the act; amending s. 324.0221,  
44 F.S.; revising coverages that subject a policy to  
45 certain insurer reporting and notice requirements;  
46 conforming provisions to changes made by the act;  
47 creating s. 324.0222, F.S.; providing that driver  
48 license or motor vehicle registration suspensions for  
49 failure to maintain required security which are in  
50 effect before a specified date remain in full force  
51 and effect; providing that such suspended licenses or  
52 registrations may be reinstated as provided in a  
53 specified section; amending s. 324.023, F.S.;  
54 conforming cross-references; amending s. 324.031,  
55 F.S.; specifying a method of proving financial  
56 responsibility by owners or operators of motor  
57 vehicles other than for-hire passenger transportation  
58 vehicles; revising the amount of a certificate of

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59 deposit required to elect a certain method of proof of  
60 financial responsibility; revising liability coverage  
61 requirements for a person electing to use such method;  
62 amending s. 324.032, F.S.; revising financial  
63 responsibility requirements for owners or lessees of  
64 for-hire passenger transportation vehicles; amending  
65 s. 324.051, F.S.; making technical changes; specifying  
66 that motor vehicles include motorcycles for purposes  
67 of the section; amending ss. 324.071 and 324.091,  
68 F.S.; making technical changes; amending s. 324.151,  
69 F.S.; revising requirements for motor vehicle  
70 liability insurance policies relating to coverage, and  
71 exclusion from coverage, for certain drivers and  
72 vehicles; conforming provisions to changes made by the  
73 act; making technical changes; defining terms;  
74 amending s. 324.161, F.S.; revising requirements for a  
75 certificate of deposit that is required if a person  
76 elects a certain method of proving financial  
77 responsibility; amending s. 324.171, F.S.; revising  
78 the minimum net worth requirements to qualify certain  
79 persons as self-insurers; conforming provisions to  
80 changes made by the act; amending s. 324.251, F.S.;  
81 revising a short title and an effective date; amending  
82 s. 400.9905, F.S.; revising the definition of the term  
83 "clinic"; amending ss. 400.991 and 400.9935, F.S.;  
84 conforming provisions to changes made by the act;  
85 amending s. 409.901, F.S.; revising the definition of  
86 the term "third-party benefit"; amending s. 409.910,  
87 F.S.; revising the definition of the term "medical

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

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

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146 providing construction; amending s. 626.9541, F.S.;

147 conforming a provision to changes made by the act;

148 revising certain prohibited acts related to specified

149 insurance coverage payment requirements; amending s.

150 626.989, F.S.; revising the definition of the term

151 "fraudulent insurance act"; amending s. 627.06501,

152 F.S.; revising coverages that may provide for a

153 reduction in motor vehicle insurance policy premium

154 charges under certain circumstances; amending s.

155 627.0651, F.S.; specifying requirements for rate

156 filings for motor vehicle liability policies that

157 implement requirements in effect on a specified date;

158 requiring such filings to be approved through a

159 certain process; amending s. 627.0652, F.S.; revising

160 coverages that must provide a premium charge reduction

161 under certain circumstances; amending s. 627.0653,

162 F.S.; revising coverages that are subject to premium

163 discounts for specified motor vehicle equipment;

164 amending s. 627.4132, F.S.; revising coverages that

165 are subject to a stacking prohibition; amending s.

166 627.4137, F.S.; requiring that insurers disclose

167 certain information at the request of a claimant's

168 attorney; authorizing a claimant to file an action

169 under certain circumstances; providing for the award

170 of reasonable attorney fees and costs under certain

171 circumstances; amending s. 627.7263, F.S.; revising

172 coverages that are deemed primary, except under

173 certain circumstances, for the lessor of a motor

174 vehicle for lease or rent; revising a notice that is

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175 required if the lessee's coverage is to be primary;  
176 creating s. 627.7265, F.S.; specifying persons whom  
177 medical payments coverage must protect; specifying the  
178 minimum medical expense limits; specifying coverage  
179 options that an insurer is required and authorized to  
180 offer; providing construction relating to limits on  
181 certain other coverages; requiring insurers, upon  
182 receiving certain notice of an accident, to hold a  
183 specified reserve for certain purposes for a certain  
184 timeframe; providing that the reserve requirement does  
185 not require insurers to establish a claim reserve for  
186 accounting purposes; prohibiting an insurer providing  
187 medical payments coverage benefits from seeking a lien  
188 on a certain recovery and bringing a certain cause of  
189 action; authorizing insurers to include policy  
190 provisions allowing for subrogation, under certain  
191 circumstances, for medical payments benefits paid;  
192 providing construction; specifying a requirement for  
193 an insured for repayment of medical payments benefits  
194 under certain circumstances; prohibiting insurers from  
195 including policy provisions allowing for subrogation  
196 for death benefits paid; amending s. 627.727, F.S.;  
197 conforming provisions to changes made by the act;  
198 revising the legal liability of an uninsured motorist  
199 coverage insurer; amending s. 627.7275, F.S.; revising  
200 required coverages for a motor vehicle insurance  
201 policy; conforming provisions to changes made by the  
202 act; creating s. 627.72761, F.S.; requiring motor  
203 vehicle insurance policies to provide death benefits;

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204 specifying requirements for such benefits; specifying  
205 persons to whom such benefits may and may not be paid;  
206 creating s. 627.7278, F.S.; defining the term "minimum  
207 security requirements"; providing a prohibition,  
208 requirements, applicability, and construction relating  
209 to motor vehicle insurance policies as of a certain  
210 date; requiring insurers to allow certain insureds to  
211 make certain coverage changes, subject to certain  
212 conditions; requiring an insurer to provide, by a  
213 specified date, a specified notice to policyholders  
214 relating to requirements under the act; amending s.  
215 627.728, F.S.; conforming a provision to changes made  
216 by the act; amending s. 627.7295, F.S.; revising the  
217 definitions of the terms "policy" and "binder";  
218 revising the coverages of a motor vehicle insurance  
219 policy for which a licensed general lines agent may  
220 charge a specified fee; conforming provisions to  
221 changes made by the act; amending s. 627.7415, F.S.;  
222 revising additional liability insurance requirements  
223 for commercial motor vehicles; amending s. 627.747,  
224 F.S.; conforming provisions to changes made by the  
225 act; amending s. 627.748, F.S.; revising insurance  
226 requirements for transportation network company  
227 drivers; conforming provisions to changes made by the  
228 act; conforming cross-references; amending s.  
229 627.7483, F.S.; conforming provisions to changes made  
230 by the act; amending s. 627.749, F.S.; conforming a  
231 provision to changes made by the act; amending s.  
232 627.8405, F.S.; revising coverages in a policy sold in



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233 combination with an accidental death and dismemberment  
 234 policy which a premium finance company may not  
 235 finance; revising rulemaking authority of the  
 236 Financial Services Commission; amending ss. 627.915,  
 237 628.909, 705.184, and 713.78, F.S.; conforming  
 238 provisions to changes made by the act; amending s.  
 239 817.234, F.S.; revising coverages that are the basis  
 240 of specified prohibited false and fraudulent insurance  
 241 claims; conforming provisions to changes made by the  
 242 act; deleting provisions relating to prohibited  
 243 changes in certain mental or physical reports;  
 244 providing an appropriation; providing effective dates.

245  
 246 Be It Enacted by the Legislature of the State of Florida:

247  
 248 Section 1. Sections 627.730, 627.731, 627.7311, 627.732,  
 249 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403,  
 250 and 627.7405, Florida Statutes, are repealed.

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

252 Section 3. Paragraph (e) of subsection (2) of section  
 253 316.2122, Florida Statutes, is amended to read:

254 316.2122 Operation of a low-speed vehicle, mini truck, or  
 255 low-speed autonomous delivery vehicle on certain roadways.—

256 (2) The operation of a low-speed autonomous delivery  
 257 vehicle on any road is authorized with the following  
 258 restrictions:

259 (e) A low-speed autonomous delivery vehicle must be covered  
 260 by a policy of automobile insurance which provides the coverage  
 261 required by s. 627.749(2)(a)1. and, ~~2., and 3.~~ The coverage

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262 requirements of this paragraph may be satisfied by automobile  
263 insurance maintained by the owner of a low-speed autonomous  
264 delivery vehicle, the owner of the teleoperation system, the  
265 remote human operator, or a combination thereof.

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

268 316.646 Security required; proof of security and display  
269 thereof.-

270 (1) Any person required by s. 324.022 to maintain liability  
271 security for property damage, ~~liability security, required by s.~~  
272 ~~324.023 to maintain liability security for~~ bodily injury, or  
273 ~~death, or required by s. 627.733 to maintain personal injury~~  
274 ~~protection security on a motor vehicle~~ shall have in his or her  
275 immediate possession at all times while operating a such motor  
276 vehicle proper proof of maintenance of the ~~required~~ security  
277 required under s. 324.021(7).

278 (a) Such proof must ~~shall~~ be in a uniform paper or  
279 electronic format, as prescribed by the department, a valid  
280 insurance policy, an insurance policy binder, a certificate of  
281 insurance, or such other proof as may be prescribed by the  
282 department.

283 (b)1. The act of presenting to a law enforcement officer an  
284 electronic device displaying proof of insurance in an electronic  
285 format does not constitute consent for the officer to access any  
286 information on the device other than the displayed proof of  
287 insurance.

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

290 Section 5. Paragraph (b) of subsection (2) of section

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291 318.18, Florida Statutes, is amended to read:

292 318.18 Amount of penalties.—The penalties required for a  
293 noncriminal disposition pursuant to s. 318.14 or a criminal  
294 offense listed in s. 318.17 are as follows:

295 (2) Thirty dollars for all nonmoving traffic violations  
296 and:

297 (b) For all violations of ss. 320.0605, 320.07(1), 322.065,  
298 and 322.15(1). A ~~Any~~ person who is cited for a violation of s.  
299 320.07(1) shall be charged a delinquent fee pursuant to s.  
300 320.07(4).

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

314 2. If a person who is cited for a violation of s. 322.03,  
315 s. 322.065, or s. 322.15 can show a driver license issued to him  
316 or her and valid at the time of arrest, the clerk of the court  
317 may dismiss the case and may assess a dismissal fee of up to  
318 \$10, from which the clerk shall remit \$2.50 to the Department of  
319 Revenue for deposit into the General Revenue Fund.

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320           3. If a person who is cited for a violation of s. 316.646  
 321 can show proof of security as required by s. 324.021(7) ~~s.~~  
 322 ~~627.733~~, issued to the person and valid at the time of arrest,  
 323 the clerk of the court may dismiss the case and may assess a  
 324 dismissal fee of up to \$10, from which the clerk shall remit  
 325 \$2.50 to the Department of Revenue for deposit into the General  
 326 Revenue Fund. A person who finds it impossible or impractical to  
 327 obtain proof of security must submit an affidavit detailing the  
 328 reasons for the impracticality. The reasons may include, but are  
 329 not limited to, the fact that the vehicle has since been sold,  
 330 stolen, or destroyed; ~~that the owner or registrant of the~~  
 331 ~~vehicle is not required by s. 627.733 to maintain personal~~  
 332 ~~injury protection insurance;~~ or that the vehicle is owned by  
 333 another person.

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

336           320.02 Registration required; application for registration;  
 337 forms.—

338           (5) (a) Proof that bodily injury liability coverage and  
 339 property damage liability coverage ~~personal injury protection~~  
 340 ~~benefits~~ have been purchased if required under s. 324.022, s.  
 341 324.032, or s. 627.742 ~~s. 627.733, that property damage~~  
 342 ~~liability coverage has been purchased as required under s.~~  
 343 ~~324.022, that bodily injury liability or death~~ coverage has been  
 344 purchased if required under s. 324.023, and that combined bodily  
 345 liability insurance and property damage liability insurance have  
 346 been purchased if required under s. 627.7415 must ~~shall~~ be  
 347 provided in the manner prescribed by law by the applicant at the  
 348 time of application for registration of any motor vehicle that

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349 is subject to such requirements. The issuing agent may not ~~shall~~  
350 ~~refuse to~~ issue registration if such proof of purchase is not  
351 provided. Insurers shall furnish uniform proof-of-purchase cards  
352 in a paper or electronic format in a form prescribed by the  
353 department and include the name of the insured's insurance  
354 company, the coverage identification number, and the make, year,  
355 and vehicle identification number of the vehicle insured. The  
356 card must contain a statement notifying the applicant of the  
357 penalty specified under s. 316.646(4). The card or insurance  
358 policy, insurance policy binder, or certificate of insurance or  
359 a photocopy of any of these; an affidavit containing the name of  
360 the insured's insurance company, the insured's policy number,  
361 and the make and year of the vehicle insured; or such other  
362 proof as may be prescribed by the department constitutes ~~shall~~  
363 ~~constitute~~ sufficient proof of purchase. If an affidavit is  
364 provided as proof, it must be in substantially the following  
365 form:

366  
367 Under penalty of perjury, I ...(Name of insured)... do hereby  
368 certify that I have ...(bodily injury liability and Personal  
369 ~~Injury Protection~~, property damage liability, ~~and, if required,~~  
370 ~~Bodily Injury Liability~~)... insurance currently in effect with  
371 ...(Name of insurance company)... under ...(policy number)...  
372 covering ...(make, year, and vehicle identification number of  
373 vehicle).... ...(Signature of Insured)...

374  
375 Such affidavit must include the following warning:

376  
377 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE

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378 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
379 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
380 SUBJECT TO PROSECUTION.

381  
382 If an application is made through a licensed motor vehicle  
383 dealer as required under s. 319.23, the original or a photocopy  
384 ~~photostatic copy~~ of such card, insurance policy, insurance  
385 policy binder, or certificate of insurance or the original  
386 affidavit from the insured must ~~shall~~ be forwarded by the dealer  
387 to the tax collector of the county or the Department of Highway  
388 Safety and Motor Vehicles for processing. By executing the  
389 ~~aforsaid~~ affidavit, a ~~no~~ licensed motor vehicle dealer is not  
390 ~~will be~~ liable in damages for any inadequacy, insufficiency, or  
391 falsification of any statement contained therein. ~~A card must~~  
392 ~~also indicate the existence of any bodily injury liability~~  
393 ~~insurance voluntarily purchased.~~

394 (d) The verifying of ~~proof of personal injury protection~~  
395 ~~insurance, proof of property damage liability insurance, proof~~  
396 ~~of combined bodily liability insurance and property damage~~  
397 ~~liability insurance, or proof of financial responsibility~~  
398 ~~insurance~~ and the issuance or failure to issue the motor vehicle  
399 registration under ~~the provisions of~~ this chapter may not be  
400 construed in any court as a warranty of the reliability or  
401 accuracy of the evidence of such proof or as meaning that the  
402 provisions of any insurance policy furnished as proof of  
403 financial responsibility comply with state law. Neither the  
404 department nor any tax collector is liable in damages for any  
405 inadequacy, insufficiency, falsification, or unauthorized  
406 modification of any item of ~~the proof of personal injury~~

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407 ~~protection insurance, proof of property damage liability~~  
408 ~~insurance, proof of combined bodily liability insurance and~~  
409 ~~property damage liability insurance, or proof of financial~~  
410 responsibility before ~~insurance prior to~~, during, or subsequent  
411 to the verification of the proof. The issuance of a motor  
412 vehicle registration does not constitute prima facie evidence or  
413 a presumption of insurance coverage.

414 Section 7. Paragraph (b) of subsection (1) of section  
415 320.0609, Florida Statutes, is amended to read:

416 320.0609 Transfer and exchange of registration license  
417 plates; transfer fee.—

418 (1)

419 (b) The transfer of a license plate from a vehicle disposed  
420 of to a newly acquired vehicle does not constitute a new  
421 registration. The application for transfer must ~~shall~~ be  
422 accepted without requiring proof of ~~personal injury protection~~  
423 ~~or~~ liability insurance.

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

427 320.27 Motor vehicle dealers.—

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

432 (g) "Garage liability insurance" means, beginning July 1,  
433 2024, combined single-limit liability coverage, including  
434 property damage and bodily injury liability coverage, in the  
435 amount of at least \$60,000.

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436 (3) APPLICATION AND FEE.—The ~~application for the~~ license  
437 application must ~~shall~~ be in such form as may be prescribed by  
438 the department and is ~~shall be~~ subject to such rules ~~with~~  
439 ~~respect thereto~~ as may be so prescribed by the department ~~it~~.  
440 Such application must ~~shall~~ be verified by oath or affirmation  
441 and must ~~shall~~ contain a full statement of the name and birth  
442 date of the person or persons applying for the license ~~therefor~~;  
443 the name of the firm or copartnership, with the names and places  
444 of residence of all members ~~thereof~~, if such applicant is a firm  
445 or copartnership; the names and places of residence of the  
446 principal officers, if the applicant is a body corporate or  
447 other artificial body; the name of the state under whose laws  
448 the corporation is organized; the present and former place or  
449 places of residence of the applicant; and the prior business in  
450 which the applicant has been engaged and its ~~the~~ location  
451 ~~thereof~~. ~~The~~ ~~Such~~ application must ~~shall~~ describe the exact  
452 location of the place of business and must ~~shall~~ state whether  
453 the place of business is owned by the applicant and when  
454 acquired, or, if leased, a true copy of the lease must ~~shall~~ be  
455 attached to the application. The applicant shall certify that  
456 the location provides an adequately equipped office and is not a  
457 residence; that the location affords sufficient unoccupied space  
458 upon and within which adequately to store all motor vehicles  
459 offered and displayed for sale; and that the location is a  
460 suitable place where the applicant can in good faith carry on  
461 such business and keep and maintain books, records, and files  
462 necessary to conduct such business, which must ~~shall~~ be  
463 available at all reasonable hours to inspection by the  
464 department or any of its inspectors or other employees. The



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

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494 to the department, in the manner prescribed by the department,  
495 within 10 calendar days after any renewal or continuation of or  
496 change in such policy or within 10 calendar days after any  
497 issuance of a new policy, a copy of the renewed, continued,  
498 changed, or new policy. Upon making an initial application, the  
499 applicant shall pay to the department a fee of \$300 in addition  
500 to any other fees required by law. Applicants may choose to  
501 extend the licensure period for 1 additional year for a total of  
502 2 years. An initial applicant shall pay to the department a fee  
503 of \$300 for the first year and \$75 for the second year, in  
504 addition to any other fees required by law. An applicant for  
505 renewal shall pay to the department \$75 for a 1-year renewal or  
506 \$150 for a 2-year renewal, in addition to any other fees  
507 required by law. Upon making an application for a change of  
508 location, the applicant ~~person~~ shall pay a fee of \$50 in  
509 addition to any other fees now required by law. The department  
510 shall, in the case of every application for initial licensure,  
511 verify whether certain facts set forth in the application are  
512 true. Each applicant, general partner in the case of a  
513 partnership, or corporate officer and director in the case of a  
514 corporate applicant shall, ~~must~~ file a set of fingerprints with  
515 the department for the purpose of determining any prior criminal  
516 record or any outstanding warrants. The department shall submit  
517 the fingerprints to the Department of Law Enforcement for state  
518 processing and forwarding to the Federal Bureau of Investigation  
519 for federal processing. The actual cost of state and federal  
520 processing must ~~shall~~ be borne by the applicant and is in  
521 addition to the fee for licensure. The department may issue a  
522 license to an applicant pending the results of the fingerprint

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523 investigation, which license is fully revocable if the  
524 department subsequently determines that any facts set forth in  
525 the application are not true or correctly represented.

526 Section 9. Paragraph (j) of subsection (3) of section  
527 320.771, Florida Statutes, is amended to read:

528 320.771 License required of recreational vehicle dealers.—

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

533 (j) Evidence that the applicant is insured under a garage  
534 liability insurance policy in accordance with s. 320.27(1)(g),  
535 ~~which shall include, at a minimum, \$25,000 combined single-limit~~  
536 ~~liability coverage, including bodily injury and property damage~~  
537 ~~protection, and \$10,000 personal injury protection,~~ if the  
538 applicant is to be licensed as a dealer in, or intends to sell,  
539 recreational vehicles. Such policy must be for the license  
540 period. Within 10 calendar days after any renewal or  
541 continuation of or material change in such policy or issuance of  
542 a new policy, the licensee shall deliver to the department, in a  
543 manner prescribed by the department, a copy of such renewed,  
544 continued, changed, or new policy. However, a garage liability  
545 policy is not required for the licensure of a mobile home dealer  
546 who sells only park trailers.

547  
548 The department shall, if it deems necessary, cause an  
549 investigation to be made to ascertain if the facts set forth in  
550 the application are true and shall not issue a license to the  
551 applicant until it is satisfied that the facts set forth in the

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552 application are true.

553 Section 10. Subsections (1) and (2) of section 322.251,  
554 Florida Statutes, are amended to read:

555 322.251 Notice of cancellation, suspension, revocation, or  
556 disqualification of license.—

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

570 (2) The giving of notice and an order of cancellation,  
571 suspension, revocation, or disqualification by mail is complete  
572 upon expiration of 20 days after deposit in the United States  
573 mail for all notices except those issued under chapter 324 ~~or~~  
574 ~~ss. 627.732-627.734~~, which are complete 15 days after deposit in  
575 the United States mail. Proof of the giving of notice and an  
576 order of cancellation, suspension, revocation, or  
577 disqualification in either manner must ~~shall~~ be made by entry in  
578 the records of the department that such notice was given. The  
579 entry is admissible in the courts of this state and constitutes  
580 sufficient proof that such notice was given.

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581 Section 11. Paragraph (a) of subsection (8) of section  
582 322.34, Florida Statutes, is amended to read:

583 322.34 Driving while license suspended, revoked, canceled,  
584 or disqualified.—

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

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

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

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

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

601 Section 12. Section 324.011, Florida Statutes, is amended  
602 to read:

603 324.011 Legislative intent; purpose of chapter.—

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

605 (a) Ensure that the privilege of owning or operating a  
606 motor vehicle in this state is exercised ~~to recognize the~~  
607 ~~existing privilege to own or operate a motor vehicle on the~~  
608 ~~public streets and highways of this state when such vehicles are~~  
609 ~~used~~ with due consideration for the safety of others and their

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610 property, ~~and to~~

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

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

616 (2) The purpose of this chapter is to require that every  
617 owner or operator of a motor vehicle required to be registered  
618 in this state establish, maintain, ~~Therefore, it is required~~  
619 ~~herein that the operator of a motor vehicle involved in a crash~~  
620 ~~or convicted of certain traffic offenses meeting the operative~~  
621 ~~provisions of s. 324.051(2) shall respond for such damages and~~  
622 ~~show proof of financial ability to respond for damages arising~~  
623 out of the ownership, maintenance, or use of a motor vehicle in  
624 future accidents as a requisite to owning or operating a motor  
625 vehicle in this state ~~his or her future exercise of such~~  
626 ~~privileges.~~

627 Section 13. Subsections (1) and (7) and paragraph (c) of  
628 subsection (9) of section 324.021, Florida Statutes, are  
629 amended, and subsection (12) is added to that section, to read:

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

635 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is  
636 designed and required to be licensed for use upon a highway,  
637 including trailers and semitrailers designed for use with such  
638 vehicles, except traction engines, road rollers, farm tractors,

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

649 (7) PROOF OF FINANCIAL RESPONSIBILITY. Beginning July 1,  
650 2024, That proof of ability to respond in damages for liability  
651 on account of crashes arising out of the ownership, maintenance,  
652 or use of a motor vehicle:

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

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

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

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

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

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

670 (9) OWNER; OWNER/LESSOR.—

671 (c) *Application*.—

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

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

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

693 2. Furthermore, with respect to commercial motor vehicles  
694 as defined in s. 207.002 or s. 320.01(25) ~~s. 627.732~~, the limits  
695 on liability in subparagraphs (b)2. and 3. do not apply if, at  
696 the time of the incident, the commercial motor vehicle is being



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697 used in the transportation of materials found to be hazardous  
698 for the purposes of the Hazardous Materials Transportation  
699 Authorization Act of 1994, as amended, 49 U.S.C. ss. 5101 et  
700 seq., and that is required pursuant to such act to carry  
701 placards warning others of the hazardous cargo, unless at the  
702 time of lease or rental either:

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

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

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

725 b. For purposes of this section, and notwithstanding any

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

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

754 (I) While the employee's personal vehicle was being held

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755 for repair, service, or adjustment by the motor vehicle dealer;

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

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

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

765 Section 14. Section 324.022, Florida Statutes, is amended  
766 to read:

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

769 (1) (a) Beginning July 1, 2024, every owner or operator of a  
770 motor vehicle required to be registered in this state shall  
771 establish and continuously maintain the ability to respond in  
772 damages for liability on account of accidents arising out of the  
773 use of the motor vehicle in the amount of:

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

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

781 (b) The requirements of paragraph (a) ~~this section~~ may be  
782 met by one of the methods established in s. 324.031; by self-  
783 insuring as authorized by s. 768.28(16); or by maintaining a

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

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

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

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

810 2. A motor vehicle that is used in mass transit and  
811 designed to transport more than five passengers, exclusive of  
812 the operator of the motor vehicle, and that is owned by a

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813 municipality, transit authority, or political subdivision of the  
814 state.

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

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

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

822 6.4. A vehicle providing for-hire passenger transportation  
823 vehicle, which must that is subject to the provisions of s.  
824 324.031. A taxicab shall maintain security as required under s.  
825 324.032 s. 324.032(1).

826 7.5. A personal delivery device as defined in s. 316.003,  
827 which must maintain security as required under s. 316.2071(4).

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

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

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

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

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

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

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

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

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

896 (2) The department shall suspend, after due notice and an  
897 opportunity to be heard, the registration and driver license of  
898 any owner or registrant of a motor vehicle for ~~with respect to~~  
899 which security is required under s. 324.022, s. 324.023, s.

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900 324.032, s. 627.7415, or s. 627.742 ~~ss. 324.022 and 627.733~~  
901 upon:

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

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

910 Section 16. Section 324.0222, Florida Statutes, is created  
911 to read:

912 324.0222 Application of driver license and registration  
913 suspensions for failure to maintain security; reinstatement.—All  
914 suspensions of driver licenses or motor vehicle registrations  
915 for failure to maintain security as required by law in effect  
916 before July 1, 2024, remain in full force and effect after July  
917 1, 2024. A driver may reinstate a suspended driver license or  
918 registration as provided under s. 324.0221.

919 Section 17. Section 324.023, Florida Statutes, is amended  
920 to read:

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



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929 established in s. 324.031(1)(a) or (b) ~~s. 324.031(1) or (2)~~,

930 establish and maintain the ability to respond in damages for

931 liability on account of accidents arising out of the use of a

932 motor vehicle in the amount of \$100,000 because of bodily injury

933 to, or death of, one person in any one crash and, subject to

934 such limits for one person, in the amount of \$300,000 because of

935 bodily injury to, or death of, two or more persons in any one

936 crash and in the amount of \$50,000 because of property damage in

937 any one crash. If the owner or operator chooses to establish and

938 maintain such ability by furnishing a certificate of deposit

939 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of

940 deposit must be at least \$350,000. Such higher limits must be

941 carried for a minimum period of 3 years. If the owner or

942 operator has not been convicted of driving under the influence

943 or a felony traffic offense for a period of 3 years from the

944 date of reinstatement of driving privileges for a violation of

945 s. 316.193, the owner or operator is ~~shall be~~ exempt from this

946 section.

947 Section 18. Section 324.031, Florida Statutes, is amended

948 to read:

949 324.031 Manner of proving financial responsibility.-

950 (1) ~~The owner or operator of a taxicab, limousine, jitney,~~

951 ~~or any other for-hire passenger transportation vehicle may prove~~

952 ~~financial responsibility by providing satisfactory evidence of~~

953 ~~holding a motor vehicle liability policy as defined in s.~~

954 ~~324.021(8) or s. 324.151, which policy is issued by an insurance~~

955 ~~carrier which is a member of the Florida Insurance Guaranty~~

956 ~~Association.~~ The operator or owner of a motor vehicle other than

957 a for-hire passenger transportation vehicle ~~any other vehicle~~

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958 may prove his or her financial responsibility by:

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

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

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

967 (2) Beginning July 1, 2024, any person, ~~including any firm,~~  
968 ~~partnership, association, corporation, or other person, other~~  
969 ~~than a natural person,~~ electing to use the method of proof  
970 specified in paragraph (1) (b) subsection (2) shall do both of  
971 the following:

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

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

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

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

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

991 Section 19. Section 324.032, Florida Statutes, is amended  
992 to read:

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

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

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

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

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

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

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

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

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

1058 Section 20. Subsection (2) of section 324.051, Florida  
1059 Statutes, is amended, and subsection (4) is added to that  
1060 section, to read:

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

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

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1074 department that:

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

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

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

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

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

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

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

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

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

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

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

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

1116 Section 21. Section 324.071, Florida Statutes, is amended  
 1117 to read:

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

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

1137 Section 22. Subsection (1) of section 324.091, Florida  
1138 Statutes, is amended to read:

1139 324.091 Notice to department; notice to insurer.-

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

1156 Section 23. Section 324.151, Florida Statutes, is amended  
1157 to read:

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

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



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

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

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1190 Insurers may make available, with respect to property damage  
1191 liability coverage, a deductible amount not to exceed \$500. In  
1192 the event of a property damage loss covered by a policy  
1193 containing a property damage deductible provision, the insurer  
1194 shall pay to the third-party claimant the amount of any property  
1195 damage liability settlement or judgment, subject to policy  
1196 limits, as if no deductible existed.

1197 (b) A motor vehicle liability insurance policy issued to a  
1198 person who does not own a ~~An operator's~~ motor vehicle must  
1199 ~~liability policy of insurance shall~~ insure the person or persons  
1200 named therein against loss from the liability imposed ~~upon him~~  
1201 ~~or her~~ by law for damages arising out of the use ~~by the person~~  
1202 of any motor vehicle not owned by him or her, ~~with the same~~  
1203 ~~territorial limits and subject to the same limits of liability~~  
1204 ~~as referred to above with respect to an owner's policy of~~  
1205 ~~liability insurance.~~

1206 (c) All such motor vehicle liability policies must provide  
1207 liability coverage with limits, exclusive of interest and costs,  
1208 greater than or equal to the limits specified under s.  
1209 324.021(7) for accidents occurring within the United States and  
1210 Canada. The policies must ~~shall~~ state the name and address of  
1211 the named insured, the coverage afforded by the policy, the  
1212 premium charged therefor, the policy period, and the limits of  
1213 liability, and must ~~shall~~ contain an agreement or be endorsed  
1214 that insurance is provided in accordance with the coverage  
1215 defined in this chapter ~~as respects bodily injury and death or~~  
1216 ~~property damage or both~~ and is subject to ~~all provisions of this~~  
1217 chapter. The ~~Said~~ policies must ~~shall~~ also contain a provision  
1218 that the satisfaction by an insured of a judgment for such

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1219 injury or damage may ~~shall~~ not be a condition precedent to the  
1220 right or duty of the insurance carrier to make payment on  
1221 account of such injury or damage, and must ~~shall~~ also contain a  
1222 provision that bankruptcy or insolvency of the insured or of the  
1223 insured's estate does ~~shall~~ not relieve the insurance carrier of  
1224 any of its obligations under the said policy.

1225 (2) ~~The provisions of This section is~~ shall not be  
1226 applicable to any motor vehicle ~~automobile~~ liability policy  
1227 unless and until it is furnished as proof of financial  
1228 responsibility for the future pursuant to s. 324.031, and then  
1229 applies only from and after the date the said policy is so  
1230 furnished.

1231 (3) As used in this section, the term:

1232 (a) "Newly acquired vehicle" means a vehicle owned by a  
1233 named insured or resident relative of the named insured which  
1234 was acquired no more than 30 days before an accident.

1235 (b) "Resident relative" means a person related to a named  
1236 insured by any degree by blood, marriage, or adoption, including  
1237 a ward or foster child, who makes his or her home in the same  
1238 family unit or residence as the named insured, regardless of  
1239 whether he or she temporarily lives elsewhere.

1240 (c) "Temporary substitute vehicle" means any motor vehicle  
1241 that is not owned by the named insured and that is temporarily  
1242 used with the permission of the owner as a substitute for the  
1243 owned motor vehicle designated on the policy when the owned  
1244 vehicle is withdrawn from normal use because of breakdown,  
1245 repair, servicing, loss, or destruction.

1246 Section 24. Section 324.161, Florida Statutes, is amended  
1247 to read:

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1248           324.161 Proof of financial responsibility; deposit.—If a  
1249 person elects to prove his or her financial responsibility under  
1250 the method of proof specified in s. 324.031(1)(b), he or she  
1251 annually must obtain and submit to the department proof of a  
1252 certificate of deposit in the amount required under s.  
1253 324.031(2) from a financial institution insured by the Federal  
1254 Deposit Insurance Corporation or the National Credit Union  
1255 Administration ~~Annually, before any certificate of insurance may~~  
1256 ~~be issued to a person, including any firm, partnership,~~  
1257 ~~association, corporation, or other person, other than a natural~~  
1258 ~~person, proof of a certificate of deposit of \$30,000 issued and~~  
1259 ~~held by a financial institution must be submitted to the~~  
1260 ~~department.~~ A power of attorney will be issued to and held by  
1261 the department and may be executed upon a judgment issued  
1262 against such person making the deposit, for damages for ~~because~~  
1263 ~~of~~ bodily injury to or death of any person or for damages for  
1264 ~~because of~~ injury to or destruction of property resulting from  
1265 the use or operation of any motor vehicle occurring after such  
1266 deposit was made. Money so deposited is ~~shall~~ not ~~be~~ subject to  
1267 attachment or execution unless such attachment or execution  
1268 arises ~~shall arise~~ out of a lawsuit ~~suit~~ for such damages as  
1269 ~~aforsaid.~~

1270           Section 25. Subsections (1) and (2) of section 324.171,  
1271 Florida Statutes, are amended to read:

1272           324.171 Self-insurer.—

1273           (1) A ~~Any~~ person may qualify as a self-insurer by obtaining  
1274 a certificate of self-insurance from the department. ~~which may,~~  
1275 ~~in its discretion and~~ Upon application of such a person, the  
1276 department may issue a said certificate of self-insurance to an

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1277 applicant who satisfies ~~when such person has satisfied~~ the  
1278 requirements of this section. Effective July 1, 2024 ~~to qualify~~  
1279 ~~as a self-insurer under this section:~~

1280 (a) A private individual with private passenger vehicles  
1281 shall possess a net unencumbered worth of at least \$100,000  
1282 ~~\$40,000~~.

1283 (b) A person, including any firm, partnership, association,  
1284 corporation, or other person, other than a natural person,  
1285 shall:

1286 1. Possess a net unencumbered worth of at least \$100,000  
1287 ~~\$40,000~~ for the first motor vehicle and \$50,000 ~~\$20,000~~ for each  
1288 additional motor vehicle; or

1289 2. Maintain sufficient net worth, in an amount determined  
1290 by the department, to be financially responsible for potential  
1291 losses. The department annually shall determine the minimum net  
1292 worth sufficient to satisfy this subparagraph ~~as determined~~  
1293 ~~annually by the department,~~ pursuant to rules adopted  
1294 ~~promulgated~~ by the department, with the assistance of the Office  
1295 of Insurance Regulation of the Financial Services Commission, ~~to~~  
1296 ~~be financially responsible for potential losses. The rules must~~  
1297 consider any ~~shall take into consideration~~ excess insurance  
1298 carried by the applicant. The department's determination must  
1299 ~~shall~~ be based upon reasonable actuarial principles considering  
1300 the frequency, severity, and loss development of claims incurred  
1301 by casualty insurers writing coverage on the type of motor  
1302 vehicles for which a certificate of self-insurance is desired.

1303 (c) The owner of a commercial motor vehicle, as defined in  
1304 s. 207.002 or s. 320.01(25) ~~s. 320.01~~, may qualify as a self-  
1305 insurer subject to the standards provided ~~for~~ in subparagraph

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1306 (b)2.

1307 (2) The self-insurance certificate must ~~shall~~ provide  
1308 limits of liability insurance in the amounts specified under s.  
1309 324.021(7) ~~or s. 627.7415 and shall provide personal injury~~  
1310 ~~protection coverage under s. 627.733(3)(b).~~

1311 Section 26. Section 324.251, Florida Statutes, is amended  
1312 to read:

1313 324.251 Short title.—This chapter may be cited as the  
1314 “Financial Responsibility Law of 2023 ~~1955~~” and is ~~shall become~~  
1315 effective at 12:01 a.m., July 1, 2024 ~~October 1, 1955~~.

1316 Section 27. Subsection (4) of section 400.9905, Florida  
1317 Statutes, is amended to read:

1318 400.9905 Definitions.—

1319 (4) (a) “Clinic” means an entity where health care services  
1320 are provided to individuals and which tenders charges for  
1321 reimbursement for such services, including a mobile clinic and a  
1322 portable equipment provider. As used in this part, the term does  
1323 not include and the licensure requirements of this part do not  
1324 apply to:

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

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1335 certifications under 42 C.F.R. part 485, subpart B, subpart H,  
1336 or subpart J; providers certified and providing only health care  
1337 services within the scope of services authorized under their  
1338 respective certifications under 42 C.F.R. part 486, subpart C;  
1339 providers certified and providing only health care services  
1340 within the scope of services authorized under their respective  
1341 certifications under 42 C.F.R. part 491, subpart A; providers  
1342 certified by the Centers for Medicare and Medicaid Services  
1343 under the federal Clinical Laboratory Improvement Amendments and  
1344 the federal rules adopted thereunder; or any entity that  
1345 provides neonatal or pediatric hospital-based health care  
1346 services or other health care services by licensed practitioners  
1347 solely within a hospital licensed under chapter 395.

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

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1364 certified and providing only health care services within the  
1365 scope of services authorized under their respective  
1366 certifications under 42 C.F.R. part 491, subpart A; providers  
1367 certified by the Centers for Medicare and Medicaid Services  
1368 under the federal Clinical Laboratory Improvement Amendments and  
1369 the federal rules adopted thereunder; or any entity that  
1370 provides neonatal or pediatric hospital-based health care  
1371 services by licensed practitioners solely within a hospital  
1372 licensed under chapter 395.

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



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1393 under the federal Clinical Laboratory Improvement Amendments and  
1394 the federal rules adopted thereunder; or any entity that  
1395 provides neonatal or pediatric hospital-based health care  
1396 services by licensed practitioners solely within a hospital  
1397 under chapter 395.

1398 4.~~(d)~~ Entities that are under common ownership, directly or  
1399 indirectly, with an entity licensed or registered by the state  
1400 pursuant to chapter 395; entities that are under common  
1401 ownership, directly or indirectly, with an entity licensed or  
1402 registered by the state and providing only health care services  
1403 within the scope of services authorized pursuant to their  
1404 respective licenses under ss. 383.30-383.332, chapter 390,  
1405 chapter 394, chapter 397, this chapter except part X, chapter  
1406 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter  
1407 484, or chapter 651; end-stage renal disease providers  
1408 authorized under 42 C.F.R. part 494; providers certified and  
1409 providing only health care services within the scope of services  
1410 authorized under their respective certifications under 42 C.F.R.  
1411 part 485, subpart B, subpart H, or subpart J; providers  
1412 certified and providing only health care services within the  
1413 scope of services authorized under their respective  
1414 certifications under 42 C.F.R. part 486, subpart C; providers  
1415 certified and providing only health care services within the  
1416 scope of services authorized under their respective  
1417 certifications under 42 C.F.R. part 491, subpart A; providers  
1418 certified by the Centers for Medicare and Medicaid Services  
1419 under the federal Clinical Laboratory Improvement Amendments and  
1420 the federal rules adopted thereunder; or any entity that  
1421 provides neonatal or pediatric hospital-based health care

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1422 services by licensed practitioners solely within a hospital  
1423 licensed under chapter 395.

1424 5.~~(e)~~ An entity that is exempt from federal taxation under  
1425 26 U.S.C. s. 501(c)(3) or (4), an employee stock ownership plan  
1426 under 26 U.S.C. s. 409 that has a board of trustees at least  
1427 two-thirds of which are Florida-licensed health care  
1428 practitioners and provides only physical therapy services under  
1429 physician orders, any community college or university clinic,  
1430 and any entity owned or operated by the federal or state  
1431 government, including agencies, subdivisions, or municipalities  
1432 thereof.

1433 6.~~(f)~~ A sole proprietorship, group practice, partnership,  
1434 or corporation that provides health care services by physicians  
1435 covered by s. 627.419, that is directly supervised by one or  
1436 more of such physicians, and that is wholly owned by one or more  
1437 of those physicians or by a physician and the spouse, parent,  
1438 child, or sibling of that physician.

1439 7.~~(g)~~ A sole proprietorship, group practice, partnership,  
1440 or corporation that provides health care services by licensed  
1441 health care practitioners under chapter 457, chapter 458,  
1442 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
1443 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
1444 chapter 490, chapter 491, or part I, part III, part X, part  
1445 XIII, or part XIV of chapter 468, or s. 464.012, and that is  
1446 wholly owned by one or more licensed health care practitioners,  
1447 or the licensed health care practitioners set forth in this  
1448 subparagraph ~~paragraph~~ and the spouse, parent, child, or sibling  
1449 of a licensed health care practitioner if one of the owners who  
1450 is a licensed health care practitioner is supervising the

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1451 business activities and is legally responsible for the entity's  
1452 compliance with all federal and state laws. However, a health  
1453 care practitioner may not supervise services beyond the scope of  
1454 the practitioner's license, except that, for the purposes of  
1455 this part, a clinic owned by a licensee in s. 456.053(3) (b)  
1456 which provides only services authorized pursuant to s.  
1457 456.053(3) (b) may be supervised by a licensee specified in s.  
1458 456.053(3) (b).

1459 8.~~(h)~~ Clinical facilities affiliated with an accredited  
1460 medical school at which training is provided for medical  
1461 students, residents, or fellows.

1462 9.~~(i)~~ Entities that provide only oncology or radiation  
1463 therapy services by physicians licensed under chapter 458 or  
1464 chapter 459 or entities that provide oncology or radiation  
1465 therapy services by physicians licensed under chapter 458 or  
1466 chapter 459 which are owned by a corporation whose shares are  
1467 publicly traded on a recognized stock exchange.

1468 10.~~(j)~~ Clinical facilities affiliated with a college of  
1469 chiropractic accredited by the Council on Chiropractic Education  
1470 at which training is provided for chiropractic students.

1471 11.~~(k)~~ Entities that provide licensed practitioners to  
1472 staff emergency departments or to deliver anesthesia services in  
1473 facilities licensed under chapter 395 and that derive at least  
1474 90 percent of their gross annual revenues from the provision of  
1475 such services. Entities claiming an exemption from licensure  
1476 under this subparagraph ~~paragraph~~ must provide documentation  
1477 demonstrating compliance.

1478 12.~~(l)~~ Orthotic, prosthetic, pediatric cardiology, or  
1479 perinatology clinical facilities or anesthesia clinical

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1480 facilities that are not otherwise exempt under subparagraph 1.  
1481 or subparagraph 11. ~~paragraph (a) or paragraph (k)~~ and that are  
1482 a publicly traded corporation or are wholly owned, directly or  
1483 indirectly, by a publicly traded corporation. As used in this  
1484 subparagraph ~~paragraph~~, a publicly traded corporation is a  
1485 corporation that issues securities traded on an exchange  
1486 registered with the United States Securities and Exchange  
1487 Commission as a national securities exchange.

1488 13. ~~(m)~~ Entities that are owned by a corporation that has  
1489 \$250 million or more in total annual sales of health care  
1490 services provided by licensed health care practitioners where  
1491 one or more of the persons responsible for the operations of the  
1492 entity is a health care practitioner who is licensed in this  
1493 state and who is responsible for supervising the business  
1494 activities of the entity and is responsible for the entity's  
1495 compliance with state law for purposes of this part.

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

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1509 the entity at the health care clinics owned or operated by the  
1510 entity; and a certified statement prepared by an independent  
1511 certified public accountant which states that the entity and the  
1512 health care clinics owned or operated by the entity have not  
1513 received payment for health care services under medical payments  
1514 ~~personal injury protection insurance~~ coverage for the preceding  
1515 year. If the agency determines that an entity that ~~which~~ is  
1516 exempt under this subsection has received payments for medical  
1517 services under medical payments ~~personal injury protection~~  
1518 ~~insurance~~ coverage, the agency may deny or revoke the exemption  
1519 from licensure under this subsection.

1520 15. ~~(e)~~ Entities that are, directly or indirectly, under the  
1521 common ownership of or that are subject to common control by a  
1522 mutual insurance holding company, as defined in s. 628.703, with  
1523 an entity issued a certificate of authority under chapter 624 or  
1524 chapter 641 which has \$1 billion or more in total annual sales  
1525 in this state.

1526 16. ~~(e)~~ Entities that are owned by an entity that is a  
1527 behavioral health care service provider in at least five other  
1528 states; that, together with its affiliates, have \$90 million or  
1529 more in total annual revenues associated with the provision of  
1530 behavioral health care services; and wherein one or more of the  
1531 persons responsible for the operations of the entity is a health  
1532 care practitioner who is licensed in this state, who is  
1533 responsible for supervising the business activities of the  
1534 entity, and who is responsible for the entity's compliance with  
1535 state law for purposes of this part.

1536 17. ~~(e)~~ Medicaid providers.

1537 (b) Notwithstanding paragraph (a) ~~this subsection~~, an

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1538 entity ~~is shall be~~ deemed a clinic and must be licensed under  
1539 this part in order to receive medical payments coverage  
1540 reimbursement under s. 627.7265 unless the entity is:

- 1541 1. Wholly owned by a physician licensed under chapter 458  
1542 or chapter 459 or by the physician and the spouse, parent,  
1543 child, or sibling of the physician;
- 1544 2. Wholly owned by a dentist licensed under chapter 466 or  
1545 by the dentist and the spouse, parent, child, or sibling of the  
1546 dentist;
- 1547 3. Wholly owned by a chiropractic physician licensed under  
1548 chapter 460 or by the chiropractic physician and the spouse,  
1549 parent, child, or sibling of the chiropractic physician;
- 1550 4. A hospital or an ambulatory surgical center licensed  
1551 under chapter 395;
- 1552 5. An entity that wholly owns or is wholly owned, directly  
1553 or indirectly, by a hospital or hospitals licensed under chapter  
1554 395;
- 1555 6. A clinical facility affiliated with an accredited  
1556 medical school at which training is provided for medical  
1557 students, residents, or fellows;
- 1558 7. Certified under 42 C.F.R. part 485, subpart H; or
- 1559 8. Owned by a publicly traded corporation, either directly  
1560 or indirectly through its subsidiaries, which has \$250 million  
1561 or more in total annual sales of health care services provided  
1562 by licensed health care practitioners, if one or more of the  
1563 persons responsible for the operations of the entity are health  
1564 care practitioners who are licensed in this state and who are  
1565 responsible for supervising the business activities of the  
1566 entity and the entity's compliance with state law for purposes

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1567 ~~of this subsection the Florida Motor Vehicle No-Fault Law, ss.~~  
 1568 ~~627.730-627.7405, unless exempted under s. 627.736(5)(h).~~

1569 Section 28. Subsection (5) of section 400.991, Florida  
 1570 Statutes, is amended to read:

1571 400.991 License requirements; background screenings;  
 1572 prohibitions.—

1573 (5) All agency forms for licensure application or exemption  
 1574 from licensure under this part must contain the following  
 1575 statement:

1576  
 1577 INSURANCE FRAUD NOTICE.—A person commits a fraudulent  
 1578 insurance act, as defined in s. 626.989, Florida  
 1579 Statutes, if the person ~~who~~ knowingly submits a false,  
 1580 misleading, or fraudulent application or other  
 1581 document when applying for licensure as a health care  
 1582 clinic, seeking an exemption from licensure as a  
 1583 health care clinic, or demonstrating compliance with  
 1584 part X of chapter 400, Florida Statutes, with the  
 1585 intent to use the license, exemption from licensure,  
 1586 or demonstration of compliance to provide services or  
 1587 seek reimbursement under a motor vehicle liability  
 1588 insurance policy's medical payments coverage ~~the~~  
 1589 ~~Florida Motor Vehicle No-Fault Law, commits a~~  
 1590 ~~fraudulent insurance act, as defined in s. 626.989,~~  
 1591 ~~Florida Statutes.~~ A person who presents a claim for  
 1592 benefits under medical payments coverage ~~personal~~  
 1593 ~~injury protection benefits~~ knowing that the payee  
 1594 knowingly submitted such health care clinic  
 1595 application or document commits insurance fraud, as

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1596 defined in s. 817.234, Florida Statutes.

1597 Section 29. Paragraph (g) of subsection (1) of section  
1598 400.9935, Florida Statutes, is amended to read:

1599 400.9935 Clinic responsibilities.—

1600 (1) Each clinic shall appoint a medical director or clinic  
1601 director who shall agree in writing to accept legal  
1602 responsibility for the following activities on behalf of the  
1603 clinic. The medical director or the clinic director shall:

1604 (g) Conduct systematic reviews of clinic billings to ensure  
1605 that the billings are not fraudulent or unlawful. Upon discovery  
1606 of an unlawful charge, the medical director or clinic director  
1607 shall take immediate corrective action. If the clinic performs  
1608 only the technical component of magnetic resonance imaging,  
1609 static radiographs, computed tomography, or positron emission  
1610 tomography, and provides the professional interpretation of such  
1611 services, in a fixed facility that is accredited by a national  
1612 accrediting organization that is approved by the Centers for  
1613 Medicare and Medicaid Services for magnetic resonance imaging  
1614 and advanced diagnostic imaging services and if, in the  
1615 preceding quarter, the percentage of scans performed by that  
1616 clinic which was billed to motor vehicle ~~all personal injury~~  
1617 ~~protection~~ insurance carriers under medical payments coverage  
1618 was less than 15 percent, the chief financial officer of the  
1619 clinic may, in a written acknowledgment provided to the agency,  
1620 assume the responsibility for the conduct of the systematic  
1621 reviews of clinic billings to ensure that the billings are not  
1622 fraudulent or unlawful.

1623 Section 30. Subsection (28) of section 409.901, Florida  
1624 Statutes, is amended to read:



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1625 409.901 Definitions; ss. 409.901-409.920.—As used in ss.  
 1626 409.901-409.920, except as otherwise specifically provided, the  
 1627 term:

1628 (28) "Third-party benefit" means any benefit that is or may  
 1629 be available at any time through contract, court award,  
 1630 judgment, settlement, agreement, or any arrangement between a  
 1631 third party and any person or entity, including, without  
 1632 limitation, a Medicaid recipient, a provider, another third  
 1633 party, an insurer, or the agency, for any Medicaid-covered  
 1634 injury, illness, goods, or services, including costs of medical  
 1635 services related thereto, for bodily personal injury or for  
 1636 death of the recipient, but specifically excluding ~~policies of~~  
 1637 life insurance policies on the recipient, unless available under  
 1638 terms of the policy to pay medical expenses before ~~prior to~~  
 1639 death. The term includes, without limitation, collateral, as  
 1640 defined in this section;; health insurance;; any benefit under a  
 1641 health maintenance organization, a preferred provider  
 1642 arrangement, a prepaid health clinic, liability insurance,  
 1643 uninsured motorist insurance, or medical payments coverage; ~~or~~  
 1644 ~~personal injury protection coverage,~~ medical benefits under  
 1645 workers' compensation;; and any obligation under law or equity  
 1646 to provide medical support.

1647 Section 31. Paragraph (f) of subsection (11) of section  
 1648 409.910, Florida Statutes, is amended to read:

1649 409.910 Responsibility for payments on behalf of Medicaid-  
 1650 eligible persons when other parties are liable.—

1651 (11) The agency may, as a matter of right, in order to  
 1652 enforce its rights under this section, institute, intervene in,  
 1653 or join any legal or administrative proceeding in its own name

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1654 in one or more of the following capacities: individually, as  
1655 subrogee of the recipient, as assignee of the recipient, or as  
1656 lienholder of the collateral.

1657 (f) Notwithstanding any provision in this section to the  
1658 contrary, in the event of an action in tort against a third  
1659 party in which the recipient or his or her legal representative  
1660 is a party which results in a judgment, award, or settlement  
1661 from a third party, the amount recovered shall be distributed as  
1662 follows:

1663 1. After attorney ~~attorney's~~ fees and taxable costs as  
1664 defined by the Florida Rules of Civil Procedure, one-half of the  
1665 remaining recovery shall be paid to the agency up to the total  
1666 amount of medical assistance provided by Medicaid.

1667 2. The remaining amount of the recovery shall be paid to  
1668 the recipient.

1669 3. For purposes of calculating the agency's recovery of  
1670 medical assistance benefits paid, the fee for services of an  
1671 attorney retained by the recipient or his or her legal  
1672 representative shall be calculated at 25 percent of the  
1673 judgment, award, or settlement.

1674 4. Notwithstanding any other provision of this section to  
1675 the contrary, the agency shall be entitled to all medical  
1676 coverage benefits up to the total amount of medical assistance  
1677 provided by Medicaid. For purposes of this paragraph, the term  
1678 "medical coverage" means any benefits under health insurance, a  
1679 health maintenance organization, a preferred provider  
1680 arrangement, or a prepaid health clinic, and the portion of  
1681 benefits designated for medical payments under ~~coverage for~~  
1682 workers' compensation coverage, motor vehicle insurance

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1683 coverage, ~~personal injury protection~~, and casualty coverage.

1684 Section 32. Paragraph (k) of subsection (2) of section  
1685 456.057, Florida Statutes, is amended to read:

1686 456.057 Ownership and control of patient records; report or  
1687 copies of records to be furnished; disclosure of information.—

1688 (2) As used in this section, the terms "records owner,"  
1689 "health care practitioner," and "health care practitioner's  
1690 employer" do not include any of the following persons or  
1691 entities; furthermore, the following persons or entities are not  
1692 authorized to acquire or own medical records, but are authorized  
1693 under the confidentiality and disclosure requirements of this  
1694 section to maintain those documents required by the part or  
1695 chapter under which they are licensed or regulated:

1696 ~~(k) Persons or entities practicing under s. 627.736(7).~~

1697 Section 33. Paragraphs (ee) and (ff) of subsection (1) of  
1698 section 456.072, Florida Statutes, are amended to read:

1699 456.072 Grounds for discipline; penalties; enforcement.—

1700 (1) The following acts shall constitute grounds for which  
1701 the disciplinary actions specified in subsection (2) may be  
1702 taken:

1703 (ee) With respect to making a medical payments coverage  
1704 ~~personal injury protection~~ claim under s. 627.7265 as required  
1705 ~~by s. 627.736~~, intentionally submitting a claim, statement, or  
1706 bill that has been upcoded. As used in this paragraph, the term  
1707 "upcode" means to submit a billing code that would result in a  
1708 greater payment amount than would be paid using a billing code  
1709 that accurately describes the services performed. The term does  
1710 not include an otherwise lawful bill by a magnetic resonance  
1711 imaging facility which globally combines both technical and

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1712 professional components, if the amount of the global bill is not  
 1713 more than the components if billed separately; however, payment  
 1714 of such a bill constitutes payment in full for all components of  
 1715 such service ~~“unpeoded” as defined in s. 627.732.~~

1716 (ff) With respect to making a medical payments coverage  
 1717 ~~personal injury protection~~ claim under s. 627.7265 as required  
 1718 ~~by s. 627.736,~~ intentionally submitting a claim, statement, or  
 1719 bill for payment of services that were not rendered.

1720 Section 34. Paragraph (b) of subsection (1) and subsection  
 1721 (8) of section 624.155, Florida Statutes, are amended to read:

1722 624.155 Civil remedy.—

1723 (1) Any person may bring a civil action against an insurer  
 1724 when such person is damaged:

1725 (b) By the commission of any of the following acts by the  
 1726 insurer:

1727 1. Except for a civil action for bad faith failure to  
 1728 settle a third-party claim subject to s. 624.156, not attempting  
 1729 in good faith to settle claims when, under all the  
 1730 circumstances, it could and should have done so, had it acted  
 1731 fairly and honestly toward its insured and with due regard for  
 1732 her or his interests;

1733 2. Making claims payments to insureds or beneficiaries not  
 1734 accompanied by a statement setting forth the coverage under  
 1735 which payments are being made; ~~or~~

1736 3. Except as to liability coverages, failing to promptly  
 1737 settle claims, when the obligation to settle a claim has become  
 1738 reasonably clear, under one portion of the insurance policy  
 1739 coverage in order to influence settlements under other portions  
 1740 of the insurance policy coverage; or

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1741 4. When handling a first-party claim under a motor vehicle  
1742 insurance policy, not attempting in good faith to settle such  
1743 claim pursuant to subparagraph 1. when such failure is caused by  
1744 a failure to communicate to an insured:

1745 a. The name, telephone number, e-mail address, and mailing  
1746 address of the person adjusting the claim;

1747 b. Any issues that may impair the insured's coverage;

1748 c. Information that might resolve the coverage issue in a  
1749 prompt manner;

1750 d. Any basis for the insurer's rejection or nonacceptance  
1751 of any settlement demand or offer; or

1752 e. Any needed extensions to respond to a time-limited  
1753 settlement offer.

1754  
1755 Notwithstanding the provisions of the above to the contrary, a  
1756 person pursuing a remedy under this section need not prove that  
1757 such act was committed or performed with such frequency as to  
1758 indicate a general business practice.

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

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1770 an amount that exceeds the policy limits.

1771 Section 35. Section 624.156, Florida Statutes, is created  
1772 to read:

1773 624.156 Actions against motor vehicle insurers for bad  
1774 faith failure to settle third-party claims.-

1775 (1) SCOPE.-This section applies in all actions against any  
1776 insurer for bad faith failure to settle a third-party claim for  
1777 a loss arising out of the ownership, maintenance, or use of a  
1778 motor vehicle operated or principally garaged in this state at  
1779 the time of an incident or a loss, regardless of whether the  
1780 insurer is authorized to do business in this state or issued a  
1781 policy in this state. This section governs in any conflict with  
1782 common law or any other statute.

1783 (2) DUTY OF GOOD FAITH.-In handling claims, an insurer has  
1784 a duty to its insured to handle claims in good faith by  
1785 complying with the best practices standards of subsection (4).  
1786 An insurer's negligence does not constitute bad faith. However,  
1787 negligence is relevant to whether an insurer acted in bad faith.

1788 (3) BAD FAITH FAILURE TO SETTLE.-The term "bad faith  
1789 failure to settle" means an insurer's failure to meet its duty  
1790 of good faith, as described in subsection (2), which is a  
1791 proximate cause of the insurer not settling a third-party claim  
1792 when, under all the circumstances, the insurer could and should  
1793 have done so, had it acted fairly and honestly toward its  
1794 insured and with due regard for the insured's interests.

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

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1799 until the claim is resolved. Notice may be communicated to the  
1800 insurer or an agent of the insurer by any means. However, if  
1801 actual notice is communicated by means other than through any  
1802 manner permitted by the policy or other documents provided to  
1803 the insured by the insurer, through the insurer's website, or  
1804 through the e-mail address designated by the insurer under s.  
1805 624.422, the notice is not effective under this subsection if  
1806 that variation causes actual prejudice to the insurer's ability  
1807 to settle the claim. The burden is on the party bringing the bad  
1808 faith claim to prove that the insurer had actual notice of the  
1809 incident or loss giving rise to the claim that resulted in an  
1810 excess judgment and when such notice was received. After receipt  
1811 of actual notice, an insurer:

1812 (a) Must assign a duly licensed and appointed insurance  
1813 adjuster to investigate the extent of the insured's probable  
1814 exposure and diligently attempt to resolve any questions  
1815 concerning the existence or extent of the insured's coverage.

1816 (b) Based on available information, must ethically evaluate  
1817 every claim fairly, honestly, and with due regard for the  
1818 interests of the insured; consider the extent of the claimant's  
1819 recoverable damages; and consider the information in a  
1820 reasonable and prudent manner.

1821 (c) Must request from the insured or claimant additional  
1822 relevant information the insurer reasonably deems necessary to  
1823 evaluate whether to settle a claim.

1824 (d) Must conduct all oral and written communications with  
1825 the insured with the utmost honesty and complete candor.

1826 (e) Must make reasonable efforts to explain to persons not  
1827 represented by counsel matters requiring expertise beyond the

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1828 level normally expected of a layperson with no training in  
1829 insurance or claims-handling issues.

1830 (f) Must retain all written communications and notes and  
1831 retain a summary of all verbal communications in a reasonable  
1832 manner for a period of not less than 5 years after the later of:

1833 1. The entry of a judgment against the insured in excess of  
1834 policy limits becoming final; or

1835 2. The conclusion of the extracontractual claim, if any,  
1836 including any related appeals.

1837 (g) Must provide the insured, upon request, with all  
1838 communications related to the insurer's handling of the claim  
1839 which are not privileged as to the insured.

1840 (h) Must provide, at the insurer's expense, reasonable  
1841 accommodations necessary to communicate effectively with an  
1842 insured covered under the Americans with Disabilities Act.

1843 (i) In handling third-party claims, must communicate to an  
1844 insured all of the following:

1845 1. The identity of any other person or entity the insurer  
1846 has reason to believe may be liable.

1847 2. The insurer's evaluation of the claim.

1848 3. The likelihood and possible extent of an excess  
1849 judgment.

1850 4. Steps the insured can take to avoid exposure to an  
1851 excess judgment, including the right to secure personal counsel  
1852 at the insured's expense.

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



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1857 and the consequences of refusing to cooperate.

1858 6. Any settlement demands or offers.

1859 (j) If, after the expiration of the safe harbor periods in  
1860 subsection (8), the facts available to the insurer indicate that  
1861 the insured's liability is likely to exceed the policy limits,  
1862 must initiate settlement negotiations by tendering its policy  
1863 limits to the claimant in exchange for a general release of the  
1864 insured.

1865 (k)1. Must give fair consideration to a settlement offer  
1866 that is not unreasonable under the facts available to the  
1867 insurer and settle, if possible, when a reasonably prudent  
1868 person, faced with the prospect of paying the total probable  
1869 exposure of the insured, would do so. The insurer shall provide  
1870 reasonable assistance to the insured to comply with the  
1871 insured's obligations to cooperate and shall act reasonably to  
1872 attempt to satisfy any conditions of a claimant's settlement  
1873 offer. If it is not possible to settle a liability claim within  
1874 the available policy limits, the insurer must act reasonably to  
1875 attempt to minimize the excess exposure to the insured.

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

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1886 more claimants to the exclusion of other claimants and may leave  
1887 the insured exposed to some liability after all the policy  
1888 limits are paid. An insurer does not act in bad faith simply  
1889 because it is unable to settle all claims in a multiple claimant  
1890 case. It is a defense to a bad faith action if the insurer  
1891 establishes that it used its discretion for the benefit of its  
1892 insureds and complied with the other best practices standards of  
1893 this subsection.

1894 (l) When a loss creates the potential for a third-party  
1895 claim against more than one insured, must attempt to settle the  
1896 claim on behalf of all insureds against whom a claim may be  
1897 presented. If it is not possible to settle on behalf of all  
1898 insureds, the insurer may, in consultation with the insureds,  
1899 enter into reasonable settlements of claims against certain  
1900 insureds to the exclusion of other insureds.

1901 (m) Must respond to any request for insurance information  
1902 in compliance with s. 626.9372 or s. 627.4137, as applicable.

1903 (n) Where it appears the insured's probable exposure is  
1904 greater than policy limits, must take reasonable measures to  
1905 preserve for a reasonable period of time evidence that is needed  
1906 for the defense of the liability claim.

1907 (o) Must comply with s. 627.426, if applicable.

1908 (p) May not commit or perform with such frequency as to  
1909 indicate a general business practice any of the following:

1910 1. Failing to adopt and implement standards for the proper  
1911 investigation of claims.

1912 2. Misrepresenting pertinent facts or insurance policy  
1913 provisions relating to coverages at issue.

1914 3. Failing to acknowledge and act promptly upon

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1915 communications with respect to claims.

1916 4. Denying claims without conducting reasonable  
1917 investigations based upon available information.

1918 (5) INSURED'S DUTY TO COOPERATE.—

1919 (a) Insureds have a duty to cooperate with their insurer in  
1920 the defense of the claim and in making settlements. Accordingly,  
1921 the insured must take any reasonable action requested by the  
1922 injured claimant or provided in the policy which is necessary to  
1923 assist the insurer in settling a covered claim, including:

1924 1. Executing affidavits regarding the facts within the  
1925 insured's knowledge regarding the covered loss; and

1926 2. Providing documents, including those requested pursuant  
1927 to paragraph (b).

1928 (b) When it is reasonably necessary to settle a covered  
1929 claim valued in excess of all applicable policy limits, upon the  
1930 request of the injured claimant, an insured must disclose on a  
1931 form adopted by the department or provided by the claimant a  
1932 summary of the following:

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

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

1936 b. Nonhomestead real property;

1937 c. All registered vehicles;

1938 d. All bank accounts;

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

1940 f. Any additional information included by the department.

1941 2. The insured's liabilities, including:

1942 a. Mortgage debt;

1943 b. Credit card debt;

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1944       c. Child support and alimony payments;  
1945       d. Other liabilities; and  
1946       e. Any additional information included by the department.  
1947       3. For a corporate entity, information on its balance  
1948 sheet, including the corporate entity's:  
1949       a. Cash, property, equipment, and inventory;  
1950       b. Liabilities, including obligations, rent, money owed to  
1951 vendors, payroll, and taxes;  
1952       c. Other information relevant to understanding the entity's  
1953 capital and net worth; and  
1954       d. Any additional information included by the department.  
1955       4. A list of all insurance policies that may provide  
1956 coverage for the claim, stating the name of the insurer and  
1957 policy number of each policy.  
1958       5. For natural persons, a statement of whether the insured  
1959 was acting in the course and scope of employment at the time of  
1960 the incident or loss giving rise to the claim and, if so,  
1961 providing the name and contact information for the insured's  
1962 employer.  
1963       (c) No later than 14 days following actual notice of an  
1964 incident or a loss that could give rise to a covered liability  
1965 claim, the insurer must notify the insured of the insured's  
1966 duties under this subsection. The burden is on the insurer to  
1967 prove that it provided notice to the insured of the insured's  
1968 duty to cooperate; otherwise, a presumption arises that the  
1969 insured met its duty to cooperate under this subsection.  
1970       (d) An insurer may terminate the defense as to any insured  
1971 who unreasonably fails to meet its duties under this subsection  
1972 when:

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1973           1. The insurer exercised diligence and met its duties under  
 1974 subparagraph (4) (i) 5.;

1975           2. The insurer provided reasonable assistance to the  
 1976 insured to comply with the obligations of this subsection;

1977           3. The insurer gave the insured written notice of any  
 1978 failure to cooperate and a reasonable opportunity for the  
 1979 insured to cure the lack of cooperation, consistent with any  
 1980 deadlines imposed by settlement negotiations;

1981           4. The insured's failure to cooperate causes the insurer to  
 1982 be unable to settle the claim; and

1983           5. The insurer unconditionally tenders its available  
 1984 coverage policy limits directly to the claimant or the  
 1985 claimant's attorney.

1986           (e) When an insured's defense is terminated in compliance  
 1987 with this subsection, the insurer is not liable for any damages  
 1988 caused by a failure to settle or defend the liability claim  
 1989 against that insured.

1990           (6) CLAIMANT COMMUNICATIONS.—The trier of fact may not  
 1991 attribute the insurer's failure to settle a covered third-party  
 1992 claim to a claimant's lack of communication with the insurer  
 1993 when the claimant truthfully complies with all applicable  
 1994 standards of this subsection by:

1995           (a) Contemporaneously with or before making a claim with  
 1996 the insurer, communicating in writing to the insurer:

1997           1. The date and location of loss;

1998           2. The name, address, and date of birth of the claimant;

1999 and

2000           3. A physical address, an e-mail address, and a facsimile  
 2001 number for further communications, including, but not limited

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2002 to, responses to any settlement demand.

2003 (b) Presenting the following in writing:

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

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

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

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

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

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

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

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

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

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

2021  
2022 This subsection does not reduce an insurer's duty of good faith,  
2023 which is owed solely to its insured. The claimant owes no duty  
2024 to the insured or the insurer, and the duties of the claimant's  
2025 attorney are owed solely to the claimant. The claimant and the  
2026 claimant's attorney do not have a duty to comply with this  
2027 subsection.

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

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

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

2039 (8) SAFE HARBORS.—

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

2048 (b) When one claim arises out of a single occurrence, and  
2049 an insurer initiates settlement negotiations by tendering the  
2050 applicable policy limits in exchange for a general release of  
2051 the insured within 45 days after receiving actual notice of the  
2052 loss, the failure to tender the policy limits sooner does not  
2053 constitute bad faith.

2054 (c) When multiple claims arise out of a single occurrence,  
2055 the combined value of all claims exceeds the total of all  
2056 applicable policy limits, and an insurer initiates settlement  
2057 negotiations by globally tendering the applicable policy limits  
2058 in exchange for a general release of the insured within 45 days  
2059 after receiving actual notice of the loss, the failure to tender

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2060 policy limits sooner does not constitute bad faith.

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

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

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

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

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

2074 (a) The party bringing the bad faith claim must prove every  
2075 element of the claim by the greater weight of the evidence,  
2076 taking into account the totality of the circumstances.

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

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

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



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2089 reasonable attorney fees incurred by the party bringing the bad  
 2090 faith claim. Punitive damages may not be awarded.

2091 (11) AGENTS.—This section is not intended to expand or  
 2092 diminish any cause of action currently available against  
 2093 insurance agents who sell motor vehicle liability insurance  
 2094 policies in this state.

2095 Section 36. Paragraphs (i) and (o) of subsection (1) of  
 2096 section 626.9541, Florida Statutes, are amended to read:

2097 626.9541 Unfair methods of competition and unfair or  
 2098 deceptive acts or practices defined.—

2099 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE  
 2100 ACTS.—The following are defined as unfair methods of competition  
 2101 and unfair or deceptive acts or practices:

2102 (i) *Unfair claim settlement practices.*—

2103 1. Attempting to settle claims on the basis of an  
 2104 application, when serving as a binder or intended to become a  
 2105 part of the policy, or any other material document which was  
 2106 altered without notice to, or knowledge or consent of, the  
 2107 insured;

2108 2. Making a material misrepresentation ~~made~~ to an insured  
 2109 or any other person having an interest in the proceeds payable  
 2110 under such contract or policy, for the purpose and with the  
 2111 intent of effecting settlement of such claims, loss, or damage  
 2112 under such contract or policy on less favorable terms than those  
 2113 provided in, and contemplated by, such contract or policy;

2114 3. Committing or performing with such frequency as to  
 2115 indicate a general business practice any of the following:

2116 a. Failing to adopt and implement standards for the proper  
 2117 investigation of claims;

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2118           b. Misrepresenting pertinent facts or insurance policy  
2119 provisions relating to coverages at issue;

2120           c. Failing to acknowledge and act promptly upon  
2121 communications with respect to claims;

2122           d. Denying claims without conducting reasonable  
2123 investigations based upon available information;

2124           e. Failing to affirm or deny full or partial coverage of  
2125 claims, and, as to partial coverage, the dollar amount or extent  
2126 of coverage, or failing to provide a written statement that the  
2127 claim is being investigated, upon the written request of the  
2128 insured within 30 days after proof-of-loss statements have been  
2129 completed;

2130           f. Failing to promptly provide a reasonable explanation in  
2131 writing to the insured of the basis in the insurance policy, in  
2132 relation to the facts or applicable law, for denial of a claim  
2133 or for the offer of a compromise settlement;

2134           g. Failing to promptly notify the insured of any additional  
2135 information necessary for the processing of a claim; or

2136           h. Failing to clearly explain the nature of the requested  
2137 information and the reasons why such information is necessary;  
2138 or

2139           ~~i. Failing to pay personal injury protection insurance~~  
2140 ~~claims within the time periods required by s. 627.736(4)(b). The~~  
2141 ~~office may order the insurer to pay restitution to a~~  
2142 ~~policyholder, medical provider, or other claimant, including~~  
2143 ~~interest at a rate consistent with the amount set forth in s.~~  
2144 ~~55.03(1), for the time period within which an insurer fails to~~  
2145 ~~pay claims as required by law. Restitution is in addition to any~~  
2146 ~~other penalties allowed by law, including, but not limited to,~~

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2147 ~~the suspension of the insurer's certificate of authority; or~~

2148 4. Failing to pay undisputed amounts of partial or full  
2149 benefits owed under first-party property insurance policies  
2150 within 60 days after an insurer receives notice of a residential  
2151 property insurance claim, determines the amounts of partial or  
2152 full benefits, and agrees to coverage, unless payment of the  
2153 undisputed benefits is prevented by factors beyond the control  
2154 of the insurer as defined in s. 627.70131(5).

2155 (o) *Illegal dealings in premiums; excess or reduced charges*  
2156 *for insurance.*—

2157 1. Knowingly collecting any sum as a premium or charge for  
2158 insurance, which is not then provided, or is not in due course  
2159 to be provided, subject to acceptance of the risk by the  
2160 insurer, by an insurance policy issued by an insurer as  
2161 permitted by this code.

2162 2. Knowingly collecting as a premium or charge for  
2163 insurance any sum in excess of or less than the premium or  
2164 charge applicable to such insurance, in accordance with the  
2165 applicable classifications and rates as filed with and approved  
2166 by the office, and as specified in the policy; or, in cases when  
2167 classifications, premiums, or rates are not required by this  
2168 code to be so filed and approved, premiums and charges collected  
2169 from a Florida resident in excess of or less than those  
2170 specified in the policy and as fixed by the insurer.

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

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

2184 3.a. Imposing or requesting an additional premium for death  
2185 benefit coverage, bodily injury liability coverage, property  
2186 damage liability coverage ~~a policy of motor vehicle liability,~~  
2187 ~~personal injury protection,~~ medical payments coverage ~~payment,~~  
2188 or collision coverage in a motor vehicle liability insurance  
2189 policy ~~insurance or any combination thereof~~ or refusing to renew  
2190 the policy solely because the insured was involved in a motor  
2191 vehicle accident unless the insurer's file contains information  
2192 from which the insurer in good faith determines that the insured  
2193 was substantially at fault in the accident.

2194 b. An insurer which imposes and collects such a surcharge  
2195 or which refuses to renew such policy shall, in conjunction with  
2196 the notice of premium due or notice of nonrenewal, notify the  
2197 named insured that he or she is entitled to reimbursement of  
2198 such amount or renewal of the policy under the conditions listed  
2199 below and will subsequently reimburse him or her or renew the  
2200 policy, if the named insured demonstrates that the operator  
2201 involved in the accident was:

2202 (I) Lawfully parked;

2203 (II) Reimbursed by, or on behalf of, a person responsible  
2204 for the accident or has a judgment against such person;

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2205 (III) Struck in the rear by another vehicle headed in the  
2206 same direction and was not convicted of a moving traffic  
2207 violation in connection with the accident;

2208 (IV) Hit by a "hit-and-run" driver, if the accident was  
2209 reported to the proper authorities within 24 hours after  
2210 discovering the accident;

2211 (V) Not convicted of a moving traffic violation in  
2212 connection with the accident, but the operator of the other  
2213 automobile involved in such accident was convicted of a moving  
2214 traffic violation;

2215 (VI) Finally adjudicated not to be liable by a court of  
2216 competent jurisdiction;

2217 (VII) In receipt of a traffic citation which was dismissed  
2218 or nolle prossed; or

2219 (VIII) Not at fault as evidenced by a written statement  
2220 from the insured establishing facts demonstrating lack of fault  
2221 which are not rebutted by information in the insurer's file from  
2222 which the insurer in good faith determines that the insured was  
2223 substantially at fault.

2224 c. In addition to the other provisions of this  
2225 subparagraph, an insurer may not fail to renew a policy if the  
2226 insured has had only one accident in which he or she was at  
2227 fault within the current 3-year period. However, an insurer may  
2228 nonrenew a policy for reasons other than accidents in accordance  
2229 with s. 627.728. This subparagraph does not prohibit nonrenewal  
2230 of a policy under which the insured has had three or more  
2231 accidents, regardless of fault, during the most recent 3-year  
2232 period.

2233 4. Imposing or requesting an additional premium for, or

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2234 refusing to renew, a policy for motor vehicle insurance solely  
2235 because the insured committed a noncriminal traffic infraction  
2236 as described in s. 318.14 unless the infraction is:

2237 a. A second infraction committed within an 18-month period,  
2238 or a third or subsequent infraction committed within a 36-month  
2239 period.

2240 b. A violation of s. 316.183, when such violation is a  
2241 result of exceeding the lawful speed limit by more than 15 miles  
2242 per hour.

2243 5. Upon the request of the insured, the insurer and  
2244 licensed agent shall supply to the insured the complete proof of  
2245 fault or other criteria which justifies the additional charge or  
2246 cancellation.

2247 6. No insurer shall impose or request an additional premium  
2248 for motor vehicle insurance, cancel or refuse to issue a policy,  
2249 or refuse to renew a policy because the insured or the applicant  
2250 is a handicapped or physically disabled person, so long as such  
2251 handicap or physical disability does not substantially impair  
2252 such person's mechanically assisted driving ability.

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

2261 8. No insurer may issue a nonrenewal notice on any  
2262 insurance contract or coverage, or require execution of a

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2263 consent to rate endorsement, for the purpose of offering to  
2264 issue, or issuing, a similar or identical contract or coverage  
2265 to the same insured at a higher premium rate or continuing an  
2266 existing contract or coverage at an increased premium without  
2267 meeting any applicable notice requirements.

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

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

2275 11. No insurer shall cancel or issue a nonrenewal notice on  
2276 any insurance policy or contract without complying with any  
2277 applicable cancellation or nonrenewal provision required under  
2278 the Florida Insurance Code.

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

2287 Section 37. Paragraph (a) of subsection (1) of section  
2288 626.989, Florida Statutes, is amended to read:

2289 626.989 Investigation by department or Division of  
2290 Investigative and Forensic Services; compliance; immunity;  
2291 confidential information; reports to division; division

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2292 investigator's power of arrest.—

2293 (1) For the purposes of this section:

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

2296 1. Knowingly and with intent to defraud presents, causes to  
2297 be presented, or prepares with knowledge or belief that it will  
2298 be presented, to or by an insurer, self-insurer, self-insurance  
2299 fund, servicing corporation, purported insurer, broker, or any  
2300 agent thereof, any written statement as part of, or in support  
2301 of, an application for the issuance of, or the rating of, any  
2302 insurance policy, or a claim for payment or other benefit  
2303 pursuant to any insurance policy, which the person knows to  
2304 contain materially false information concerning any fact  
2305 material thereto or if the person conceals, for the purpose of  
2306 misleading another, information concerning any fact material  
2307 thereto.

2308 2. Knowingly submits:

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

2318 b. A claim for payment or other benefit under a motor  
2319 vehicle liability insurance policy's medical payments coverage,  
2320 ~~pursuant to a personal injury protection insurance policy under~~



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

2327 Section 38. Subsection (1) of section 627.06501, Florida  
2328 Statutes, is amended to read:

2329 627.06501 Insurance discounts for certain persons  
2330 completing driver improvement course.—

2331 (1) Any rate, rating schedule, or rating manual for the  
2332 liability, medical payments, death benefit ~~personal injury~~  
2333 ~~protection~~, and collision coverages of a motor vehicle insurance  
2334 policy filed with the office may provide for an appropriate  
2335 reduction in premium charges as to such coverages if when the  
2336 principal operator on the covered vehicle has successfully  
2337 completed a driver improvement course approved and certified by  
2338 the Department of Highway Safety and Motor Vehicles which is  
2339 effective in reducing crash or violation rates, or both, as  
2340 determined pursuant to s. 318.1451(5). Any discount, not to  
2341 exceed 10 percent, used by an insurer is presumed to be  
2342 appropriate unless credible data demonstrates otherwise.

2343 Section 39. Subsection (15) is added to section 627.0651,  
2344 Florida Statutes, to read:

2345 627.0651 Making and use of rates for motor vehicle  
2346 insurance.—

2347 (15) Rate filings for motor vehicle liability policies that  
2348 implement the financial responsibility requirements of s.  
2349 324.022 in effect July 1, 2024, except for commercial motor

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2350 vehicle insurance policies exempt under paragraph (14) (a), must  
2351 reflect such financial responsibility requirements and may be  
2352 approved only through the file and use process under paragraph  
2353 (1) (a).

2354 Section 40. Subsection (1) of section 627.0652, Florida  
2355 Statutes, is amended to read:

2356 627.0652 Insurance discounts for certain persons completing  
2357 safety course.—

2358 (1) Any rates, rating schedules, or rating manuals for the  
2359 liability, medical payments, death benefit ~~personal injury~~  
2360 ~~protection~~, and collision coverages of a motor vehicle insurance  
2361 policy filed with the office must ~~shall~~ provide for an  
2362 appropriate reduction in premium charges as to such coverages if  
2363 ~~when~~ the principal operator on the covered vehicle is an insured  
2364 55 years of age or older who has successfully completed a motor  
2365 vehicle accident prevention course approved by the Department of  
2366 Highway Safety and Motor Vehicles. Any discount used by an  
2367 insurer is presumed to be appropriate unless credible data  
2368 demonstrates otherwise.

2369 Section 41. Subsections (1), (3), and (6) of section  
2370 627.0653, Florida Statutes, are amended to read:

2371 627.0653 Insurance discounts for specified motor vehicle  
2372 equipment.—

2373 (1) Any rates, rating schedules, or rating manuals for the  
2374 liability, medical payments, death benefit ~~personal injury~~  
2375 ~~protection~~, and collision coverages of a motor vehicle insurance  
2376 policy filed with the office must ~~shall~~ provide a premium  
2377 discount if the insured vehicle is equipped with factory-  
2378 installed, four-wheel antilock brakes.

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2379 (3) Any rates, rating schedules, or rating manuals for  
2380 ~~personal injury protection coverage and~~ medical payments  
2381 ~~coverage, if offered,~~ of a motor vehicle insurance policy filed  
2382 with the office must ~~shall~~ provide a premium discount if the  
2383 insured vehicle is equipped with one or more air bags that ~~which~~  
2384 are factory installed.

2385 (6) The Office of Insurance Regulation may approve a  
2386 premium discount to any rates, rating schedules, or rating  
2387 manuals for the liability, medical payments, death benefit  
2388 ~~personal injury protection,~~ and collision coverages of a motor  
2389 vehicle insurance policy filed with the office if the insured  
2390 vehicle is equipped with an automated driving system or  
2391 electronic vehicle collision avoidance technology that is  
2392 factory installed or a retrofitted system and that complies with  
2393 National Highway Traffic Safety Administration standards.

2394 Section 42. Section 627.4132, Florida Statutes, is amended  
2395 to read:

2396 627.4132 Stacking of coverages prohibited.—If an insured or  
2397 named insured is protected by any type of motor vehicle  
2398 insurance policy for bodily injury and property damage  
2399 ~~liability, personal injury protection, or other coverage,~~ the  
2400 policy must ~~shall~~ provide that the insured or named insured is  
2401 protected only to the extent of the coverage she or he has on  
2402 the vehicle involved in the accident. However, if none of the  
2403 insured's or named insured's vehicles are ~~is~~ involved in the  
2404 accident, coverage is available only to the extent of coverage  
2405 on any one of the vehicles with applicable coverage. Coverage on  
2406 any other vehicles may ~~shall~~ not be added to or stacked upon  
2407 that coverage. This section does not ~~apply~~:

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2408 (1) Apply to uninsured motorist coverage that ~~which~~ is  
2409 separately governed by s. 627.727.

2410 (2) ~~To~~ Reduce the coverage available by reason of insurance  
2411 policies insuring different named insureds.

2412 Section 43. Subsection (1) of section 627.4137, Florida  
2413 Statutes, is amended to read:

2414 627.4137 Disclosure of certain information required.—

2415 (1) Each insurer which does or may provide liability  
2416 insurance coverage to pay all or a portion of any claim which  
2417 might be made shall provide, within 30 days after ~~of~~ the written  
2418 request of the claimant or the claimant's attorney, a statement,  
2419 under oath, of a corporate officer or the insurer's claims  
2420 manager or superintendent setting forth the following  
2421 information with regard to each known policy of insurance,  
2422 including excess or umbrella insurance:

2423 (a) The name of the insurer.

2424 (b) The name of each insured.

2425 (c) The limits of the liability coverage.

2426 (d) A statement of any policy or coverage defense which  
2427 such insurer reasonably believes is available to such insurer at  
2428 the time of filing such statement.

2429 (e) A copy of the policy.

2430

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

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

2444 Section 44. Section 627.7263, Florida Statutes, is amended  
2445 to read:

2446 627.7263 Rental and leasing driver's insurance to be  
2447 primary; exception.—

2448 (1) The valid and collectible liability insurance, death  
2449 benefit coverage, and medical payments coverage ~~or personal~~  
2450 ~~injury protection insurance providing coverage~~ for the lessor of  
2451 a motor vehicle for rent or lease are ~~is~~ primary unless  
2452 otherwise stated in at least 10-point type on the face of the  
2453 rental or lease agreement. Such insurance is primary for the  
2454 limits of liability ~~and personal injury protection~~ coverage as  
2455 required under s. 324.021(7), the death benefit coverage limit  
2456 required under s. 627.72761, and the medical payments coverage  
2457 limit required under s. 627.7265 ~~by ss. 324.021(7) and 627.736.~~

2458 (2) If the lessee's coverage is to be primary, the rental  
2459 or lease agreement must contain the following language, in at  
2460 least 10-point type:

2461  
2462 "The valid and collectible liability insurance, death  
2463 benefit coverage, and medical payments coverage  
2464 ~~personal injury protection insurance~~ of an ~~any~~  
2465 authorized rental or leasing driver are ~~is~~ primary for

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2466 the limits of liability and ~~personal injury protection~~  
2467 coverage required under s. 324.021(7), Florida  
2468 Statutes, the limit of the death benefit coverage  
2469 required under s. 627.72761, Florida Statutes, and the  
2470 medical payments coverage limit required under s.  
2471 627.7265 ~~by ss. 324.021(7) and 627.736, Florida~~  
2472 ~~Statutes."~~

2473 Section 45. Section 627.7265, Florida Statutes, is created  
2474 to read:

2475 627.7265 Motor vehicle insurance; medical payments  
2476 coverage.-

2477 (1) Medical payments coverage must protect the named  
2478 insured, resident relatives, persons operating the insured motor  
2479 vehicle, passengers in the insured motor vehicle, and persons  
2480 who are struck by the insured motor vehicle and suffer bodily  
2481 injury while not an occupant of a self-propelled motor vehicle  
2482 at a limit of at least \$5,000 for medical expenses incurred due  
2483 to bodily injury, sickness, or disease arising out of the  
2484 ownership, maintenance, or use of a motor vehicle.

2485 (a) Before issuing a motor vehicle liability insurance  
2486 policy that is furnished as proof of financial responsibility  
2487 under s. 324.031, the insurer must offer medical payments  
2488 coverage at limits of \$5,000 and \$10,000. The insurer may also  
2489 offer medical payments coverage at any limit greater than  
2490 \$5,000.

2491 (b) The insurer must offer medical payments coverage with  
2492 no deductible. The insurer may also offer medical payments  
2493 coverage with a deductible not to exceed \$500.

2494 (c) This section may not be construed to limit any other

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2495 coverage made available by an insurer.

2496 (2) Upon receiving notice of an accident that is  
2497 potentially covered by medical payments coverage benefits, the  
2498 insurer must reserve \$5,000 of medical payments coverage  
2499 benefits for payment to physicians licensed under chapter 458 or  
2500 chapter 459 or dentists licensed under chapter 466 who provide  
2501 emergency services and care, as defined in s. 395.002(9), or who  
2502 provide hospital inpatient care. The amount required to be held  
2503 in reserve may be used only to pay claims from such physicians  
2504 or dentists until 30 days after the date the insurer receives  
2505 notice of the accident. After the 30-day period, any amount of  
2506 the reserve for which the insurer has not received notice of  
2507 such claims may be used by the insurer to pay other claims. This  
2508 subsection does not require an insurer to establish a claim  
2509 reserve for insurance accounting purposes.

2510 (3) An insurer providing medical payments coverage benefits  
2511 may not:

2512 (a) Seek a lien on any recovery in tort by judgment,  
2513 settlement, or otherwise for medical payments coverage benefits,  
2514 regardless of whether suit has been filed or settlement has been  
2515 reached without suit; or

2516 (b) Bring a cause of action against a person to whom or for  
2517 whom medical payments coverage benefits were paid, except when  
2518 medical payments coverage benefits were paid by reason of fraud  
2519 committed by that person.

2520 (4) An insurer providing medical payments coverage may  
2521 include provisions in its policy allowing for subrogation for  
2522 medical payments coverage benefits paid if the expenses giving  
2523 rise to the payments were caused by the wrongful act or omission

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2524 of another who is not also an insured under the policy paying  
2525 the medical payments coverage benefits. However, this  
2526 subrogation right is inferior to the rights of the injured  
2527 insured and is available only after all the insured's damages  
2528 are recovered and the insured is made whole. An insured who  
2529 obtains a recovery from a third party of the full amount of the  
2530 damages sustained and delivers a release or satisfaction that  
2531 impairs a medical payments insurer's subrogation right is liable  
2532 to the insurer for repayment of medical payments coverage  
2533 benefits less any expenses of acquiring the recovery, including  
2534 a prorated share of attorney fees and costs, and shall hold that  
2535 net recovery in trust to be delivered to the medical payments  
2536 insurer. The insurer may not include any provision in its policy  
2537 allowing for subrogation for any death benefit paid.

2538 Section 46. Subsections (1) and (7) of section 627.727,  
2539 Florida Statutes, are amended to read:

2540 627.727 Motor vehicle insurance; uninsured and underinsured  
2541 vehicle coverage; insolvent insurer protection.—

2542 (1) A ~~No~~ motor vehicle liability insurance policy that  
2543 ~~which~~ provides bodily injury liability coverage may not shall be  
2544 delivered or issued for delivery in this state with respect to  
2545 any specifically insured or identified motor vehicle registered  
2546 or principally garaged in this state, unless uninsured motor  
2547 vehicle coverage is provided therein or supplemental thereto for  
2548 the protection of persons insured thereunder who are legally  
2549 entitled to recover damages from owners or operators of  
2550 uninsured motor vehicles because of bodily injury, sickness, or  
2551 disease, including death, resulting therefrom. However, the  
2552 coverage required under this section is not applicable if when,



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2553 or to the extent that, an insured named in the policy makes a  
2554 written rejection of the coverage on behalf of all insureds  
2555 under the policy. If ~~When~~ a motor vehicle is leased for a ~~period~~  
2556 ~~of~~ 1 year or longer and the lessor of such vehicle, by the terms  
2557 of the lease contract, provides liability coverage on the leased  
2558 vehicle, the lessee of such vehicle has ~~shall have~~ the sole  
2559 privilege to reject uninsured motorist coverage or to select  
2560 lower limits than the bodily injury liability limits, regardless  
2561 of whether the lessor is qualified as a self-insurer pursuant to  
2562 s. 324.171. Unless an insured, or a lessee having the privilege  
2563 of rejecting uninsured motorist coverage, requests such coverage  
2564 or requests higher uninsured motorist limits in writing, the  
2565 coverage or such higher uninsured motorist limits need not be  
2566 provided in or supplemental to any other policy that ~~which~~  
2567 renews, extends, changes, supersedes, or replaces an existing  
2568 policy with the same bodily injury liability limits when an  
2569 insured or lessee had rejected the coverage. When an insured or  
2570 lessee has initially selected limits of uninsured motorist  
2571 coverage lower than her or his bodily injury liability limits,  
2572 higher limits of uninsured motorist coverage need not be  
2573 provided in or supplemental to any other policy that ~~which~~  
2574 renews, extends, changes, supersedes, or replaces an existing  
2575 policy with the same bodily injury liability limits unless an  
2576 insured requests higher uninsured motorist coverage in writing.  
2577 The rejection or selection of lower limits must ~~shall~~ be made on  
2578 a form approved by the office. The form must ~~shall~~ fully advise  
2579 the applicant of the nature of the coverage and must ~~shall~~ state  
2580 that the coverage is equal to bodily injury liability limits  
2581 unless lower limits are requested or the coverage is rejected.

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2582 The heading of the form must ~~shall~~ be in 12-point bold type and  
 2583 must ~~shall~~ state: "You are electing not to purchase certain  
 2584 valuable coverage that ~~which~~ protects you and your family or you  
 2585 are purchasing uninsured motorist limits less than your bodily  
 2586 injury liability limits when you sign this form. Please read  
 2587 carefully." If this form is signed by a named insured, it will  
 2588 be conclusively presumed that there was an informed, knowing  
 2589 rejection of coverage or election of lower limits on behalf of  
 2590 all insureds. The insurer shall notify the named insured at  
 2591 least annually of her or his options as to the coverage required  
 2592 by this section. Such notice must ~~shall~~ be part of, and attached  
 2593 to, the notice of premium, must ~~shall~~ provide for a means to  
 2594 allow the insured to request such coverage, and must ~~shall~~ be  
 2595 given in a manner approved by the office. Receipt of this notice  
 2596 does not constitute an affirmative waiver of the insured's right  
 2597 to uninsured motorist coverage if ~~where~~ the insured has not  
 2598 signed a selection or rejection form. The coverage described  
 2599 under this section must ~~shall~~ be over and above, but may ~~shall~~  
 2600 not duplicate, the benefits available to an insured under any  
 2601 workers' compensation law, ~~personal injury protection benefits,~~  
 2602 disability benefits law, or similar law; under any automobile  
 2603 medical payments ~~expense~~ coverage; under any motor vehicle  
 2604 liability insurance coverage; or from the owner or operator of  
 2605 the uninsured motor vehicle or any other person or organization  
 2606 jointly or severally liable together with such owner or operator  
 2607 for the accident,~~†~~ and such coverage must ~~shall~~ cover the  
 2608 difference, if any, between the sum of such benefits and the  
 2609 damages sustained, up to the maximum amount of such coverage  
 2610 provided under this section. The amount of coverage available

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2611 under this section ~~may shall~~ not be reduced by a setoff against  
 2612 any coverage, including liability insurance. Such coverage does  
 2613 ~~shall~~ not inure directly or indirectly to the benefit of any  
 2614 workers' compensation or disability benefits carrier or any  
 2615 person or organization qualifying as a self-insurer under any  
 2616 workers' compensation or disability benefits law or similar law.

2617 (7) The legal liability of an uninsured motorist coverage  
 2618 insurer includes ~~does not include~~ damages in tort for pain,  
 2619 suffering, disability, physical impairment, disfigurement,  
 2620 mental anguish, ~~and inconvenience,~~ and the loss of capacity for  
 2621 the enjoyment of life experienced in the past and to be  
 2622 experienced in the future unless the injury or disease is  
 2623 described in one or more of paragraphs (a)-(d) of s. 627.737(2).

2624 Section 47. Section 627.7275, Florida Statutes, is amended  
 2625 to read:

2626 627.7275 Required coverages in motor vehicle insurance  
 2627 policies; availability to certain applicants liability.-

2628 (1) A motor vehicle insurance policy ~~providing personal~~  
 2629 ~~injury protection as set forth in s. 627.736~~ may not be  
 2630 delivered or issued for delivery in this state for a with  
 2631 ~~respect to any~~ specifically insured or identified motor vehicle  
 2632 registered or principally garaged in this state must provide  
 2633 bodily injury liability coverage and unless the policy also  
 2634 ~~provides coverage for~~ property damage liability coverage as  
 2635 required under ss. 324.022 and 324.151 and death benefit  
 2636 coverage as required under s. 627.72761 by s. 324.022.

2637 (2) (a) Insurers writing motor vehicle insurance in this  
 2638 state shall make available, subject to the insurers' usual  
 2639 underwriting restrictions:

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2640 1. Coverage under policies as described in subsection (1)  
2641 to an applicant for private passenger motor vehicle insurance  
2642 coverage who is seeking the coverage in order to reinstate the  
2643 applicant's driving privileges in this state if the driving  
2644 privileges were revoked or suspended pursuant to s. 316.646 or  
2645 s. 324.0221 due to the failure of the applicant to maintain  
2646 required security.

2647 2. Coverage under policies as described in subsection (1),  
2648 which includes bodily injury ~~also provides~~ liability coverage  
2649 and property damage liability coverage for bodily injury, death,  
2650 ~~and property damage arising out of the ownership, maintenance,~~  
2651 ~~or use of the motor vehicle~~ in an amount not less than the  
2652 minimum limits required under ~~described in~~ s. 324.021(7) or s.  
2653 324.023 and which conforms to the requirements of s. 324.151, to  
2654 an applicant for private passenger motor vehicle insurance  
2655 coverage who is seeking the coverage in order to reinstate the  
2656 applicant's driving privileges in this state after such  
2657 privileges were revoked or suspended under s. 316.193 or s.  
2658 322.26(2) for driving under the influence.

2659 (b) The policies described in paragraph (a) must ~~shall~~ be  
2660 issued for at least 6 months and, as to the minimum coverages  
2661 required under this section, may not be canceled by the insured  
2662 for any reason or by the insurer after 60 days, during which  
2663 period the insurer is completing the underwriting of the policy.  
2664 After the insurer has completed underwriting the policy, the  
2665 insurer shall notify the Department of Highway Safety and Motor  
2666 Vehicles that the policy is in full force and effect and is not  
2667 cancelable for the remainder of the policy period. A premium  
2668 must ~~shall~~ be collected and the coverage is in effect for the

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2669 60-day period during which the insurer is completing the  
2670 underwriting of the policy, whether or not the person's driver  
2671 license, motor vehicle tag, and motor vehicle registration are  
2672 in effect. Once the noncancelable provisions of the policy  
2673 become effective, the bodily injury liability and property  
2674 damage liability coverages ~~for bodily injury, property damage,~~  
2675 ~~and personal injury protection~~ may not be reduced below the  
2676 minimum limits required under s. 324.021 or s. 324.023 during  
2677 the policy period.

2678 (c) This subsection controls to the extent of any conflict  
2679 with any other section.

2680 (d) An insurer issuing a policy subject to this section may  
2681 cancel the policy if, during the policy term, the named insured,  
2682 or any other operator who resides in the same household or  
2683 customarily operates an automobile insured under the policy, has  
2684 his or her driver license suspended or revoked.

2685 (e) This subsection does not require an insurer to offer a  
2686 policy of insurance to an applicant if such offer would be  
2687 inconsistent with the insurer's underwriting guidelines and  
2688 procedures.

2689 Section 48. Section 627.72761, Florida Statutes, is created  
2690 to read:

2691 627.72761 Required motor vehicle death benefit coverage.—An  
2692 insurance policy complying with the financial responsibility  
2693 requirements of s. 324.022 must provide a death benefit of  
2694 \$5,000 for each deceased person upon the death of the named  
2695 insured, relatives residing in the same household, persons  
2696 operating the insured motor vehicle, passengers in the motor  
2697 vehicle, and other persons struck by the motor vehicle and

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2698 suffering bodily injury while not an occupant of a self-  
2699 propelled motor vehicle when such death arises out of the  
2700 ownership, maintenance, or use of a motor vehicle. The insurer  
2701 may pay death benefits to the executor or administrator of the  
2702 deceased person; to any of the deceased person's relatives by  
2703 blood, legal adoption, or marriage; or to any person appearing  
2704 to the insurer to be equitably entitled to such benefits. The  
2705 benefit may not be paid if the deceased person died as a result  
2706 of causing injury or death to himself or herself intentionally  
2707 or because of injuries or death incurred while committing a  
2708 felony.

2709 Section 49. Effective upon this act becoming a law, section  
2710 627.7278, Florida Statutes, is created to read:

2711 627.7278 Applicability and construction; notice to  
2712 policyholders.-

2713 (1) As used in this section, the term "minimum security  
2714 requirements" means security that enables a person to respond in  
2715 damages for liability on account of crashes arising out of the  
2716 ownership, maintenance, or use of a motor vehicle, in the  
2717 amounts required by s. 324.022.

2718 (2) Effective July 1, 2024:

2719 (a) Motor vehicle insurance policies issued or renewed on  
2720 or after July 1, 2024, may not include personal injury  
2721 protection.

2722 (b) All persons subject to s. 324.022, s. 324.032, s.  
2723 627.7415, or s. 627.742 must maintain at least minimum security  
2724 requirements.

2725 (c) Any new or renewal motor vehicle insurance policy  
2726 delivered or issued for delivery in this state must provide

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2727 coverage that complies with minimum security requirements and  
2728 provides the death benefit set forth in s. 627.72761.

2729 (d) An existing motor vehicle insurance policy issued  
2730 before July 1, 2024, which provides personal injury protection  
2731 and property damage liability coverage that meets the  
2732 requirements of s. 324.022 on June 30, 2024, but that does not  
2733 meet minimum security requirements on or after July 1, 2024, is  
2734 deemed to meet minimum security requirements until such policy  
2735 is renewed, nonrenewed, or canceled on or after July 1, 2024.  
2736 Sections 400.9905, 400.991, 456.057, 456.072, 626.9541(1)(i),  
2737 627.7263, 627.727, 627.730-627.7405, 627.748, and 817.234,  
2738 Florida Statutes 2022, remain in full force and effect for motor  
2739 vehicle accidents covered under a policy issued under the  
2740 Florida Motor Vehicle No-Fault Law before July 1, 2024, until  
2741 the policy is renewed, nonrenewed, or canceled on or after July  
2742 1, 2024.

2743 (3) Each insurer shall allow each insured who has a new or  
2744 renewal policy providing personal injury protection which  
2745 becomes effective before July 1, 2024, and whose policy does not  
2746 meet minimum security requirements on or after July 1, 2024, to  
2747 change coverages so as to eliminate personal injury protection  
2748 and obtain coverage providing minimum security requirements and  
2749 the death benefit set forth in s. 627.72761, which shall be  
2750 effective on or after July 1, 2024. The insurer is not required  
2751 to provide coverage complying with minimum security requirements  
2752 and the death benefit set forth in s. 627.72761 in such policies  
2753 if the insured does not pay the required premium, if any, by  
2754 July 1, 2024, or such later date as the insurer may allow. The  
2755 insurer shall also offer each insured medical payments coverage

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2756 under s. 627.7265. Any reduction in the premium must be refunded  
2757 by the insurer. The insurer may not impose on the insured an  
2758 additional fee or charge that applies solely to a change in  
2759 coverage; however, the insurer may charge an additional required  
2760 premium that is actuarially indicated.

2761 (4) By April 1, 2024, each motor vehicle insurer shall  
2762 provide notice of this section to each motor vehicle  
2763 policyholder who is subject to this section. The notice is  
2764 subject to approval by the office and must clearly inform the  
2765 policyholder that:

2766 (a) The Florida Motor Vehicle No-Fault Law is repealed  
2767 effective July 1, 2024, and that on or after that date, the  
2768 insured is no longer required to maintain personal injury  
2769 protection insurance coverage, that personal injury protection  
2770 coverage is no longer available for purchase in this state, and  
2771 that all new or renewal policies issued on or after that date  
2772 will not contain that coverage.

2773 (b) Effective July 1, 2024, a person subject to the  
2774 financial responsibility requirements of s. 324.022 must:

2775 1. Maintain minimum security requirements that enable the  
2776 person to respond to damages for liability on account of  
2777 accidents arising out of the use of a motor vehicle in the  
2778 following amounts:

2779 a. Twenty-five thousand dollars for bodily injury to, or  
2780 the death of, one person in any one crash and, subject to such  
2781 limits for one person, in the amount of \$50,000 for bodily  
2782 injury to, or the death of, two or more persons in any one  
2783 crash; and

2784 b. Ten thousand dollars for damage to, or destruction of,



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2785 the property of others in any one crash.

2786 2. Purchase a death benefit under s. 627.72761 providing  
2787 coverage in the amount of \$5,000 per deceased individual upon  
2788 the death of the named insured, relatives residing in the same  
2789 household, persons operating the insured motor vehicle,  
2790 passengers in the motor vehicle, and other persons struck by the  
2791 motor vehicle and suffering bodily injury while not an occupant  
2792 of a self-propelled motor vehicle, when such death arises out of  
2793 the ownership, maintenance, or use of a motor vehicle.

2794 (c) Bodily injury liability coverage protects the insured,  
2795 up to the coverage limits, against loss if the insured is  
2796 legally responsible for the death of or bodily injury to others  
2797 in a motor vehicle accident.

2798 (d) Effective July 1, 2024, each policyholder of motor  
2799 vehicle liability insurance purchased as proof of financial  
2800 responsibility must be offered medical payments coverage  
2801 benefits that comply with s. 627.7265. The insurer must offer  
2802 medical payments coverage at limits of \$5,000 and \$10,000  
2803 without a deductible. The insurer may also offer medical  
2804 payments coverage at other limits greater than \$5,000 and may  
2805 offer coverage with a deductible of up to \$500. Medical payments  
2806 coverage pays covered medical expenses incurred due to bodily  
2807 injury, sickness, or disease arising out of the ownership,  
2808 maintenance, or use of the motor vehicle, up to the limits of  
2809 such coverage, for injuries sustained in a motor vehicle crash  
2810 by the named insured, resident relatives, any persons operating  
2811 the insured motor vehicle, passengers in the insured motor  
2812 vehicle, and persons who are struck by the insured motor vehicle  
2813 and suffer bodily injury while not an occupant of a self-

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2814 propelled motor vehicle as provided in s. 627.7265.

2815 (e) The policyholder may obtain uninsured and underinsured  
2816 motorist coverage that provides benefits, up to the limits of  
2817 such coverage, to a policyholder or other insured entitled to  
2818 recover damages for bodily injury, sickness, disease, or death  
2819 resulting from a motor vehicle accident with an uninsured or  
2820 underinsured owner or operator of a motor vehicle.

2821 (f) If the policyholder's new or renewal motor vehicle  
2822 insurance policy is effective before July 1, 2024, and contains  
2823 personal injury protection and property damage liability  
2824 coverage as required by state law before July 1, 2024, but does  
2825 not meet minimum security requirements on or after July 1, 2024,  
2826 the policy is deemed to meet minimum security requirements and  
2827 need not provide the death benefit set forth in s. 627.72761  
2828 until it is renewed, nonrenewed, or canceled on or after July 1,  
2829 2024.

2830 (g) A policyholder whose new or renewal policy becomes  
2831 effective before July 1, 2024, but does not meet minimum  
2832 security requirements on or after July 1, 2024, may change  
2833 coverages under the policy so as to eliminate personal injury  
2834 protection and to obtain coverage providing minimum security  
2835 requirements, including bodily injury liability coverage and the  
2836 death benefit set forth in s. 627.72761, which are effective on  
2837 or after July 1, 2024.

2838 (h) If the policyholder has any questions, he or she should  
2839 contact the person named at the telephone number provided in the  
2840 notice.

2841 Section 50. Paragraph (a) of subsection (1) of section  
2842 627.728, Florida Statutes, is amended to read:

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2843 627.728 Cancellations; nonrenewals.—

2844 (1) As used in this section, the term:

2845 (a) "Policy" means the bodily injury and property damage  
2846 liability, ~~personal injury protection~~, medical payments, death  
2847 benefit, comprehensive, collision, and uninsured motorist  
2848 coverage portions of a policy of motor vehicle insurance  
2849 delivered or issued for delivery in this state:

2850 1. Insuring a natural person as named insured or one or  
2851 more related individuals who are residents ~~resident~~ of the same  
2852 household; and

2853 2. Insuring only a motor vehicle of the private passenger  
2854 type or station wagon type which is not used as a public or  
2855 livery conveyance for passengers or rented to others; or  
2856 insuring any other four-wheel motor vehicle having a load  
2857 capacity of 1,500 pounds or less which is not used in the  
2858 occupation, profession, or business of the insured other than  
2859 farming; other than any policy issued under an automobile  
2860 insurance assigned risk plan or covering garage, automobile  
2861 sales agency, repair shop, service station, or public parking  
2862 place operation hazards.

2863  
2864 The term "policy" does not include a binder as defined in s.  
2865 627.420 unless the duration of the binder period exceeds 60  
2866 days.

2867 Section 51. Subsection (1), paragraph (a) of subsection  
2868 (5), and subsections (6) and (7) of section 627.7295, Florida  
2869 Statutes, are amended to read:

2870 627.7295 Motor vehicle insurance contracts.—

2871 (1) As used in this section, the term:

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2872 (a) "Policy" means a motor vehicle insurance policy that  
2873 provides death benefit coverage under s. 627.72761, bodily  
2874 injury liability ~~personal injury protection~~ coverage, and  
2875 property damage liability coverage, ~~or both~~.

2876 (b) "Binder" means a binder that provides motor vehicle  
2877 death benefit coverage under s. 627.72761, bodily injury  
2878 liability coverage, ~~personal injury protection~~ and property  
2879 damage liability coverage.

2880 (5) (a) A licensed general lines agent may charge a per-  
2881 policy fee of up to not to exceed \$10 to cover the  
2882 administrative costs of the agent associated with selling the  
2883 motor vehicle insurance policy if the policy provides covers  
2884 only the death benefit coverage under s. 627.72761, bodily  
2885 injury liability coverage, ~~personal injury protection coverage~~  
2886 ~~as provided by s. 627.736~~ and property damage liability coverage  
2887 under as provided by s. 627.7275 and if no other insurance is  
2888 sold or issued in conjunction with or collateral to the policy.  
2889 The fee is not ~~considered~~ part of the premium.

2890 (6) If a motor vehicle owner's driver license, license  
2891 plate, and registration have previously been suspended pursuant  
2892 to s. 316.646 ~~or s. 627.733,~~ an insurer may cancel a new policy  
2893 only as provided in s. 627.7275.

2894 (7) A policy of private passenger motor vehicle insurance  
2895 or a binder for such a policy may be initially issued in this  
2896 state only if, before the effective date of such binder or  
2897 policy, the insurer or agent has collected from the insured an  
2898 amount equal to at least 1 month's premium. An insurer, agent,  
2899 or premium finance company may not, directly or indirectly, take  
2900 any action that results ~~resulting~~ in the insured paying ~~having~~

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2901 ~~paid~~ from the insured's own funds an amount less than the 1  
2902 month's premium required by this subsection. This subsection  
2903 applies without regard to whether the premium is financed by a  
2904 premium finance company or is paid pursuant to a periodic  
2905 payment plan of an insurer or an insurance agent.

2906 (a) This subsection does not apply:

2907 1. If an insured or member of the insured's family is  
2908 renewing or replacing a policy or a binder for such policy  
2909 written by the same insurer or a member of the same insurer  
2910 group. ~~This subsection does not apply~~

2911 2. To an insurer that issues private passenger motor  
2912 vehicle coverage primarily to active duty or former military  
2913 personnel or their dependents. ~~This subsection does not apply~~

2914 3. If all policy payments are paid pursuant to a payroll  
2915 deduction plan, an automatic electronic funds transfer payment  
2916 plan from the policyholder, or a recurring credit card or debit  
2917 card agreement with the insurer.

2918 (b) This subsection and subsection (4) do not apply if:

2919 1. All policy payments to an insurer are paid pursuant to  
2920 an automatic electronic funds transfer payment plan from an  
2921 agent, a managing general agent, or a premium finance company  
2922 and if the policy includes, at a minimum, the death benefit  
2923 coverage under s. 627.72761, bodily injury liability coverage,  
2924 and personal injury protection pursuant to ss. 627.730-627.7405;  
2925 motor vehicle property damage liability coverage under pursuant  
2926 to s. 627.7275; or and bodily injury liability in at least the  
2927 amount of \$10,000 because of bodily injury to, or death of, one  
2928 person in any one accident and in the amount of \$20,000 because  
2929 of bodily injury to, or death of, two or more persons in any one

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2930 ~~accident. This subsection and subsection (4) do not apply if~~

2931 2. An insured has had a policy in effect for at least 6  
2932 months, the insured's agent is terminated by the insurer that  
2933 issued the policy, and the insured obtains coverage on the  
2934 policy's renewal date with a new company through the terminated  
2935 agent.

2936 Section 52. Section 627.7415, Florida Statutes, is amended  
2937 to read:

2938 627.7415 Commercial motor vehicles; additional liability  
2939 insurance coverage.—Beginning July 1, 2024, commercial motor  
2940 vehicles, as defined in s. 207.002 or s. 320.01, operated upon  
2941 the roads and highways of this state must ~~shall~~ be insured with  
2942 the following minimum levels of combined bodily liability  
2943 insurance and property damage liability insurance in addition to  
2944 any other insurance requirements:

2945 (1) Sixty ~~Fifty~~ thousand dollars per occurrence for a  
2946 commercial motor vehicle with a gross vehicle weight of 26,000  
2947 pounds or more, but less than 35,000 pounds.

2948 (2) One hundred twenty thousand dollars per occurrence for  
2949 a commercial motor vehicle with a gross vehicle weight of 35,000  
2950 pounds or more, but less than 44,000 pounds.

2951 (3) Three hundred thousand dollars per occurrence for a  
2952 commercial motor vehicle with a gross vehicle weight of 44,000  
2953 pounds or more.

2954 (4) All commercial motor vehicles subject to regulations of  
2955 the United States Department of Transportation, 49 C.F.R. part  
2956 387, subparts A and B, and as may be hereinafter amended, shall  
2957 be insured in an amount equivalent to the minimum levels of  
2958 financial responsibility as set forth in such regulations.

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

Section 53. Subsections (1) and (3) of section 627.747, Florida Statutes, are amended to read:

627.747 Named driver exclusion.—

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

~~(a) Notwithstanding the Florida Motor Vehicle No-Fault Law, the personal injury protection coverage specifically applicable to the identified individual's injuries, lost wages, and death benefits.~~

~~(b)~~ Property damage liability coverage.

~~(b)(e)~~ Bodily injury liability coverage, if required by law and purchased by the named insured.

~~(c)(d)~~ Uninsured motorist coverage for any damages sustained by the identified excluded individual, if the named insured has purchased such coverage.

~~(d)(e)~~ Any coverage the named insured is not required by law to purchase.

(3) A driver excluded pursuant to this section must:

~~(a)~~ establish, maintain, and show proof of financial ability to respond for damages arising out of the ownership, maintenance, or use of a motor vehicle as required by chapter 324; and

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2988 ~~(b) Maintain security as required by s. 627.733.~~

2989 Section 54. Paragraphs (b), (c), and (g) of subsection (7),

2990 paragraphs (a) and (b) of subsection (8), and paragraph (b) of

2991 subsection (16) of section 627.748, Florida Statutes, are

2992 amended to read:

2993 627.748 Transportation network companies.—

2994 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE

2995 REQUIREMENTS.—

2996 (b) The following automobile insurance requirements apply

2997 while a participating TNC driver is logged on to the digital

2998 network but is not engaged in a prearranged ride:

2999 1. Automobile insurance that provides:

3000 a. A primary automobile liability coverage of at least

3001 \$50,000 for death and bodily injury per person, \$100,000 for

3002 death and bodily injury per incident, and \$25,000 for property

3003 damage; and

3004 ~~b. Personal injury protection benefits that meet the~~

3005 ~~minimum coverage amounts required under ss. 627.730-627.7405;~~

3006 ~~and~~

3007 ~~e.~~ Uninsured and underinsured vehicle coverage as required

3008 by s. 627.727.

3009 2. The coverage requirements of this paragraph may be

3010 satisfied by any of the following:

3011 a. Automobile insurance maintained by the TNC driver or the

3012 TNC vehicle owner;

3013 b. Automobile insurance maintained by the TNC; or

3014 c. A combination of sub-subparagraphs a. and b.

3015 (c) The following automobile insurance requirements apply

3016 while a TNC driver is engaged in a prearranged ride:



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- 3017 1. Automobile insurance that provides:
- 3018 a. A primary automobile liability coverage of at least \$1
- 3019 million for death, bodily injury, and property damage; and
- 3020 ~~b. Personal injury protection benefits that meet the~~
- 3021 ~~minimum coverage amounts required of a limousine under ss.~~
- 3022 ~~627.730-627.7405; and~~
- 3023 ~~e.~~ Uninsured and underinsured vehicle coverage as required
- 3024 by s. 627.727.
- 3025 2. The coverage requirements of this paragraph may be
- 3026 satisfied by any of the following:
- 3027 a. Automobile insurance maintained by the TNC driver or the
- 3028 TNC vehicle owner;
- 3029 b. Automobile insurance maintained by the TNC; or
- 3030 c. A combination of sub-subparagraphs a. and b.
- 3031 (g) Insurance satisfying the requirements under this
- 3032 subsection is deemed to satisfy the financial responsibility
- 3033 requirement for a motor vehicle under chapter 324 ~~and the~~
- 3034 ~~security required under s. 627.733~~ for any period when the TNC
- 3035 driver is logged onto the digital network or engaged in a
- 3036 prearranged ride.
- 3037 (8) TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE;
- 3038 EXCLUSIONS.—
- 3039 (a) Before a TNC driver is allowed to accept a request for
- 3040 a prearranged ride on the digital network, the TNC must disclose
- 3041 in writing to the TNC driver:
- 3042 1. The insurance coverage, including the types of coverage
- 3043 and the limits for each coverage, which the TNC provides while
- 3044 the TNC driver uses a TNC vehicle in connection with the TNC's
- 3045 digital network.

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3046           2. That the TNC driver's own automobile insurance policy  
3047 might not provide any coverage while the TNC driver is logged on  
3048 to the digital network or is engaged in a prearranged ride,  
3049 depending on the terms of the TNC driver's own automobile  
3050 insurance policy.

3051           3. That the provision of rides for compensation which are  
3052 not prearranged rides subjects the driver to the coverage  
3053 requirements imposed under s. 324.032(1) and (2) and that  
3054 failure to meet such coverage requirements subjects the TNC  
3055 driver to penalties provided in s. 324.221, up to and including  
3056 a misdemeanor of the second degree.

3057           (b)1. An insurer that provides an automobile liability  
3058 insurance policy under this part may exclude any and all  
3059 coverage afforded under the policy issued to an owner or  
3060 operator of a TNC vehicle while driving that vehicle for any  
3061 loss or injury that occurs while a TNC driver is logged on to a  
3062 digital network or while a TNC driver provides a prearranged  
3063 ride. Exclusions imposed under this subsection are limited to  
3064 coverage while a TNC driver is logged on to a digital network or  
3065 while a TNC driver provides a prearranged ride. This right to  
3066 exclude all coverage may apply to any coverage included in an  
3067 automobile insurance policy, including, but not limited to:

- 3068           a. Liability coverage for bodily injury and property  
3069 damage;
- 3070           b. Uninsured and underinsured motorist coverage;
- 3071           c. Medical payments coverage;
- 3072           d. Comprehensive physical damage coverage;
- 3073           e. Collision physical damage coverage; and
- 3074           f. Death benefit coverage under s. 627.72761 ~~Personal~~

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3075 ~~injury protection.~~

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

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

3092       4. This section does not preclude an insurer from providing  
3093 primary or excess coverage for the TNC driver's vehicle by  
3094 contract or endorsement.

3095       (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

3096       (b) An entity may elect, upon written notification to the  
3097 department, to be regulated as a luxury ground TNC. A luxury  
3098 ground TNC must:

3099       1. Comply with all of the requirements of this section  
3100 applicable to a TNC, including subsection (17), which do not  
3101 conflict with subparagraph 2. or which do not prohibit the  
3102 company from connecting riders to drivers who operate for-hire  
3103 vehicles as defined in s. 320.01(15), including limousines and

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3104 luxury sedans and excluding taxicabs.

3105       2. Maintain insurance coverage as required by subsection  
3106 (7). However, if a prospective luxury ground TNC satisfies  
3107 minimum financial responsibility through compliance with s.  
3108 324.032(3) ~~s. 324.032(2)~~ by using self-insurance when it gives  
3109 the department written notification of its election to be  
3110 regulated as a luxury ground TNC, the luxury ground TNC may use  
3111 self-insurance to meet the insurance requirements of subsection  
3112 (7), so long as such self-insurance complies with s. 324.032(3)  
3113 ~~s. 324.032(2)~~ and provides the limits of liability required by  
3114 subsection (7).

3115       Section 55. Subsection (2) and paragraphs (a) and (c) of  
3116 subsection (3) of section 627.7483, Florida Statutes, are  
3117 amended to read:

3118       627.7483 Peer-to-peer car sharing; insurance requirements.-

3119       (2) INSURANCE COVERAGE REQUIREMENTS.-

3120       (a)1. A peer-to-peer car-sharing program shall ensure that,  
3121 during each car-sharing period, the shared vehicle owner and the  
3122 shared vehicle driver are insured under a motor vehicle  
3123 insurance policy that provides all of the following:

3124       a. Property damage liability coverage and bodily injury  
3125 liability coverage that meet or exceed ~~meets~~ the minimum  
3126 coverage amounts required under s. 324.022.

3127       b. ~~Bodily injury liability coverage limits as described in~~  
3128 ~~s. 324.021(7)(a) and (b).~~

3129       c. ~~Personal injury protection benefits that meet the~~  
3130 ~~minimum coverage amounts required under s. 627.736.~~

3131       d. ~~Uninsured and underinsured vehicle coverage as required~~  
3132 under s. 627.727.

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3133           2. The peer-to-peer car-sharing program shall also ensure  
3134 that the motor vehicle insurance policy under subparagraph 1.:

3135           a. Recognizes that the shared vehicle insured under the  
3136 policy is made available and used through a peer-to-peer car-  
3137 sharing program; or

3138           b. Does not exclude the use of a shared vehicle by a shared  
3139 vehicle driver.

3140           (b)1. The insurance described under paragraph (a) may be  
3141 satisfied by a motor vehicle insurance policy maintained by:

3142           a. A shared vehicle owner;

3143           b. A shared vehicle driver;

3144           c. A peer-to-peer car-sharing program; or

3145           d. A combination of a shared vehicle owner, a shared  
3146 vehicle driver, and a peer-to-peer car-sharing program.

3147           2. The insurance policy maintained in subparagraph 1. which  
3148 satisfies the insurance requirements under paragraph (a) is  
3149 primary during each car-sharing period. If a claim occurs during  
3150 the car-sharing period in another state with minimum financial  
3151 responsibility limits higher than those limits required under  
3152 chapter 324, the coverage maintained under paragraph (a)  
3153 satisfies the difference in minimum coverage amounts up to the  
3154 applicable policy limits.

3155           3.a. If the insurance maintained by a shared vehicle owner  
3156 or shared vehicle driver in accordance with subparagraph 1. has  
3157 lapsed or does not provide the coverage required under paragraph  
3158 (a), the insurance maintained by the peer-to-peer car-sharing  
3159 program must provide the coverage required under paragraph (a),  
3160 beginning with the first dollar of a claim, and must defend such  
3161 claim, except under circumstances as set forth in subparagraph

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3162 (3) (a) 2.

3163 b. Coverage under a motor vehicle insurance policy  
3164 maintained by the peer-to-peer car-sharing program must not be  
3165 dependent on another motor vehicle insurer first denying a  
3166 claim, and another motor vehicle insurance policy is not  
3167 required to first deny a claim.

3168 c. Notwithstanding any other law, statute, rule, or  
3169 regulation to the contrary, a peer-to-peer car-sharing program  
3170 has an insurable interest in a shared vehicle during the car-  
3171 sharing period. This sub-subparagraph does not create liability  
3172 for a peer-to-peer car-sharing program for maintaining the  
3173 coverage required under paragraph (a) and under this paragraph,  
3174 if applicable.

3175 d. A peer-to-peer car-sharing program may own and maintain  
3176 as the named insured one or more policies of motor vehicle  
3177 insurance which provide coverage for:

3178 (I) Liabilities assumed by the peer-to-peer car-sharing  
3179 program under a peer-to-peer car-sharing program agreement;

3180 (II) Liability of the shared vehicle owner;

3181 (III) Liability of the shared vehicle driver;

3182 (IV) Damage or loss to the shared motor vehicle; or

3183 (V) Damage, loss, or injury to persons or property to  
3184 satisfy the ~~personal injury protection and~~ uninsured and  
3185 underinsured motorist coverage requirements of this section.

3186 e. Insurance required under paragraph (a), when maintained  
3187 by a peer-to-peer car-sharing program, may be provided by an  
3188 insurer authorized to do business in this state which is a  
3189 member of the Florida Insurance Guaranty Association or an  
3190 eligible surplus lines insurer that has a superior, excellent,

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3191 exceptional, or equivalent financial strength rating by a rating  
3192 agency acceptable to the office. A peer-to-peer car-sharing  
3193 program is not transacting in insurance when it maintains the  
3194 insurance required under this section.

3195 (3) LIABILITIES AND INSURANCE EXCLUSIONS.—

3196 (a) *Liability*.—

3197 1. A peer-to-peer car-sharing program shall assume  
3198 liability, except as provided in subparagraph 2., of a shared  
3199 vehicle owner for bodily injury or property damage to third  
3200 parties or uninsured and underinsured motorist ~~or personal~~  
3201 ~~injury protection~~ losses during the car-sharing period in an  
3202 amount stated in the peer-to-peer car-sharing program agreement,  
3203 which amount may not be less than those set forth in ss. 324.022  
3204 and ss. 324.021(7)(a) and (b), ~~324.022, 627.727, and 627.736,~~  
3205 respectively.

3206 2. The assumption of liability under subparagraph 1. does  
3207 not apply if a shared vehicle owner:

3208 a. Makes an intentional or fraudulent material  
3209 misrepresentation or omission to the peer-to-peer car-sharing  
3210 program before the car-sharing period in which the loss occurs;  
3211 or

3212 b. Acts in concert with a shared vehicle driver who fails  
3213 to return the shared vehicle pursuant to the terms of the peer-  
3214 to-peer car-sharing program agreement.

3215 3. The insurer, insurers, or peer-to-peer car-sharing  
3216 program providing coverage under paragraph (2)(a) shall assume  
3217 primary liability for a claim when:

3218 a. A dispute exists over who was in control of the shared  
3219 motor vehicle at the time of the loss, and the peer-to-peer car-

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3220 sharing program does not have available, did not retain, or  
 3221 fails to provide the information required under subsection (5);  
 3222 or

3223 b. A dispute exists over whether the shared vehicle was  
 3224 returned to the alternatively agreed-upon location as required  
 3225 under subparagraph (1) (d)2.

3226 (c) *Exclusions in motor vehicle insurance policies.*—An  
 3227 authorized insurer that writes motor vehicle liability insurance  
 3228 in this state may exclude any coverage and the duty to defend or  
 3229 indemnify for any claim under a shared vehicle owner's motor  
 3230 vehicle insurance policy, including, but not limited to:

3231 1. Liability coverage for bodily injury and property  
 3232 damage;

3233 2. ~~Personal injury protection coverage;~~

3234 3. ~~Uninsured and underinsured motorist coverage;~~

3235 3.4. Medical payments coverage;

3236 4.5. Comprehensive physical damage coverage; and

3237 5.6. Collision physical damage coverage.

3238  
 3239 This paragraph does not invalidate or limit any exclusion  
 3240 contained in a motor vehicle insurance policy, including any  
 3241 insurance policy in use or approved for use which excludes  
 3242 coverage for motor vehicles made available for rent, sharing, or  
 3243 hire or for any business use. This paragraph does not  
 3244 invalidate, limit, or restrict an insurer's ability under  
 3245 existing law to underwrite, cancel, or nonrenew any insurance  
 3246 policy.

3247 Section 56. Paragraph (a) of subsection (2) of section  
 3248 627.749, Florida Statutes, is amended to read:



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3249 627.749 Autonomous vehicles; insurance requirements.—

3250 (2) INSURANCE REQUIREMENTS.—

3251 (a) A fully autonomous vehicle with the automated driving  
3252 system engaged while logged on to an on-demand autonomous  
3253 vehicle network or engaged in a prearranged ride must be covered  
3254 by a policy of automobile insurance which provides:

3255 1. Primary liability coverage of at least \$1 million for  
3256 death, bodily injury, and property damage.

3257 2. ~~Personal injury protection benefits that meet the~~  
3258 ~~minimum coverage amounts required under ss. 627.730-627.7405.~~

3259 3. ~~Uninsured and underinsured vehicle coverage as required~~  
3260 ~~by s. 627.727.~~

3261 Section 57. Section 627.8405, Florida Statutes, is amended  
3262 to read:

3263 627.8405 Prohibited acts; financing companies.—~~A~~ No premium  
3264 finance company ~~shall~~, in a premium finance agreement or other  
3265 agreement, may not finance the cost of or otherwise provide for  
3266 the collection or remittance of dues, assessments, fees, or  
3267 other periodic payments of money for the cost of:

3268 (1) A membership in an automobile club. The term  
3269 "automobile club" means a legal entity that ~~which~~, in  
3270 consideration of dues, assessments, or periodic payments of  
3271 money, promises its members or subscribers to assist them in  
3272 matters relating to the ownership, operation, use, or  
3273 maintenance of a motor vehicle; however, the term ~~this~~  
3274 ~~definition of "automobile club"~~ does not include persons,  
3275 associations, or corporations ~~which are~~ organized and operated  
3276 solely for the purpose of conducting, sponsoring, or sanctioning  
3277 motor vehicle races, exhibitions, or contests upon racetracks,

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3278 or upon racecourses established and marked as such for the  
3279 duration of such particular events. As used in this subsection,  
3280 the term ~~words~~ "motor vehicle" has ~~used herein~~ have the same  
3281 meaning as ~~defined~~ in chapter 320.

3282 (2) An accidental death and dismemberment policy sold in  
3283 combination with a policy providing only death benefit coverage  
3284 under s. 627.72761, bodily injury liability coverage, ~~personal~~  
3285 injury protection and property damage liability coverage ~~only~~  
3286 ~~policy~~.

3287 (3) Any product not regulated under ~~the provisions of this~~  
3288 insurance code.

3289  
3290 This section also applies to premium financing by any insurance  
3291 agent or insurance company under part XVI. The commission shall  
3292 adopt rules to assure disclosure, at the time of sale, of  
3293 coverages financed ~~with personal injury protection~~ and shall  
3294 prescribe the form of such disclosure.

3295 Section 58. Subsection (1) of section 627.915, Florida  
3296 Statutes, is amended to read:

3297 627.915 Insurer experience reporting.-

3298 (1) Each insurer transacting private passenger motor  
3299 vehicle ~~automobile~~ insurance in this state shall report certain  
3300 information annually to the office. The information will be due  
3301 on or before July 1 of each year. The information must ~~shall~~ be  
3302 divided into the following categories: bodily injury liability;  
3303 property damage liability; uninsured motorist; death benefit  
3304 coverage under s. 627.72761 ~~personal injury protection benefits;~~  
3305 medical payments; and comprehensive and collision. The  
3306 information given must ~~shall~~ be on direct insurance writings in

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3307 the state alone and ~~shall~~ represent total limits data. The  
3308 information set forth in paragraphs (a)-(f) is applicable to  
3309 voluntary private passenger and Joint Underwriting Association  
3310 private passenger writings and must ~~shall~~ be reported for each  
3311 of the latest 3 calendar-accident years, with an evaluation date  
3312 of March 31 of the current year. The information set forth in  
3313 paragraphs (g)-(j) is applicable to voluntary private passenger  
3314 writings and must ~~shall~~ be reported on a calendar-accident year  
3315 basis ultimately seven times at seven different stages of  
3316 development.

3317 (a) Premiums earned for the latest 3 calendar-accident  
3318 years.

3319 (b) Loss development factors and the historic development  
3320 of those factors.

3321 (c) Policyholder dividends incurred.

3322 (d) Expenses for other acquisition and general expense.

3323 (e) Expenses for agents' commissions and taxes, licenses,  
3324 and fees.

3325 (f) Profit and contingency factors as utilized in the  
3326 insurer's automobile rate filings for the applicable years.

3327 (g) Losses paid.

3328 (h) Losses unpaid.

3329 (i) Loss adjustment expenses paid.

3330 (j) Loss adjustment expenses unpaid.

3331 Section 59. Subsections (2) and (3) of section 628.909,  
3332 Florida Statutes, are amended to read:

3333 628.909 Applicability of other laws.—

3334 (2) The following provisions of the Florida Insurance Code  
3335 apply to captive insurance companies that ~~who~~ are not industrial

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3336 insured captive insurance companies to the extent that such  
3337 provisions are not inconsistent with this part:

3338 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
3339 624.40851, 624.4095, 624.411, 624.425, and 624.426.

3340 (b) Chapter 625, part II.

3341 (c) Chapter 626, part IX.

3342 (d) ~~Sections 627.730-627.7405, when no-fault coverage is~~  
3343 ~~provided.~~

3344 ~~(e) Chapter 628.~~

3345 (3) The following provisions of the Florida Insurance Code  
3346 ~~shall~~ apply to industrial insured captive insurance companies to  
3347 the extent that such provisions are not inconsistent with this  
3348 part:

3349 (a) Chapter 624, except for ss. 624.407, 624.408, 624.4085,  
3350 624.40851, 624.4095, 624.411, 624.425, 624.426, and 624.609(1).

3351 (b) Chapter 625, part II, if the industrial insured captive  
3352 insurance company is incorporated in this state.

3353 (c) Chapter 626, part IX.

3354 (d) ~~Sections 627.730-627.7405 when no-fault coverage is~~  
3355 ~~provided.~~

3356 ~~(e) Chapter 628, except for ss. 628.341, 628.351, and~~  
3357 ~~628.6018.~~

3358 Section 60. Subsections (2), (6), and (7) of section  
3359 705.184, Florida Statutes, are amended to read:

3360 705.184 Derelict or abandoned motor vehicles on the  
3361 premises of public-use airports.—

3362 (2) The airport director or the director's designee shall  
3363 contact the Department of Highway Safety and Motor Vehicles to  
3364 notify that department that the airport has possession of the

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3365 abandoned or derelict motor vehicle and to determine the name  
3366 and address of the owner of the motor vehicle, the insurance  
3367 company insuring the motor vehicle, ~~notwithstanding the~~  
3368 ~~provisions of s. 627.736,~~ and any person who has filed a lien on  
3369 the motor vehicle. Within 7 business days after receipt of the  
3370 information, the director or the director's designee shall send  
3371 notice by certified mail, return receipt requested, to the owner  
3372 of the motor vehicle, the insurance company insuring the motor  
3373 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
3374 persons of record claiming a lien against the motor vehicle. The  
3375 notice must ~~shall~~ state the fact of possession of the motor  
3376 vehicle, that charges for reasonable towing, storage, and  
3377 parking fees, if any, have accrued and the amount thereof, that  
3378 a lien as provided in subsection (6) will be claimed, that the  
3379 lien is subject to enforcement pursuant to law, that the owner  
3380 or lienholder, if any, has the right to a hearing as set forth  
3381 in subsection (4), and that any motor vehicle which, at the end  
3382 of 30 calendar days after receipt of the notice, has not been  
3383 removed from the airport upon payment in full of all accrued  
3384 charges for reasonable towing, storage, and parking fees, if  
3385 any, may be disposed of as provided in s. 705.182(2)(a), (b),  
3386 (d), or (e), including, but not limited to, the motor vehicle  
3387 being sold free of all prior liens after 35 calendar days after  
3388 the time the motor vehicle is stored if any prior liens on the  
3389 motor vehicle are more than 5 years of age or after 50 calendar  
3390 days after the time the motor vehicle is stored if any prior  
3391 liens on the motor vehicle are 5 years of age or less.

3392 (6) The airport pursuant to this section or, if used, a  
3393 licensed independent wrecker company pursuant to s. 713.78 shall

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3394 have a lien on an abandoned or derelict motor vehicle for all  
3395 reasonable towing, storage, and accrued parking fees, if any,  
3396 except that no storage fee may ~~shall~~ be charged if the motor  
3397 vehicle is stored less than 6 hours. As a prerequisite to  
3398 perfecting a lien under this section, the airport director or  
3399 the director's designee must serve a notice in accordance with  
3400 subsection (2) on the owner of the motor vehicle, the insurance  
3401 company insuring the motor vehicle, ~~notwithstanding the~~  
3402 ~~provisions of s. 627.736,~~ and all persons of record claiming a  
3403 lien against the motor vehicle. If attempts to notify the owner,  
3404 the insurance company insuring the motor vehicle,  
3405 ~~notwithstanding the provisions of s. 627.736,~~ or lienholders are  
3406 not successful, the requirement of notice by mail shall be  
3407 considered met. Serving of the notice does not dispense with  
3408 recording the claim of lien.

3409 (7) (a) For the purpose of perfecting its lien under this  
3410 section, the airport shall record a claim of lien which states  
3411 ~~shall state:~~

3412 1. The name and address of the airport.

3413 2. The name of the owner of the motor vehicle, the  
3414 insurance company insuring the motor vehicle, ~~notwithstanding~~  
3415 ~~the provisions of s. 627.736,~~ and all persons of record claiming  
3416 a lien against the motor vehicle.

3417 3. The costs incurred from reasonable towing, storage, and  
3418 parking fees, if any.

3419 4. A description of the motor vehicle sufficient for  
3420 identification.

3421 (b) The claim of lien must ~~shall~~ be signed and sworn to or  
3422 affirmed by the airport director or the director's designee.

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3423 (c) The claim of lien is ~~shall be~~ sufficient if it is in  
 3424 substantially the following form:

3425

3426 CLAIM OF LIEN

3427 State of .....

3428 County of .....

3429 Before me, the undersigned notary public, personally appeared  
 3430 ....., who was duly sworn and says that he/she is the  
 3431 ..... of ....., whose address is.....; and that the  
 3432 following described motor vehicle:

3433 ...(Description of motor vehicle)...

3434 owned by ....., whose address is ....., has accrued  
 3435 \$..... in fees for a reasonable tow, for storage, and for  
 3436 parking, if applicable; that the lienor served its notice to the  
 3437 owner, the insurance company insuring the motor vehicle  
 3438 ~~notwithstanding the provisions of s. 627.736, Florida Statutes,~~  
 3439 and all persons of record claiming a lien against the motor  
 3440 vehicle on ....., ...(year)...., by.....

3441 ...(Signature)...

3442 Sworn to (or affirmed) and subscribed before me this .... day of  
 3443 ....., ...(year)...., by ...(name of person making statement)....

3444 ...(Signature of Notary Public)... ...(Print, Type, or Stamp  
 3445 Commissioned name of Notary Public)...

3446 Personally Known....OR Produced....as identification.

3447

3448 However, the negligent inclusion or omission of any information  
 3449 in this claim of lien which does not prejudice the owner does  
 3450 not constitute a default that operates to defeat an otherwise  
 3451 valid lien.

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3452 (d) The claim of lien must ~~shall~~ be served on the owner of  
3453 the motor vehicle, the insurance company insuring the motor  
3454 vehicle, ~~notwithstanding the provisions of s. 627.736,~~ and all  
3455 persons of record claiming a lien against the motor vehicle. If  
3456 attempts to notify the owner, the insurance company insuring the  
3457 motor vehicle ~~notwithstanding the provisions of s. 627.736,~~ or  
3458 lienholders are not successful, the requirement of notice by  
3459 mail is ~~shall be~~ considered met. The claim of lien must ~~shall~~ be  
3460 so served before recordation.

3461 (e) The claim of lien must ~~shall~~ be recorded with the clerk  
3462 of court in the county where the airport is located. The  
3463 recording of the claim of lien shall be constructive notice to  
3464 all persons of the contents and effect of such claim. The lien  
3465 attaches ~~shall attach~~ at the time of recordation and takes ~~shall~~  
3466 ~~take~~ priority as of that time.

3467 Section 61. Paragraphs (a), (b), and (c) of subsection (4)  
3468 of section 713.78, Florida Statutes, are amended to read:

3469 713.78 Liens for recovering, towing, or storing vehicles  
3470 and vessels.—

3471 (4) (a) A person regularly engaged in the business of  
3472 recovering, towing, or storing vehicles or vessels who comes  
3473 into possession of a vehicle or vessel pursuant to subsection  
3474 (2), and who claims a lien for recovery, towing, or storage  
3475 services, shall give notice, by certified mail, to the  
3476 registered owner, the insurance company insuring the vehicle  
3477 ~~notwithstanding s. 627.736,~~ and all persons claiming a lien  
3478 thereon, as disclosed by the records in the Department of  
3479 Highway Safety and Motor Vehicles or as disclosed by the records  
3480 of any corresponding agency in any other state in which the



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3481 vehicle is identified through a records check of the National  
3482 Motor Vehicle Title Information System or an equivalent  
3483 commercially available system as being titled or registered.

3484 (b) Whenever a law enforcement agency authorizes the  
3485 removal of a vehicle or vessel or whenever a towing service,  
3486 garage, repair shop, or automotive service, storage, or parking  
3487 place notifies the law enforcement agency of possession of a  
3488 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
3489 enforcement agency of the jurisdiction where the vehicle or  
3490 vessel is stored shall contact the Department of Highway Safety  
3491 and Motor Vehicles, or the appropriate agency of the state of  
3492 registration, if known, within 24 hours through the medium of  
3493 electronic communications, giving the full description of the  
3494 vehicle or vessel. Upon receipt of the full description of the  
3495 vehicle or vessel, the department shall search its files to  
3496 determine the owner's name, the insurance company insuring the  
3497 vehicle or vessel, and whether any person has filed a lien upon  
3498 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
3499 notify the applicable law enforcement agency within 72 hours.  
3500 The person in charge of the towing service, garage, repair shop,  
3501 or automotive service, storage, or parking place shall obtain  
3502 such information from the applicable law enforcement agency  
3503 within 5 days after the date of storage and shall give notice  
3504 pursuant to paragraph (a). The department may release the  
3505 insurance company information to the requestor ~~notwithstanding~~  
3506 ~~s. 627.736.~~

3507 (c) The notice of lien must be sent by certified mail to  
3508 the registered owner, the insurance company insuring the vehicle  
3509 ~~notwithstanding s. 627.736,~~ and all other persons claiming a

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3510 lien thereon within 7 business days, excluding Saturday and  
3511 Sunday, after the date of storage of the vehicle or vessel.  
3512 However, in no event shall the notice of lien be sent less than  
3513 30 days before the sale of the vehicle or vessel. The notice  
3514 must state:

3515 1. If the claim of lien is for a vehicle, the last 8 digits  
3516 of the vehicle identification number of the vehicle subject to  
3517 the lien, or, if the claim of lien is for a vessel, the hull  
3518 identification number of the vessel subject to the lien, clearly  
3519 printed in the delivery address box and on the outside of the  
3520 envelope sent to the registered owner and all other persons  
3521 claiming an interest therein or lien thereon.

3522 2. The name, physical address, and telephone number of the  
3523 lienor, and the entity name, as registered with the Division of  
3524 Corporations, of the business where the towing and storage  
3525 occurred, which must also appear on the outside of the envelope  
3526 sent to the registered owner and all other persons claiming an  
3527 interest in or lien on the vehicle or vessel.

3528 3. The fact of possession of the vehicle or vessel.

3529 4. The name of the person or entity that authorized the  
3530 lienor to take possession of the vehicle or vessel.

3531 5. That a lien as provided in subsection (2) is claimed.

3532 6. That charges have accrued and include an itemized  
3533 statement of the amount thereof.

3534 7. That the lien is subject to enforcement under law and  
3535 that the owner or lienholder, if any, has the right to a hearing  
3536 as set forth in subsection (5).

3537 8. That any vehicle or vessel that remains unclaimed, or  
3538 for which the charges for recovery, towing, or storage services

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3539 remain unpaid, may be sold free of all prior liens 35 days after  
 3540 the vehicle or vessel is stored by the lienor if the vehicle or  
 3541 vessel is more than 3 years of age or 50 days after the vehicle  
 3542 or vessel is stored by the lienor if the vehicle or vessel is 3  
 3543 years of age or less.

3544 9. The address at which the vehicle or vessel is physically  
 3545 located.

3546 Section 62. Paragraph (a) of subsection (1), paragraph (c)  
 3547 of subsection (7), paragraphs (a), (b), and (c) of subsection  
 3548 (8), and subsections (9) and (10) of section 817.234, Florida  
 3549 Statutes, are amended to read:

3550 817.234 False and fraudulent insurance claims.—

3551 (1)(a) A person commits insurance fraud punishable as  
 3552 provided in subsection (11) if that person, with the intent to  
 3553 injure, defraud, or deceive any insurer:

3554 1. Presents or causes to be presented any written or oral  
 3555 statement as part of, or in support of, a claim for payment or  
 3556 other benefit pursuant to an insurance policy or a health  
 3557 maintenance organization subscriber or provider contract,  
 3558 knowing that such statement contains ~~any~~ false, incomplete, or  
 3559 misleading information concerning any fact or thing material to  
 3560 such claim;

3561 2. Prepares or makes any written or oral statement that is  
 3562 intended to be presented to an ~~any~~ insurer in connection with,  
 3563 or in support of, any claim for payment or other benefit  
 3564 pursuant to an insurance policy or a health maintenance  
 3565 organization subscriber or provider contract, knowing that such  
 3566 statement contains ~~any~~ false, incomplete, or misleading  
 3567 information concerning any fact or thing material to such claim;

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3568           3.a. Knowingly presents, causes to be presented, or  
 3569 prepares or makes with knowledge or belief that it will be  
 3570 presented to an ~~any~~ insurer, purported insurer, servicing  
 3571 corporation, insurance broker, or insurance agent, or any  
 3572 employee or agent thereof, ~~any~~ false, incomplete, or misleading  
 3573 information or a written or oral statement as part of, or in  
 3574 support of, an application for the issuance of, or the rating  
 3575 of, any insurance policy, or a health maintenance organization  
 3576 subscriber or provider contract; or

3577           b. Knowingly conceals information concerning any fact  
 3578 material to such application; or

3579           4. Knowingly presents, causes to be presented, or prepares  
 3580 or makes with knowledge or belief that it will be presented to  
 3581 any insurer a claim for payment or other benefit under medical  
 3582 payments coverage in a motor vehicle ~~a personal injury~~  
 3583 ~~protection~~ insurance policy if the person knows that the payee  
 3584 knowingly submitted a false, misleading, or fraudulent  
 3585 application or other document when applying for licensure as a  
 3586 health care clinic, seeking an exemption from licensure as a  
 3587 health care clinic, or demonstrating compliance with part X of  
 3588 chapter 400.

3589           (7)

3590           ~~(c) An insurer, or any person acting at the direction of or~~  
 3591 ~~on behalf of an insurer, may not change an opinion in a mental~~  
 3592 ~~or physical report prepared under s. 627.736(7) or direct the~~  
 3593 ~~physician preparing the report to change such opinion; however,~~  
 3594 ~~this provision does not preclude the insurer from calling to the~~  
 3595 ~~attention of the physician errors of fact in the report based~~  
 3596 ~~upon information in the claim file. Any person who violates this~~

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3597 ~~paragraph commits a felony of the third degree, punishable as~~  
3598 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

3599 (8) (a) It is unlawful for any person intending to defraud  
3600 any other person to solicit or cause to be solicited any  
3601 business from a person involved in a motor vehicle accident for  
3602 the purpose of making, adjusting, or settling motor vehicle tort  
3603 claims or claims for benefits under medical payments coverage in  
3604 a motor vehicle insurance policy ~~personal injury protection~~  
3605 ~~benefits required by s. 627.736.~~ Any person who violates ~~the~~  
3606 ~~provisions of~~ this paragraph commits a felony of the second  
3607 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
3608 775.084. A person who is convicted of a violation of this  
3609 subsection shall be sentenced to a minimum term of imprisonment  
3610 of 2 years.

3611 (b) A person may not solicit or cause to be solicited any  
3612 business from a person involved in a motor vehicle accident by  
3613 any means of communication other than advertising directed to  
3614 the public for the purpose of making motor vehicle tort claims  
3615 or claims for benefits under medical payments coverage in a  
3616 motor vehicle insurance policy ~~personal injury protection~~  
3617 ~~benefits required by s. 627.736,~~ within 60 days after the  
3618 occurrence of the motor vehicle accident. Any person who  
3619 violates this paragraph commits a felony of the third degree,  
3620 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3621 (c) A lawyer, health care practitioner as defined in s.  
3622 456.001, or owner or medical director of a clinic required to be  
3623 licensed pursuant to s. 400.9905 may not, at any time after 60  
3624 days have elapsed from the occurrence of a motor vehicle  
3625 accident, solicit or cause to be solicited any business from a

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3626 person involved in a motor vehicle accident by means of in  
3627 person or telephone contact at the person's residence, for the  
3628 purpose of making motor vehicle tort claims or claims for  
3629 benefits under medical payments coverage in a motor vehicle  
3630 insurance policy ~~personal injury protection benefits required by~~  
3631 ~~s. 627.736~~. Any person who violates this paragraph commits a  
3632 felony of the third degree, punishable as provided in s.  
3633 775.082, s. 775.083, or s. 775.084.

3634 (9) A person may not organize, plan, or knowingly  
3635 participate in an intentional motor vehicle crash or a scheme to  
3636 create documentation of a motor vehicle crash that did not occur  
3637 for the purpose of making motor vehicle tort claims or claims  
3638 for benefits under medical payments coverage in a motor vehicle  
3639 insurance policy ~~personal injury protection benefits as required~~  
3640 ~~by s. 627.736~~. Any person who violates this subsection commits a  
3641 felony of the second degree, punishable as provided in s.  
3642 775.082, s. 775.083, or s. 775.084. A person who is convicted of  
3643 a violation of this subsection shall be sentenced to a minimum  
3644 term of imprisonment of 2 years.

3645 (10) A licensed health care practitioner who is found  
3646 guilty of insurance fraud under this section for an act relating  
3647 to a motor vehicle ~~personal injury protection~~ insurance policy  
3648 loses his or her license to practice for 5 years and may not  
3649 receive reimbursement under medical payments coverage in a motor  
3650 vehicle insurance policy ~~for personal injury protection benefits~~  
3651 for 10 years.

3652 Section 63. For the 2023-2024 fiscal year, the sum of  
3653 \$83,651 in nonrecurring funds is appropriated from the Insurance  
3654 Regulatory Trust Fund to the Office of Insurance Regulation for

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3655 the purpose of implementing this act. This section shall take  
3656 effect July 1, 2023.

3657       Section 64. Except as otherwise expressly provided in this  
3658 act and except for this section, which shall take effect upon  
3659 this act becoming a law, this act shall take effect July 1,  
3660 2024.